

RESOLUTION NO. R-015-051

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

A RESOLUTION ADOPTING AMENDMENTS TO SECTIONS 3, 4, 11, 14, 14A, 14B, 14C,  
21, 24, 27, and 36 OF THE DOUGLAS COUNTY ZONING RESOLUTION

**WHEREAS**, the Planning Services Division has prepared amendments to Section 3, Agricultural One District; Section 4, Large Rural Residential District; Section 11, Business District; Section 14, General Industrial District; Section 14A, Sedalia Community District; Section 14B, Sedalia Downtown District; Section 14C, Sedalia Highway Commercial District; Section 21, Use by Special Review; Section 24, Animals; Section 27, Site Improvement Plan; and Section 36, Definitions of the Douglas County Zoning Resolution ("Amendments"), which are attached hereto and incorporated herein as Exhibit A (Project No. DR2014-009); and

**WHEREAS**, said Amendments were reviewed and recommended for approval by the Planning Commission on March 16, 2015; and

**WHEREAS**, the Board of County Commissioners considered said Amendments at public hearings held on April 14, 2015 and April 28, 2015; 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 3, Agricultural One District; Section 4, Large Rural Residential District; Section 11, Business District; Section 14, General Industrial District; Section 14A, Sedalia Community District; Section 14B, Sedalia Downtown District; Section 14C, Sedalia Highway Commercial District; Section 21, Use by Special Review; Section 24, Animals; Section 27, Site Improvement Plan; and Section 36, Definitions of the Douglas County Zoning Resolution are hereby amended to read as provided on said Exhibit A; and

**FURTHER RESOLVED**, that said Amendments shall be effective as of April 28, 2015.

**PASSED AND ADOPTED** this 28<sup>th</sup> day of April, 2015, in Douglas County, Colorado.

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

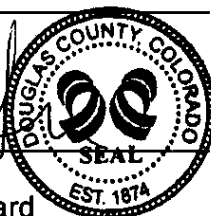
BY:

Jill E. Repella, Chair

ATTEST:

Melissa Pelletier

Deputy Clerk to the Board



## SECTION 3 A1 AGRICULTURAL ONE DISTRICT

## -Section Contents-

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**301 Intent** *(Amended 8/11/09)*

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

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

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

**302 Principal Uses**

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

302.01 Agricultural recreational activities

302.02 Agriculture *(Amended 1/28/14)*

302.03 Animals - *(refer to Section 24)*

302.04 Community Uses:

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

- School - public/private kindergarten thru 12th grade (*Site Improvement Plan required per Section 27 for private school; location and extent required for public school per Section 32*)
  - Sheriff substation - no training or detention (*Site Improvement Plan required per Section 27*)
  - Temporary Emergency Shelter (*Approval letter required from the Director; the use must comply with applicable regulations*) (*Amended 10/14/02*)
- 302.05 Construction office – temporary
- 302.06 Event Center on a parcel of 80 acres or greater (*Site Improvement Plan required per Section 27, unless conducted as an accessory use to an agricultural use on a parcel 160 acres or greater*) (*refer to Section 324*) (*Amended 4/14/15*)
- 302.07 Greenhouse - a maximum of 1 acre (43,560 sq. ft.) total area including warehouse and shipping facilities
- 302.08 Hay sales (*Site Improvement Plan required per Section 27*) (*Amended 4/14/15*)
- 302.09 Residence (*Amended 4/14/15*)
- Caretaker - 1 per lot
    - Mobile home, when a principal single-family dwelling exists on the lot
  - Principal - 1 single-family dwelling or 1 group home per lot (*excluding mobile home*) (*group homes must be separated by a distance of 750'*) (*Amended 9/9/08*)
  - Temporary (*refer to Section 22*)
- 302.10 Residential sales office - temporary (*refer to Section 22*)
- 302.11 Training of nonowned horses, or riders not related to the landowner or lessee, limited to 14 lessons per week
- 302.12 Utility service facility (*Site Improvement Plan required per Section 27*)

### 303 Accessory Uses

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

- 303.01 Accessory uses and buildings
- 303.02 Day-care home – small

- 303.03 Entertainment Event – *(refer to Section 22B) (Amended 1/28/14)*
- 303.04 Event Center on a parcel of 160 acres or greater with a principal agricultural use *(refer to Section 324) (Amended 4/14/15)*
- 303.05 Farmers Market – *(refer to Section 22A) (Amended 1/28/14)*
- 303.06 Garage - private, limited to a maximum size of 3,000 sq. ft.
- 303.07 Guest house
- 303.08 Home Occupation - Class 1 and Class 2 *(refer to Section 23)*
- 303.09 In-home elder care *(Amended 3/28/01)*
- 303.10 Sale of Agricultural Products and Value-added Agricultural Products produced or raised on site *(Amended 1/28/14)*
- 303.11 Satellite receiving dish accessory to a residence
- 303.12 Value-added Agricultural Processing – limited to a maximum of 1,500 square feet devoted to this use *(Amended 1/28/14)*

304 Uses Permitted By Special Review *(Amended 1/28/14)*

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

- 304.01 Animals - non domestic, exotic
- 304.02 Campground
- 304.03 Cemetery
- 304.04 Church - greater than 350 seating capacity
- 304.05 Cultural facility
- 304.06 Day-care center/preschool, or day-care home – large
- 304.07 Dude Ranch
- 304.08 Event Center on a parcel of less than 80 acres *(Amended 4/14/15)*
- 304.09 Feedlot/confinement center

- 304.010 Firing range
- 304.11 Greenhouse - greater than 1-acre total area including warehouse and shipping facilities
- 304.12 Hunting/fishing club
- 304.13 Home occupation that exceeds 2 nonresident employees or requires more than 1500 sq. ft. of an accessory structure
- 304.14 Horse boarding or training facility that exceeds the maximum number of horses permitted by right or by administrative review in Section 24. *Exempt from Section 18A: Water Supply-Overlay District (Amended 10/14/02)*
- 304.15 Horse rental stable
- 304.16 Kennel
- 304.17 Landfill - public/private
- 304.18 Landing field – private
- 304.19 Mining, quarry, sand/gravel operation, or similar extractive land use
- 304.20 Oil or gas drilling operation
- 304.21 Recreation facility – community
- 304.22 Religious retreat
- 304.23 Residence *(Amended 4/14/15)*
- Bed and Breakfast
  - Group home for registered sex offenders *(Amended 9/12/00)*
  - Group Residential Facility
  - Mobile Home – 1 per lot when a principal single-family residential dwelling does not exist.
- 304.24 Satellite earth station *(Amended 4/24/02)*
- 304.25 Septic waste and domestic sludge application
- 304.26 Telecommunication facility
- 304.27 Utility - major facility
- 304.28 Veterinary clinic/hospital

**304.29 Wind energy conversion system****305 Uses Permitted by Administrative Review (Amended 4/24/02)**

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

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

305.01.1 Horse Ranch or Boarding/Training Facility provided the required narrative demonstrates a need based on the general criteria of one worker per 25 horses.

305.01.2 Cattle ranch provided the required narrative demonstrates a need based on the general criteria of one worker per 300 head of cattle.

305.01.3 Farm provided the required narrative demonstrates a need based on the general criteria of one worker per 1200 acres of farmed land.

305.01.4 Combination farm/ranch activities provided the required narrative demonstrates a need based on the general criteria cited for each activity.

305.02 Applications for agricultural worker housing shall be reviewed in accordance with the thresholds contained in subsection 305, and the criteria and process set forth in subsections 316 through 323.

305.03 The Director shall determine threshold criteria for uses, or combinations of uses, not specifically listed.

**306 Minimum Lot Area: 35 acres \***

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

\*The minimum lot area may be decreased with a clustered design through the exemption process. (Amended 4/14/15)

**307 Minimum Setbacks**

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

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

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

**308 Encroachments**

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

**309 Building Height**

Maximum building height: 35 feet

The maximum building height shall not apply to belfries, cupolas, penthouses or domes not used for human occupancy, roof-mounted church spires, chimneys, skylights,



ventilators, water tanks, silos, parapet walls, cornices, antennas, utility poles and necessary mechanical appurtenances usually carried above the roof level.

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

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

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

311 Street Standards

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

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

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

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

313 Fencing Standards

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

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

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

- 313.04 Fences, walls or hedges shall be maintained in good structural or living condition. The landowner is responsible for the repair or removal of a fence, wall or hedge, which constitutes a safety hazard, by reason of inadequate maintenance, dilapidation, obsolescence or abandonment, or which constitutes a zoning violation.
- 313.05 Barbed wire or electrically charged fences shall be allowed. Any electrically charged fence shall be clearly and conspicuously posted to warn those outside the fence that it is electrically charged. Concertina or razor wire is prohibited.
- 313.06 Swimming pools shall be enclosed by a fence or wall a minimum of 5 feet in height, measured from the ground level outside the fence, constructed so as not to allow a 6 inch sphere to pass through. When the perimeter fencing meets these standards an additional fence, surrounding the swimming pool, shall not be required.

314 Sign Standards - Refer to Section 29 of this Resolution

315 Lighting Standards - Refer to Section 30 of this Resolution

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

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

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

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

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

- 317.07 Whether the proposed use will not be otherwise detrimental to the health, safety or welfare of the neighboring landowners.

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

- 318.01 Following the pre-submittal meeting, the applicant shall submit to the Planning Division a copy of the documents required per subsection 321. The submittal shall be reviewed for completeness and the applicant notified of any inadequacies.

- 318.02 Once determined complete, staff will notify the applicant of the number of copies of the plan and narrative required to be submitted for distribution to referral agencies. Referral packets shall be provided by the applicant in unsealed manila envelopes, addressed to the appropriate referral agency. Staff shall mail the referral packets. Referral agencies shall comment within 21 days.

318.03 Written Notice

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

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

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

CERTIFICATE OF MAILING

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

(list of addresses)

(Signature of person completing the mailing)

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

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

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

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

319.01 A completed application form, including a copy of the completed pre-submittal form *(available from the Planning Office)*

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

319.03 Proof of ownership by copy of deed or title insurance commitment no more than 30 days old; or in the case of a lessee, a copy of the lease

319.04 A Narrative *(per Section 320 contained herein)*

319.05 A Plan Exhibit *(per Section 321 contained herein)*

319.06 A notarized letter or authorization from the landowner permitting a lessee or representative to process the application, when applicable

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

320.01 The type and description of the residential unit proposed

320.02 The maximum number of individuals to be accommodated

320.03 A detailed description of the agricultural activities of the subject site focusing on the intensity of the operations, and on those work elements necessitating on-site agricultural labor including the following:

320.03.1 Number and type of livestock raised

320.03.2 Grazing plan and pasture rotation

320.03.3 Crop types and number of acres farmed

320.03.4 Other income-producing activities occurring on the site

- 320.04 A description of the sanitary service to be provided and evidence that the system is in accordance with Tri-County Health regulations
- 320.05 A description of the water service to be provided and evidence of the ability of the water to be used in the manner proposed
- 320.06 A description of the increase or reduction in traffic anticipated in trips per day as a result of the housing units
- 320.07 A description of community services or facilities (libraries, medical facilities, schools, etc.) that may be required or accessed by the occupants of the unit

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

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

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

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

Agricultural housing approved by administrative review shall meet all applicable regulations associated with residential development and shall be subject to an annual compliance inspection. A copy of the landowner/lessee's federal 943 Tax Form

indicating that the occupants of the unit are indeed agricultural workers, may be required as part of the annual review and inspection.

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

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

**324 Event Center Standards (Amended 4/14/15)**

324.01 Where event centers are permitted with approval of a Use by Special review, the standards within Section 21 shall apply.

324.02 Where event centers are permitted with approval of a Site Improvement Plan, the following standards shall apply:

324.02.1 Structures, outdoor assembly areas, and parking lots shall be setback a minimum of 200 feet from all adjacent property lines.

324.02.2 Noise generated by the event center use shall not result in noise levels which exceed 40 dB(A) between 7:00 a.m. and 7:00 p.m., and 35 dB(A) between 7:00 p.m. and 7:00 a.m., measured in accordance with Section 1705A of the Noise Overlay District.

324.02.3 Maximum capacity shall not exceed 350 persons per event. Event centers that exceed this capacity shall be processed in accordance with Section 304.08.

324.03 Where event centers are permitted as accessory uses, the following standards shall apply:

324.03.1 The landowner shall obtain a written Event Center certification prior to commencement of the use.

- The certification request shall be submitted by the landowner in the form of a written request and accompanying exhibit.
- The exhibit shall depict the property, points of access, and the location of the proposed event center to structures and use areas. Structures, outdoor assembly areas, and parking lots shall be setback a minimum of 500 feet from any existing, separately-owned residence on adjacent parcels.
- The written request shall confirm that a principal agricultural use exists on the property and that legal and physical access is provided.

- The Director shall provide a written Event Center certification upon review of the request which confirms that the property meets the minimum size required, that there is a principal agricultural use, and that access is provided. The certification shall include a statement that the event center use is vested, for purposes of setbacks, regardless of subsequent development on adjacent parcels.
- 324.03.2 Noise generated by the event center use shall comply with the limits established in Section 1703A of the Noise Overlay District.
- 324.03.3 If a land division reduces the parcel size to below 160 acres, approval of an application under the provisions of Section 302.04 or 304.08, as applicable, shall be required for continued event center use.

**SECTION 4 LRR – LARGE RURAL RESIDENTIAL DISTRICT****-Section Contents-**

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**401 Intent** *(Amended 8/11/09)*

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

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

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

**402 Principal Uses**

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

402.01 Agricultural recreational activities

402.02 Agriculture *(Amended 1/28/14)*

402.03 Animals - *(refer to Section 24)*

402.04 Community Uses:

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

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

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

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

402.07 Residence

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

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

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

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

#### 403 Accessory Uses

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

403.01 Accessory uses and buildings

403.02 Day-care home - small

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

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

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

403.06 Guest house

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

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

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

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

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

- 404.01 Animals - nondomestic, exotic
- 404.02 Church - greater than 350 seating capacity in main worship area
- 404.03 Cultural facility
- 404.04 Day-care center/preschool, or day-care home - large
- 404.05 Horse boarding or training facility that exceeds the maximum number of horses permitted by right or by administrative review. *Exempt from Section 18A: Water Supply-Overlay District (Amended 10/14/02)*
- 404.06 Horse rental stable
- 404.07 Kennel
- 404.08 Recreation facility – community
- 404.09 Residence *(Amended 4/14/15)*
  - Bed and Breakfast
  - Caretaker - 1 per lot (may be a mobile home)
  - Group Residential Facility
- 404.10 Septic waste and domestic sludge application
- 404.11 Utility - major facility
- 404.12 Veterinary clinic/hospital
- 404.13 Wind energy conversion system

**405 Land Dedication**

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

**406 Lot Area**

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

**407 Maximum Gross Density**

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

**408 Density Bonus**

A density bonus may be permitted as follows:

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

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

**408.01 Open Space**

Open space areas for private, community, or public use shall be located contiguous to other on or off-site open space areas and shall be protected by conservation easements, pursuant to sections 38-30.5-101 through 110, C.R.S. or other acceptable means to prevent further subdivision or development. Accessory structures, i.e., gazebos, sheds, barns, or garages, shall not be permitted to be located in this area.

**408.02 Building Envelopes**

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

**408.03 Wildlife corridors and habitat shall be protected by the site design.****408.04 Floodplains and wetlands shall be protected by the site design.****408.05 Road design, network and layout shall be sensitive to the topography and natural environment****408.06 Building Design and Height**

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

**408.07 Fencing**

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

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

**408.08 Landscaping**

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

**409 Density Bonus Approval Standards**

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

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

**410 Minimum Setbacks**

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

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

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

**411 Encroachments**

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

**412 Building Height**

Maximum building height: 35 feet

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

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

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

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

414 Street Standards

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

415 Parking Standards

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

416 Fencing Standards

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

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

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

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

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



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

417 Signs Standards - Refer to Section 29 of this Resolution

418 Lighting Standards - Refer to Section 30 of this Resolution

**SECTION 11 B - BUSINESS DISTRICT****-Section Contents-**

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**1101 Intent** *(Amended 8/11/09)*

To provide areas for retail business uses in balance with residential development as an integral part of the community providing essential services and employment opportunities that are conveniently and efficiently located to reduce unnecessary commuting, protect air quality and facilitate the cost-effective provision of services. Adequate facilities, such as roads, water and sanitation, fire protection, emergency service, and public utilities shall be available to serve the development. Growth should occur in a phased and contiguous manner to save on the costly, premature extension of basic infrastructure.

Development within this district is encouraged in compact centers rather than in extended strips of development along roadways so as to provide for orderly development, minimized traffic congestion, and provide for safe pedestrian movement. Business centers shall be located so as to minimize conflicts with residential and agricultural uses, wildlife habitats/corridors, and environmentally and visually sensitive areas in accordance with the intent of the Douglas County Comprehensive Master Plan, as amended. Offices may serve as a transition between urban residential and major commercial or industrial areas.

The B zone district is characterized by retail business buildings situated in a landscaped setting with landscaped off-street parking areas. Site improvements including landscaping shall be provided and designed to minimize the impact on adjacent residential uses and maintain the appearance and visual quality of the County. A site improvement plan is required prior to the use of the lot for any purpose. Typical uses include drug stores, flower shops, book stores and other general merchandise stores, offices, banks, private clubs, and public recreational areas. Development or use of land in this district is permitted only in accordance with the provisions herein. Land disturbance activities may require permit(s).

**1102 Principal Uses** *(Amended 6/22/05)*

The following uses shall be allowed upon the approval of, and in accordance with, a Site Improvement Plan in accordance with Section 27 of this Resolution, and shall be conducted entirely within an enclosed building, unless exempted by the Director. The Director may determine other similar uses as appropriate. *(Amended 10/14/02)*

- 1102.01 Automobile service station with gasoline pumps
- 1102.02 Bank/financial institution *(including drive-up facility)*
- 1102.03 Bar/lounge
- 1102.04 Club/country club

**1102.05 Community uses:**

- Church
- Cultural facility
- Fire station
- Library
- Open space/trails
- Park/playground
- Recreation facility - indoor
- School - including college or university and related facilities
- Sheriff substation

**1102.06 Day-care center - (*outdoor play area shall be enclosed by 6' fence*)**

**1102.07 Event Center (*Amended 4/14/15*)**

**1102.08 Firing range - indoor**

**1102.09 Hospital (*helipad permitted as an accessory use*)**

**1102.10 Hotel/motel, including conference or convention facilities located within the principal building**

**1102.11 Nursing or convalescent home and other extended-care facilities**

**1102.12 Office**

- general, medical, dental, professional, governmental
- temporary (*refer to Section 22*)

**1102.13 Parking lot - public or private**

**1102.14 Restaurant/fast-food establishment**

**1102.15 Retail/service business - indoor**

**1102.16 Retirement home**

**1102.17 Seasonal use (*refer to Section 22A*)**

**1102.18 Theater - indoor**

**1102.19 Utility service facility**

**1102.20 Veterinary clinic/hospital - animals shall be confined in an enclosed building which is part of the principal structure**

**1103 Accessory Use**

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

1103.01 Accessory uses and buildings *(Amended 5/27/14)*

1103.02 Satellite dish

1103.03 Single or multifamily residence for management or employees *(provided unit is incorporated into principal structure)*

**1104 Uses Permitted By Special Review *(Amended 6/22/05)***

The following uses are permitted, upon approval by the Board, in accordance with Section 21 Use By Special Review and Section 27 Site Improvement Plan, of this Resolution. *(Amended 5/14/03)*

1104.01 Heliport

1104.02 Residence

- Group home for registered sex offenders *(Amended 9/12/00)*
- Group Residential Facility
- Multifamily - apartments, condominiums

1104.03 Utility - major facility

1105 Minimum Lot Area: none

1106 Water and Sanitation Requirement

All uses shall be served by a central water and sanitation facility.

1107 Utilities

All public utility distribution lines shall be placed underground.

1108 Land Dedication

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

1109 Street Standards

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

**1110 Parking Standards**

Parking shall be provided as shown on the approved Site Improvement Plan, prepared in accordance with Sections 27 Site Improvement Plan and 28 Parking Standards, of this Resolution.

**1111 Landscaping Requirement**

Each lot shall be landscaped as shown on the approved landscape plan prepared in accordance with Section 27 Site Improvement Plan, of this Resolution. Areas to be landscaped include the lot area within the required setback from the street, parking areas, and other areas as required.

**1112 Minimum Setbacks**

SETBACK FROM:			
Street	LSB/B/C	LI/GI	RES/AG/OS
Regional/major arterial: 75' minor arterial: 40' collector/local: 20**	no setback	25'	60'

\* No parking shall be located within this setback.

The setback is measured from the lot line to the wall of the structure horizontally and perpendicular to the lot line. (See illustration in the Definition Section.)

**1113 Encroachments**

- 1113.01 A cornice, canopy, eave, fireplace, wing wall or similar architectural feature may extend 3 feet into a required setback. Fire escapes may extend 6 feet into a required setback.
- 1113.02 A building permit shall not be issued for any structure which is to be located within an easement unless written approval by the easement holder(s) is provided.
- 1113.03 Utility distribution lines and related equipment commonly located along property lines may be located within a required setback. A neighborhood substation, or gas regulator/meter station shall meet the required setbacks.

**1114 Building Height**

Maximum building height: 60 feet

- 1114.01 The maximum building height shall not apply to belfries, cupolas, penthouses or domes not used for human occupancy, roof-mounted church spires, chimneys, skylights, ventilators, water tanks, silos, parapet walls, cornices, antennas, utility poles and necessary mechanical appurtenances usually carried above the roof level.

- 1114.02 The maximum height of a roof-mounted church spire shall not exceed 1.62 times the height of the church. The church height shall be measured from the main level finished floor (*walk-out level excluded*) to the highest roof peak. The height of the roof-mounted spire shall be measured from the top of the spire to the finished floor of the lowest walkout level of the church. (*refer to Section 36 building height definition - spire height calculation*)
- 1114.03 The maximum height of a parapet wall shall be established on the approved the Site Improvement Plan based on overall mass and bulk and its compatibility with the surrounding area. (*Amended 4/14/15*)
- 1114.04 The height of a ham radio antenna shall be no greater than the distance to the nearest lot line, except, engineered structures which shall be in compliance with the minimum setbacks. (*refer to Section 27A for cell sites and Section 21 for telecommunication facilities*)
- 1114.05 All roof-mounted equipment (*mechanical, ventilating, antennas*) shall be properly screened, with the exception of solar collectors/heaters.

#### 1115 Fencing Standards

Fencing shall be allowed, as shown on the approved Site Improvement Plan, in accordance with the following standards:

- 1115.01 Fences, walls, or hedges shall not be erected in the public right-of-way, but shall be allowed within the setback, on private land. A building permit is required for any retaining wall greater than 4 feet in height or for any fence or wall greater than 6 feet in height, or as required by the Building Code, as amended and adopted by Douglas County. (*Amended 12/18/12*)
- 1115.02 Solid fences, walls, or hedges shall not exceed 6 feet in height and shall not exceed 4 feet in height when located in the required setback from a street.
- 1115.03 Fences, walls, or hedges shall be erected and maintained in a manner which does not obstruct the vision of automobile traffic on the adjacent streets, rights-of-way, or driveways in accordance with the Douglas County Roadway Design and Construction Standards manual.
- 1115.04 Fences, walls or hedges shall be maintained in good structural or living condition. The landowner is responsible for the repair or removal of a fence, wall or hedge, which constitutes a safety hazard, by reason of inadequate maintenance, dilapidation, obsolescence or abandonment, or which constitutes a zoning violation.
- 1115.05 Fences constructed of woven wire or ornamental iron which are a minimum of 80% open may be constructed with no height limitation;

however, a building permit is required for any fence greater than 6 feet in height, or as required by the Building Code, as amended and adopted by Douglas County. *(Amended 12/18/12)*

1115.06 Fences or walls shall be designed and maintained so that they are architecturally harmonious with the principal structures on the lot, and when abutting a residential zone district, such fence shall be of wooden or masonry construction or other screening material as approved through the Site Improvement Plan process. *(Amended 4/14/15)*

1115.07 Barbed, electrically charged, concertina, or razor wire or other hazardous materials used for fencing shall be prohibited.

1115.08 Swimming pools shall be enclosed by a fence or wall that meets or exceeds the requirements of the Building Code, as amended and adopted by Douglas County. *(Amended 12/18/12)*

1116 Outdoor Storage

Outdoor storage shall be permitted only upon the approval of the Director, as shown on the approved Site Improvement Plan, in accordance with the outdoor storage standards set forth in the C - Commercial district of this Resolution.

1117 Sign Standards Refer to Section 29 of this Resolution

1118 Lighting Standards Refer to Section 30 of this Resolution



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**SECTION 14 GI - GENERAL INDUSTRIAL DISTRICT****-Section Contents-**

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**1401 Intent** *(Amended 8/11/09)*

To provide areas for office, research, warehousing, and product assembly, manufacturing and distribution facilities located to efficiently utilize public investment in infrastructure and to exercise economies of scale. Adequate facilities, such as roads, water and sanitation, fire protection, emergency service, and public utilities shall be available to serve the development. Growth should occur in a phased and contiguous manner to save on the costly, premature extension of basic infrastructure.

Development within this district is intended for use by the largest manufacturing operations, heavy equipment, construction and fuel yards, major transportation terminals and other basic industrial activities required in an urban economy, in accordance with the intent of the Douglas County Comprehensive Master Plan, as amended.

The GI zone district is characterized by office, warehousing, assembly, and distribution. By their very nature these uses may emit more noise, dust, fumes, odors, refuse, smoke, vapor, lights, and vibration and other environmental pollutants than permitted in the light industrial district; however, all such impacts shall be mitigated in accordance with applicable County, State, and federal regulations. Any other impacts shall be mitigated to the maximum extent possible. Traffic to and from the district may be intensive. Development or use of land in this district is permitted only in accordance with the provisions herein. Land disturbance activities may require permit(s).

**1402 Principal Uses** *(Amended 7/8/08)*

The following uses shall be allowed upon the approval of, and in accordance with, a Site Improvement Plan in accordance with Section 27 of this Resolution. The Director may determine other similar uses as appropriate. *(Amended 10/14/02)*

1402.01 All principal uses in the LI district

1402.02 Utility - major facility

**1403 Accessory Use** *(Amended 7/8/08)*

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

1403.01 Residence – single or multifamily for management or employee/s only

1403.02 Antenna

**1404 Uses Permitted By Special Review** *(Amended 4/14/15)*

The following uses are permitted, upon approval by the Board, in accordance with Section 21 Use By Special Review and Section 27 Site Improvement Plan, of this Resolution.

- 1404.01 Batch Plant – concrete, asphalt, or mortar (not including temporary batch plants; see Douglas County's Grading, Erosion, and Sediment Control Manual, as amended, for processing details)
- 1404.02 Chemical and hazardous material storage/transfer/disposal facility
- 1404.03 Firing range - outdoor
- 1404.04 Heliport
- 1404.05 Jail/correctional facility
- 1404.06 Junk/scrap yard
- 1404.07 Landfill - private/public
- 1404.08 Mining, quarry, sand and gravel pit or similar extractive land use
- 1404.09 Propane distribution/storage facility
- 1404.10 Recycle/trash transfer facility
- 1404.11 Satellite earth station that exceeds the zone district height limitation or exceeds minimum health standards (*Amended 4/24/02*)
- 1404.12 Telecommunication equipment (*excluding whip type antennas*) that exceed the zone district height limitation or exceed minimum health standards.

1405 Minimum Lot Area: none

1406 Water and Sanitation Requirement

All uses shall be served by a central water and sanitation facility.

Use of individual wells and individual septic systems may be permitted provided:

- the subject land is located within the boundaries of a special district providing water and sewer service;
- the district's water or sewer lines are not within 400' of the subject land [*§32-1-1006(1)(a)(I) C.R.S.*], or if within 400' physical connection is not possible due to lack of legal access to lines;
- the proposed use is a low-water-demand use, as determined by the Director; and
- the district authorizes the use of wells. (*Amended 4/12/00*)

1407 Utilities

All public utility distribution lines shall be placed underground.

**1408 Land Dedication**

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

**1409 Street Standards and Stormwater Improvements (Amended 7/8/08)**

Construction of paved streets shall be in accordance with the Douglas County Roadway Design and Construction Standards, Storm Drainage Design and Technical Criteria manual, and other applicable County regulations.

**1410 Parking Standards**

Parking shall be provided as shown on the approved Site Improvement Plan, prepared in accordance with Sections 27 Site Improvement Plan and 28 Parking Standards, of this Resolution.

**1411 Landscaping Requirement**

Each lot shall be landscaped as shown on the approved landscape plan prepared in accordance with Section 27 Site Improvement Plan, of this Resolution. Areas to be landscaped include the lot area within the required setback from the street, parking areas, and other areas as required.

**1412 Minimum Setbacks**

SETBACK FROM:				
Street	LSB/B/C	LI	GI	RES/AG/OS
Regional/major arterial: 75'	50'	25'	No setback	75'
Minor arterial: 40'				
Collector/local: 20'				

\* No parking shall be located within this setback.

The setback is measured from the lot line to the wall of the structure horizontally and perpendicular to the lot line. (See illustration in the Definition Section.)

**1413 Encroachments**

1413.01 A cornice, canopy, eave, fireplace, wing wall or similar architectural feature may extend 3 feet into a required setback. Fire escapes may extend 6 feet into a required setback.

1413.02 A building permit shall not be issued for any structure which is to be located within an easement unless written approval by the easement holder(s) is provided.

1413.03 Utility distribution lines and related equipment commonly located along property lines may be located within a required setback. A neighborhood substation, or gas regulator/meter station shall meet the required setbacks.

**1414 Building Height**

Maximum building height: 60 feet

- 1414.01 The maximum building height shall not apply to belfries, cupolas, penthouses or domes not used for human occupancy, roof-mounted church spires, chimneys, skylights, ventilators, water tanks, silos, parapet walls, cornices, antennas, utility poles and necessary mechanical appurtenances usually carried above the roof level.
- 1414.02 The maximum height of a roof-mounted church spire shall not exceed 1.62 times the height of the church. The church height shall be measured from the main level finished floor (*walk-out level excluded*) to the highest roof peak. The height of the roof-mounted spire shall be measured from the top of the spire to the finished floor of the lowest walkout level of the church. (*refer to Section 36 building height definition - spire height calculation*)
- 1414.03 The maximum height of a parapet wall shall be established on the approved Site Improvement Plan based on overall mass and bulk and its compatibility with the surrounding area. (*Amended 4/14/15*)
- 1414.04 The height of an antenna shall be no greater than the distance to the nearest lot line except, engineered structures which shall be in compliance with the minimum setbacks. (*refer to Section 27A for cell sites and Section 21 for telecommunication facilities*)
- 1414.05 All roof-mounted equipment (*mechanical, ventilating, antennas*) shall be properly screened, with the exception of solar collectors/heaters.

**1415 Fencing Standards**

Fencing shall be allowed, as shown on the approved Site Improvement Plan, in accordance with the following standards:

- 1415.01 Fences, walls, or hedges shall not be erected in the public right-of-way, but shall be allowed within the setback, on private land. A building permit is required for any retaining wall greater than 4 feet including footer, in height or a fence greater than 6 feet in height, or as required by the Building Code, as amended and adopted by Douglas County. (*Amended 12/18/12*)
- 1415.02 Solid fences, walls, or hedges shall not exceed 4 feet in height when located within the required setback from a street except when a fence is required in order to conceal outside storage. Then the fence may exceed 4 feet in height for no more than 50% of the lineal frontage of the lot. Fences extending above 6 feet, to a height of 10 feet, may be permitted through the Site Improvement Plan approval process.. (*Amended 4/14/15*)

- 1415.03 Fences, walls, or hedges shall be erected and maintained in a manner which does not obstruct the vision of automobile traffic on the adjacent streets, rights-of-way, or driveways in accordance with the Douglas County Roadway Design and Construction Standards manual.
- 1415.04 Fences, walls or hedges shall be maintained in good structural or living condition. The landowner is responsible for the repair or removal of a fence, wall or hedge, which constitutes a safety hazard, by reason of inadequate maintenance, dilapidation, obsolescence or abandonment, or which constitutes a zoning violation.
- 1415.05 Fences constructed of woven wire or ornamental iron which are a minimum of 80% open may be constructed with no height limitation; however, a building permit is required for any fence greater than 6 feet in height, or as required by the Building Code, as amended and adopted by Douglas County. *(Amended 12/18/12)*
- 1415.06 Fences or walls shall be designed and maintained so that they are architecturally harmonious with the principal structures on the lot, or when abutting a residential zone district, such fence shall be of wooden or masonry construction or other screening material as approved through the Site Improvement Plan process.. *(Amended 4/14/15)*
- 1415.07 Barbed wire shall be permitted when located a minimum of 6'6" in height measured from the ground level outside the fence; however, electrically charged, concertina, or razor wire or other hazardous materials used for fencing shall be prohibited.
- 1415.08 Swimming pools shall be enclosed by a fence or wall that meets or exceeds the requirements of the Building Code, as amended and adopted by Douglas County. *(Amended 12/18/12)*

#### 1416 Outdoor Storage Standards

Outdoor storage shall be permitted, as shown on the approved Site Improvement Plan, in accordance with the following standards:

- 1416.01 Outside storage including but not limited to raw materials, supplies, finished or semi-finished products or equipment shall be enclosed and concealed by a solid fence or wall. With the approval of the Site Improvement Plan, a solid fence or wall may be replaced with adequate vegetation (*hedge*) such that the outside storage shall not be able to be viewed from the adjacent public areas. Employee or customer parking or merchandise display areas shall not be considered outside storage. *(Amended 4/14/15)*

- 1416.02 Outside storage shall not exceed the height of the fence except for operable vehicles, trailers, or other equipment designed to be towed or lifted as a single component. Outdoor storage shall be allowed within the required setback from a street provided that the storage area does not occupy more than 50% of the lineal frontage at the right-of-way.
- 1416.03 Outdoor storage shall not be allowed within any required landscaped area, detention or water quality facilities, or drainage ways. *(Amended 7/8/08)*
- 1416.04 Where the topography of the land is such that a fence would not prevent viewing outside storage from adjoining land or public rights-of-way, additional landscaping above the height of the fence may be required through the Site Improvement Plan approval process. In the event that it is not possible to prevent viewing of the outside storage from adjoining land or public rights-of-way, such outside storage area shall be prohibited. *(Amended 4/14/15)*
- 1416.05 When outside storage areas abut each other and are not visible from public areas, the requirement for a solid fence may not be required as part of the Site Improvement Plan approval. *(Amended 4/14/15)*
- 1417 Sign Standards - Refer to Section 29 of this Resolution
- 1418 Lighting Standards - Refer to Section 30 of this Resolution



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## SECTION 14A CMTY – SEDALIA COMMUNITY DISTRICT

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**1401A Intent**

To provide for a variety of residential uses in balance with neighboring and possible on site commercial retail and business uses providing services and employment opportunities that are conveniently and efficiently located to serve residents, reduce unnecessary commuting, protect air quality and facilitate the cost-effective provision of services. Adequate facilities, such as roads, water and sanitation, fire protection, emergency services, and public utilities shall be available to serve the development. Growth should occur in a phased and contiguous manner to avoid the costly, premature extension of basic infrastructure.

Development within this district shall support a walkable community, contribute to a neighborhood scale, and be located so as to minimize conflicts with agricultural uses, wildlife habitats and corridors, and environmentally and visually sensitive areas in accordance with the intent of the Douglas County Comprehensive Master Plan.

The CMTY district is characterized by residential mixed with businesses and commercial uses. Site improvements, including landscaping, shall be provided and designed to enhance the appearance and visual quality of the community. Retail, commercial, and residential uses shall be located in close proximity or integrated in shared buildings.

**1402A Principal Uses**

The following uses shall be allowed upon the approval of a Site Improvement Plan in accordance with Section 27 of this Resolution, unless otherwise noted. The following uses shall be conducted entirely within an enclosed building, unless otherwise approved by the Director or designee. The Director or designee may determine other similar uses as appropriate. A building or portion thereof may contain two (2) or more uses, residential, non-residential, or a combination of both.

**1402A.01 Community Uses**

- Church – max. seating capacity 350
- College or University extension office
- Cultural Facility
- Fire Station – with or without training facilities
- Library
- Museum
- Open Space, Trails, or both (*Site Improvement Plan not required*)
- Park, Playground, or both (*Site Improvement Plan not required*)
- Post Office
- Recreation Facility – community or neighborhood
- Recreation Facility – indoor, outdoor, private
- School – private or public K-12
- Sheriff Station (*with or without training, or with or without detention*)

- 1402A.02 Bank or Financial Institution (*no drive-up facility*)
- 1402A.03 Bar or Lounge
- 1402A.04 Bed and Breakfast
- 1402A.05 Building Materials – retail, wholesale, or both
- 1402A.06 Club or Country Club
- 1402A.07 Construction Office – temporary (*refer to Section 22*)
- 1402A.08 Day-care Center
- 1402A.09 Entertainment Event (*refer to definition*)
- 1402A.10 Equipment Service, Repair, or both
- 1402A.11 Event Center (*Amended 4/14/15*)
- 1402A.12 Garden – Public – one (1) acre max. (*Site Improvement Plan not required*)
- 1402A.13 Greenhouse – one (1) acre max. (*Site Improvement Plan not required*)
- 1402A.14 Hotel
- 1402A.15 Industrial or manufacturing operation which does not emit unusual or excessive amounts of dust, smoke, fumes, gas, noxious odors, or noise beyond the lot boundary
- 1402A.16 Motel
- 1402A.17 Motor Vehicle Sales
- 1402A.18 Motor Vehicle Service, Repair, or both
- 1402A.19 Motor Vehicle Service Station with gas pumps
- 1402A.20 Motorcycle Sales, Service, Repair or all
- 1402A.21 Office – General, Medical, Professional, Government
- 1402A.22 Office - Temporary (*refer to Section 22*)

**1402A.23 Parking Lot**

- Public
- Private

**1402A.24** Product Distribution, Storage, or both (*no hazardous materials*)

**1402A.25** Residence

- Group Home (*Site Improvement Plan not required*)
- Multifamily
- Single-Family (*Site Improvement Plan not required*)
- Single-Family attached
- Temporary (*refer to Section 22*)

**1402A.26** Restaurant, Fast Food Restaurant (*no drive-up facility*)

**1402A.27** Retail Business, Service Business, or both

- Indoor
- Outdoor

**1402A.28** Retirement Home

**1402A.29** Retreat – Religious

**1402A.30** Sales Office – temporary (*refer to Section 22*)

**1402A.31** Seasonal Use (*refer to Section 22A*)

**1402A.32** Theatre

- Indoor
- Outdoor

**1402A.33** Training Facility for Horses, Riders, or both (*max. 14 lessons per week*)

**1402A.34** Utility Service Facility (*refer to definition*)

**1402A.35** Veterinary Clinic or Hospital

**1402A.36** Warehouse

**1402A.37** Warehouse – mini or self storage up to 500 sq. ft. per storage unit

**1402A.38** Wholesale Business – sales, service, or both

**1402A.39 Youth-Oriented Agricultural Activities** *(refer to definition)***1403A Accessory Uses**

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

**Residential:****1403A.01 Accessory uses and buildings****1403A.02 Animals –** *(refer to Section 24)*

- Animals are limited to horse, mule, llama, miniature horse, alpaca, sheep, goat, chicken, turkey, duck, dog, cat, pot-bellied pig, bees.
- Household pets inclusive of, but not limited to, dogs, cats, pot-bellied pigs, chickens, turkeys, and ducks shall be permitted for residential use provided that not more than four (4) animals of more than four (4) months of age are kept by the occupant of any residential unit.
- The minimum lot size required to keep hooved animals shall be one (1) acre. The maximum density for hooved animals shall be one (1) animal unit per ½ acre.
- Devegetated areas shall be setback 25 feet from all property lines.
- The location of a corral shall be such that it does not cause harm to septic fields and other on-site physical features and facilities.

**1403A.03 Day-care Home**

- Small
- Large

**1403A.04 Guest House****1403A.05 Home Occupation** *(refer to Section 23)*

- Class 1
- Class 2

**1403A.06 In-home Elder Care****1403A.07 Residence**

- Caretaker

**1403A.08 Satellite Dish**

**Non-residential:**

- 1403A.09 Accessory uses and buildings
- 1403A.10 Day-care Facility for employees' children
- 1403A.11 Residence for management or employee
- 1403A.12 Satellite Dish
- 1403A.13 Storage Area – commercial

**1404A Uses Permitted By Special Review**

The following uses are permitted, upon the approval of the Board, in accordance with Sections 21 and 27 of this Resolution.

- 1404A.01 Agriculture
- 1404A.02 Equipment Sales, Rental or both – small
- 1404A.03 Greenhouse – greater than one (1) acre
- 1404A.04 Group Residential Facility
- 1404A.05 Horse Rental Stable
- 1404A.06 Kennel
- 1404A.07 Propane Distribution, Storage, or both
- 1404A.08 Telecommunication Facility
- 1404A.09 Water Treatment and Storage

**1405A Minimum Lot Area**

None

**1406A Minimum Setbacks**

In certain instances, where separation distance cannot be met as required by the International Building Code, more restrictive construction standards may be required.

**Street:**

- 1406A.01 No minimum or maximum setback from the property line for the principal structure.

**Side and Rear Yard:**

- 1406A.02 Minimum 10 foot separation from principal structures on adjacent lots.
- 1406A.03 Minimum five (5) foot separation from accessory structures on adjacent lots.
- 1406A.04 Minimum six (6) foot setback (principal and accessory structures) from the property line on lots with a platted alley.

**1407A Building Height****Maximum building height:**

- Residential building – 35 feet
- Commercial building – 35 feet

- 1407A.01 The maximum building height shall not apply to belfries, cupolas, penthouses or domes not used for human occupancy, roof-mounted church spires, chimneys, skylights, ventilators, water tanks, silos, parapet walls, cornices, antennas, utility poles and necessary mechanical appurtenances usually carried above the roof level.
- 1407A.02 The maximum height of a roof-mounted church spire shall not exceed 1.62 times the height of the church. (*refer to Section 36 building height definition - spire height calculation*)
- 1407A.03 The maximum height of a parapet wall shall be as approved by staff based on overall mass and bulk and its compatibility with the surrounding area.
- 1407A.04 All roof-mounted equipment (*mechanical, ventilating, antennas*) shall be properly screened, with the exception of solar collectors/heaters.

**1408A Encroachments**

- 1408A.01 A cornice, canopy, eave, fireplace, wing wall, or similar architectural feature may extend three (3) feet into a required setback.
- 1408A.02 Fire escapes may extend six (6) feet into a required setback.
- 1408A.03 Structures that do not require building permits may encroach into a rear setback. Any encroachment into an easement requires permission from the easement holder.



**1409A Water and Sanitation**

All uses shall be served by a central sanitation facility at the time a regional sanitary sewer solution is in place.

1409A.01 Until such time, the use of individual sewage disposal systems (ISDS) may be permitted provided:

- the proposed use does not create more than an average flow of 1,999 gallons of effluent per day, as determined by the Tri-County Health Department;
- the proposed use does not create more than a peak flow of 2,999 gallons of effluent per day, as determined by the Tri-County Health Department.

1409A.02 The proposed use and associated ISDS is evaluated by the Tri-County Health Department, and other applicable agencies, to determine if the use is compatible with an ISDS:

- The evaluation will be based on land characteristics, including, but not limited to lot size, lot configuration, setbacks, parking areas, floodways and floodplains, detention facilities, soil suitability, site topography, proximity to wells and other on-site physical features and facilities.

1409A.03 If a Responsible Management Entity (RME) exists at the time of land use application, the subject land will be served by the RME.

1409A.04 All uses shall be served by a central water system. The use of individual wells may be permitted provided:

- the subject land is located within the boundaries of a special district providing water service;
- the district's water lines are not within 400' of the subject land [§32-1-1006(1)(a)(I), C.R.S.], or if within 400' physical connection is not possible due to lack of legal access to lines;
- the proposed use is a low-water-demand use, as determined by the Director or designee in consultation with the special district providing water service; and
- the district authorizes the use of wells.

**1410A Utilities**

All public utility distribution lines shall be placed underground.

**1411A Land Dedication**

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

**1412A Street Standards**

Construction of paved streets shall be in accordance with the Douglas County Roadway Design and Construction Standards, Storm Drainage Design and Technical Criteria manual, and other applicable County regulations.

**1413A Parking Standards**

- 1413A.01 For subject lands less than one (1) acre in size, there is no minimum off-street parking requirement for non-residential uses in the CMTY District. For subject lands greater than one (1) acre in size, parking shall be provided in accordance with Section 28 of this Resolution.
- 1413A.02 The minimum off-street parking requirement for residential uses is two (2) spaces per dwelling unit unless there are severe site constraints or other extraordinary circumstances, as determined by the Director or designee.
- 1413A.03 For retail, commercial and mixed-use development, parking shall be located to the rear or side of buildings. Buildings shall include façade breaks in passageways, or alleys to connect parking to street entrances.
- 1413A.04 Unlicensed, operable or inoperable vehicles parked outside shall be concealed by a solid fence, berm, vegetative barrier, or a combination thereof.
- 1413A.05 Parking for non-residential uses (*if provided*) shall be shown on the approved Site Improvement Plan, in accordance with Sections 27 and 28 of this Resolution.
- 1413A.06 Unconcealed parking of unlicensed, operable vehicles may be allowed in association with Motor Vehicle Sales as shown on an approved Site Improvement Plan in accordance with Sections 27 and 28 of this Resolution.

**1414A Fencing Standards**

Fencing shall be allowed for residential and non-residential uses in accordance with the following standards. Fencing provided for non-residential uses shall be shown on an approved Site Improvement Plan, in accordance with Section 27 of this Resolution.

- 1414A.01 Barbed, concertina, razor wire, or other hazardous materials used for fencing shall be prohibited.
- 1414A.02 Electrically charged fencing material shall be permitted when it is installed for the purpose of containing animals within the boundaries of the lot.
- Electric fencing materials must be installed on the inside of the fence, within the lot area.
  - Electric fencing shall use an interrupted flow of current at intervals of about one (1) second on and two (2) seconds off and shall be limited to 2,000 volts at 17 milliamperes current.
  - All electric fences shall be posted with permanent signs stating that the fence is electrified.
- 1414A.03 Fences, walls, or hedges shall not be erected in the public right-of-way, but shall be allowed within the setback on private land.
- 1414A.04 A building permit shall be required for any retaining wall as required by the Building Code, as amended and adopted by Douglas County. *(Amended 12/18/12)*
- 1414A.05 Fences, walls, or hedges shall not exceed six (6) feet in height and shall not exceed four (4) feet in height when located in the required setback from a street.
- 1414A.06 A building permit is required for any fence greater than six (6) feet in height, or as required by the Building Code, as amended and adopted by Douglas County. *(Amended 12/18/12)*
- 1414A.07 Fences or walls shall be designed and maintained so that they are architecturally harmonious with the principal structures on the lot.
- 1414A.08 Fences, walls, or hedges shall be erected and maintained in a manner that does not obstruct the vision of automobile traffic on the adjacent streets, rights-of-way, or driveways in accordance with the Douglas County Roadway Design and Construction Standards manual.
- 1414A.09 Fences, walls, or hedges shall be maintained in good structural or living condition. The landowner is responsible for the repair or removal of a fence, wall, or hedge, which constitutes a safety hazard, by reason of inadequate maintenance, dilapidation, obsolescence, or abandonment, or which constitutes a zoning violation.
- 1414A.10 Swimming pools shall be enclosed by a fence or wall that meets or exceeds the requirements of the Building Code, as amended and adopted by Douglas County. *(Amended 12/18/12)*

- 1414A.11 Sound barrier walls, when constructed by the landowner other than the Colorado Department of Transportation adjacent to a street, shall be designed in accordance with the State Department of Transportation criteria and approved by the Director or designee.

1415A Landscaping

If required, for non-residential uses, a landscape plan shall be prepared in accordance with the following provisions and Section 27 of this Resolution.

- 1415A.01 The minimum area to be landscaped with live plant material shall be 10 percent of the gross site area; unless off-site landscaping is supported; or there are severe site constraints or other extraordinary circumstances as determined by the Director or designee. In such cases 10 percent live plant material may be reduced.

- 1415A.02 Additional landscape buffering to residential uses shall not be required.

1416A Sign Standards

Refer to Section 29 of this Resolution.

1417A Lighting Standards

Refer to Section 30 of this Resolution.

1418A Outdoor Storage

Outdoor storage shall be permitted as shown on the approved Site Improvement Plan, in accordance with the following standards:

- 1418A.01 Outdoor storage including, but not limited to, raw materials supplies, finished or semi-finished products, or equipment shall be enclosed and concealed by a solid fence or wall.
- 1418A.02 With the approval of the Director or designee a solid fence or wall may be replaced with adequate vegetation (hedge) such that the outdoor storage shall not be able to be viewed from the adjacent public areas.
- 1418A.03 Employee or customer parking or merchandise display areas shall not be considered outdoor storage.
- 1418A.04 Outdoor storage shall not be allowed within any required landscaped area.
- 1418A.05 Outdoor storage shall not exceed the height of the fence except for trailers, or other equipment designed to be towed or lifted as a single component.

- 1418A.06 For outdoor storage of vehicles, see the Parking Standards in this section.
- 1418A.07 Outdoor storage shall be allowed within the required setback from a street provided that the storage area does not occupy more than 50% of the lineal frontage at the right-of-way.
- 1418A.08 When outdoor storage areas abut each other and are not visible from public areas, the Director or designee may waive the requirement for a solid fence.
- 1418A.09 Where the topography of the land is such that a fence would not prevent viewing outdoor storage from adjoining land or public rights-of-way, additional landscaping above the height of the fence may be required by the Director or designee. In the event that it is not possible to prevent viewing of the outdoor storage from adjoining land or public rights-of-way, such outdoor storage area shall be prohibited.

## SECTION 14B D – SEDALIA DOWNTOWN DISTRICT

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**1401B Intent**

To provide for small-scale retail, restaurant, and business uses in balance with residential and civic uses integral to the heart of the community, providing services and employment opportunities that are conveniently and efficiently located to serve residents and visitors, reduce unnecessary commuting, protect air quality, and facilitate the cost-effective provision of services. Adequate facilities, such as roads, water and sanitation, fire protection, emergency services, and public utilities shall be available to serve the development. Growth should occur in a phased and contiguous manner to avoid the costly premature extension of basic infrastructure.

Development within this district is encouraged in compact configurations with active street frontages that provide windows and other features so as to engage the public along the street and avoid blank, windowless walls without architectural detailing. Structures will strongly define the street edge with clear build-to lines. Primary entrances to private and civic buildings will be oriented to the street and directly connected to the public right-of-way. Surface parking lots and structures that lack street-level interest will be hidden from direct public view or lined with active uses. Development should be located so as to minimize conflicts with agricultural uses, wildlife habitats and corridors, and environmentally and visually sensitive areas in accordance with the Douglas County Comprehensive Master Plan.

The D district is characterized by businesses, restaurants, and shops mixed with residential and civic buildings. Site improvements, including landscaping, shall be provided and designed to enhance the appearance and visual quality of the community. Mixed-use development contributes to a vibrant and engaging downtown. Retail, commercial, and residential uses shall be located in close proximity or integrated in shared buildings.

**1402B Principal Uses**

The following uses shall be allowed upon the approval of a Site Improvement Plan in accordance with Section 27 of this Resolution, unless otherwise noted. The following uses shall be conducted entirely within an enclosed building, unless otherwise approved by the Director or designee. The Director or designee may determine other similar uses as appropriate. A building or portion thereof may contain two (2) or more uses, residential, non-residential, or a combination of both.

**1402B.01 Community Uses**

- Church – max. seating capacity 350
- College or University extension office
- Cultural Facility
- Fire Station – with or without training facilities
- Library
- Museum
- Open Space, Trails, or both (*Site Improvement Plan not required*)

- Park, Playground, or both (*Site Improvement Plan not required*)
  - Post Office
  - Recreation Facility – community or neighborhood
  - Recreation Facility – indoor, outdoor, private
  - School – private or public K-12
  - Sheriff Station (*with or without training or with or without detention*)
- 1402B.02 Bank or Financial Institution (*no drive-up facility*)
- 1402B.03 Bar or Lounge
- 1402B.04 Bed and Breakfast
- 1402B.05 Building Materials – retail, wholesale, or both
- 1402B.06 Club or Country Club
- 1402B.07 Construction Office – temporary (*refer to Section 22*) (*Site Improvement Plan not required*)
- 1402B.08 Day-care center
- 1402B.09 Entertainment Event
- 1402B.10 Event Center (*Amended 4/14/15*)
- 1402B.11 Garden – Public – one (1) acre max. (*Site Improvement Plan not required*)
- 1402B.12 Greenhouse – one (1) acre max. (*Site Improvement Plan not required*)
- 1402B.13 Hotel
- 1402B.14 Industrial or manufacturing operation which does not emit unusual or excessive amounts of dust, smoke, fumes, gas, noxious odors, or noise beyond the lot boundary
- 1402B.15 Motel
- 1402B.16 Motor Vehicle Service, Repair, or both
- 1402B.17 Motor Vehicle Service Station with gas pumps
- 1402B.18 Office – General, Medical, Professional, Government
- 1402B.19 Office – Temporary (*refer to Section 22*) (*Site Improvement Plan not required*)



**1402B.20 Parking Lot**

- Public
- Private

**1402B.21 Residence**

- Group Home (*Site Improvement Plan not required*)
- Multifamily
- Single-Family (*Site Improvement Plan not required*)
- Single-Family attached
- Temporary (*refer to Section 22*) (*Site Improvement Plan not required*)

**1402B.22 Restaurant, Fast Food Restaurant (*no drive-up facility*)****1402B.23 Retail Business, Service Business, or both**

- Indoor
- Outdoor

**1402B.24 Retirement Home****1402B.25 Retreat – Religious****1402B.26 Sales Office – temporary (*refer to Section 22*) (*Site Improvement Plan not required*)****1402B.27 Seasonal Use (*refer to Section 22A*)****1402B.28 Theater**

- Indoor
- Outdoor

**1402B.29 Utility Service Facility (*refer to definition*)****1402B.30 Veterinary Clinic or Hospital****1402B.31 Warehouse****1402B.32 Wholesale Business – sales, service, or both****1402B.33 Youth Oriented Agricultural Activities (*refer to definition*) (*Site Improvement Plan not required*)**

**1403B Accessory Uses**

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

**Residential:****1403B.01 Accessory uses and buildings****1403B.02 Animals - (*refer to Section 24*)**

- Animals are limited to horse, mule, llama, miniature horse, alpaca, sheep, goat, chicken, turkey, duck, dog, cat, pot-bellied pig, bees.
- Household pets inclusive of, but not limited to, dogs, cats, pot-bellied pigs, chickens, turkeys, and ducks shall be permitted for residential use provided that not more than four (4) animals of more than four (4) months of age are kept by the occupant of any residential unit. Kennel, boarding facilities, and commercial activities are not allowed.
- The minimum lot size required to keep hoofed animal shall be one (1) acre. The maximum density for hoofed animals shall be one (1) animal unit per ½ acre.
- Devegetated areas shall be setback 25 feet from all property lines.
- The location of a corral shall be such that it does not cause harm to septic fields and other on-site physical features and facilities.

**1403B.03 Day-care home**

- Small
- Large

**1403B.04 Guest House****1403B.05 Home Occupation (*refer to Section 23*)**

- Class 1
- Class 2

**1403B.06 In-home Elder Care****1403B.07 Residence**

- Caretaker

**1403B.08 Satellite Dish**

**Non-residential:**

- 1403B.09 Accessory uses and buildings
- 1403B.10 Day-care facility for employees' children
- 1403B.11 Residence for management or employee
- 1403B.12 Satellite Dish
- 1403B.13 Storage Area – commercial (*entirely enclosed by a structure*)

**1404B Uses Permitted By Special Review**

The following uses are permitted, upon the approval of the Board, in accordance with Section 21 and 27 of this Resolution.

- 1404B.01 Equipment Sales, Rental, or both – small
- 1404B.02 Group Residential Facility
- 1404B.03 Propane Distribution, Storage, or both
- 1404B.04 Telecommunication Facility
- 1404B.05 Training of Horses, Riders, or both (*max. of 14 lessons per week*)

**1405B Minimum Lot Area**

None

**1406B Minimum Setbacks**

In certain instances, where separation distance cannot be met as required by the International Building Code, more restrictive construction standards may be required.

**Street:**

- 1406B.01 Build-to Line: Between zero (0) and six (6) feet from property line OR 20 feet or greater from property line
  - If observing the zero (0) to six (6) foot build-to option, 80% of the building façade along public streets and/or sidewalks must be no more than six (6) feet from the property line.
  - If observing the zero (0) to six (6) foot build-to option, yards between the street property line and the building line shall be used for open

front yards and gardens; plazas or courtyards; and/or outdoor dining. Parking is prohibited within these yards.

Side and Rear Yard:

- 1406B.02 Minimum six (6) foot setback (principal and accessory structures) from the property line on lots with a platted alley
- 1406B.03 Zero (0) foot setback (principal and accessory structures) from the Sedalia Downtown, Sedalia Community, Sedalia Highway Commercial, and Sedalia Mixed Industrial zone districts
- 1406B.04 Minimum 10 foot setback (principal and accessory structures) from A-1, LRR, RR, ER, SR, MF, LSB, B, C, LI, and GI zone districts

1407B Building Height

Maximum building height:

- Residential building – 35 feet
- Non-residential building – 35 feet

- 1407B.01 The maximum building height shall not apply to belfries, cupolas, penthouses or domes not used for human occupancy, roof-mounted church spires, chimneys, skylights, ventilators, water tanks, silos, parapet walls, cornices, antennas, utility poles and necessary mechanical appurtenances usually carried above the roof level.
- 1407B.02 The maximum height of a roof-mounted church spire shall not exceed 1.62 times the height of the church. (*refer to Section 36 building height definition - spire height calculation*).
- 1407B.03 All roof-mounted equipment (*mechanical, ventilating, antennas*) shall be properly screened, with the exception of solar collectors/heaters.

1408B Encroachments

- 1408B.01 A cornice, canopy, eave, fireplace, wing wall, or similar architectural feature may extend three (3) feet into a required setback.
- 1408B.02 Fire escapes may extend six (6) feet into a required setback.
- 1408B.03 Structures that do not require building permits may encroach into a rear setback. Any encroachment into an easement requires permission from the easement holder.

**1409B Water and Sanitation**

All uses shall be served by a central sanitation facility at the time a regional sanitary sewer solution is in place.

1409B.01 Until such time, the use of individual sewage disposal systems (ISDS) may be permitted provided:

- the proposed use does not create more than an average flow of 1,999 gallons of effluent per day, as determined by the Tri-County Health Department;
- the proposed use does not create more than a peak flow of 2,999 gallons of effluent per day, as determined by the Tri-County Health Department.

1409B.02 The proposed use and associated ISDS is evaluated by the Tri-County Health Department, and other applicable agencies, to determine if the use is compatible with an ISDS:

- The evaluation will be based on land characteristics, including, but not limited to lot size, lot configuration, setbacks, parking areas, floodways and floodplains, detention facilities, soil suitability, site topography, proximity to wells and other on-site physical features and facilities.

1409B.03 If a Responsible Management Entity (RME) exists at the time of land use application, the subject land will be served by the RME.

1409B.04 All uses shall be served by a central water system. The use of individual wells may be permitted provided:

- the subject land is located within the boundaries of a special district providing water service;
- the district's water lines are not within 400' of the subject land [§32-1-1006(1)(a)(I), C.R.S.], or if within 400' physical connection is not possible due to lack of legal access to lines;
- the proposed use is a low-water-demand use, as determined by the Director or designee in consultation with the special district providing water service; and
- the district authorizes the use of wells.

**1410B Utilities**

All public utilities shall be placed underground.

**1411B Land Dedication**

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

**1412B Street Standards**

Construction of paved streets shall be in accordance with the Douglas County Roadway Design and Construction Standards, Storm Drainage Design and Technical Criteria manual, and other applicable County regulations.

**1413B Parking Standards**

- 1413B.01 For subject land less than one (1) acre in size, there is no minimum off-street parking requirement for non-residential uses in the D District. For subject lands greater than one (1) acre in size, parking shall be provided in accordance with Section 28 of this Resolution.
- 1413B.02 The minimum off-street parking requirement for residential uses is two (2) spaces per dwelling unit unless there are severe site constraints or other extraordinary circumstances, as determined by the Director or designee.
- 1413B.03 For retail, commercial and mixed-use development, parking shall be located to the rear or side of buildings. Buildings shall include façade breaks in passageways, or alleys to connect parking to street entrances.
- 1413B.04 Unlicensed operable vehicles parked outside shall be concealed by a solid fenced berm, vegetative barrier, or a combination thereof. Inoperable vehicles shall not be stored outside.
- 1413B.05 Parking for non-residential uses (if provided) shall be shown on the approved Site Improvement Plan, prepared in accordance with Sections 27 and 28 of this Resolution.

**1414B Fencing Standards**

Fencing shall be allowed for residential and non-residential uses in accordance with the following standards. Fencing provided for non-residential uses shall be shown on an approved Site Improvement Plan, in accordance with Section 27 of this Resolution.

- 1414B.01 Barbed, concertina, razor wire, or other hazardous materials used for fencing shall be prohibited.

- 1414B.02 Electrically charged fencing material shall be permitted when it is installed for the purpose of containing animals within the boundaries of the lot.
- Electric fencing materials must be installed on the inside of the fence, within the lot area.
  - Electric fencing shall use an interrupted flow of current at intervals of about one (1) second on and two (2) seconds off and shall be limited to 2,000 volts at 17 milliamperes current.
  - All electric fences shall be posted with permanent signs stating that the fence is electrified.
- 1414B.03 Fences, walls, or hedges shall not be erected in the public right-of-way, but shall be allowed within the setback on private land.
- 1414B.04 A building permit shall be required for any retaining wall as required by the Building Code, as amended and adopted by Douglas County. *(Amended 12/18/12)*
- 1414B.05 Fences, walls, or hedges shall not exceed six (6) feet in height and shall not exceed four (4) feet in height when located in the required setback from a street.
- 1414B.06 A building permit is required for any fence greater than six (6) feet in height, or as required by the Building Code, as amended and adopted by Douglas County. *(Amended 12/18/12)*
- 1414B.07 Fences or walls shall be designed and maintained so that they are architecturally harmonious with the principal structures on the lot.
- 1414B.08 Fences, walls, or hedges shall be erected and maintained in a manner that does not obstruct the vision of automobile traffic on the adjacent streets, rights-of-way, or driveways in accordance with the Douglas County Roadway Design and Construction Standards manual.
- 1414B.09 Fences, walls, or hedges shall be maintained in good structural or living condition. The landowner is responsible for the repair or removal of a fence, wall, or hedge, which constitutes a safety hazard, by reason of inadequate maintenance, dilapidation, obsolescence, or abandonment, or which constitutes a zoning violation.
- 1414B.10 Swimming pools shall be enclosed by a fence or wall that meets or exceeds the requirements of the Building Code, as amended and adopted by Douglas County. *(Amended 12/18/12)*
- 1414B.11 Sound barrier walls, when constructed by the landowner other than the Colorado Department of Transportation adjacent to a street, shall be

designed in accordance with the State Department of Transportation criteria and approved by the Director or designee.

#### 1415B Landscaping

If required for non-residential uses, a landscape plan shall be prepared in accordance with the following provisions and Section 27 of this Resolution, Site Improvement Plan.

1415B.01 The minimum area to be landscaped with live plant material shall be 10 percent of the gross site area; unless off-site landscaping is supported; or there are severe site constraints or other extraordinary circumstances as determined by the Director or designee. In such cases 10 percent live plant material may be reduced.

1415B.02 Additional landscape buffering to residential uses shall not be required.

#### 1416B Sign Standards

Refer to Section 29 of this Resolution.

#### 1417B Lighting Standards

Refer to Section 30 of this Resolution.

#### 1418B Outdoor Storage

Outdoor storage shall be permitted as shown on the approved Site Improvement Plan, in accordance with the following standards:

1418B.01 Outdoor storage, including but not limited to, raw materials supplies, finished or semi-finished products, or equipment shall be enclosed and concealed by a solid fence or wall.

1418B.02 With the approval of the Director or designee a solid fence or wall may be replaced with adequate vegetation (hedge) such that the outdoor storage shall not be able to be viewed from the adjacent public areas.

1418B.03 Employee or customer parking or merchandise display areas shall not be considered outdoor storage.

1418B.04 Outdoor storage shall not be allowed within any required landscaped area.

1418B.05 Outdoor storage shall not exceed the height of the fence except for trailers or other equipment designed to be towed or lifted as a single component.



- 1418B.06 For outdoor storage of vehicles, see the Parking Standards in this Section.
- 1418B.07 Outdoor storage shall be allowed within the required setback from a street provided that the storage area does not occupy more than 50% of the lineal frontage at the right-of-way.
- 1418B.08 When outdoor storage areas abut each other and are not visible from public areas, the Director or designee may waive the requirement for a solid fence.
- 1418B.09 Where the topography of the land is such that a fence would not prevent viewing outdoor storage from adjoining land or public rights-of-way, additional landscaping above the height of the fence may be required by the Director or designee. In the event that it is not possible to prevent viewing of the outdoor storage from adjoining land or public rights-of-way, such outdoor storage area shall be prohibited.

## SECTION 14C HC – SEDALIA HIGHWAY COMMERCIAL DISTRICT

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**1401C Intent**

To provide for a full range of visitor-serving retail and commercial uses as an integral part of the community, providing services and employment opportunities that are conveniently and efficiently located to reduce unnecessary commuting and protect air quality. Adequate facilities, such as roads, water and sanitation, fire protection, emergency services, and public utilities shall be available to serve the development. Growth should occur in a phased and contiguous manner to save on the costly, premature extension of basic infrastructure.

Development within this district shall be located so as to minimize conflicts with agricultural uses, wildlife habitats and corridors, and environmentally and visually sensitive areas in accordance with the intent of the Douglas County Comprehensive Master Plan.

The HC district is characterized by commercial and mixed-use buildings oriented to a major U.S. highway corridor. The uses provided in this zone are meant to serve local and regional residents, as well as visitors passing by and through. Site improvements including landscaping shall be provided and designed to minimize the impacts of roadside development. Due to the exposure to regional traffic, high appearance standards are important.

**1402C Principal Uses**

The following uses shall be allowed upon the approval of a Site Improvement Plan in accordance with Section 27 of this Resolution, unless otherwise noted. The Director or designee may determine other similar uses as appropriate. A building or portion thereof may contain two (2) or more uses, residential, non-residential, or a combination of both.

**1402C.01 Community Uses**

- Church – max. seating capacity 350
- Cultural Facility
- Fire Station – with or without training facilities
- Library
- Open Space, Trails, or both (*Site Improvement Plan not required*)
- Post Office
- Sheriff Station (*with or without training or with or without detention*)

**1402C.02 Bank or Financial Institution (*with or without drive-up facility*)****1402C.03 Bar or Lounge****1402C.04 Bed and Breakfast****1402C.05 Building Materials – retail, wholesale, or both**

- 1402C.06 Construction Office – temporary (*refer to Section 22*)
- 1402C.07 Equipment Sales, Rental, or both – small
- 1402C.08 Equipment Service, Repair, or both
- 1402C.09 Event Center (*Amended 4/14/15*)
- 1402C.10 Firing Range – indoor
- 1402C.11 Greenhouse – one (1) acre max. (*Site Improvement Plan not required*)
- 1402C.12 Hotel
- 1402C.13 Industrial or manufacturing operation which does not emit unusual or excessive amounts of dust, smoke, fumes, gas, noxious odors, or noise beyond the lot boundary
- 1402C.14 Motel
- 1402C.15 Motor Vehicle Sales
- 1402C.16 Motor Vehicle Service, Repair, or both
- 1402C.17 Motor Vehicle Service Station with gas pumps
- 1402C.18 Motorcycle Sales, Service, Repair, or all
- 1402C.19 Office – General, Medical, Professional, Government
- 1402C.20 Office – Temporary (*refer to Section 22*)
- 1402C.21 Parking Lot
- Public
  - Private
- 1402C.22 Product Distribution, Storage, or both (*no hazardous materials*)
- 1402C.23 Research and Development Facility
- 1402C.24 Restaurant, Fast Food Restaurant (*with or without drive-up facility*)
- 1402C.25 Retail Business, Service Business, or both
- Indoor
  - Outdoor

- 1402C.26 Sales Office – temporary (*refer to Section 22*)
- 1402C.27 Seasonal Use (*refer to Section 23*)
- 1402C.28 Utility Service Facility (*refer to definition*)
- 1402C.29 Veterinary Clinic or Hospital
- 1402C.30 Warehouse
- 1402C.31 Warehouse – mini or self storage up to 500 sq. ft. per storage unit
- 1402C.32 Wholesale Business – sales, service, or both

#### 1403C Accessory Uses

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

##### Non-residential:

- 1403C.01 Accessory Uses and Buildings
- 1403C.02 Day-care Facility for employees' children
- 1403C.03 Propane Distribution, Storage, or both
- 1403C.04 Residence for management or employee
- 1403C.05 Satellite Dish
- 1403C.06 Storage Area – commercial

#### 1404C Uses Permitted By Special Review

The following uses are permitted, upon the approval of the Board, in accordance with Sections 21 and 27 of this Resolution.

- 1404C.01 Group Residential Facility
- 1404C.02 Telecommunication Facility (*within or exceeding max. height and health standards*)

#### 1405C Minimum Lot Area

None

**1406C Minimum Setbacks**

No minimum setbacks required unless specified in this section. In certain instances, where separation distance cannot be met as required by the International Building Code, more restrictive construction standards may be required.

**1407C Building Height**

Maximum building height:

- Residential building – 35 feet
- Commercial building – 60 feet

1407C.01 The maximum building height shall not apply to belfries, cupolas, penthouses or domes not used for human occupancy, roof-mounted church spires, chimneys, skylights, ventilators, water tanks, silos, parapet walls, cornices, antennas, utility poles and necessary mechanical appurtenances usually carried above the roof level.

1407C.02 The maximum height of a roof-mounted church spire shall not exceed 1.62 times the height of the church. *(refer to Section 36 building height definition - spire height calculation)*

1407C.03 The maximum height of a parapet wall shall be as approved by staff based on overall mass and bulk and its compatibility with the surrounding area.

1407C.04 All roof-mounted equipment *(mechanical, ventilating, antennas)* shall be properly screened, with the exception of solar collectors/heaters.

**1408C Encroachments**

1408C.01 A cornice, canopy, eave, fireplace, wing wall, or similar architectural feature may extend three (3) feet into a required setback.

1408C.02 Fire escapes may extend six (6) feet into a required setback.

1408C.03 Structures that do not require building permits may encroach into a rear setback. Any encroachment into an easement requires permission from the easement holder.

1408C.04 A garage directly accessed from an alley may encroach into a rear setback. Any encroachment into an easement requires permission from the easement holder.

**1409C Water and Sanitation**

All uses shall be served by a central sanitation facility at the time a regional sanitary sewer solution is in place.

1409C.01 Until such time, the use of individual sewage disposal systems (ISDS) may be permitted provided:

- the proposed use does not create more than an average flow of 1,999 gallons of effluent per day, as determined by the Tri-County Health Department;
- the proposed use does not create more than a peak flow of 2,999 gallons of effluent per day, as determined by the Tri-County Health Department.

1409C.02 The proposed use and associated ISDS is evaluated by the Tri-County Health Department, and other applicable agencies, to determine if the use is compatible with an ISDS:

- The evaluation will be based on land characteristics, including, but not limited to lot size, lot configuration, setbacks, parking areas, floodways and floodplains, detention facilities, soil suitability, site topography, proximity to wells and other on-site physical features and facilities.

1409C.03 If a Responsible Management Entity (RME) exists at the time of land use application, the subject land will be served by the RME.

1409C.04 All uses shall be served by a central water system. The use of individual wells may be permitted provided:

- the subject land is located within the boundaries of a special district providing water service;
- the district's water lines are not within 400' of the subject land [§32-1-1006(1)(a)(I), C.R.S.], or if within 400' physical connection is not possible due to lack of legal access to lines;
- the proposed use is a low-water-demand use, as determined by the Director or designee in consultation with the special district providing water service; and
- the district authorizes the use of wells.

**1410C Utilities**

All public utility distribution lines shall be placed underground.

**1411C Land Dedication**

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

**1412C Street Standards**

Construction of paved streets shall be in accordance with the Douglas County Roadway Design and Construction Standards, Storm Drainage Design and Technical Criteria manual, and other applicable County regulations.

**1413C Parking Standards**

1413C.01 Minimum off-street parking shall be provided in accordance with Section 28 of this Resolution.

1413C.02 Parking for non-residential uses shall be provided as shown on the approved Site Improvement Plan, in accordance with Sections 27 and 28 of this Resolution.

1413C.03 Unlicensed, operable or inoperable vehicles parked outside shall be concealed by a solid fence, berm, vegetative barrier, or a combination thereof.

1413C.04 Unconcealed parking of operable, unlicensed vehicles may be allowed in association with Motor Vehicle Sales as shown on an approved Site Improvement Plan in accordance with Sections 27 and 28 of this Resolution.

**1414C Fencing Standards**

Fencing shall be allowed for residential and non-residential uses in accordance with the following standards. Fencing provided for non-residential uses shall be shown on an approved Site Improvement Plan, in accordance with Section 27 of this Resolution.

1414C.01 Barbed, concertina, razor wire, or other hazardous materials used for fencing shall be prohibited.

1414C.02 Fences, walls, or hedges shall not be erected in the public right-of-way, but shall be allowed within the setback on private land.

1414C.03 A building permit shall be required for any retaining wall as required by the Building Code, as amended and adopted by Douglas County.  
(Amended 12/18/12)

1414C.04 Fences, walls, or hedges shall not exceed six (6) feet in height and shall not exceed four (4) feet in height when located in the required setback from a street.



- 1414C.05 A building permit is required for any fence greater than six (6) feet in height, or as required by the Building Code, as amended and adopted by Douglas County. *(Amended 12/18/12)*
- 1414C.06 Fences or walls shall be designed and maintained so that they are architecturally harmonious with the principal structures on the lot.
- 1414C.07 Fences, walls, or hedges shall be erected and maintained in a manner that does not obstruct the vision of automobile traffic on the adjacent streets, rights-of-way, or driveways in accordance with the Douglas County Roadway Design and Construction Standards manual.
- 1414C.08 Fences, walls, or hedges shall be maintained in good structural or living condition. The landowner is responsible for the repair or removal of a fence, wall, or hedge, which constitutes a safety hazard, by reason of inadequate maintenance, dilapidation, obsolescence, or abandonment, or which constitutes a zoning violation.
- 1414C.09 Swimming pools shall be enclosed by a fence or wall that meets or exceeds the requirements of the Building Code, as amended and adopted by Douglas County. *(Amended 12/18/12)*
- 1414C.10 Sound barrier walls, when constructed by the landowner other than the Colorado Department of Transportation adjacent to a street, shall be designed in accordance with the State Department of Transportation criteria and approved by the Director or designee.

1415C Landscaping

- 1415C.01 Non-residential uses shall be landscaped as shown on an approved Site Improvement Plan in accordance with Section 27 of this Resolution.
- 1415C.02 Areas to be landscaped include the lot area within the required setback from the street, parking areas, and other areas as required.

1416C Sign Standards

Refer to Section 29 of this Resolution.

1417C Lighting Standards

Refer to Section 30 of this Resolution.

**1418C Outdoor Storage**

Outdoor storage shall be permitted as shown on the approved Site Improvement Plan, in accordance with the following standards:

- 1418C.01 Outdoor storage including, but not limited to, raw materials supplies, finished or semi-finished products, or equipment shall be enclosed and concealed by a solid fence or wall.
- 1418C.02 With the approval of the Director or designee a solid fence or wall may be replaced with adequate vegetation (hedge) such that the outdoor storage shall not be able to be viewed from the adjacent public areas.
- 1418C.03 Employee or customer parking or merchandise display areas shall not be considered outdoor storage.
- 1418C.04 Outdoor storage shall not be allowed within any required landscaped area.
- 1418C.05 Outdoor storage shall not exceed the height of the fence except for trailers, or other equipment designed to be towed or lifted as a single component.
- 1418C.06 For outdoor storage of vehicles, see the Parking Standards in this section.
- 1418C.07 Outdoor storage shall be allowed within the required setback from a street provided that the storage area does not occupy more than 50% of the lineal frontage at the right-of-way.
- 1418C.08 When outdoor storage areas abut each other and are not visible from public areas, the Director or designee may waive the requirement for a solid fence.
- 1418C.09 Where the topography of the land is such that a fence would not prevent viewing outdoor storage from adjoining land or public rights-of-way, additional landscaping above the height of the fence may be required by the Director or designee. In the event that it is not possible to prevent viewing of the outdoor storage from adjoining land or public rights-of-way, such outdoor storage area shall be prohibited.

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**2101 Intent**

To provide for uses in specific zone 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, and to establish procedures for amending an approved use by special review based on the anticipated impact of the change.

**2102 Approval Standards**

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

- 2102.01 Complies with the minimum zoning requirements of the zone 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 Complies with the following standards regarding water supply:
  - 2102.11.1 If it is demonstrated that the use by special review will not generate any ongoing water demand, no proof of water supply shall be required and no other provisions of Section 18A - Water Supply Overlay District shall be applicable.

2102.11.2 If it is demonstrated that the use by special review, when located on a conforming parcel within the A-1 or LRR zone district, will generate a water demand not to exceed three (3) acre-feet per year, and that the demand can be supplied by a groundwater well which has or is capable of receiving a permit from the Colorado Division of Water Resources for such use, this standard shall be met and no other provisions of Section 18A – Water Supply Overlay District shall be applicable. Water demands shall be estimated in accordance with the Minimum Water Demand Standards defined in Section 18A.

2102.11.3 For all other use by special review applications, the applicant shall demonstrate conformance with Section 18A - Water Supply Overlay District, herein.

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 use by special review 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 use by special review 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 An Approved Use by Special Review

An amendment to an approved use by special review may be considered in accordance with the procedures identified herein for either a use by special review amendment or an administrative use by special review amendment.

#### 2106 General Provisions

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 zone district to which the parcel conforms in size.

**2107 Allowed Uses by Special Review**

The Development Plan for a specific Planned Development District shall set forth the permitted uses by special review and any additional requirements therein.

The following uses are listed as uses by special review within the zone districts of this Resolution, and are subject to additional requirements as noted herein:

- 2107.01 Animals - nondomestic, exotic: A-1 and LRR zone 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 and GI zone districts
- 2107.03 Bed and Breakfast: A-1, LRR, RR, and ER zone districts
- 2107.04 Campground: A-1 zone district provided that all uses and structures are located at least 100 feet from all property lines
- 2107.05 Cemetery: A-1 zone district
- 2107.06 Chemical/hazardous material storage, transfer, or disposal facility: GI zone district, 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 zone 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 zone districts
- 2107.09 Day-care center, preschool, or day-care home - large: A-1, LRR, RR, ER, SR, MF, and MH zone 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 zone district
- 2107.11 Event Center: A-1 zone district; subject to the following additional requirements:
- 2107.11.1 Structures used for the event center shall be of a scale and design that is compatible with the surrounding rural environment.
  - 2107.11.2 Structures, outdoor assembly areas, and parking lots used for the event center shall be setback a minimum of 200 feet from all adjacent property lines.
  - 2107.11.3 Noise generated by the event center use shall not result in noise levels which exceed 40 dB(A) between 7:00 a.m. and 7:00 p.m., and 35 dB(A) between 7:00 p.m. and 7:00 a.m., measured in accordance with Section 1705A.
  - 2107.11.4 A noise study shall be submitted demonstrating compliance with the event center noise standard.
  - 2107.11.5 In addition to the management plan components specified in Section 2112, operational limitations for the event center shall address the following:
    - (1) Maximum number of event patrons.
    - (2) Frequency of events including times of day and days of week.
    - (3) The number of outdoor and indoor events.
    - (4) Specific mitigation measures to limit the impacts of any exterior lighting.
    - (5) Specific limitations or mitigation measures to ensure compliance with the noise standards consistent with the noise study.
  - 2107.11.6 In addition to the information required for the project narrative specified in Section 2111, the event center narrative shall include a discussion of the following:
    - (1) The ability of the existing or proposed structures to comply with building and fire code requirements for public assembly uses.
    - (2) The ability to provide sanitation service for the proposed use by connection to a sanitary sewer or provision of on-site wastewater treatment.
    - (3) The ability to connect to a central water provider or to obtain a well permit for the proposed use.
- 2107.12 Feed yard - confinement center: A-1 zone 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



2107.13 Firing range - outdoor: A-1 and GI zone 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 zone district

2107.14 Greenhouse: A-1 zone 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

2107.15 Group Residential Facility: A-1, LRR, MF, MH, B, C, and LI zone 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 as a referral.

2107.16 Group Home for registered sex offenders: A-1, B, C, LI zone districts, provided the facility is located a minimum of 1,500 feet from a school, park, playground, child-care facility, and youth camp

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

2107.17 Heliport: B/C/LI/GI zone 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.

2107.18 Home occupation: A-1 zone 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.

2107.19 Horse boarding or training facility: A-1, LRR, RR, and ER zone 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.

On the Plan Exhibit, the applicant shall identify areas of allowable devegetation, pastures proposed for horse grazing, the pasture grazing schedule, manure storage areas, and the method and frequency of manure disposal.

- 2107.20 Horse rental stable: A-1 and LRR zone districts provided that all uses are located at least 100 feet from all lot lines
- 2107.21 Hunting or fishing club: A-1 zone district; hunting clubs shall be located on a minimum of 160 acres
- 2107.22 Jail/correctional facility: G1 zone 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.
- 2107.23 Junk, scrap metal, or auto wrecking yard: G1 zone district provided all such uses are completely concealed by a solid wall or fence at least 6 feet in height
- 2107.24 Kennel: A-1 and LRR zone districts provided that all uses are located at least 100 feet from all lot lines
- 2107.25 Landfill - public or private: A-1 and G1 zone 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 a use by special 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.

- 2107.26 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 zone 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.

2107.27 Mining, quarry, sand and gravel operation, or similar extractive land use: A-1 and G1 zone districts, subject to the following:

2107.27.1 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.

2107.27.2 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:

- (1) Earthwork performed within public rights-of-way
- (2) Earthwork performed which is consistent with an approved site plan or an approved and recorded final plat
- (3) Earthwork performed as part of construction per an approved building permit
- (4) Borrow site

2107.27.3 A narrative that addresses all items listed in Section 2111, herein, and the following:

- (1) 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
  - (2) a discussion of the positive and negative impacts of the operation
- 2107.27.4 A plan exhibit prepared in accordance with Section 2114, herein, and shows the following:
- (1) The relationship of the mine site to other uses/structures in the area
  - (2) The location of all buildings, equipment, on- and off-site haul roads, ancillary facilities, staging areas, and stockpiles
  - (3) The limits of the mine site and the extent of areas to be disturbed
  - (4) The location and dimension of buffers against noise and visual impact to be left in place or created
  - (5) Identified aquifer recharge areas, wetland areas, lakes, rivers
  - (6) Wildlife impact areas as designated in the Douglas County Comprehensive Master Plan, as amended, and areas considered significant by the Colorado Division of Wildlife
  - (7) Areas identified, through independent assessment, as having historic, archaeological, or paleontological resources
  - (8) All Douglas County Comprehensive Master Plan designations
- 2107.27.5 An operational plan shall be submitted that at a minimum addresses the following:
- (1) Start and end dates and the hours of operation
  - (2) A program for initial air-quality measurements and an ongoing monitoring program, including dust from equipment and stockpiles
  - (3) A program for initial water quality and quantity measurements, including well tests in the area, and an ongoing water-quality monitoring program
  - (4) Sources and quantities of water needed on site

- (5) A drainage and erosion control plan in compliance with the Douglas County Storm Drainage Design and Technical Criteria manual
- (6) A program for initial noise measurement, an ongoing noise monitoring program, and a noise abatement program
- (7) Proposed methods and timing of site restoration and their relationship to visual and air-quality impacts
- (8) A phasing plan that:
  - designates areas to be disturbed and the proposed timing or extraction for each area;
  - illustrates the timing of site restoration for each area including revegetation, contouring, and grading;
  - limits the total land area to be disturbed at any one time; and
  - 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.
- (9) A transportation plan that:
  - designates transportation routes (*existing or proposed*) that avoid residential areas and limit the use of local roads;
  - 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;
  - specifies the hours when material will be transported off site;
  - lists the improvements necessary for the transportation system to accommodate expected traffic;
  - addresses the construction of needed transportation improvements; and
  - lists the actions to be taken at the staging area to allow only safe, clean, and covered trucks onto the transportation system.
- (10) A blasting plan that:
  - identifies noise and vibration-sensitive uses/structures/activities in the area;
  - includes a pre-blast inspection program for identified structures;
  - includes a program for initial seismic and noise monitoring during the first blast;
  - incorporates a method of reviewing data from the initial blast and provisions for amending the blasting program accordingly; and

- specifies the times and the atmospheric conditions when blasting is permitted.
- (11) An end-state, land-use plan that shows:
- areas to be returned to a natural state;
  - areas to be restored for wildlife habitat, *if applicable*;
  - areas that are appropriate for open space, trails, parks and recreational uses, and are identified on the County's open space and recreational plans;
  - the site's final topography;
  - proposed post-mining land uses, consistent with the zoning of the land; and
  - site restoration phases.
- (12) A site evaluation including:
- wildlife impact analysis conducted in conjunction with the Colorado Division of Wildlife;
  - independent assessment of the historic, archaeological, or paleontological value of the site;
  - 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;
  - a transportation study that identifies transportation routes, number of trips, critical intersections, traffic volumes, and transportation system improvements necessitated by the application;
  - 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
  - a copy of all information submitted to the Division of Minerals and Geology, Colorado Department of Natural Resources.
- 2107.28 Oil or gas drilling operation: A-1 zone district provided such use is located a minimum of 100 feet from any lot line
- 2107.29 Propane distribution/storage: G1 zone district
- 2107.30 Recreation facility - community: A-1, LRR, RR, ER, SR, MF, and MH, zone 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 and G1 zone district provided all recycling or trash transfer activities are conducted within an enclosed structure.

**2107.32 Residence:**

For new residential units in the B, C, GI, or LI zone district, 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 zone district when a principal dwelling does not exist on the property
- Multifamily - B and C zone districts Single-family attached or multifamily - LI zone district

**2107.33 Religious retreat: A-1 zone district.****2107.34 Satellite earth station: A-1 zone district, and in LI and GI zone districts when the equipment exceeds the height limitation or the minimum health standards.****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:**

- (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 zone districts, 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 zone districts, 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 zone districts when the equipment exceeds the height limitation or the minimum health standards.
- 2107.37.1 In addition to the exhibit requirements contained in this Section , 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, its 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.

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.

2107.38 Utility - Major Facility: In all zone districts, except G1, provided that the setback requirements of the zone 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.]

**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 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.

2107.39 Veterinary clinic or hospital: A-1, LRR, and RR zone 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 zone districts as follows:

2107.40.1 In addition to the plan exhibit required in Section 2112, 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 Submittal Prerequisite

The applicant shall attend a presubmittal meeting with the Planning Division to discuss the request and the submittal process and requirements for a new use by special review or an amendment to an approved use by special review.

A proposed amendment to an approved use by special review may be considered in accordance with the procedures identified herein. An amendment to a use by special review shall be considered through an administrative process when the Director determines that the change does not represent a substantial increase in the intensity of the use or impacts to the neighborhood. This type of amendment shall be referred to as an administrative use by special review amendment.

If the Director determines that the proposed amendment to an approved use by special review does represent a substantial increase in the intensity of the use or impacts to the neighborhood, the proposed amendment shall be subject to the same submittal and process requirements as required for a new use by special review application. This type of amendment shall be referred to as a use by special review amendment. When making the determination, the Director shall consider the proposed degree of change to the site improvements and management plan as reflected on the approved Plan Exhibit, with specific consideration for potential increased impacts to the surrounding community.

The applicant may appeal the Director's determination on the amendment process for an approved use by special review to the Board of Adjustment in accordance with Section 26A.

#### 2109 Submittal Process

The following shall apply to a use by special review or a use by special review amendment. The 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. For a request for a use by special review or a use by special review amendment, 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 from 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 be given an opportunity to 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 all referral agencies - advisory and any comments received as a result of the courtesy notice.

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.
- 2109.11 Following approval by the Board, the applicant shall submit a signed and notarized Plan Exhibit to the Planning Division. Staff shall verify that all conditions of approval have been met and all technical corrections have been made to the satisfaction of Douglas County, prior to the Director's execution of the approval certificate on behalf of the Board. The applicant shall submit the final signed Plan Exhibit no later than 90 days

from the date of Board approval, unless the Board allows for a longer period of time as part of its approval of the use by special review. The Director may grant a one-time extension of no more than an additional 90 days. Further extensions shall be submitted for the Board's consideration.

2109.12 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 Plan Exhibit plan.

2109.13 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 Plan Exhibit.

#### 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

The following submittal requirements shall apply to a use by special review and use by special review amendment:

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, or other acceptable form of title verification, 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 to describe the following:

- (1) General project concepts
- (2) Zoning of the land and compliance with the zone district requirements and any additional requirements for the use by special review as defined in Section 2107
- (3) Define overall impacts of the proposed use on the adjoining lands
- (4) Compliance with the Douglas County Comprehensive Master Plan, as amended
- (5) Compliance with appropriate agency regulations and any necessary permits
- (6) Proof of water availability
- (7) Method of wastewater treatment
- (8) Type or method of fire protection
- (9) Impacts to existing vegetation and wildlife
- (10) Impacts on air and water quality
- (11) Impacts on peace and quiet of neighborhood
- (12) Provision of buffering, including additional landscaping
- (13) A description of the availability and adequacy of public services and facilities.
- (14) Other narrative details unique to the specific type of use by special review

**2111.06 Plan Exhibit (*per 2112, herein*)**

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

**2111.07 Development Reports, unless waived by Engineering Services:**

- Phase III Drainage Report and Plan
- GESC Report and Plan
- Utility drawings(s)
- Off-site improvement plans, as required
- Engineering construction drawings
- Traffic Impact Study



An improvements agreement may be required to identify and financially secure the public and private improvements and other commitments required as part of the use by special review approval.

2111.08 Detailed technical studies, based upon the scale and impact of the application, as may be necessary to demonstrate compliance with the approval standards.

2111.09 Documentation of a sufficient water supply in accordance with Section 18A, Water Supply - Overlay District, herein.

For properties in the A-1 and LRR zone districts as identified in Section 2102.11.2 a copy of any existing well permits issued for the property may be requested as part of the submittal, along with an estimate of water demands.

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 Plan Exhibit

For a use by special review or use by special review amendment, a Plan Exhibit shall consist of both a site plan and management plan as required herein.

2112.01 The site plan shall be prepared in accordance with the subsections of Section 27, Site Improvement Plan of this Resolution listed below. All or portions of the required site plan elements may be waived by the Director if it is determined that the use by special review will occupy an existing structure or will not otherwise require significant public or private improvements:

- General Plan Requirements, except that title blocks and approval certificates shall follow Sections 2112.03 and 2112.04 herein.
- Site Plan
- Landscape Plan
- Grading and Drainage
- Building Elevations
-

- Lighting Plan

For Personal Wireless Communication Facilities, the Design Standards provided in Section 27A shall apply.

- 2112.02 The 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. The management plan shall be appended to the Plan Exhibit prior to final approval.

2112.02.1 Number of clients/boarders/parishioners/animals

2112.02.2 Hours of operation - whether the use is seasonal and the number of days of the week

2112.02.3 Number of employees

2112.02.4 Required outside storage/parking/loading areas

2112.02.5 Permit requirements from other state, federal or local agencies

2112.02.6 Method of providing fire protection

2112.02.7 Other operational elements necessary to address the potential impacts for the specific special use

**2112.03 Plan Exhibit Title**

The exhibit title shall include the name and legal description of the proposed development, site acreage, and project file number. The business name shall not appear in the title, rather the title shall reference the legal description when subdivided or the street address as follows:

**Subdivided land:**

SPRUCE SUMMIT, Filing No. 3, Lot 14  
NW¼ Section 11, Township 8 South, Range 67 West  
Permit Area – 1 acre Total Area 5 acres  
USR Plan Exhibit – US2010-002

**Within a PD:**

SPRUCE SUMMIT, Filing No. 3, Lot 14  
NW¼ Section 11, Township 8 South, Range 67 West  
**Planning Area 63** – Permit Area – 1 acre Total Area - 5 acres  
USR Plan Exhibit – US2010-002

**When unplatted:**

**(STREET ADDRESS – Address available from County Addressing Specialist)**  
NW¼ Section 11, Township 8 South, Range 67 West  
Permit Area – 1 acre Total Area 5 acres  
USR Plan Exhibit - US2010-002

**For a use by special review amendment:**

SPRUCE SUMMIT, Filing No. 3, Lot 14 – **1<sup>st</sup> Amendment**  
NW¼ Section 11, Township 8 South, Range 67 West  
Permit Area – 1 acre Total Area – 5 acres  
USR Amendment  
US2010-002 (**Amendment to US2003-049**)

**2112.04 Plan Exhibit Approval Certificate**

Provide either a corporate/limited liability corporation (LLC) or individual approval certificate on the first sheet of the plan set, as follows.



*(For Individual Owner)*

(signature of owner(s))

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

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

Witness my hand and official seal.

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

An initial block is required on all subsequent Plan Exhibit sheets:

Approval Certificate	
Planning	_____ Initials/Date
Owner	_____ Initials/Date
Lessee (if applicable)	_____ Initials/Date

**2113 Public Notice Requirements**

The following requirements shall apply to a use by special review and use by special review amendment. 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.

**2113.01 WRITTEN NOTICE**

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:

**CERTIFICATE OF MAILING**

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

*(list of addresses)*

*(signature of person completing the mailing)*

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

**2113.02 PUBLISHED NOTICE**

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

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

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

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

**2113.03 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 for which the use is requested. The notice shall consist of at least 1 sign facing each abutting public or private street open for travel, within 10 feet of the property line abutting such street, placed on posts at least 4 feet above ground level. In the event the staff planner determines a sign cannot be placed abutting such street and be visible from such street or that there is no abutting public or private street open for travel, the staff planner may require an alternate location for a sign. Additional signs may be required by the staff planner. Each sign shall measure not less than 3'X4'. Letter size shall be a minimum of 3 inches high. Such notice shall read:

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

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

- 2113.03.1** An affidavit of sign posting shall be submitted by the applicant for the file in the Planning Division at least 7 days prior to the hearings. The sign(s) shall be photographed by the applicant and attached to the affidavit as follows:





2114.04 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 shall 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.

2114.05 The termination notice is appealable, in writing, to the Board of Adjustment pursuant to Section 26A of this Resolution.

#### 2115 Inactive Files

Files that become inactive, because the applicant has not responded to staff's request for information or otherwise action in the submittal process, 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.

#### 2116 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 60 days 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.

#### 2117 Revocation

If noncompliance with the approved Plan Exhibit or conditions of approval is demonstrated, the Board may consider revocation of the use by special review at a public meeting. Written notice shall be provided to the landowner and/or lessee at least 14 days prior to the scheduled Board meeting.

#### 2118 Administrative Use by Special Review Amendment

##### 2118.01 Submittal Prerequisite

Prior to submittal of an administrative amendment, a presubmittal meeting shall be held with the Planning Division to discuss the request, to determine if it is eligible for an administrative process, and to provide information on the required submittal items and process steps.

## 2118.02 Approval Standards

Approval of an administrative use by special review amendment shall be in accordance with the approval standards in Section 2102.

## 2118.03 Submittal Process

2118.03.1 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.

2118.03.2 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.

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.

If the referral agencies elect to comment, they shall comment within the specified referral period, not to exceed 21 calendar days from the date the referral packets were mailed or electronically distributed.

2118.03.3 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 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 comments of all referral agencies - advisory and other public comments received.

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.

2118.03.4 Following Planning and Engineering's review of the response to referral comments and any resubmitted items, staff will prepare a project assessment report for the Director's review. The Director will make a final determination to approve, approve with conditions, or deny the administrative USR amendment request within five (5) calendar days of the receipt of the assessment report, based upon demonstrated compliance with the approval standards.

2118.03.5 If an improvements agreement is required, it shall be approved by the County Manager prior to the Director's approval of the administrative amendment.

2118.03.6 If the administrative amendment is denied, written findings shall be provided by staff to the applicant within three (3) calendar days of the denial.

#### 2118.04 Submittal Requirements

The applicant shall submit the following information to Planning Services. Incomplete applications shall not be accepted for processing.

- Completed land use application and fee
- Amended Plan Exhibit
- Updated development reports
- Updated technical studies, if applicable
- Current title commitment or other ownership verification as acceptable to staff
- Notarized letter of authorization from the property owner, if applicable
- Stamped addressed envelopes for courtesy notices
- A written narrative explanation of the proposed amendments

#### 2118.05 Title and Approval Certificate

The project title for an administrative use by special review amendment shall be consistent with the original title, as provided in the following example:

SPRUCE SUMMIT, Filing No. 3, Lot 14 – 1 <sup>st</sup> Amendment NW¼ Section 11, Township 8 South, Range 67 West Permit Area – 1 acre    Total Area – 5 acres Administrative USR Amendment US2010-002 (Amendment to US2003-049)
--

The following approval certificate shall accompany the required Plan Exhibit for an administrative use by special review amendment to an approved use by special review.

**Administrative USR Amendment Approval Certificate**

US \_\_\_\_-\_\_\_\_ is hereby amended this \_\_\_\_ day of \_\_\_\_, 2\_\_\_\_. The use by special review continues to meet all approval criteria and is subject to all original conditions of approval, unless specifically noted hereon.

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

An initial block is required on all subsequent exhibit sheets:

**USR Administrative Amendment  
Approval Certificate**

Planning

\_\_\_\_\_  
Initials/Date

Owner

\_\_\_\_\_  
Initials/Date

Lessee

(if applicable)

\_\_\_\_\_  
Initials/Date

**2118.06 Notice of Final Action**

The final status of an administrative use by special review amendment shall be set forth via the Notice of Action - Final Status using the following process:

- 2118.06.1 The date considered to be the final action on the administrative use by special review amendment shall be the date on the Notice of Action - Final Status.
- 2118.06.2 Should a discrepancy exist between the dates on the administrative use by special review amendment and Notice of Action - Final Status, the date of the Notice of Action - Final Status shall control.
- 2118.06.3 The Notice of Action - Final Status shall be mailed to the applicant, the abutting landowners who received courtesy notices, and any homeowner's associations that received courtesy notices, as described herein. The Notice of Action - Final Status shall be mailed via first class mail, within three (3) calendar days of final determination.

- 2118.06.4 An appeal of the Director's determination regarding A Notice of Action – Final Status for an administrative use by special review amendment may be submitted to the Board of Adjustment pursuant to Section 26A of this Resolution.
- 2118.06.5 If an administrative use by special review amendment is denied, any new amendment request shall require submittal of a new application and processing fee.

**SECTION 24 ANIMALS****-Section Contents-****INTENT**

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**2401 Intent**

To provide for the keeping of household pets, domestic hoofed livestock, poultry, fowl and other small animals while preserving the environment and confining the impacts to the site.

**2402 Household Pets (Amended 4/14/15)**

Household pets inclusive of, but not limited to, dogs, cats, and pot-bellied pigs shall be permitted as an accessory use in all zone districts allowing for residential use as follows:

- 2402.01 A-1 and LRR conforming parcels: no more than 8 household pets of more than 4 months of age shall be permitted per parcel.
- 2402.02 All other zone districts: no more than 4 household pets of more than 4 months of age shall be permitted per residential dwelling.
- 2402.03 Kennels, boarding facilities, and commercial activities are permitted as specified in the zone district sections.

The provision does not apply to tropical fish, small rodent animals, i.e., gerbils, hamsters, and small birds kept as pets, unless raised for commercial purposes, kept outdoors, or kept in an accessory structure.

**2403 Poultry, Fowl, and Small Livestock (noncommercial) (Amended 6/12/12)**

Domestic, noncommercial use of poultry or fowl, i.e., chickens, turkeys, pigeons, small birds, and ducks, and domestic, noncommercial use of small livestock i.e., rabbits, chinchillas or similar animals, shall be permitted as follows:

<b>Zoning District</b>	<b>Lot Area</b>	<b>No. of Poultry/Fowl</b>	<b>No. of Small Livestock</b>
A-1/LRR/RR/ER/SR	LESS than 2.3 acres	4*	4*
ER/RR	2.3+ acres	30	50
A-1/LRR	2.3 – 8.9 acres	30	50
A-1/LRR	9+ acres	No Limit	No Limit

\*Poultry/fowl are limited to female chickens (*Gallus gallus domesticus*). Slaughtering of poultry/fowl or small livestock is not permitted.

Poultry, fowl and small livestock shall be properly housed (e.g., chicken coop, rabbit hutch) and shall be located in accordance with the required accessory use setback.

**2404 Horses and Other Hoofed Livestock - General Provisions**

- 2404.01 Buffalo and ostrich/emu are permitted on A-1 or LRR parcels that are nine acres in size or larger. *(Amended 4/14/15)*
- 2404.02 A nonowned horse kept on the land for the purpose of training or breeding shall be considered to be a boarded horse. *(Amended 4/14/15)*
- 2404.03 The number of boarded horses may be increased beyond the use by right limits or administrative review limits through the use by special review process.

**2405 Animal Units**

Hoofed animals includes horses, cattle, mules, llamas, sheep, goats, or swine. The following animal units shall apply: *(Amended 5/14/03)*

- Horse/mule/cow/llama 1 = 1 animal unit
- Miniature horse/swine/sheep/goat/alpaca: 4 = 1 animal unit

Young animals less than 6 months of age shall not count toward the allowable unit limit.

**2406 Animal Unit Restrictions - ER and nonconforming RR/LRR/A-1 (2.3 - 4.49 acres)**

In the ER zoning district and on nonconforming RR/LRR/A-1 lots 2.3 to 4.49 acres in size, the following animal unit restrictions shall apply:

- 2406.01 The maximum density shall be one animal unit per 1/2 acre.
- 2406.02 One boarded horse shall be allowed and shall be included in the maximum number of animal units allowed.

**2407 Animal Unit Restrictions - RR and nonconforming A-1/LRR (4.5 - 8.9 acres)**

In the RR zoning district and on nonconforming A-1/LRR lots 4.5 to 8.9 acres in size, the following animal unit restrictions shall apply:

- 2407.01 The maximum density shall be one animal unit per 1/2 acre.
- 2407.02 Two Boarded horses shall be allowed and shall be included in the maximum number of animal units allowed.

**2408 Animal Unit Restrictions - LRR and nonconforming A-1 (9 - 34.9 acres)**

In the LRR zoning district and on nonconforming A-1 lots 9 to 34.99 acres in size, the following animal unit restrictions shall apply:



- 2408.01 The number of horses or other domestic livestock kept on the lot that are owned by the landowner or lessee shall not be limited.
- 2408.02 Two boarded horses shall be allowed.
- 2408.03 Three - Eight boarded horses may be permitted by administrative review.

#### 2409 Animal Unit Restrictions - A-1

In the A-1 zoning district, the following animal unit restrictions shall apply:

- 2409.01 The number of horses or other domestic livestock kept on the lot that are owned by the landowner or lessee shall not be limited.
- 2409.02 On lots 35 acres or greater:
- 4 boarded horses shall be allowed.
  - 4 - 12 boarded horses may be permitted by administrative review.
- 2409.03 On lots 80 acres or greater, provided that all barns, arenas, pens, corrals, manure piles and parking areas are set back a minimum of 200' from the lot line:
- 12 boarded horses shall be allowed.
  - 13 - 18 boarded horses may be permitted by administrative review.
- 2409.04 On lots 160 acres or greater, where all barns, arenas, pens, corrals, manure piles, and parking areas are setback 500' from adjacent residential structures, an unlimited number of boarded horses shall be allowed.

The landowner may apply for a vesting of such use by providing evidence that such setbacks have been achieved to the Director. The submittal shall be the same as the plan exhibit for the administrative review as outlined in Section 2417, herein. The Director shall issue a signed statement that provides that such use shall be vested regardless of subsequent development on the adjacent lands.

#### 2410 Nondomestic/Exotic Animals

Nondomestic or exotic animals are permitted only as a use by special review upon approval by the Board, in the A-1 and LRR zoning districts. A nondomestic animal is generally considered to be an animal not normally adapted to live and breed in a tame condition. An exotic animal is generally considered to be an animal introduced from another country not normally kept as a household pet or farm animal. Refer to the Use By Special Review Section of this Resolution for more information.

**2411 Setback Requirements - Livestock**

Setbacks for barns, corrals, arenas, paddocks, run pens, round pens, or parking areas shall be as follows:

Lot Size	SETBACK FROM A:		
	Street	Side Lot Line	Rear Lot Line
2.3 - 4.49 acres	25'	25'	25'
4.5 - 8.9 acres	50'	25'	25'
9 - 34.9 acres	100'	50'	25'
35+ acres	100'	50'	50'
Temporary catch pens and loading chutes are exempt.			

**2412 Vegetation Standards - Livestock**

The following vegetation requirements shall apply to all land on which livestock are permitted. County regulations permitting nonconforming use shall not be applicable with respect to these vegetation requirements.

2412.01 The site, excluding that area which is allowed to be devegetated, must be maintained with vegetative groundcover. Vegetative groundcover includes native or introduced grasses and forbs, but does not include weeds on bare dirt. In areas where exposed shelf-rock or cap-rock is the natural terrain, this will be considered to be vegetative groundcover.

2412.02 The maximum land area that may be devegetated is as follows:

Lot Area	Maximum Devegetated Area
2.3 - 4.49 acres	25% of the total site
4.5 - 8.9 acres	1.25 acres or 20%, whichever is greater
9 - 34.9 acres	2 acres or 15%, whichever is greater
35+ acres	5.2 acres or 10%, whichever is greater, to a maximum of 10 acres

2412.03 All corrals, outdoor arenas, paddocks, run pens, round pens, unpaved or ungraveled parking areas shall be included when calculating the maximum area devegetated.

2412.04 The area within the required minimum setback shall be fully maintained with vegetation.

2412.05 A variance from the above vegetation standards may be sought from the Board of Adjustment.

#### 2413 Animal Waste and Odor Standards

The following regulations shall apply to all lands on which livestock are permitted. County regulations pertaining to nonconforming use shall not be applicable with respect to these waste and odor regulations.

2413.01 Manure shall be removed in a regular and reasonable manner or otherwise composted or spread in such a manner as to protect surface and groundwater and to minimize the breeding of flies and to control odors. Manure shall not be buried.

2413.02 In the agricultural zone districts, manure piles shall be set back a minimum distance of 100' from any lot line, well, stream or waterbody. *(Amended 4/14/15)*

2413.03 In the residential zone districts, manure piles shall be set back from the lot line in accordance with the zone district accessory use setback requirements. *(Amended 4/14/15)*

2413.04 Animals shall not be allowed to create excessive odor problems or present a health hazard to surrounding lands.

2413.05 Adequate drainage facilities or improvements shall be provided by the landowner and constructed to protect any adjacent land from runoff containing contaminants such as sediment or organic wastes.

#### 2414 Administrative Review - Prerequisite

A landowner/lessee wanting to increase the number of boarded horses, within the parameters established for administrative review, shall meet with the staff to discuss the submittal procedures and information required.

#### 2415 Administrative Review - Procedure

2415.01 The applicant shall submit one (1) copy of the required submittal items to the Planning Division. The submittal shall be reviewed for completeness and the applicant notified of any inadequacies. *(Amended 4/14/15)*

2415.02 Once determined complete, staff will notify the applicant of the number of copies of the plan and narrative required to be submitted for distribution to referral agencies. Referral packets shall be provided by the applicant in unsealed manila envelopes, addressed to the appropriate referral

agency. Staff shall mail the referral packets. Referral agencies shall comment within 21 days.

**2415.03 WRITTEN NOTICE** (*Amended 3/28/01*)

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

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

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

**CERTIFICATE OF MAILING**

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

(list of addresses)

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

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

**2415.04** The staff planner will review the referral comments, discuss the concerns with the applicant, and prepare a staff report and present it to the Director. The Director shall use the following criteria in the review of the request:

- 2415.04.1 Whether the proposed use will be in harmony and compatible with the character of the surrounding area;
  - 2415.04.2 Whether the proposed use will not result in an over-intensive use of the land;
  - 2415.04.3 Whether the proposed use will not require a level of community facilities and services greater than that which is available;
  - 2415.04.4 Whether the proposed use will not cause undue traffic congestion nor traffic hazards;
  - 2415.04.5 Whether the proposed use will not cause significant air, water, or noise pollution;
  - 2415.04.6 Whether the proposed use is adequately landscaped, buffered, and screened;
  - 2415.04.7 Whether the proposed use will not be otherwise detrimental to the health, safety or welfare of the neighboring landowners.
- 2415.05 The Director may, as part of the administrative review request approval, require a yearly site inspection by the Planning Division to ensure continued compliance with the approved horse boarding limits and other plan exhibit elements. *(Amended 4/14/15)*
- 2415.06 If the administrative review request is denied by the Director, the applicant may seek approval of the use through the use by special review process.

2416 Administrative Review - General Submittal Requirements

- 2416.01 A completed application form *(available from the Planning Office)*
- 2416.02 Application fee *(fee schedule available from the Planning Office)*
- 2416.03 Proof of ownership by copy of deed or title insurance commitment no more than 60 days old; or in the case of a lessee, a copy of the lease
- 2416.04 A Narrative *(per section 2417 herein)*
- 2416.05 A Plan Exhibit *(per section 2418 herein)*
- 2416.06 A notarized letter of authorization from the landowner permitting a lessee to process the application, when applicable

**2417 Administrative Review - Narrative**

- 2417.01 The number of horses to be boarded
- 2417.02 The number of acres owned or leased by the applicant included in the application
- 2417.03 The zoning of the land and the use and zoning of the adjacent land
- 2417.04 The amount of land to be devegetated including, but not limited to, corrals, run pens, round pens, outdoor arenas, or unsurfaced parking area
- 2417.05 Proof of water availability - a minimum water supply of 20 gallons per horse, per day shall be required
- 2417.06 Method of wastewater treatment
- 2417.07 The amount of traffic to be generated by the boarding operation, and an estimate of the number of vehicles per day
- 2417.08 The method and frequency of manure disposal

**2418 Administrative Review - Plan Exhibit**

A site plan shall be submitted which is drawn to scale and which depicts:

- 2418.01 The location and dimensions of all property lines, existing and proposed structures
- 2418.02 The location and dimensions of all existing and proposed corrals, outdoor arenas, run pens, round pens, manure storage areas, parking area, and trailer parking area
- 2418.03 Access to the site - delineate public and private roads, dimensions, and note surface material
- 2418.04 The distance to the nearest residences or other structures on the adjacent lots
- 2418.05 All drainageways affecting the site and designation of any 100-year floodplain on or adjacent to the site
- 2418.06 Vegetation on the site described by general type (*grass, shrub, tree*)
- 2418.07 A map showing the relationship of the site to the nearest major public road

**2419 Administrative Review - Revocation**

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

## SECTION 27 SITE IMPROVEMENT PLAN

## - Section Contents -

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**2701 Intent** *(Amended 04/13/10)*

The Site Improvement Plan (SIP) process is required to ensure development will be consistent with the Comprehensive Master Plan, Subdivision Resolution, and Zoning Resolution, and all applicable federal, State, and local standards.

The process encourages sustainable design through water conservation, passive energy benefits through appropriate site design, and supports multimodal transportation options and the use of alternative energy sources, when appropriate.

**2702 Applicability** *(Amended 8/12/14)*

A SIP shall be required for any use or change in use for any multifamily dwelling; mobile home park; business, commercial, or industrial development; ; a library; a Utility-Major Facility; a Utility-Service Facility; or for similar uses contained within a Planned Development (PD), including single family attached dwellings. *(Amended 4/14/15)*

Proposed changes to an approved SIP shall be processed as either a Revision or Modification to an Approved SIP, as described herein. Building permits shall not be issued for any development that does not have an approved SIP or is not in conformance with the approved SIP. Uses and structures legally established prior to February 1, 1994 shall be considered compliant with the requirement for a SIP.

Personal Wireless Communication Sites – SIPs specific to personal wireless communication sites shall be subject to the Personal Wireless Communication Facility Design Standards section herein. The format and required process will be detailed at the required presubmittal meeting.

Meridian – Review of proposed improvements within the boundaries of the Meridian International Business Center PD shall follow the specified requirements and procedures of the Meridian International Business Center PD.

Major Electrical or Natural Gas Facilities – The final action on a SIP for the location, construction, or improvement of major electrical or natural gas facilities must occur within ninety (90) days after the submittal date, unless the provider and the County reach agreement on an amended time period. [§29-20-108, C.R.S.]. Major electrical or natural gas facilities include:

- Electrical generating facilities
- Substations used for switching, regulating, transforming, or otherwise modifying the characteristics of electricity
- Transmission lines operated at or above a voltage of 69,000 volts
- Structures and equipment associated with such electrical generating facilities, substations, or transmission lines
- Structures and equipment utilized for the local distribution of natural gas service; such as compressors, gas mains, and gas laterals

**2703 Approval Standards** *(Amended 12/07/10)*

2703.01 The SIP shall be consistent with the following:

- Douglas County Comprehensive Master Plan
- Douglas County Subdivision Resolution
- Douglas County Zoning Resolution
- Planned Development, as applicable
- Douglas County Roadway Design & Construction Standards Manual
- Douglas County Storm Drainage Design & Technical Criteria Manual
- Douglas County Grading, Erosion and Sediment Control (GESD) Manual

2703.02 All required easements shall be submitted for review prior to approval of the SIP.

2703.03 All SIPs and any revisions or modifications shall comply with this Resolution.

2703.04 Use and development of the site shall conform to the approved SIP.

2703.05 The Requirements for Release of Certificate of Occupancy (CO) or Requirements for Release of Final Inspections form, as applicable, shall be executed and submitted to the staff planner.

2703.06 A Site Improvement Plan Improvements Agreement (SIPIA) shall be required to identify the costs of improvements necessary to implement the SIP.

2703.07 When a SIP is proposed for an unplatted parcel of land determined to be legal by Douglas County, the applicant shall demonstrate that the parcel has a sufficient water supply in terms of quantity, quality, and dependability in conformance with the applicable standards set forth in Section 1804A and Section 2705.09, herein.

**2704 Process** *(Amended 12/07/10)*

2704.01 Prior to submittal of the SIP, a presubmittal meeting shall be required with staff to discuss the procedures and submittal requirements.

2704.02 Within fifteen (15) calendar days of the date that the application is date-stamped and accepted, staff shall review the application and notify the applicant if the plan contents are complete for review by staff and other agencies, and therefore ready to begin the referral process.

2704.03 Once the submittal is determined complete, staff shall notify the applicant in writing of the number of copies of the submittal information required for

distribution to referral agencies. Staff shall identify in the written notice which referral agencies are regulatory agencies and which referral agencies are advisory agencies. The mailing addresses of the referral agencies shall be provided to the applicant. Electronic distribution of referral packets is preferred. Otherwise, referral packets shall be provided to the staff planner by the applicant in unsealed manila envelopes, without postage and a return address, 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. The following shall be included in the packets:

- Copy of the completed land use application form
- Project narrative (*Section 2705.08*)
- Site plan (*Section 2707*)
- Landscape plan (*Section 2708*)
- Grading and drainage plan (*Section 2709*)
- Building elevations (*Section 2710*)
- Lighting plan (*Section 2711*)
- Other reports, studies, and fees as required

2704.04 The applicant shall 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.

2704.05 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 comments received will be accepted for informational purposes only and provided to the applicant.  
(Amended 11/12/13)

2704.05.1 The staff planner may reduce the referral period upon concurrence by Engineering Services. In the event the referral period is reduced, it is the applicant's responsibility to obtain comments from the agencies within the reduced time frame.

2704.05.2 Additional referral periods may be required based upon the extent of design changes initiated through the initial referral period. The length of each additional referral period shall be determined by the staff planner.

2704.05.3 All referral agency comments shall be provided by staff to the applicant upon receipt. The applicant shall address the comments

of all regulatory agencies 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 a written response to timely comments of any and all advisory agencies. (Amended 11/12/13)

2704.06 Subsequent to the referral period(s), the applicant shall submit the revised SIP to satisfactorily address the issues raised during the referral period(s). The resubmittal shall include:

- Revised plan set
- A written response to County and agency referral comments
- Updated reports and studies, as necessary
- Draft SIPIA and related exhibits, as required (*template available from Engineering Services*)

2704.06.1 Within ten (10) calendar days of receipt by staff of the revised SIP plan set and the applicant's written response to the referral comments, the staff planner shall contact the applicant, in writing, as to the status of its resubmittal.

If the resubmittal meets approval standards, the SIP shall be considered for approval or approval with conditions, and the staff planner shall request a final plan set.

If the resubmittal does not meet approval standards, staff shall provide written comments, detailing the deficiencies. External agencies may be contacted for additional comment, and its concerns may be included in the written comments. Additional time to receive external agency comments may be necessary.

2704.06.2 Based on compliance with the approval standards, the SIP shall be considered for approval, approval with conditions, denial, or closure.

2704.07 The final plan set shall consist of one (1) rolled set with original, notarized signatures. The Requirements for Release of CO or Requirements for Release of Final Inspections form, as applicable, shall be executed and submitted to the staff planner prior to SIP approval. The SIPIA shall be fully executed by the owner and County prior to SIP approval. A SIP shall be approved by the Director (or designee) based on staff recommendations.

2704.08 If the SIP is denied, written findings shall be provided by staff to the applicant within seven (7) calendar days of the denial.

2704.09 The final status of a SIP shall be set forth via the Notice of Action - Final Status using the following process:

2704.09.1 The date considered to be the final action on the SIP shall be the date on the Notice of Action - Final Status.

2704.09.2 Should a discrepancy exist between the dates on the SIP and Notice of Action - Final Status, the date of the Notice of Action - Final Status shall control.

2704.09.3 The Notice of Action - Final Status shall be mailed to the applicant, the abutting landowners who received courtesy notices, and any homeowner's associations (HOAs) that received courtesy notices, as described herein. The Notice of Action - Final Status shall be mailed via first class mail, within three (3) calendar days of final determination.

2704.10 A Notice of Action - Final Status of a SIP may be appealed to the Board of Adjustment. An appeal shall be submitted in writing to the Director within thirty (30) calendar days from the date on the Notice of Action - Final Status.

2704.10.1 Upon failure to request an appeal, the decision is final.

2704.10.2 If a SIP is denied, any new SIP shall require submittal of a new application and processing fee.

2704.11 SIPs that are inactive due to the applicant's failure to submit requested materials for a period of four (4) months shall be closed, and the resubmittal of a new application and fees shall be required.

2704.11.1 After three (3) months of inactivity, staff shall notify the applicant in writing that the application shall be closed within thirty (30) calendar days. If the applicant fails to submit all of the required materials within the thirty (30) calendar days, staff shall notify the applicant, in writing, that the SIP application is closed.

2704.11.2 The Director may grant time extensions to the inactive period of a SIP, not to exceed a total of twelve (12) months, upon written request by the applicant, prior to closure of the SIP.

2704.12 The SIP shall be effective for a period of three (3) years from the date of approval. The initial building permit shall not be issued for a SIP after the end of its effective period, unless an extension is granted, as follows:  
(Amended 4/14/15)

2704.12.1 The Director may grant time extensions to the effective period of a SIP, not to exceed a total of three (3) years from the end of the

initial effective period, upon written request by the applicant. To be eligible for an extension, the applicant shall submit the request no later than six (6) months after the end of the effective period.

2704.12.2 The Director may include conditions with the time extension as necessary to ensure the SIP remains in compliance with approval standards. Site construction drawings that have expired shall be re-approved by Engineering Services.

2704.13 Where a SIP brings an existing use into compliance with applicable regulations, or is designed to correct a Notice of Violation, all improvements shall be completed within six (6) months of the Notice of Action - Final Status, unless otherwise agreed to in writing by the owner and the County.

2705 Submittal Requirements (Amended 12/07/10)

The applicant shall be required to submit the following information to Planning Services. Incomplete applications shall not be accepted for processing.

2705.01 A completed SIP submittal checklist.

2705.02 A completed land use application form.

2705.03 Proof of ownership consisting of a current title insurance policy or title commitment no more than thirty (30) calendar days old from the date of the application, or other documentation acceptable to staff.

2705.04 A notarized letter of authorization from the landowner permitting a representative to process the application, unless the landowner and applicant are the same.

2705.05 A boundary survey of the site certified by a professional land surveyor, if the land is unplatted.

2705.06 Planning and Engineering Services fees. Building Services fees are collected when construction plans are submitted to Building Services.

2705.07 Stamped, addressed envelopes for staff to prepare courtesy notices to the following:

- All abutting landowners with addresses shown in the records of the Douglas County Assessor Office, having a common border with, or separated from such a common border by a right-of-way, alley, or easement
- All owners using a shared access easement that is proposed for the SIP access

- All County recognized HOAs within one (1) mile of the SIP site, unless the project is in the nonurban area, per the Comprehensive Master Plan, where courtesy notices shall be sent to all recognized HOAs within a two (2) mile radius

2705.08 A narrative description of the project, addressing the following:

2705.08.1 Name and address of the landowner, the developer or representative, and the person or firm preparing the SIP, if different than the owner.

2705.08.2 The subdivision name, filing number, (planning area number when located in a Planned Development), and lot and block number; or street address and section, township, range if not in a subdivision.

2705.08.3 Zoning of the site and the zoning and current uses of adjacent land.

2705.08.4 Source of water and sanitation facilities. If the water source has irrigation limitations, describe the manner in which landscape irrigation is to be accomplished. If irrigation water is from an offsite source, provide the following:

- Name, address, and phone number of water provider
- Source of water
- Contractual details (i.e. delivery frequency, length of contract)

2705.08.5 Describe overall impacts of the proposed development to adjacent land.

2705.08.6 Describe how the development complies with the Comprehensive Master Plan and intent of this section.

2705.08.7 Describe the proposed development schedule and phases of development for all proposed construction.

2705.09 The applicant shall demonstrate conformance with Section 18A, Water Supply – Overlay District, herein, when the proposed SIP is located on an unplatted parcel of land determined to be legal by Douglas County. The demonstration of conformance for the proposed SIP shall be in accordance with the standards set forth in the applicable water supply zone as depicted on the Water Supply Overlay Map, Figure 18A, herein, and as follows: *(Amended 4/14/15)*

2705.09.1 A SIP proposed within the Pike/Rampart - Water Supply Zone shall conform with the water supply standards of Section 1806A, herein. If the SIP is proposing a water supply from an Existing District or New Special District, the water supply documentation shall conform

with the standards of Section 1805A.01.4 and 1805A.02.4, respectively.

2705.09.2 A SIP proposed within the Margin A - Water Supply Zone shall conform with the water supply standards of Section 1807A, herein. If the SIP is proposing a water supply from an Existing District or New Special District, the water supply documentation shall conform with the standards of Section 1805A.01.4 and 1805A.02.4, respectively.

2705.09.3 A SIP proposed within the Margin B - Water Supply Zone shall conform with the water supply standards of Section 1808A, herein. If the SIP is proposing a water supply from an Existing District or New Special District, the water supply documentation shall conform with the standards of Section 1805A.01.4 and 1805A.02.4, respectively.

2705.09.4 A SIP proposed within the Central Basin - Water Supply Zone shall conform with the water supply standards of Section 1809A, herein. If the SIP is proposing a water supply from an Existing District or New Special District, the water supply documentation shall conform with the standards of Section 1805A.01.4 and 1805A.02.4, respectively.

2705.09.5 A SIP, proposed within any water supply zone, which has no water supply demand except as may be temporarily necessary to establish required landscaping, shall not be required to demonstrate compliance with Section 18A, Water Supply - Overlay District, herein.

2705.09.6 A SIP proposed within any water supply zone, when located on a conforming parcel within the A-1 or LRR zone district, which has a water demand not to exceed three (3) acre-feet per year to be supplied by a groundwater well which has or is capable of receiving a permit from the Colorado Division of Water Resources for the use proposed, shall not be required to demonstrate compliance Section 18A, Water Supply - Overlay District, herein. Water demands shall be estimated in accordance with the Minimum Water Demand Standards defined in Section 18A.

2705.10 Two (2) copies of the SIP plan set, to include the following:

- Site plan (*Section 2707*)
- Landscape plan (*Section 2708*)
- Grading and drainage plan (*Section 2709*)
- Building elevations (*Section 2710*)
- Lighting plan (*Section 2711*)



Copies of the following development reports, unless waived by Engineering Services:

- Engineered site construction drawings – two (2) copies
- Traffic study
- Phase III Drainage Report and plan
- GESC report and plan
- Utility drawing(s)
- For unplatted land, a boundary survey of the site certified by a professional land surveyor
- Offsite improvement plans, as required

2705.11 A colors and materials sample sheet with color photos of each material, the manufacturer's name, product number, and specifications.

2705.12 Detailed technical studies may be required, based upon the scale and impact of the project. These studies may include, but are not limited to, the following: soil, traffic, drainage, water, noise, wildlife, environmental, lighting, shadow, photo-simulations, or a material sample board. The County may require that an independent outside consultant be retained, at the applicant's expense, to perform such studies or review such studies when performed by the applicant.

2705.13 All or portions of the required SIP elements may be waived by the Director if it is determined that the use will occupy an existing structure or will not otherwise require significant public or private improvements.  
(Amended 4/14/15)

2706 General Plan Requirements (Amended 12/07/10)

The SIP shall be a detailed and accurate depiction of the proposed built environment. The final engineered site and architectural drawings shall be consistent with the SIP. The following information shall be required, unless otherwise noted, on all plans (except the engineered site construction and utility plans). All plans shall be prepared to generally accepted professional standards.

2706.01 Provide the name and legal description of the proposed development, site acreage, and project file number. The business name does not appear in the title. The name of the proposed SIP is based upon the legal description when subdivided or the street address as follows:  
(Amended 4/14/15)

Subdivided land:

SPRUCE SUMMIT, Filing No. 3, Lot 14 NW¼ Section 11, Township 8 South, Range 67 West 5 acres Site Improvement Plan – SP2010-002
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**Within a PD:**

SPRUCE SUMMIT, Filing No. 3, Lot 14  
NW¼ Section 11, Township 8 South, Range 67 West  
**Planning Area 63 – 5 acres**  
Site Improvement Plan – SP2010-002

**When unplatted:**

**(STREET ADDRESS – Address available from County Addressing Specialist)**  
NW¼ Section 11, Township 8 South, Range 67 West  
5 acres  
Site Improvement Plan – SP2010-002

- 2706.02 Utilize a sheet size of 24"x36". Provide an information block which includes the date of preparation and revision(s); a north arrow; the scale used, including a graphic scale; sheet title, i.e., site plan, landscape plan, grading and drainage plan; business name; and preparer's name, address, and phone number.
- 2706.03 Provide a composite plan showing the entire project area, including a key sheet diagram, when more than one (1) sheet is required to delineate the project area.
- 2706.04 Include the individual sheet number and total number of sheets, i.e., 1 of 3. For plans containing multiple sheets, include a sheet index.
- 2706.05 For the purpose of scanning, provide a margin line of at least 0.5" drawn completely around the sheet.
- 2706.06 For subdivided land, label all boundary lines with bearings, distances, and curve data as shown on the final plat.
- 2706.07 For unsubdivided land, label all boundary lines with bearings, distances, and curve data as shown on the certified boundary survey prepared by, or under the supervision of, a registered Professional Land Surveyor licensed with the State of Colorado. Include a written metes and bounds legal description of the site's boundary.
- 2706.08 Provide either a corporate/limited liability corporation (LLC) or individual approval certificate on the first sheet of the plan set. *(Amended 4/14/15)*

## Corporate / Limited Liability Corporation Approval Certificate:

## APPROVAL CERTIFICATE

THIS SITE IMPROVEMENT PLAN HAS BEEN REVIEWED AND FOUND TO BE COMPLETE AND IN ACCORDANCE WITH DOUGLAS COUNTY REGULATIONS.

\_\_\_\_\_  
Engineering Services

\_\_\_\_\_  
Date

\_\_\_\_\_  
Planning Services

\_\_\_\_\_  
Date

- Failure to obtain a building permit within three (3) years after the date of SIP approval, as noted on the Notice of Action – Final Status, shall cause the unbuilt portion of this SIP to be null and void, unless an extension was granted.
- Acceptance of site construction drawings by Douglas County Engineering Services shall be required (as applicable) prior to issuance of building permits. Acceptance of site construction drawings expires three (3) years after the date of signature.
- Signs shown hereon are NOT approved. All signs require approval of a sign permit in accordance with the Sign Standards section of the Douglas County Zoning Resolution.

The undersigned as the owner or owner's representative of the lands described herein hereby agree on behalf of itself and its successors and assigns to develop and maintain the property described hereon in accordance and compliance with this approved SIP and the Douglas County Zoning Resolution.

(print corporation/LLC name)

By: \_\_\_\_\_ (Signature)  
Title: \_\_\_\_\_  
Date: \_\_\_\_\_

ATTEST: (if corp.)

Secretary/Treasurer

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

Acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, by \_\_\_\_\_ as  
\_\_\_\_\_ and \_\_\_\_\_ as  
\_\_\_\_\_ of \_\_\_\_\_, a \_\_\_\_\_ corporation/LLC.

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

Witness my hand and official seal.

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

**Individual Approval Certificate:****APPROVAL CERTIFICATE**

THIS SITE IMPROVEMENT PLAN HAS BEEN REVIEWED AND FOUND TO BE COMPLETE AND IN ACCORDANCE WITH DOUGLAS COUNTY REGULATIONS.

\_\_\_\_\_  
Engineering Services

\_\_\_\_\_  
Date

\_\_\_\_\_  
Planning Services

\_\_\_\_\_  
Date

- Failure to obtain a building permit within three (3) years after the date of SIP approval, as noted on the Notice of Final Action – Final Status, shall cause the unbuilt portion of this SIP to be null and void, unless an extension was granted.
- Acceptance of site construction drawings by Douglas County Engineering Services shall be required (as applicable) prior to issuance of building permits. Acceptance of site construction drawings expires three (3) years after the date of signature.
- Signs shown hereon are NOT approved. All signs require approval of a sign permit in accordance with the Sign Standards section of the Douglas County Zoning Resolution.

The undersigned as the owner or owner's representative of the lands described herein hereby agree(s) on behalf of himself/herself (themselves), their heirs and assigns to develop and maintain the property described hereon in accordance with this approved SIP and in compliance with the Douglas County Zoning Resolution.

(signature of owner(s))

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

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

Witness my hand and official seal.

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

- 2706.09 For multiple sheet plans, provide the following abbreviated approval certificate on all subsequent sheets of the plan set:

Approval Certificate	
Engineering	_____
	Initials/Date
Planning	_____
	Initials/Date
Owner	_____
	Initials/Date
Lessee (if applicable)	_____
	Initials/Date

- 2706.10 Locate, dimension, and indicate the use of all easements (existing and proposed) on or adjacent to the site. Include the reception number for all existing easements.
- 2706.11 Do not show existing or proposed utility lines on the site plan. Provide an engineered utility drawing, separate from the SIP plan set, to Engineering Services, utility providers, and the special district or water and sanitation district, as applicable.
- 2706.12 Indicate and dimension the location of all individual septic disposal system leach fields (existing and proposed), and indicate a replacement field location.
- 2706.13 Place the following statement on the SIP for all development within the Centennial Airport Review Area:

Owner waives, remises, and releases any right or cause of action it may now have or which it may have in the future against the County of Douglas, its officers, employees, and agents related to or resulting from the passage of aircraft in the airspace above the property that is the subject of this Site Improvement Plan.

- 2706.14 For sites located within the Runway Safety Zone or Fan Safety Zone, as defined in this Resolution, an aviation easement in a form established by the Board, signed by the landowner, and recorded in the Office of the County Clerk and Recorder, as well as a note on the SIP indicating the book and page of the recorded easement, shall be required.
- 2706.15 Delineate all drainageways affecting the site and any 100-year floodplain on or adjacent to the site.

2706.16 For a SIP that is designed in detail for the first phase only, with additional phases shown conceptually:

- Show phase lines
- Add the following note to each sheet of the SIP in proximity to each approval certificate:

For all future phases, the applicant shall submit a revised Site Improvement Plan of the phase for which a permit is requested. The revised SIP shall be approved prior to issuance of a building permit.

2707 Site Plan (Amended 04/13/10)

The site plan shall be prepared as follows:

2707.01 Prepare the SIP at a scale that allows maximum clarity of the proposal.

2707.02 Include a legible vicinity map at an appropriate scale.

2707.03 Provide a site data chart on the SIP based on the following example:

ITEM	SQUARE FOOTAGE	% OF GROSS SITE*
Gross Site Area	20,000	100
• Building Footprint	8,000	40
• Parking and Roads (including planted interior parking islands)	800	4
<b>HARDSCAPE TOTAL</b>	8,800	44
• Planted Area (If applicable, include parking lot islands used for stormwater detention and water quality ponds)	4,000	20
	6,200	31
	1,000	5
• Existing Vegetation	0	0
• Trails and Walks	11,200	56
• Porous Pavement		
<b>LANDSCAPE TOTAL</b>		
ITEM	DESCRIPTION	
Building Size: 2 stories	16,000 sq. ft. TOTAL	
Parking:		
• Required	64 spaces (1/250 sq. ft.)	
• Provided	67 spaces	

\*NOTE: When a portion of a site's natural vegetation is proposed as landscape area, as permitted herein, these totals may not add up to 100 percent.

2707.04 Label and show dimensions of all existing and proposed structures. Delineate existing buildings in detail. Show setback lines, points of ingress and egress, the building's dimensions from lot lines, and indicate any structures to be removed.

2707.05 Identify all adjoining land uses and zoning.

- 2707.06 Show the location of all trash enclosures. Trash enclosures are encouraged to be integrated into the mechanical or service area of structures. Locate trash enclosures away from site entries and roadways. Screen and buffer trash areas. Provide a dimensioned elevation drawing of the proposed enclosure specifying materials and colors.
- 2707.07 Locate and dimension all required off-street parking and loading areas, identify all required handicap spaces, and note the total number of parking spaces provided per row of parking, in accordance with the Planned Development or Parking Standards section.
- 2707.08 Locate and dimension all public and private streets, walks and trails, rights-of-way, curb cuts, and points of access on, or adjacent to, the proposed site. Label surface materials and location of traffic directional arrows, signage, and markings.
- 2707.09 Show the location and dimensions of all existing and proposed signs, if known. Signs and their locations shown on the SIP are not approved by the SIP review process. Final approval of signs and their location require the issuance of a sign permit, in accordance with the Sign Standards section herein.
- 2707.10 Show location of all fire hydrants. If none exist on site, note the distance and direction of the closest hydrant adjacent to the site within 500'.
- 2707.11 When necessary to ensure consistency with SIP approval standards, notes may be added to the exhibit which establish operational limits applicable to the proposed use. *(Amended 4/14/15)*

2708 Landscape Plan *(Amended 04/13/10)*

A sustainable landscape plan is a component of a complete SIP application. The intent is to conserve water, reduce runoff, enhance water quality, buffer development from adjoining sites or streets, and ensure compatibility with adjacent development. Landscape enhances the site by moderating temperature and humidity, and mitigating noise and wind.

2708.01 Landscape Materials and Irrigation

Environment-appropriate, water-conserving plant materials are required, except as permitted herein, to conserve natural, cultural, and fiscal resources. Efficient irrigation of landscape materials promotes growth and plant health, resulting in the appropriate use of water resources, enhancement of the built environment, and reduced maintenance costs.

- 2708.01.1 The minimum area to be landscaped with live plant material shall be fifteen (15) percent of the gross site area, unless offsite landscaping

is supported; the site is located within a Planned Development wherein additional landscaping has been provided; or the Director waives the requirement due to compatible land uses, severe site constraints, or other extraordinary circumstance. For SIP applications pursuant to a Use by Special Review, the gross site area may be determined to be the permit area.

- (1) A landscape buffer shall be required when adjacent to residential uses, and shall count toward a maximum fifty (50) percent of the minimum fifteen (15) percent landscape requirement.
- (2) Based on adjacent uses, views, and potential impacts, a landscape buffer shall be required between the following:
  - Residential use and adjacent nonresidential parking
  - Parking facility located adjacent to a street
  - Outside storage and adjacent uses

Options for buffering may include all or some of the following:

- Layered vegetation with a four (4') foot effective height or greater
  - Berms and plantings with a four (4') foot effective height or greater
  - Solid fences or decorative walls
  - Deciduous and coniferous trees and large shrubs
  - Combinations of these options
- (3) Restoration, conservation, and preservation of undeveloped portions of a site with natural vegetation that provides buffering, screening, or valuable wildlife habitat or movement corridors shall count towards the minimum fifteen (15) percent landscape requirement.
  - (4) Based upon the scale and impact of a project, additional landscape materials may be required in the public right-of-way. A license agreement with Douglas County may be required to allow the owner to install and maintain the landscaping within the public right-of-way.

2708.01.2 High-water-use plants, as defined by the Colorado Nursery and Greenhouse Association, are discouraged but may be a maximum of 1.5 percent of the gross site area. For multifamily projects, a maximum of five (5) percent of the gross site area may include high-water-use plants to accommodate recreational areas. Areas of high-water-use plants shall be depicted on the landscape plan with



a callout to identify the square footage of each high-water-use planted area.

- 2708.01.3 The required quantity and size of plant materials shall be based upon the proposed use, design, adjacent uses, and overall impact and scale of the project.
- 2708.01.4 Where screening is required, it shall be provided through a combination of plants, berms, and walls.
- 2708.01.5 The following shall be the acceptable minimum plant size:

PLANT TYPE	MINIMUM SIZE
Deciduous	
• Canopy Tree	2.0" minimum caliper <sup>1, 2</sup>
• Ornamental Tree	1.5" caliper <sup>1</sup>
Coniferous Tree	6' minimum height <sup>2</sup>
Shrubs	5 gallon container Minimum 24" height at installation Multiple canes for deciduous shrubs
Vines	1 gallon container
Groundcover	5 gallon if horizontal shrubs (maturity less than 24") 1 gallon if perennials Space to provide 80% ground coverage in 2-3 yrs.
Mulch	Minimum 4" depth for all plant groupings and trees <sup>3</sup>

<sup>1</sup> Measure caliper using Diameter at Breast Height (DBH).

<sup>2</sup> Larger sizes may be required where buffering or compatibility issues exist, in accordance with Section 2708.01.1(4) herein.

<sup>3</sup> Impermeable sheet plastic shall not be permitted under mulched areas.

- 2708.01.6 Sources of irrigation water and types of irrigation shall be noted on the landscape plan. Automatic irrigation systems shall be required unless the only water available is from an offsite source. In the event the site is served by a well that prohibits outdoor usage, hand watering may be required. The applicant shall be required to obtain an offsite water source and provide acceptable documentation of such source (i.e., pre-paid weekly contract).

## 2708.02 Landscape Plan Requirements

Prior to the issuance of a CO or certificate of final inspection, the onsite landscaping shall be consistent with the approved SIP. The landscape plan shall be prepared as follows:

- 2708.02.1 Identify planted areas by name, size, and quantity of material to be used. Identify and describe hardscape materials.
- 2708.02.2 Depict plant materials at approximately three-fourths mature size.

- 2708.02.3 Identify walkways, pedestrian-oriented areas, and landscape elements such as fences, walls, border edge treatments, signs, bike racks, trash enclosures, street furniture, and recreational facilities, as applicable.
- 2708.02.4 Depict the location of all pole-mounted, wall-mounted, and ground-mounted light fixtures.
- 2708.02.5 Show the contour lines depicting final grades as solid lines (screening acceptable).
- 2708.02.6 Label all streets, rights-of-way, and points of access on or adjacent to the proposed site.
- 2708.02.7 Show sight distance triangles at all intersections in accordance with the Douglas County Roadway Design and Construction Standards.
- 2708.02.7.1 Any landscaping within the County right-of-way shall comply with the Douglas County Roadway Design and Construction Standards and the Douglas County Storm Drainage Design and Technical Criteria Manual.
- 2708.02.7.2 Trench drains are required for irrigated landscaping along public streets, in accordance with the Douglas County Roadway Design and Construction Standards.
- 2708.02.8 Screen transformers, ground-mounted HVAC units, utility pedestals, and similar features, and place the following note on the landscape plan:

If any transformers, ground-mounted HVAC units, utility pedestals, and similar features are not shown on the SIP, additional landscaping and screening may be required based upon field conditions during the site inspection prior to issuance of the certificate of occupancy, or final inspection, as applicable.

- 2708.02.9 Provide a landscape legend similar to the example below:

SYMBOL	QTY	BOTANICAL NAME	COMMON NAME	SIZE	HIGH-WATER-USE
WC	6	Catalpa Erubescens	Western Catalpa	2.5" caliper	No
BS	7	Pinus Ponderosa	Ponderosa Pine	8' height	No
AWS	10	Spirea bumalda	Anthony Waterer	5 gallon	No
	300 ft <sup>2</sup>	---	Pole Peeling Mulch	4" depth	NA
<b>NOTE:</b> In the event of a discrepancy between the plan graphic and the landscape legend, the plant material quantity as determined by the plan graphic shall take precedence.					

**2708.02.10 Place the following maintenance statement on the plan:**

Landscaping shall be planted and maintained by the owner, successor, and/or assigns. Should any plant material die, it shall be replaced with similar plant material within one planting season.

**2708.03 Parking Lot Islands**

- 2708.03.1** All parking areas in excess of forty (40) spaces shall contain landscape islands typically located interior to the perimeter of the parking area. The ratio of required parking lot islands shall be as follows:

Number of Parking Spaces	Ratio of Parking Lot Islands
40 – 120	1 per 20 parking spaces
120 – 500	1 per 15 parking spaces
500+	1 per 10 parking spaces

- 2708.03.2** Each parking lot island shall be a minimum two (2) parking spaces in size and contain some combination of trees, shrubs, and groundcover. High-water-use plants are prohibited in parking lot islands.

- 2708.03.3** Islands may be aggregated to meet site specific needs for screening, buffering, water conservation, or water quality. The required islands need not be physically located at each interval noted (*i.e.*, 20, 15, or 10 spaces). Generally, all required islands shall be located internal to the parking area.

**2709 Grading and Drainage Plan (Amended 04/13/10)**

The grading and drainage plan shall be prepared at the same scale as the landscape plan. Please note that this plan is separate and distinct from the GESC plan required by Engineering Services. The grading and drainage plan shall be prepared as follows:

- 2709.01** Label proposed and existing buildings, structures, fences, walls, walks, trails, parking and loading areas, and streets. Proposed retaining walls shall be no greater than four (4') feet in height, unless necessary due to site specific constraints. Walls in excess of four (4') feet in height, as measured from the bottom of the foundation, require a structural design and building permit. If multiple parallel retaining walls are proposed, a minimum five (5') feet wide horizontal separation should be required between the faces of adjacent walls. Design this separation to accommodate plants that will screen and buffer the vertical planes of the walls.
- 2709.02** Retaining walls in excess of thirty (30") inches in height (as measured from the lowest ground surface adjacent to the wall) used in conjunction

with detention areas or ponds, or located adjacent to a pedestrian access or walking surface, shall require permanent barriers, consistent with building code height requirements, for the purpose of protecting the public from potential hazards.

- 2709.03 Development sites are required to balance earthwork quantities onsite in accordance with the GESC Manual.
- 2709.04 Show existing contour lines as dashed lines (screening acceptable), and proposed contour lines as solid lines. The contour interval shall be no more than two (2') feet unless otherwise approved by the staff planner.
  - 2709.04.1 Distinguish existing grades greater than a 4:1 slope (25 percent).
  - 2709.04.2 Proposed grades shall be no steeper than a 3:1 slope (33.3 percent).
- 2709.05 Label low and high points.
- 2709.06 Show flow direction arrows.
- 2709.07 Show and label the required drainage easements with detention, water quality facilities, and storm sewer infrastructure.
- 2709.08 Label the top of wall and bottom of wall elevations at twenty (20') foot intervals along all retaining walls.

2710 Building Elevations (Amended 12/07/10)

The building elevations shall be prepared as follows:

- 2710.01 Prepare elevations at a scale that allows for maximum clarity of the proposal.
- 2710.02 Label and dimension all building features.
- 2710.03 Label all building materials and finishes with the manufacturers' colors and numbers to correspond with the colors and materials sample sheet.
- 2710.04 Identify the location of all wall-mounted light fixtures.
- 2710.05 When applicable, depict the roof plane, behind the wall, as dashed lines.
- 2710.06 When applicable, depict all ground-, wall-, and roof-mounted mechanical equipment, HVAC, emergency generators, and other accessories (including satellite TV, electronic data dishes and antennae) behind the wall, as dashed lines. All ground-, wall-, and roof-mounted mechanical equipment, HVAC, emergency generators, and other accessories shall

be screened. The screening of rooftop equipment shall not be required to exceed the maximum elevation of the rooftop equipment.

2710.07 Provide the following note on elevation sheets:

The building elevations shown and approved hereon are intended to demonstrate how all HVAC shall be screened according to Douglas County Zoning Resolution requirements. It is the applicant's responsibility to ensure that screening occurs in the field as demonstrated by these plans, regardless of curb requirements, mechanical plan changes, or other circumstances. Failure to provide screening may result in delay of final inspections and/or issuance of a certificate of occupancy.

2711 Lighting Plan (Amended 04/13/10)

All fixtures and lamping shall be consistent with the requirements of the Lighting Standards section herein. The following lighting information is required to be included on the lighting plan, unless the applicant clearly provides the information on another sheet of the SIP plan set:

2711.01 Provide a luminaire schedule similar to the following example:

Luminaire Schedule						
QTY	Lamp Type	Mounting Height	Lumens	LLF	Color	Description
10	21W CF	10'	1650	1.00	Bronze	Visa Lighting OW1342 1FS21
5	400W MH	24'	36000	1.00	Bronze	Visionaire American Series AME-2 T5400 M 6 BOA
4	150W MH	12'	13000	1.00	Dk Bronze	Gardco 101WT 150MH Quad BRP

\* NOTE: A Light Loss Factor (LLF) of 1.0 shall be utilized.

2711.02 Include a copy of the manufacturers catalog sheet, product number and Illuminating Engineering Society of North America type description.

2711.03 Include the following note on the plan set:

Prior to issuance of a certificate of occupancy or conducting final inspections, Douglas County shall conduct an evening site visit to ensure: illumination levels generated by the lighting meet all County criteria as well as those indicated on the approved Site Improvement Plan; do not create disability glare on adjacent properties; and that all fixtures are full cutoff as defined by the Illuminating Engineering Society of North America. In the event lighting levels do not meet these criteria, remedial action may include re-lamping with lower wattage bulbs, relocating fixtures, shielding fixtures, removing fixtures, or replacing fixtures. It shall be the responsibility of the applicant to ensure all site lighting complies with Lighting Standards section of the Douglas County Zoning Resolution prior to requesting issuance of a certificate of occupancy and/or final inspections.

2712 Post Approval SIP Procedures and Requirements (Amended 04/13/10)

2712.01 Prior to the issuance of a CO, the applicant shall submit as-built plans to Engineering Services for any required detention pond and water quality facilities, as well as an Engineer's certification stating that the detention

pond and water quality facilities have been constructed in accordance with the approved drainage report and plan.

After approval of the SIP and issuance of a building permit, a CO may be issued if the construction of all buildings is completed and all parking, drainage improvements, and landscaping elements are installed in accordance with the approved SIP, as determined by a site inspection performed by County staff. Submit final easement documents to Engineering Services for acceptance prior to issuance of a CO. The applicant shall perform the tasks required by the Requirements for Release of CO prior to scheduling any final site inspections.

2712.01.1 Occupancy of the site shall not be permitted until the site is clean, safe, and free of all construction debris, as determined by Douglas County.

2712.01.2 If adverse weather immediately preceding the CO request prevents the installation of parking, drainage, or landscaping elements, a temporary certificate of occupancy (TCO) may be issued (for nonresidential projects) after the applicant provides an irrevocable letter of credit, or other acceptable security as allowed by the SIPIA. Bonds are not acceptable.

(1) The security shall be equal to 115 percent of the cost of the unfinished work, in accordance with the cost estimates contained in the SIPIA, and shall be submitted prior to the issuance of a TCO. The security shall be held by Douglas County and released, as set forth in the SIPIA, when the work is deemed complete by Douglas County.

(2) When a TCO is issued, based on security as provided for herein, prior to the completion of all site improvements, the time for the completion of site improvements shall not exceed six (6) months.

(3) Failure by the applicant to complete the work or to request a time extension shall result in a forfeiture of the security and shall cause Douglas County to initiate the construction of such improvements, as detailed in the SIPIA. The Director may grant a one time extension of not more than six (6) months upon receipt of a written request accompanied by an extension of the financial security.

2712.02 When a CO is not required, the following shall apply regarding approvals and security:

2712.02.1 When a building addition or modification is proposed, all building improvements and all site improvements such as drainage, parking,

landscaping, and lighting shall be fully completed prior to final building inspections. The applicant shall perform the tasks required by the Requirements for Release of Final Inspections form prior to scheduling any final site inspections.

2712.02.2 If the scale, impact, or phasing of the proposed development warrants, a letter of credit equal to 115 percent of the estimated cost of improvements may be required at the time of SIP approval to ensure the required improvements are completed.

2712.02.3 The security shall be held by Douglas County and released, as set forth in the SIPIA, when all site improvements identified on the SIP, are deemed completed by Douglas County.

**2713 Revision to an Approved SIP (Amended 12/07/10)**

Proposed changes to an approved SIP shall be reviewed for scale and impact to determine whether the changes will be processed as a revision or modification to an approved SIP.

**2713.01 Applicability**

A revision shall be for the purpose of additional review and referral based on the scale and impacts of the proposed changes. In general, a revision impacts grading, drainage, parking, access, building footprint, or landscaping. These impacts typically require the entire site be brought into conformance with the current Zoning Resolution.

**2713.02 Approval Standards**

Approval of a revision to an approved SIP shall be in accordance with Section 2703 and applicable provisions contained herein.

**2713.03 Process**

A revision shall follow the full SIP process as described herein, however, the referral period for a revision shall be twenty-one (21) calendar days.

**2713.04 Submittal Requirements**

The applicant shall be required to submit the following information to Planning Services. Incomplete applications shall not be accepted for processing.

- Completed land use application and fee
- New plan sets, as necessary, to depict the proposed revision
- Development reports in accordance with Section 2705.10

- Detailed technical studies in accordance with Section 2705.12, if applicable
- Current title commitment or insurance policy (*Section 2705.03*)
- Notarized letter of authorization from the property owner, if applicable (*Section 2705.04*)
- Stamped addressed envelopes for courtesy notices (*Section 2705.07*)
- A written narrative explanation of the revision (*Section 2705.08*)
- Letter from HOA and architectural control committee, if applicable

2713.05 The legal description for a revision to the SIP shall be consistent with the originally approved SIP, except as otherwise provided for below. (*Amended 4/14/15*)

For Revisions:

SPRUCE SUMMIT, Filing No. 3, Lot 14 – **1<sup>st</sup> Revision**  
NW¼ Section 11, Township 8 South, Range 67 West  
5 acres  
SP2010-002 (**Revision to SP2003-049**)

For Revision on Lot with Amended Legal Description:

SPRUCE SUMMIT, Filing No. 3, **1<sup>st</sup> Amendment**, Lot 14-A – **1<sup>st</sup> Revision**  
NW¼ Section 11, Township 8 South, Range 67 West  
5 acres  
SP2010-002 (**Revision to SP2003-049**)

2714 Modification to an Approved SIP (*Amended 12/07/10*)

Proposed changes to an approved SIP shall be reviewed for scale and impact to determine whether the changes will be processed as a revision or modification to an approved SIP.

2714.01 Applicability

A modification shall be for the purpose of minor changes to the approved SIP. In general, a modification shall not increase the building footprint, impervious surface, or affect fire access.

2714.02 Approval Standards

Approval of a modification to an approved SIP shall be in accordance with Section 2703 and applicable provisions contained herein.

2714.03 Process

2714.03.1 Prior to submittal of a modification to an approved SIP, a presubmittal meeting shall be required with staff to discuss the procedures and submittal requirements.



2714.03.2 Staff shall have up to seven (7) calendar days from the date that the application is date-stamped and accepted, for internal review of a modification.

If the submittal meets approval standards, the modification will be considered for approval, and the staff planner shall prepare a Modification Affidavit for approval.

If the submittal does not meet approval standards, staff shall provide the applicant with written comments, detailing the deficiencies.

2714.03.3 Based on compliance with the approval standards, the modification will be considered for approval, approval with conditions, denial, or closure.

2714.03.4 In place of the final plan set, the applicant may provide a legible redlined copy of the approved SIP, detailing the modification. The Requirements for Release of Final Inspections form, as applicable, shall be executed and submitted to the staff planner prior to approval of a modification. A Modification Affidavit shall be approved by the Director (or designee) based on staff recommendations. The proposed changes may require Building permits.

2714.03.5 If the SIP is denied, written findings shall be provided by staff to the applicant within seven (7) calendar days of the denial.

#### 2714.04 Submittal Requirements

The applicant shall be required to submit the following information to Planning Services. Incomplete applications shall not be accepted for processing.

- Completed land use application and fee
- A redlined copy of the approved SIP, and other exhibits as necessary, to depict the proposed modification
- Notarized letter of authorization from the property owner, if applicable (*Section 2705.04*)
- A brief written narrative explanation of the modification
- Letter from HOA and architectural control committee, if applicable.

**3601 Rules of Construction**

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

**3602 Definitions (Amended 4/14/15)**

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.

**Agricultural Activities, Youth-Oriented:** Special activities oriented toward children and held for educational, instructional or recreational purposes, including but not limited to: 4-H, pony club, and Little Britches. *(Amended 4/14/15)*

**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.

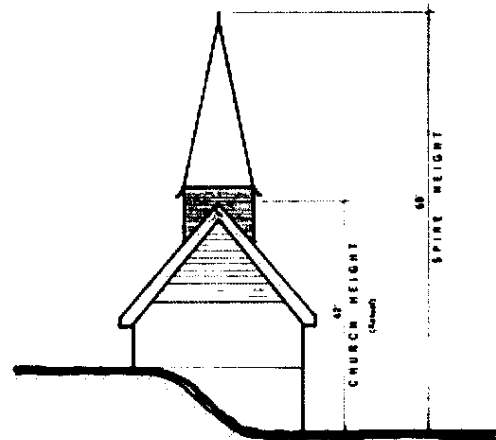
**Building Face:** The horizontal linear dimension of any side of a building as determined by measuring the exterior wall of any side of said building in a straight line. A side of any building shall contain only one building face. *(Amended 2/11/14)*

**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 *(see diagram)*

**Spire Height Calculation**



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

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

**Capacity:** The maximum demand that can be accommodated by a public facility 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, or other type of religious practice, together with its accessory buildings and uses, maintained and controlled by an organization to sustain public worship. *(Amended 4/14/15)*

**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 for which admission is made available to the general public, held on a one time or occasional basis that provides amusement for, or holds the attention of, those in attendance. (Amended 4/14/15)

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.

**Event Center:** A facility consisting of structures or premises used to accommodate the assembly of persons for private meetings, parties, weddings, wedding receptions, reunions, birthday celebrations, charitable fundraisers, and other social engagement purposes, or similar such uses, in exchange for remuneration of any kind. Such use may include the provision of food, beverages, and entertainment. Event Center shall not include any use component of a sexually oriented business, as defined herein. *(Amended 4/14/15)*

**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 facility used to provide, in exchange for remuneration of any kind, training in conjunction with, or for practice in, discharging firearms. *(Amended 4/14/15)*

**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.

**Hay:** Grass or other herbaceous plant that has been cut, dried, and stored for use as animal fodder, particularly for grazing livestock such as cattle, horses, goats, and sheep. *(Amended 4/14/15)*

**Hay Sales:** The sale of imported hay for animal fodder as a principal commercial use of the property. No other bagged or baled animal feed, imported agricultural products, or other sales are allowed, except as otherwise permitted herein. *(Amended 4/14/15)*

**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)

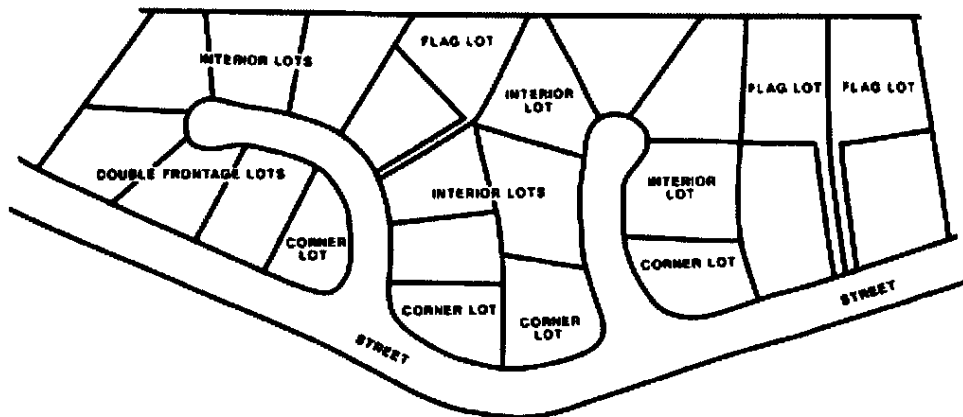
Lot: A parcel of land designated as a lot on a recorded plat or a parcel of land that has been recorded by a deed in the Office of the Douglas County Clerk and Recorder provided such lot was created in compliance with the State land-use laws and Douglas County subdivision and zoning regulations in effect 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.)

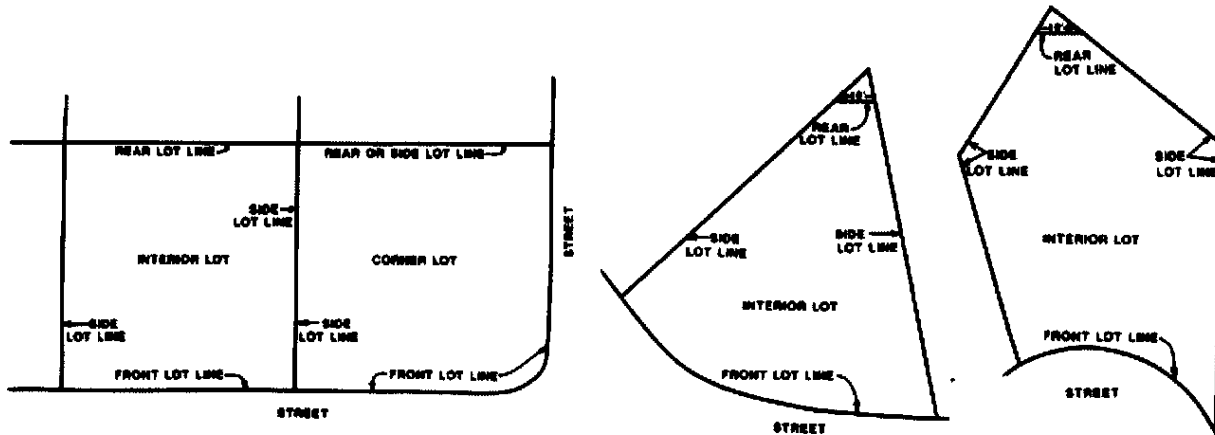
**Lot, Nonconforming:** A lot that has less than the required minimum area or width as established by the zone in which it is located.

**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.

**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 MH zone district or as specified in the A-1 and LRR zone districts. A mobile home shall also mean any factory built home pre-dating the Housing and Urban Development Department's manufactured housing regulations adopted in 1976. *(Refer to Manufactured Housing and Modular Home)* *(Amended 4/14/15)*

**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 MH zone district, or as a specified within the A-1 and LRR zone districts. A mobile home shall also mean any factory built home pre-dating the 1976 Housing and Urban Development Department's manufactured housing regulations adopted in 1976. *(Amended 4/14/15)*

**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)*

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 building or site designed and designated for religious teaching, reflection, or contemplative activities, maintained and controlled by a religious organization to sustain worship or other religious practice, and may include overnight guest accommodations. This use is distinct from that of a church, which is separately defined herein. (Amended 4/14/15)

**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.

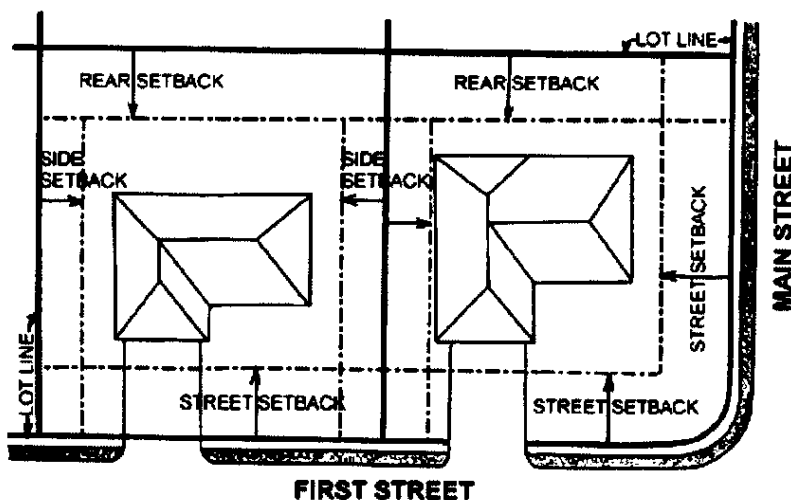
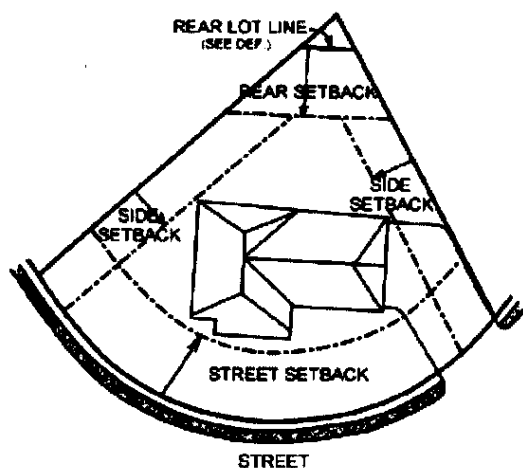
Front - a setback extending across the full width of the lot measured perpendicular to the front lot line.

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.

(see setback diagrams)



**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.

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.