

RESOLUTION NO. R-016- 056

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

A RESOLUTION APPROVING AMENDMENTS TO SECTIONS 1, 2, 11, 12, 13, and 36
TO THE DOUGLAS COUNTY ZONING RESOLUTION

WHEREAS, the Planning Services Division has prepared amendments to Sections 1, 2, 11, 12, 13, and 36 ("Amendments") of the *Douglas County Zoning Resolution*, which is attached hereto and incorporated herein as Exhibit A (Project No. DR2015-013); and

WHEREAS, said Amendments were reviewed and recommended for approval by the Planning Commission on April 18, 2016; and

WHEREAS, the Board of County Commissioners considered said Amendments at a public hearing held on May 10, 2016; 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 amendments to Sections 1, 2, 11, 12, 13, and 36 are hereby made to the *Douglas County Zoning Resolution*, to read as provided on said Exhibit A; and

FURTHER RESOLVED, that said Amendments shall be effective as of May 10, 2016.

PASSED AND ADOPTED this 10th day of May, 2016, in Douglas County, Colorado.

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

BY: _____

David A. Weaver, Chair

ATTEST: _____

Meghan McCann
Deputy Clerk to the Board

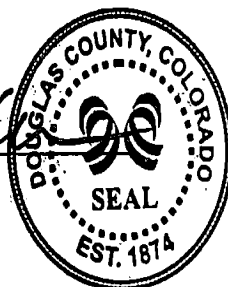


EXHIBIT A
DOUGLAS COUNTY ZONING RESOLUTION

Section 1 Administrative Provisions and Procedures

3/10/99

SECTION 1 ADMINISTRATIVE PROVISIONS AND PROCEDURES

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101 Intent

A resolution of the Board of County Commissioners of Douglas County, Colorado which establishes land use classifications, divides the County into districts, imposes regulations, prohibitions, procedures and restrictions for the promotion of the health, safety, convenience, aesthetics, and welfare of the present and future residents of Douglas County. This resolution shall govern the use of land for residential and nonresidential purposes, regulate and limit the height and bulk of buildings and other structures, limit lot occupancy, determine the setbacks and provide for open spaces, by establishing standards of performance and design, adopting an official zone district map, creating boards/commissions and defining their powers and duties, prescribing procedures for changes and modifications of districts, uses by special review, variances, and other permits, allowing for nonconforming uses and buildings, providing regulations for accessory uses and buildings, providing for the amendment and enforcement thereof, defining certain terms, providing a means of appeal, and prescribing penalties for violation of its provisions, and repealing existing County Zoning Resolutions, as amended.

102 Authority

The Douglas County Zoning Resolution is authorized by Article 28, Title 30 of the Colorado Revised Statutes, 1973, as amended, and is hereby declared to be in accordance with all provisions of these statutes.

103 Short Title

For the purpose of brevity, the Douglas County Zoning Resolution shall hereafter be referred to as "this Resolution".

104 Overlapping Regulations (Amended 2/24/09)

Except with respect to approved and recorded development guides within Planned Development (PD) districts, whenever both a provision of this Resolution, and any other law, ordinance, resolution, rule, or regulation of any kind, contain any restrictions covering any of the same subject matter, whichever restrictions are more restrictive or impose higher standards or requirements shall govern.

Unless otherwise specified, references within this Resolution to Douglas County agreements, plans, codes, and manuals shall refer to the version most recently approved or amended by the County.

105 Existing Permits, Easements, Development Guides, or Other Approvals

This Resolution is not intended to abrogate, annul, govern, or prevail over any permits, easements, or Development Guides issued prior to the effective date of this Resolution.

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Section 1 Administrative Provisions and Procedures

3/10/99

106 Jurisdiction

This Resolution shall apply to all land within the unincorporated area of Douglas County, Colorado, except as provided below.

106.01 This Resolution shall not apply to buildings, facilities or uses owned or operated by Douglas County provided that:

106.01.1 such building, facility or use provides or fulfills an authorized governmental function;

106.01.2 a state/federal law, or regulation does not require such building, facility or use to comply with local zoning regulations;

106.01.3 such building, facility or use has been reviewed pursuant to the provisions of Section 32 Location and Extent, of this Resolution; and

106.01.4 if such building, facility or use is located in the Open Space Conservation district, it is allowed as a principal or accessory use. *(Land acquired through the open space sales and use tax is restricted to passive recreational purposes, parks, trails and open space, by the enabling resolution.)*

106.02 DEFINITION: "facility/use" - shall not include:

- mining, quarry, sand/gravel operation or similar extractive use;
- airport; or
- landfill.

Such uses shall be processed in accordance with the Use By Special Review section of this Resolution.

107 Fees

The Board of County Commissioners shall establish and adopt a schedule of fees to be paid by the applicant/developer to defray the expenses of the County in the review and hearing of the proposed rezoning, development, amendment or adjustment to recorded plans.

108 Calculation of Time Period for Public Notice

When calculating the time period for publishing or posting a public notice or notifying abutting landowners of a public hearing, the day of publishing, posting, or mailing will be counted in the total number of days required. The day of the hearing shall not be counted toward the total number of days required for the notification period.

109 Amendment of The Zoning Resolution - Procedure

Amendment requests may be initiated in writing by the Board, Planning Commission or Planning Services. In addition, Planning Services shall review this Resolution once a year to determine necessary amendments. *(Amended 3/15/11)*

- 109.01 Planning Services shall review the amendment requests, prepare a staff report with the amended regulatory language, and notify referral agencies, business community contacts, and the general public regarding the proposed changes. *(Amended 1/10/12)*
- 109.02 The staff planner shall schedule public hearings before the Planning Commission and thereafter before the Board and shall publish a notice in the newspaper in compliance with Section 111 Public Notice Requirements. *(Amended 3/28/01)*
- 109.03 The staff planner will review all comments and suggestions and prepare a staff report for the Planning Commission.
- 109.04 The Planning Commission shall evaluate the proposed amendment, referral comments, staff report, and public testimony, and make a recommendation to the Board to approve, approve with modifications, table for further study, or deny the proposed amendment.
- 109.05 The Board shall evaluate the amendment proposal, referral agency comments, staff report, the Planning Commission recommendation, and public testimony, and shall approve, approve with modifications, table for further study, remand to the Planning Commission or deny the amendment proposal.
- 109.06 If approved, a copy of the amendment shall be filed for recording with the Office of the Clerk and Recorder.

110 Effective Date of Zoning Resolution Amendments

Amendments approved by the Board shall become effective immediately, unless otherwise stated in the resolution of approval.

111 Public Notice Requirements for Zoning Resolution Amendments

- 111.01 At least 14 days prior to the Planning Commission hearing and 14 days prior to the Board hearing, notice shall be published in at least one publication of a daily, or weekly legal newspaper of general circulation, printed or published in whole or in part in Douglas County. Such notice shall read:

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NOTICE OF PUBLIC HEARING

A public hearing will be held on (date), at (time), before the Douglas County Planning Commission and on (date), at (time), before the Board of County Commissioners in the Commissioner's Hearing Room, 100 Third Street, Castle Rock, CO, for a proposed amendment to the Douglas County Zoning Resolution. Generally, (brief description of proposed change(s), to text or maps). For more information call Douglas County Planning, 303-660-7460.

File No. _____.

(Amended 3/28/01)

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

112 Zoning Map Changes - Procedure

The procedure specified below shall be utilized for the following:

- Zoning of land disconnected from an incorporated area.
- Rezoning of land purchased with open space funds or dedicated to the County for open space.
- Correction of zoning map errors.
- Rezoning of land to Open Space Conservation district. *(Amended 3/28/01)*
- Rezoning of land, when requested by the landowner, to bring it into compliance with the Master Plan. *(Amended 3/28/01)*

- 112.01 Planning Services or the landowner shall prepare the amendment request. Planning Services shall meet with referral agencies regarding the proposed zoning map changes. *(Amended 3/15/11)*

- 112.02 The staff planner shall schedule a public hearing before the Planning Commission and publish a notice in the newspaper in accordance with Section 111 Public Notice Requirements. *(Amended 3/28/01)*

- 112.03 The staff planner will review all comments and suggestions and prepare a staff report for the Planning Commission.

- 112.04 The Planning Commission shall evaluate the proposed map amendment, staff report, referral agency comments, and public testimony, and make a recommendation to the Board of County Commissioners to approve, approve with modifications, table for further study, or deny the proposed map amendment. *(Amended 7/14/15)*

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112.05 Following the recommendation by the Planning Commission, the staff planner shall schedule a public hearing with the Board, and publish a notice in the newspaper in accordance with Section 111 Public Notice Requirements. *(Amended 3/28/01)*

112.06 The Board shall evaluate the proposed amendment, staff report, referral agency comments, public testimony, and the Planning Commission recommendation, and shall approve, approve with modifications, table for further study, remand to the Planning Commission or deny the map amendment.

112.07 If approved, a copy of the map amendment shall be recorded in the Office of the Clerk and Recorder.

113 Violations *(Amended 3/15/11)*

No land in Douglas County shall be used, nor any building or structure erected, constructed, enlarged, altered, maintained, moved or used in violation of this Resolution, as amended.

114 Penalties *(Amended 7/14/15)*

Any person, firm, or corporation, whether as principal, agent, employee, or otherwise, who violates any of the provisions of this Resolution or any landowner who allows the use of his land by another in violation of this Resolution and who does not remedy the violation upon notice that such violation exists, shall be subject to the following penalties:

114.01 A Class 2 Petty Offense Penalty Assessment in the amount of \$100.00 for the first violation pursuant to Section 30-11-101(2), C.R.S. and Section 16-2-201, C.R.S.

114.02 A Class 2 Petty Offense Penalty Assessment in the amount of \$200.00 for subsequent same violations or for repeated violations pursuant to Section 30-11-101(2), C.R.S. and Section 16-2-201, C.R.S.

When the nature of the violation is such that it is appropriate to do so the following may be pursued:

114.03 A fine of not more than \$100, or by imprisonment in the County Jail for not more than 10 days, or by both such fine and imprisonment pursuant to Section 30-28-124(1), C.R.S.

114.04 A civil penalty in an amount not less than \$500 nor more than \$1,000 and a continuing penalty not to exceed \$100 per day pursuant to Section 30-28-124.5, C.R.S.

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- 114.05 An injunction, mandamus, abatement, or other appropriate action or proceeding to prevent, enjoin, abate, or remove such unlawful erection, construction, reconstruction, alteration, or use pursuant to Section 30-28-124(2), C.R.S.

Each day during which such illegal erection, construction, reconstruction, alteration, maintenance, or use continues shall be deemed a separate offense.

115 Enforcement of the Zoning Resolution *(Amended 3/15/11)*

This Resolution shall be enforced by the Director or any representative authorized by the Director on all matters involving this Resolution, pursuant to Section 30-28-114, C.R.S., as amended. The Director may consult with the County Attorney and Chief Building Official and other affected County offices, concerned with, but not limited to the lawful erection, construction, alteration, occupation or use of any building or structure, or land in the unincorporated area of Douglas County. The Director may also consult with the Tri-County Health Department on matters involving Public and Environmental Health.

- 115.01 The Board authorizes the Director or any representative authorized by the Director to perform the following duties:

115.01.1 To enter and inspect, when authorized by law or with permission of the property owner, tenant, or both, any building, structure, or tract of land in the unincorporated area of Douglas County to determine compliance with this Resolution.

115.01.2 To contact property owners, tenants, or both, either verbally or in writing, to attempt to gain voluntary compliance to remedy violations of this Resolution and avoid the need to resort to more formal notice or formal legal proceedings.

115.01.3 To issue written notices to alleged zoning violators that they are alleged to be in violation of this Resolution and that the alleged violators have no less than ten (10) days or such other period of time required by statute, in which to correct the alleged violation, after which time the alleged violators may be subject to the penalties listed herein.

115.01.4 To perform other such duties as may be necessary and appropriate to permit such agents to detect zoning violations, to give alleged violators statutory notice, and to enforce compliance with this Resolution.

- 115.02 The Director or any representative authorized by the Director shall respond to zoning complaints and make regular inspections of properties

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in the County. The zoning compliance procedure shall be developed by Planning Services and reviewed by the County Attorney.

- 115.03 Enforcement related to violations of the Grading, Erosion and Sediment Control (GESC) and Drainage, Erosion and Sediment Control (DESC) Permit Programs will follow the procedures outlined in this Resolution, the GESC Manual, or in accordance with any ordinance adopted pursuant to Colorado Revised Statutes. *(Amended 11/12/13)*

116 Nonliability of Officials

Any County official or employee, charged with the enforcement of this Resolution, acting in good faith and without malice on behalf of the County in the discharge of official duties, shall not thereby be rendered personally liable for any damages which may accrue to persons or property resulting from any such act or omission committed in the discharge of such duties.

117 Nonliability for Injury

This Resolution shall not be construed to hold Douglas County in any manner responsible for any injury to persons or property resulting from any inspection as herein authorized or resulting from any failure to so inspect, or resulting from the issuance or denial of a building permit as herein provided, or resulting from the institution of court action as hereinabove set forth or the forbearance by Douglas County to so proceed.

118 Any Provision Declared Invalid

If any provision of this Resolution is declared to be invalid by a decision of any court of competent jurisdiction, it is hereby declared to be the legislative intent that:

- the effect of such decision shall be limited to that lot, or provisions which are expressly stated in the decision to be invalid; and
- such decision shall not affect, impair, or nullify this Resolution as a whole or any other part thereof, but the rest of this Resolution shall continue in full force and effect.

119 Application of Any Provision Declared Invalid

If the application of any provision of this Resolution to any lot, building, other structure, or tract of land is declared to be invalid by a decision of any court of competent jurisdiction, it is hereby declared to be the legislative intent that:

- the effect of such decision shall be limited to that lot, building, other structure, or tract of land immediately involved in the controversy, action, or proceeding in which the judgment or decree of invalidity was rendered; and

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- such decision shall not affect, impair, or nullify this Resolution as a whole or the application of any provision thereof, to any other lot, building, other structure, or tract of land.

120 Repeals

This Resolution shall repeal the Zoning Resolution of Douglas County, Colorado adopted February 1, 1994, and amendments made prior to March 1999. Repeal of the above mentioned Resolution does not revive any other Resolution or portion thereof. Such repeal shall not affect or prevent the prosecution or punishment of any person for the violation of any Resolution repealed hereby, for any offense committed prior to the repeal.

121 Effective Date

This Resolution was adopted March 10, 1999 by the Board of County Commissioners of Douglas County, Colorado. This Resolution and any future amendment thereof shall take effect immediately upon adoption by the Board, unless otherwise set forth in the Board's motion to approve.

122 Waivers *(Amended 3/28/01)*

The Board, at a public hearing on a specific application, may hear the request for a waiver from the standards and decide to accept or reject the request, or make modifications to the waiver request.

122.01 The applicant shall provide a written waiver request that explains in detail the extent of the waiver, and the grounds for the requested waiver.

122.02 The Planning Commission, as part of the hearing on a specific application, will hear the request for a waiver from the standards and make recommendations to the Board.

122.03 Such waiver shall be approved only upon the finding, based upon the evidence presented in each specific case, that:

122.03.1 the waiver does not have the effect of nullifying the intent and purpose of this Resolution;

122.03.2 the granting of the waiver will not be detrimental to the public safety, health, or welfare or injurious to other property;

122.03.3 the conditions upon which the request for a waiver is based are unique to the property for which the waiver is sought and are not applicable to other property;

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122.03.4 a particular non-economical hardship to the owner would result from a strict application of this Resolution;

122.03.5 the waiver will not in any manner vary the provisions of the Zoning Resolution or County Building Code; and

122.03.6 the proposed development will be in conformance with the Douglas County Master Plan.

122.04 The Board may impose conditions of approval that in their judgment substantially secure the objectives of this Resolution. The conditions shall be stated in the Board minutes with the justification set forth.

123 Disaster Emergency Waiver *(Amended 3/15/11)*

The Board of County Commissioners may temporarily waive certain provisions of this Resolution in areas of Douglas County impacted by wildfire, a major flood event, chemical spill, or other disaster. The waivers are intended to reduce the hardship faced by impacted landowners, particularly those that lost dwellings, as follows:

123.01 Waivers shall only be considered following adoption of a Resolution by the Board, formally declaring a specific area as a disaster area.

123.01.1 Time limits for which the waivers are to be in effect may be specified in the Resolution.

123.01.2 Only those landowners with property located within the boundaries of the designated disaster area may request waivers in accordance with the provisions contained in this Section.

123.02 Waivers are limited to those provisions affecting the ability of a landowner to reconstruct destroyed property in an efficient and timely manner.

123.03 Waivers may be permitted provided no substantial detriment to the public good is created and the intent and purpose of this Resolution is not impaired.

123.04 Waivers to the following Zoning Resolution provisions may be considered:

123.04.1 Development standards for reconstruction of destroyed dwellings.

123.04.2 Access standards.

123.04.3 Time limitations and bonding requirements for temporary residence permits.

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123.04.4 Reconstruction of accessory structures prior to the principal use, provided a time frame is specified for reconstructing the principal use.

123.04.5 Other provisions may be waived at the discretion of the Board.

123.05 Procedure for Waiver

123.05.1 The applicant shall discuss the waiver request informally with staff.

123.05.2 The applicant shall provide a written waiver request that explains the extent of, and grounds for, the requested waiver. The request may be referred to entities such as the Building Division, Engineering Division, and Fire District, for comment.

123.05.3 The waiver request shall be reviewed by the Director for compliance with the provisions contained herein. The Director may approve the request only upon the finding that:

- the waiver does not have the effect of nullifying the intent and purpose of this Resolution;
- the granting of the waiver will not be detrimental to the public health, safety or welfare, or injurious to other property; and
- the conditions upon which the request for a waiver are based are unique to the property for which the waiver is sought, and/or to other properties located within the designated disaster area.

123.05.4 The Director may impose conditions of approval that substantially secure the objectives of this Resolution.

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

124 Interpretation *(Amended 5/26/15)*

The following shall be used to interpret this Resolution:

While the approval criteria for many land use applications defined herein require "compliance with", "consistency with", or "general conformance with" the Comprehensive Master Plan (CMP) or the goals, objectives, and policies of the CMP, the individual goals, objectives, and policies are not, themselves, approval criteria. The Board will consider the diversity of community values, applicable laws and regulations, private property rights, and unique characteristics of each application when balancing the goals, objectives, and policies set forth in the CMP. A property's designation on the CMP Land Use Map is the primary basis for establishing future use and density.

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To the extent any provision of this Resolution or any provision of a planned development is inconsistent with any federal or state legal requirement (a "Controlling Legal Requirement"), then this Resolution, and any provision of any planned development, are intended to be and shall be interpreted to be consistent with such Controlling Legal Requirement. To the extent any Controlling Legal Requirement, when properly interpreted, would create additional requirements (e.g. reasonable accommodations or waiver of otherwise valid provisions), then this Resolution, and any provision of any planned development, are intended to be and shall be interpreted to be consistent with such Controlling Legal Requirement. Such Controlling Legal Requirements may include but are not limited to the Fair Housing Act, the Americans with Disabilities Act, Religious Land Use and Institutionalized Persons Act, Telecommunications Act, and any amendments or regulations related thereto. *(Amended 5/10/16)*

The Director has the authority to interpret provisions of this Resolution and planned developments to be consistent with all Controlling Legal Requirements by administrative decision. The Director also has the authority to determine and grant reasonable accommodation requests. *(Amended 5/10/16)*

SECTION 2 GENERAL REQUIREMENTS AND EXCEPTIONS

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Section 2 General Requirements and Exceptions

3/10/99

201 Districts (Amended 8/12/14)

The following zoning districts are hereby established to implement this Resolution:

- A-1 Agricultural One District
- C-35 Cluster-35 Plan
- LRR Large Rural Residential District (*formerly A-2*)
- RR Rural Residential District
- ER Estate Residential District
- SR Suburban Residential District
- MF Multifamily District
- MH Mobile Home District
- B Business District
- C Commercial District
- LI Light Industrial District
- GI General Industrial District
- CMTY Sedalia Community District
- D Sedalia Downtown District
- HC Sedalia Highway Commercial District
- MI Sedalia Mixed Industrial District
- PD Planned Development District
- OS Open Space Conservation District

Effective 3/10/99 the LSB Zone District is an obsolete zone district. For land zoned LSB, the land uses and development standards shall be those of the LSB district when zoned LSB.

202 Overlay Districts (Amended 8/12/14)

In order to recognize special areas within Douglas County which are not zoning districts, the following overlay districts are hereby established:

- Wildfire Hazard - Overlay District
- Noise – Overlay District
- Interim Water and Sanitation Overlay District (*Amended 5/10/16*)
- Floodplain - Overlay District
- Water Supply - Overlay District
- Centennial Airport Review Area - Overlay District
- Parker IGA - Overlay District
- Castle Rock IGA - Overlay District

Effective 3/10/99 the Design Enhancement - Overlay District is an obsolete zone district. The land uses and development standards shall be those of the underlying zone district and the existing, approved design overlay plan for the site.

203 Incorporation of Maps

The location and boundaries of the zoning districts established by this Resolution are shown upon the "Zoning District Maps of Douglas County", hereafter referred to as the Zoning Map, and made a part hereof.

204 District Boundaries

District boundaries are shown on the Zoning Map. However, where uncertainty exists as to the boundaries of districts, the following rules shall apply:

- 204.01 A boundary indicated as approximately following the center line of a street, highway, streambed, railroad right-of-way, or alley shall be construed to follow such center line.
- 204.02 A boundary indicated as approximately following the right-of-way line of a street, highway, or alley shall be construed to follow such right-of-way line, and in the event of a change in such R-O-W line the boundary shall be construed as moving with the R-O-W line.
- 204.03 A boundary indicated as approximately following platted lot lines shall be construed to follow such lot lines.
- 204.04 A boundary indicated as parallel to or an extension of features indicated in subsections 203.01 - 203.03 above shall be so construed. Distances not specifically indicated on the official zoning district map shall be determined by the scale of the map.
- 204.05 Where a street or alley is vacated or abandoned the regulations applicable to the property to which it is reverted shall apply to such vacated or abandoned street or alley.
- 204.06 Disputes concerning the exact location of any district boundary line shall be decided by the Director of Planning.
- 204.07 All streets, alleys, public ways, waterways and railroad rights-of-way, if not otherwise specifically designated, shall be deemed to be in the same zone as the property immediately abutting upon such streets, alleys, public ways, waterways and railroad rights-of-way.
- 204.08 Where the centerline of a street, alley, public way, waterway or railroad right-of-way serves as a district boundary, the zoning of such areas, unless otherwise specifically designated, shall be deemed to be the same as that of the abutting property up to the centerline.

205 Disconnected Land

The use of land that is disconnected from an incorporated area shall be restricted to those existing lawful uses permitted by the municipal zoning regulations in place prior to disconnection. Expansion of the use shall not be permitted nor building permits issued until the land is zoned by the County.

The landowner shall submit a zoning application to the County within 90 days from the date of disconnection. The Planning and Community Development Department may concurrently provide public notice and make a recommendation for zoning if the Department is not in agreement with the landowner's request. If the landowner fails to submit a zoning application within 90 days from the date of disconnection, the Department shall initiate zoning of such land, in accordance with Section 1 Administrative Provisions and Procedures, Zoning Map Changes - Procedure.

206 Exclusion of Uses

Uses not specifically listed or reasonably similar to those uses listed in any particular zoning district shall be deemed to be excluded from the particular zoning district.

Uses listed in any particular zoning district shall be deemed to be excluded from any other zoning district, unless such use is specifically listed in the other zoning district.

207 Inclusion of a Use Not Listed

Uses not listed may be interpreted for inclusion in a specific zoning district by the Director when such use is reasonably similar to those uses listed.

Uses not specifically listed or not reasonably similar to those uses listed, or not interpreted for inclusion by the Director, in a specific zoning district, may be added to the appropriate zoning district upon the approval by the Board in accordance with the following procedure:

207.01 The applicant shall meet with a staff planner to determine if the intended use is listed or similar to listed uses and shall discuss the procedures and submittal requirements for amending the appropriate sections of this Resolution.

207.02 The applicant shall submit the following information to the Planning Division:

207.02.1 A completed application form (*available from the Planning Office*)

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

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- 207.02.3 A written description of the intended use, the appropriateness of the intended use in the specific zoning district and any other information requested by staff.
- 207.03 The staff planner shall review the amendment request, prepare a staff report with the amended regulatory language and meet with referral agencies and other interested parties regarding the proposed changes.
- 207.04 The staff planner shall schedule a hearing with the Planning Commission and notify the applicant of the hearing date and time.
- 207.05 The applicant is responsible for publishing a notice in the newspaper, prior to the Planning Commission and Board hearings. In calculating the time period for public notification the day of publishing shall be counted toward the total number of days required. The day of the hearing shall not be counted toward this total.

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

- publish a notice in at least one publication of a daily or a weekly legal newspaper of general circulation, printed or published in whole or in part in Douglas County, and *(Amended 3/28/01)*
- provide a publisher's affidavit of said published notice to the Planning Division at least 7 days prior to the public hearing. Such notice shall read:

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

A public hearing will be held on (date), at (time), in the Commissioners' Hearing Room, 100 Third Street, Castle Rock, CO, for a proposed amendment to (zone district) to include (state specific use) as a (principal use or use by special review). For more information, call Douglas County Planning at 303-660-7460. File No./Name:

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

- 207.06 The Planning Commission shall evaluate the application, staff report, and public testimony, and make a recommendation to the Board to approve, approve with modifications, table for further study, or deny the proposed amendment.

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- 207.07 Following the recommendation by the Planning Commission, the staff planner will schedule a public hearing with the Board, and notify the applicant of the hearing date and time.
- 207.08 The applicant shall be responsible for publishing a notice in the newspaper in accordance with section 206.05, herein.
- 207.09 The Board shall evaluate the proposed amendment, referral agency comments, staff report, the Planning Commission recommendation and public testimony, and shall approve, approve with modifications, table for further study, remand to the Planning Commission, or deny the amendment proposal based on the following finding that such use:
- 207.09.1 is not listed or is not similar to any other use;
 - 207.09.2 is appropriate for the zoning district to which it is to be added;
 - 207.09.3 conforms to the basic requirements and characteristics of the use category to which it is to be added; and
 - 207.09.4 does not create more offensive noise, vibration, dust, heat, smoke, odor, glare, traffic hazard or other objectionable impact than normally resulting from the other uses listed in the zoning district to which it is to be added
- 207.10 If approved, the staff planner shall be responsible for amending the appropriate section of the Zoning Resolution, submitting the amended section to the Clerk and Recorder's Office for recordation, and distributing as necessary.

208 Trash, Junk, Inoperative Vehicles

No land may be used as an outside storage area for the purpose of collecting, dismantling, storing, or selling of junk, trash, rubbish, refuse of any kind, remnants of wood, metal, or plastic, discarded materials, inoperative vehicles or dismantled machinery, whether or not the same could be put to any reasonable use, unless approved as a use by special review in the G1 zoning district.

209 Public Access

Land proposed for rezoning shall adjoin a publicly dedicated street except where private streets are proposed and a special district or some other duly established entity, recognized by the Board, has committed in writing to maintain the private street in perpetuity.

210 Minimum Area

- 210.01 The area of a lot required for the purpose of complying with the provisions of this Resolution shall not be included as part of the area required for another lot.
- 210.02 A minimum lot area shall not be required for utility service facilities, or telecommunication facilities. The required lot area, for major facilities of a public utility and telecommunication facilities, shall be addressed in the Use By Special Review in accordance with Section 21 of this Resolution. *(Amended 3/28/01)*
- 210.03 Lots conforming to the minimum lot area requirements of a zone district, that are reduced in land area due to land acquisition by a governmental entity shall be considered conforming to the minimum lot area requirements of the specific district for principal uses, accessory uses and uses permitted by special review. *(Amended 8/25/99)*

211 Building Restrictions

211.01 Building Permit

It shall be unlawful to erect, construct, reconstruct, alter, or change the use of any building or other structure, including surface and subsurface structures, or to move a structure from one property to another within the unincorporated area of Douglas County without first obtaining a building permit from the County Building Division. The plans, submitted with the building permit application, for the proposed erection, construction, reconstruction, alteration, or use shall conform to all applicable provisions of this Resolution and shall be constructed in accordance with the Douglas County Building Code as adopted.

211.02 Construction in Easement

No structure requiring a building permit may be erected, placed upon or extended over any easement unless approved in writing by the agency or agencies having jurisdiction over such easement. A copy of such approval shall be submitted to the Building Division prior to building permit issuance.

211.03 Avigation Hazard

It shall be unlawful to construct, build, establish or continue to maintain any building, tree, smoke stack, chimney, flag pole, wires, tower or other structure or appurtenance thereto which may constitute a hazard or obstruction to the safe navigation, landing and take-off of aircraft at a publicly used airport under the regulation of the appropriate United States

Civil Aeronautics Authority, in compliance with the Centennial Airport
Review Area - Overlay District of this Resolution.

212 Merger by Contiguity

For commonly owned, contiguous, nonconforming parcels the following shall apply:

212.01 Parcels Described By Metes and Bounds

When two or more contiguous, nonconforming parcels come under single ownership and are described in the same deed, after May 5, 1972, these parcels shall be deemed one parcel.

The subsequent division of such land into two or more parcels/lots shall be in accordance with the Douglas County Subdivision Resolution, even if the land is to be divided as previously described or conveyed.

212.02 Parcels Described By a Survey

When two or more contiguous, nonconforming parcels, shown on a recorded survey (*i.e., townsites*) that did not receive County approval, come under single ownership and are described in the same deed these parcels may be deemed one lot for the purpose of building permit issuance. A building permit may be issued provided the minimum required lot size and setbacks of the zone district in which the land is located are met.

213 Density Transfers (*Amended 4/14/09*)

The transfer of development credits from one parcel to a noncontiguous parcel may be permitted on a case-by-case basis when consistent with the goals and policies of Douglas County, and when the net density of the receiving parcel is in conformance with the Douglas County Master Plan and Zoning Resolution and the following criteria:

213.01 The sending parcel shall result in open space preserved in perpetuity via a conservation easement, or other restriction acceptable to the County.

213.02 No net increase in dwelling units in the nonurban area of the County shall occur as a result of such transfer, except when there is an opportunity to downzone land in the nonurban area to bring the zoning and land use into compliance with the Douglas County Master Plan, and a greater public benefit can be demonstrated, such as, preserving a view corridor as identified on the Douglas County Master Plan Open Land Opportunities Map; preserving the natural landscape; or protecting wildlife habitat or corridors.

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Note: The conversion of B/C/LI/GI to agricultural or residential units shall be allowed at a rate not to exceed 1 unit/2.5 acres, and may be less due to site conditions.

213.03 Such transfer or agreement to transfer shall occur concurrently with the rezoning of the receiving parcel, as necessary.

213.04 Definitions:

Development Credits - The number of dwelling units, as determined by the County based on zoning and site characteristics, for any given parcel.

Open Space - Land left intentionally free from development which may be open to the public or private.

214 Rezoning - Effect on Setback (Amended 8/12/14)

The rezoning of any lot shall not cause an increase to the minimum required setback of any abutting lot.

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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

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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 4/28/15*)

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

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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 *(Amended 5/10/16)*
- 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 4/28/15*)
- 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

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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 4/28/15)*
- 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 12 C - COMMERCIAL DISTRICT

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1201 Intent (Amended 8/11/09)

To provide for a full range of retail, commercial, and service uses in balance with residential development as an integral part of the community providing essential services and commercial opportunities 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 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 centers that are planned as a unit rather than in extended strips along roadways so as to provide for orderly development, minimize traffic congestion, and provide for safe pedestrian movement. Commercial 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. Minimal assembly or manufacturing activities shall be allowed.

The C zone district is characterized by commercial 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. A site improvement plan is required prior to the use of the lot for any purpose. Typical uses include all the retail-oriented uses listed in the business zone district plus recreation, car sales, mini warehouses, small equipment rental and wholesale activities. Development or use of land in this district is permitted only in accordance with the provisions herein. Land disturbance activities may require permit(s).

1202 Principal Uses

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)

1202.01 All principal uses in the B - Business District

1202.02 Equipment rental - small

1202.03 Mini warehouse - no storage of dangerous/flammable materials, and no sales or services from any unit

1202.04 Motorized vehicle/equipment - sales/service

1202.05 Motorsports Facility (Amended 4/26/16)

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1202.06 Recreation facility - outdoor/community

1202.07 Retail/service business - including outdoor/wholesale activity

1202.08 Sexually oriented business - *Sexually oriented businesses are not permitted as a commercial use in the PD - Planned Development District and are not permitted in any zone district other than the C - Commercial District.*

1202.09 Theater - outdoor/indoor

1203 Accessory Uses

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

1203.01 Accessory uses and buildings (*Amended 5/27/14*)

1203.02 Satellite dish

1203.03 Storage area - commercial

1203.04 Single or multifamily residence for management or employees

1204 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*)

1204.01 Heliport

1204.02 Residence

- Group home (*Amended 5/10/16*)
- Group home for registered sex offenders (*Amended 9/12/00*)
- Group Residential Facility
- Multifamily - apartments, condominiums

1204.03 Utility - major facility

1204.04 Zoo

1205 Minimum Lot Area: none

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1206 Water and Sanitation Requirement

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

1207 Utilities

All public utility distribution lines shall be placed underground.

1208 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.

1209 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.

1210 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.

1211 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.

1212 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'	75'

* 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.)*

SEXUALLY ORIENTED BUSINESS - shall be located a minimum of 1500 feet from any:

- area zoned for residential use;
- single-family, two-family, or multifamily dwelling;

- church, park, or library;
- state-licensed day-care facility (*child or adult*);
- school or educational facility, serving persons age 18 or younger, or
- any other sexually oriented business.

The distance between any two sexually oriented businesses shall be measured in a straight line, without regard to intervening structures, from the closest exterior structural wall of each business. The distance between any sexually oriented business and any church, school, public park, dwelling unit (*single or multiple*) or residential district shall be measured in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as part of the premises where the sexually oriented business is conducted to the nearest lot line of the premises of a church, school or dwelling unit (*single or multiple*) or the nearest boundary of an affected public park, or residential district.

1213 Encroachments

- 1213.01 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.
- 1213.02 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.
- 1213.03 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.

1214 Building Height

Maximum building height: 60 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.

- 1214.01 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*)

- 1214.02 The maximum height of a parapet wall shall be as approved by the Site Improvement Plan Review Manager based on overall mass and bulk and its compatibility with the surrounding area.
- 1214.03 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)*
- 1214.04 All roof-mounted equipment (*mechanical, ventilating, antennas*) shall be properly screened, with the exception of solar collectors/heaters.

1215 Fencing Standards

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

- 1215.01 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)*
- 1215.02 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.
- 1215.03 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.
- 1215.04 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.
- 1215.05 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)*
- 1215.06 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

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or masonry construction or with the approval of the Site Improvement Review Board Coordinator, a hedge.

1215.07 Barbed, electrically charged, concertina, or razor wire or other hazardous materials used for fencing shall be prohibited.

1215.08 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)*

1216 Outdoor Storage Standards

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

1216.01 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 not exceeding 6 feet in height. With the approval of the Site Improvement Plan Review Board Coordinator, 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.

1216.02 Outdoor storage shall not be allowed within any required landscaped area, and shall not be allowed within a required setback from a street, and shall not exceed 6 feet in height.

1216.03 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 by the Site Improvement Plan Review Board. 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.

1217 Sign Standards - Refer to Section 29 of this Resolution

Sexually explicit advertisements or other promotional displays for sexually oriented businesses that are harmful to minors shall not be visible to minors from pedestrian ways, walkways, or other public areas.

1218 Lighting Standards - Refer to Section 30 of this Resolution

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SECTION 13 LI - LIGHT INDUSTRIAL DISTRICT

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Section 13 LI - Light Industrial District

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1301 Intent (Amended 8/11/09)

To provide areas for office, research, warehousing, small product assembly and manufacturing and distribution 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 shall be designed to provide for such uses in a low-intensity manner on well-landscaped sites such that they can be located in proximity to business, commercial and residential uses in accordance with the intent of the Douglas County Comprehensive Master Plan, as amended. High performance standards are set forth for this district that will assure that development is compatible with adjoining land uses.

The LI zone district is characterized by office, warehousing, assembly, and distribution. Uses allowed within this district shall operate with minimal dust, fumes, odors, refuse, smoke, vapor, noise, lights, and vibrations. 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. Development or use of land in this district is permitted only in accordance with the provisions herein. Land disturbance activities may require permit(s).

1302 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. The Director may determine other similar uses as appropriate. (Amended 5/14/03)

1302.01 Automobile service station with gasoline pumps

1302.02 Bank/financial institution (*including drive-up facility*)

1302.03 Bar/lounge

1302.04 Building materials - wholesale/retail

1302.05 Club/country club

1302.06 Community uses:

- Church
- Fire station
- Hospital
- Library
- Open space/trails

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- Park/playground
 - Recreation facility - indoor/outdoor
 - School - including college, or university and related facilities
 - Sheriff station
- 1302.07 Cultural facility
- 1302.08 Equipment rental
- 1302.09 Firing range - indoor
- 1302.10 Golf course
- 1302.11 Greenhouse/plant nursery - wholesale/retail
- 1302.12 Hotel, including conference or convention facilities located within the principal building
- 1302.13 Industrial/manufacturing operation which does not emit unusual or excessive amounts of dust, smoke, fumes, gas, noxious odors, or noise beyond the lot boundary
- 1302.14 Kennel (*Amended 5/27/14*)
- 1302.15 Mini warehouse - no storage of dangerous or flammable material and no sales or services from any unit
- 1302.16 Motorized vehicle/equipment - service/repair and incidental sales
- 1302.17 Motorsports Facility (*Amended 4/26/16*)
- 1302.18 Office
- general, medical, dental, professional, or governmental
 - temporary (*refer to Section 22*)
- 1302.19 Parking lot - public/private
- 1302.20 Product distribution/storage - excluding hazardous materials
- 1302.21 Recreational vehicle storage lot
- 1302.22 Research and development facility
- 1302.23 Restaurant/fast food establishment

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- 1302.24 Satellite earth station *(Amended 4/24/02)*
- 1302.25 Seasonal use *(refer to Section 22A)*
- 1302.26 Storage area – commercial
- 1302.27 Telecommunication facility
- 1302.28 Utility service facility
- 1302.29 Veterinary clinic/hospital
- 1302.30 Warehouse
- 1302.31 Wholesale business - sales/service

1303 Accessory Uses

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

- 1303.01 Accessory uses and buildings *(Amended 5/27/14)*
- 1303.02 Day-care facility for children of employees
- 1303.03 Residence for management or employee
- 1303.04 Satellite dish

1304 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)*

- 1304.01 Batch plant - asphalt/concrete/mortar
- 1304.02 Heliport
- 1304.03 Recycle/trash transfer facility - indoor *(Amended 5/31/00)*
- 1304.04 Residence
 - Group home *(Amended 5/10/16)*
 - Group home for registered sex offenders *(Amended 9/12/00)*
 - Group Residential Facility *(Amended 5/14/03)*
 - Single-family attached or multifamily

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1304.05 Satellite earth station that exceeds the zone district height limitation or exceeds the minimum health standards. *(Amended 4/24/02)*

1304.06 Telecommunication equipment *(excluding whip type antennas)* that exceed the zone district height limitation or exceed minimum health standards.

1304.07 Utility - major facility

1305 Minimum Lot Area: none

1306 Water and Sanitation Requirement

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

1307 Utilities

All public utility distribution lines shall be placed underground.

1308 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.

1309 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.

1310 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.

1311 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.

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1312 Minimum Setbacks

SETBACK FROM				
Street	LSB/B/C	LI	GI	RES/AG/OS
regional/major arterial: 75' minor arterial: 40' collector/local: 20'*	50'	no setback	25'	75'

* No parking shall be located within this setback.

OR, for Multifamily allowed as a Use By Special Review:

MULTIFAMILY SETBACK FROM:		
Street	LSB/B/C/LI/BI	RES/AG/OS
Same as above	50'	75'
A 30' landscape buffer is required for parking lots abutting all zone districts.		

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.*)

1313 Encroachments

- 1313.01 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.
- 1313.02 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.
- 1313.03 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.

1314 Building Height

Maximum building height: 60 feet

- 1314.01 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 without windows, antennas, utility poles and necessary mechanical appurtenances usually carried above the roof level.
- 1314.02 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

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walkout level of the church. (*refer to Section 36 building height definition - spire height calculation*)

- 1314.03 The maximum height of a parapet wall shall be as approved by the Site Improvement Plan Review Manager based on overall mass and bulk and its compatibility with the surrounding area.
- 1314.04 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*)
- 1314.05 All roof-mounted equipment (*mechanical, ventilating, antennas*) shall be properly screened, with the exception of solar collectors/heaters.

1315 Fencing Standards

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

- 1315.01 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 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*)
- 1315.02 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 only with the approval of the Douglas County Site Improvement Review Board.
- 1315.03 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.
- 1315.04 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.
- 1315.05 Fences constructed of woven wire or ornamental iron which are a minimum of 80% open may be constructed with no height limitation;

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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)*

- 1315.06 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 zoning district, such fence shall be of wooden or masonry construction or with the approval of the Site Improvement Review Board Coordinator, a hedge.
- 1315.07 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.
- 1315.08 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)*

1316 Outdoor Storage Standards

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

- 1316.01 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 Review Board Coordinator, 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.
- 1316.02 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.
- 1316.03 Outdoor storage shall not be allowed within any required landscaped area.
- 1316.04 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 by the Site Improvement Plan Review Board. In the event that it is not

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possible to prevent viewing of the outside storage from adjoining land or public rights-of-way, such outside storage area shall be prohibited.

1316.05 When outside storage areas abut each other and are not visible from public areas, the Site Improvement Plan Review Board may waive the requirement for a solid fence.

1317 Sign Standards - Refer to Section 29 of this Resolution

1318 Lighting Standards - Refer to Section 30 of this Resolution

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3601 Rules of Construction

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

3602 Definitions

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

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

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

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

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

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

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

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 4/28/15)*

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.)*

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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.

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

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

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

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

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

Building 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

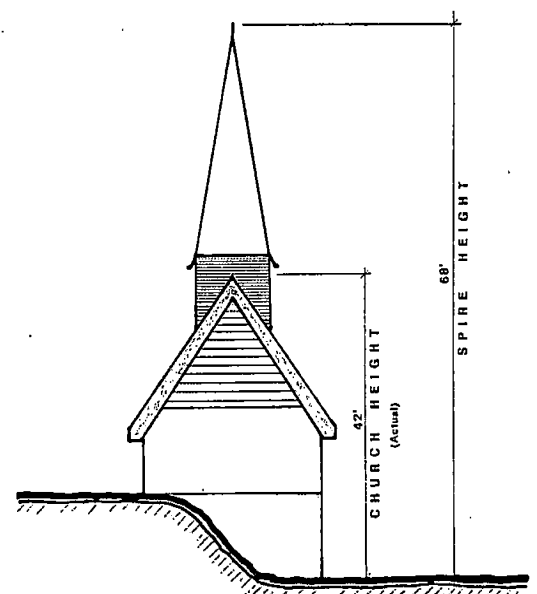


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Campground: An area or tract of land on which accommodations for temporary occupancy (not to exceed 30 days in any one calendar year) are located including the parking or placement of camping and travel trailers, motor homes, truck campers or tents 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 4/28/15)*

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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.

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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, boarding houses, hotels, motels, recreational vehicles, 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. *(Amended 5/10/16)*

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 4/28/15)*

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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 4/28/15)*

Family: An individual or a group of persons, whether related or not, that habitually reside in a single dwelling unit and form a single residential unit, who share common living areas (e.g. laundry, kitchen, living room, garage, etc.) and expenses, and are at least partially dependent upon each other for care of the residential unit.

A family shall not include more than 1 registered sex offender over the age of 18, unless related by blood, marriage, or legal adoption to all other occupants. *(Amended 5/10/16)*

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.

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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 4/28/15)*

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.

Floor 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.

Floor 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.

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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; or
- Any other type of home allowed under the provisions of the Fair Housing Act, as amended, for any type of protected class, or pursuant to any other applicable law

Group Homes that do not meet the conditions listed shall be considered Group Residential Facilities for purposes of this resolution. *(Amended 5/10/16)*

Group Residential Facility: A residence, not qualifying as a group home, 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. *(Amended 5/10/16)*

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 4/28/15)*

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 4/28/15)*

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)*

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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.

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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)*

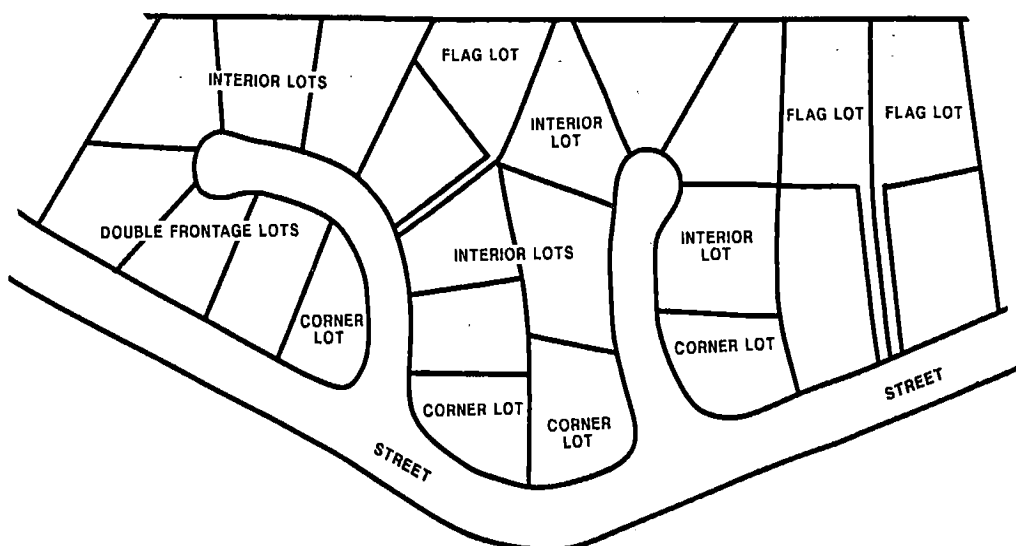
Lot: A parcel of land designated as a lot on a recorded plat or a parcel of land that has been recorded by a deed in the Office of the Douglas County Clerk and Recorder provided such lot was created in compliance with the State land-use laws and Douglas County subdivision and zoning regulations in effect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

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zoning regulations in effect at the time the lot was created. (*A tax parcel may or may not be a buildable lot.*)

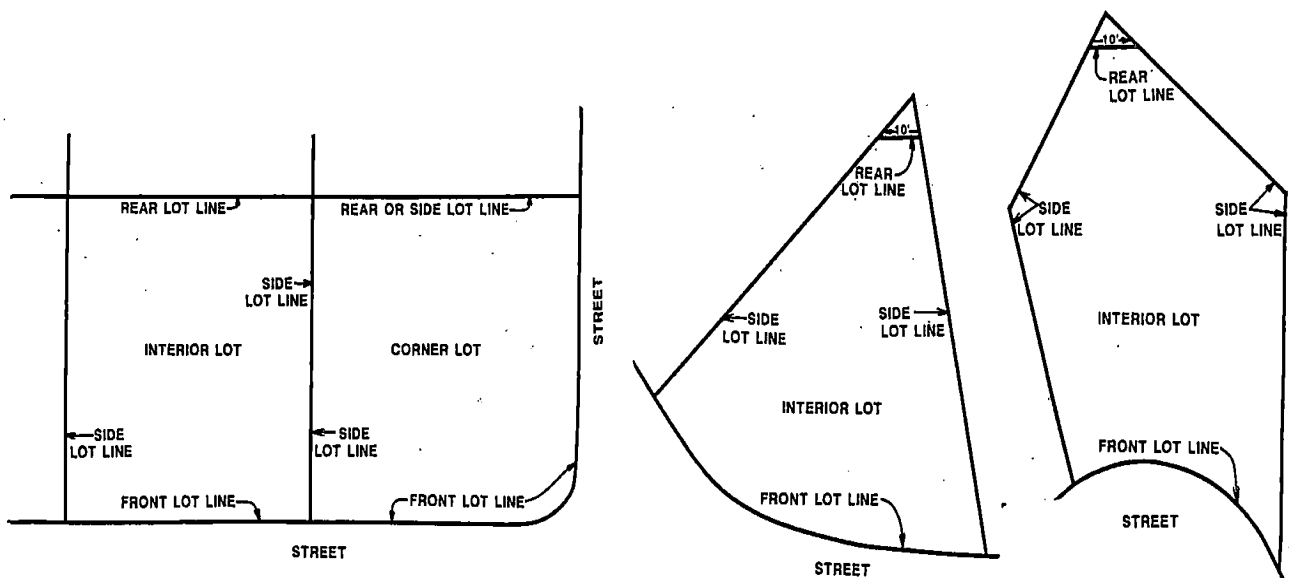
Lot, Nonconforming: A lot that has less than the required minimum area or width as established by the zone in which it is located.

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)

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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 4/28/15)*

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 4/28/15)*

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

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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.]

Motorsports: The operation of Motorsport Vehicles for practice, education, recreation, or competition, excluding agricultural or property maintenance uses. (Amended 4/26/16)

Motorsports, Accessory: On or before August 24, 2016, the personal use of property for Motorsports is not an allowed accessory use in any agricultural or residential zone district, except as specifically allowed through the Use by Special Review process for a Private Motorsports Facility. After August 24, 2016, such accessory use may be allowed by permit only. (Amended 4/26/16)

Motorsports Facility: A track for Motorsports (Amended 4/26/16)

Motorsports Facility, Private: A Motorsports Facility for personal use that requires the movement of a cumulative total of 50 cubic yards or more of dirt or other material for such use, when a principal residence has been established on the property. (Amended 4/26/16)

Motorsports Vehicle: A self-propelled vehicle including Motor Vehicles, Motorcycles, Off-Highway Vehicles, and Snowmobiles used primarily off road. (Amended 4/26/16)

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.

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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.

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Personal Use: Exclusively for use in relation to Motorsports, a use for which no remuneration, either direct or indirect, of any kind is provided. *(Amended 4/26/16)*

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.

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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.

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

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

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

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

Religious Retreat: A 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 4/28/15)

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.

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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.

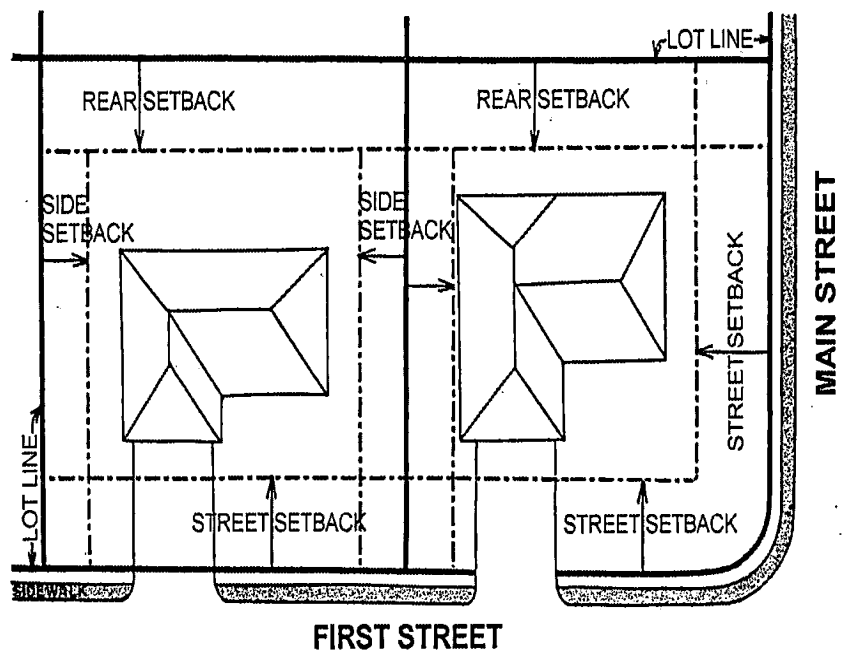
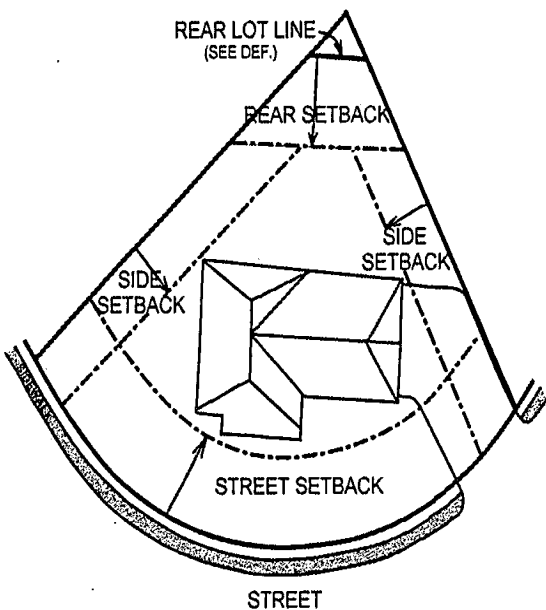
Front - a setback extending across the full width of the lot measured perpendicular to the front lot line.

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;

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- (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)*

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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

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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.

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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.

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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-

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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.

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