

RESOLUTION NO. 018-077

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

**A RESOLUTION ADOPTING AMENDMENTS TO DOUGLAS COUNTY ZONING
RESOLUTION SECTIONS 14A – SEDALIA COMMUNITY DISTRICT, 14B – SEDALIA
DOWNTOWN DISTRICT, 14C – SEDALIA HIGHWAY COMMERCIAL DISTRICT,
14D – SEDALIA MIXED INDUSTRIAL DISTRICT, 21 – USE BY SPECIAL REVIEW,
AND 22B – ENTERTAINMENT EVENTS (“AMENDMENTS”)**

WHEREAS, the Department of Community Development has prepared Amendments to the Douglas County Zoning Resolution, which are attached hereto and incorporated herein as Exhibit A (Project No. DR2018-005); and

WHEREAS, said Amendments have been reviewed and recommended for approval by the Planning Commission on August 6, 2018; and

WHEREAS, the Board of County Commissioners considered said Amendments at a properly noticed public hearing held on August 28, 2018; and

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners of the County of Douglas, State of Colorado, that the Douglas County Zoning Resolution, is hereby amended to read as provided on said Exhibit A; and

FURTHER RESOLVED, that said Amendments shall become effective on August 28, 2018.

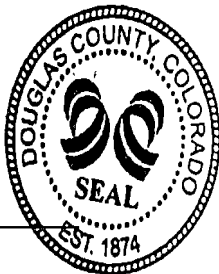
PASSED AND ADOPTED, this 28th day of August 2018, in Castle Rock, Douglas County, Colorado.

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

BY: Lora L. Thomas
Lora L. Thomas, Chair

ATTEST:

Emily Wrenn
Emily Wrenn, Clerk to the Board



SECTION 14A CMTY – SEDALIA COMMUNITY DISTRICT

-Section Contents-

1401A	Intent	14A-2
1402A	Principal Uses.....	14A-2
1403A	Accessory Uses	14A-4
1404A	Uses Permitted By Special Review	14A-5
1405A	Minimum Lot Area.....	14A-7
1406A	Minimum Setbacks.....	14A-7
1407A	Building Height.....	14A-7
1408A	Encroachments	14A-8
1409A	Water and Sanitation	14A-8
1410A	Utilities	14A-9
1411A	Land Dedication	14A-9
1412A	Street Standards	14A-9
1413A	Parking Standards	14A-9
1414A	Fencing Standards.....	14A-10
1415A	Landscaping.....	14A-11
1416A	Sign Standards	14A-11
1417A	Lighting Standards.....	14A-11
1418A	Outdoor Storage	14A-11

1401A Intent

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

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

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

1402A Principal Uses (Amended 8/28/18)

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

1402A.01 Community Uses

- Church – maximum seating capacity 350
- Cultural Facility
- Fire Station (*with or without training facilities*)
- Library
- Museum
- Open Space, Trails, or both (*Site Improvement Plan not required*)
- Park, Playground, or both
- Post Office
- School – private or public K-12
- Sheriff Station (*with or without training, or with or without detention*)

1402A.02 Bank or Financial Institution (*no drive-up facility*)**1402A.03 Bed and Breakfast**

- 1402A.04 Building Materials – retail, wholesale, or both
- 1402A.05 Construction Office – temporary (*refer to Section 22*)
- 1402A.06 Day-care Center
- 1402A.07 Entertainment Event (*refer to Section 22B*)
- 1402A.08 Equipment Service, Repair, or both
- 1402A.09 Garden – Public – one (1) acre maximum (*Site Improvement Plan not required*)
- 1402A.10 Greenhouse – one (1) acre maximum
- 1402A.11 Industrial or manufacturing operation which does not emit unusual or excessive amounts of dust, smoke, fumes, gas, noxious odors, or noise beyond the lot boundary
- 1402A.12 Motor Vehicle Sales
- 1402A.13 Motor Vehicle Service, Repair, or both
- 1402A.14 Motor Vehicle Service Station with gas pumps
- 1402A.15 Motorcycle Sales, Service, Repair or all
- 1402A.16 Office - General, Medical, Professional, Government
- 1402A.17 Office - Temporary (*refer to Section 22*)
- 1402A.18 Parking Lot
 - Public
 - Private
- 1402A.19 Product Distribution, Storage, or both (*no hazardous materials*)
- 1402A.20 Residence
 - Group Home (*Site Improvement Plan not required*)
 - Multifamily
 - Single-Family (*Site Improvement Plan not required*)
 - Single-Family attached
 - Temporary (*refer to Section 22*)
- 1402A.21 Restaurant, Fast Food Restaurant (*no drive-up facility*)

- 1402A.22 Retail Business, Service Business, or both
- Indoor
 - Outdoor
- 1402A.23 Retirement Home
- 1402A.24 Retreat – Religious
- 1402A.25 Sales Office – temporary (*refer to Section 22*)
- 1402A.26 Seasonal Use (*refer to Section 22A*)
- 1402A.27 Training Facility for Horses, Riders, or both (*maximum 14 lessons per week*)
- 1402A.28 Utility Service Facility (*refer to definition*)
- 1402A.29 Veterinary Clinic or Hospital
- 1402A.30 Warehouse
- 1402A.31 Warehouse – mini or self storage up to 500 sq. ft. per storage unit
- 1402A.32 Wholesale Business – sales, service, or both
- 1402A.33 Youth-Oriented Agricultural Activities (*refer to definition*)

1403A Accessory Uses (*Amended 8/28/18*)

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

Residential:

- 1403A.01 Accessory uses and buildings
- 1403A.02 Animals (*refer to Section 24*)
- Animals are limited to horse, mule, llama, miniature horse, alpaca, sheep, goat, chicken, turkey, duck, dog, cat, pot-bellied pig, bees.
 - Household pets inclusive of, but not limited to, dogs, cats, pot-bellied pigs, chickens, turkeys, and ducks shall be permitted for residential use provided that not more than four (4) animals of more than four (4) months of age are kept by the occupant of any residential unit.

- The minimum lot size required to keep hooved animals shall be one (1) acre. The maximum density for hooved animals shall be one (1) animal unit per half (½) acre.
- Devegetated areas shall be setback 25 feet from all property lines.
- The location of a corral shall be such that it does not cause harm to septic fields and other on-site physical features and facilities.

1403A.03 Day-care Home

- Small
- Large

1403A.04 Guest House

1403A.05 Greenhouse – one (1) acre maximum (*Site Improvement Plan not required*)

1403A.06 Home Occupation (*refer to Section 23*)

- Class 1
- Class 2

1403A.07 In-home Elder Care

1403A.08 Residence

- Caretaker

1403A.09 Satellite Dish

Non-residential:

1403A.10 Accessory uses and buildings

1403A.11 Day-care Facility for employees' children

1403A.12 Residence for management or employee

1403A.13 Satellite Dish

1403A.14 Storage Area – commercial

1404A Uses Permitted By Special Review (*Amended 8/28/18*)

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

- 1404A.01 Agriculture
- 1404A.02 College or University extension office
- 1404A.03 Bar or Lounge
- 1404A.04 Club or Country Club
- 1404A.05 Equipment Sales, Rental or both – small
- 1404A.06 Event Center
- 1404A.07 Hotel
- 1404A.08 Greenhouse – greater than one (1) acre
- 1404A.09 Group Residential Facility
- 1404A.10 Horse Rental Stable
- 1404A.11 Kennel
- 1404A.12 Motel
- 1404A.13 Propane Distribution, Storage, or both
- 1404A.14 Recreation Facility – community or neighborhood
- 1404A.15 Recreation Facility – indoor, outdoor, private
- 1404A.16 Telecommunication Facility
- 1404A.17 Theatre
 - Indoor
 - Outdoor
- 1404A.18 Water Treatment and Storage

1405A Minimum Lot Area

None

1406A Minimum Setbacks

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

Street:

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

Side and Rear Yard:

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

1407A Building Height

Maximum building height:

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

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

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

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

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

1408A Encroachments

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

1409A Water and Sanitation (Amended 8/28/18)

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

- 1409A.01 Until such time, the use of on-site wastewater treatment systems (OWTS) may be permitted provided the proposed use does not create more than a design flow of 2,000 gallons of effluent per day, as determined by Tri-County Health Department's OWTS Regulation.
- 1409A.02 The proposed use and associated OWTS is evaluated by the Tri-County Health Department, and other applicable agencies, to determine if the use is compatible with an OWTS:
- The evaluation will be based on land characteristics, including, but not limited to, lot size, lot configuration, setbacks, parking areas, floodways and floodplains, detention facilities, soil suitability, site topography, proximity to wells and other on-site physical features and facilities.
- 1409A.03 If a Responsible Management Entity (RME) exists at the time of land use application, the subject land will be served by the RME.
- 1409A.04 All uses shall be served by a central water system. The use of individual wells may be permitted provided:
- The subject land is located within the boundaries of a special district providing water service.
 - The District's water lines are not within 400 feet of the subject land [§32-1-1006(1)(a)(I), C.R.S.] or, if within 400 feet physical connection is not possible due to lack of legal access to lines;
 - The proposed use is a low-water-demand use, as determined by the Director or designee in consultation with the special district providing water service; and
 - The District authorizes the use of wells.

1410A Utilities

All public utility distribution lines shall be placed underground.

1411A Land Dedication

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

1412A Street Standards

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

1413A Parking Standards

- 1413A.01 For a principal use on lands less than one (1) acre in size, there is no minimum off-street parking requirement for non-residential uses in the CMTY District. For a principal use on lands greater than one (1) acre in size, or for any use permitted by special review, parking shall be provided in accordance with Section 28 of this Resolution. For any use permitted by special review, the Board of County Commissioners may modify off-street parking requirements. *(Amended 8/28/18)*
- 1413A.02 The minimum off-street parking requirement for residential uses is two (2) spaces per dwelling unit unless there are severe site constraints or other extraordinary circumstances, as determined by the Director or designee.
- 1413A.03 For retail, commercial and mixed-use development, parking shall be located to the rear or side of buildings. Buildings shall include façade breaks in passageways, or alleys to connect parking to street entrances.
- 1413A.04 Unlicensed, operable or inoperable vehicles parked outside shall be concealed by a solid fence, berm, vegetative barrier, or a combination thereof.
- 1413A.05 Parking for non-residential uses *(if provided)* shall be shown on the approved Site Improvement Plan, in accordance with Sections 27 and 28 of this Resolution.
- 1413A.06 Unconcealed parking of unlicensed, operable vehicles may be allowed in association with Motor Vehicle Sales as shown on an approved Site Improvement Plan in accordance with Sections 27 and 28 of this Resolution.

1414A Fencing Standards

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

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

inadequate maintenance, dilapidation, obsolescence, or abandonment, or which constitutes a zoning violation.

- 1414A.10 Swimming pools shall be enclosed by a fence or wall that meets or exceeds the requirements of the Building Code, as amended and adopted by Douglas County. *(Amended 12/18/12)*
- 1414A.11 Sound barrier walls, when constructed by the landowner other than the Colorado Department of Transportation adjacent to a street, shall be designed in accordance with the State Department of Transportation criteria and approved by the Director or designee.

1415A Landscaping

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

- 1415A.01 The minimum area to be landscaped with live plant material shall be 10 percent of the gross site area, unless off-site landscaping is supported, or there are severe site constraints or other extraordinary circumstances as determined by the Director or designee. In such cases 10 percent live plant material may be reduced.
- 1415A.02 Based upon the scale and impact of a project, a landscape buffer may be required adjacent to residential uses. *(Amended 8/28/18)*

1416A Sign Standards

Refer to Section 29 of this Resolution.

1417A Lighting Standards

Refer to Section 30 of this Resolution.

1418A Outdoor Storage

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

- 1418A.01 Outdoor storage including, but not limited to, raw materials supplies, finished or semi-finished products, or equipment shall be enclosed and concealed by a solid fence or wall.
- 1418A.02 With the approval of the Director or designee, a solid fence or wall may be replaced with adequate vegetation (hedge) such that the outdoor storage shall not be able to be viewed from the adjacent public areas.

- 1418A.03 Employee or customer parking or merchandise display areas shall not be considered outdoor storage.
- 1418A.04 Outdoor storage shall not be allowed within any required landscaped area.
- 1418A.05 Outdoor storage shall not exceed the height of the fence except for trailers, or other equipment designed to be towed or lifted as a single component.
- 1418A.06 For outdoor storage of vehicles, see the Parking Standards in this section.
- 1418A.07 Outdoor storage shall be allowed within the required setback from a street provided that the storage area does not occupy more than 50 percent of the lineal frontage at the right-of-way.
- 1418A.08 When outdoor storage areas abut each other and are not visible from public areas, the Director or designee may waive the requirement for a solid fence.
- 1418A.09 Where the topography of the land is such that a fence would not prevent viewing outdoor storage from adjoining land or public rights-of-way, additional landscaping above the height of the fence may be required by the Director or designee. In the event that it is not possible to prevent viewing of the outdoor storage from adjoining land or public rights-of-way, such outdoor storage area shall be prohibited.

THIS PAGE LEFT BLANK INTENTIONALLY

SECTION 14B D – SEDALIA DOWNTOWN DISTRICT

-Section Contents-

1401B Intent14B-2

1402B Principal Uses.....14B-2

1403B Accessory Uses.....14B-4

1404B Uses Permitted By Special Review14B-6

1405B Minimum Lot Area14B-6

1406B Minimum Setbacks14B-6

1407B Building Height14B-7

1408B Encroachments.....14B-8

1409B Water and Sanitation14B-8

1410B Utilities.....14B-9

1411B Land Dedication.....14B-9

1412B Street Standards.....14B-9

1413B Parking Standards.....14B-9

1414B Fencing Standards14B-10

1415B Landscaping14B-11

1416B Sign Standards.....14B-11

1417B Lighting Standards.....14B-11

1418B Outdoor Storage.....14B-11

1401B Intent

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

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

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

1402B Principal Uses (Amended 8/28/18)

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

1402B.01 Community Uses

- Church – maximum seating capacity 350
- Cultural Facility
- Fire Station (*with or without training facilities*)
- Library
- Museum
- Open Space, Trails, or both (*Site Improvement Plan not required*)
- Park, Playground, or both

- Post Office
 - School (private or public K-12)
 - Sheriff Station (*with or without training or with or without detention*)
- 1402B.02 Bank or Financial Institution (*no drive-up facility*)
- 1402B.03 Bar or Lounge
- 1402B.04 Bed and Breakfast
- 1402B.05 Building Materials – retail, wholesale, or both
- 1402B.06 Construction Office – temporary (*refer to Section 22*) (*Site Improvement Plan not required*)
- 1402B.07 Day-care center
- 1402B.08 Entertainment Event (*refer to Section 22B*)
- 1402B.09 Garden – Public – one (1) acre maximum (*Site Improvement Plan not required*)
- 1402B.10 Greenhouse – one (1) acre maximum
- 1402B.11 Industrial or manufacturing operation which does not emit unusual or excessive amounts of dust, smoke, fumes, gas, noxious odors, or noise beyond the lot boundary
- 1402B.12 Motor Vehicle Service, Repair, or both
- 1402B.13 Motor Vehicle Service Station with gas pumps
- 1402B.14 Office – General, Medical, Professional, Government
- 1402B.15 Office – Temporary (*refer to Section 22*) (*Site Improvement Plan not required*)
- 1402B.16 Parking Lot
- Public
 - Private
- 1402B.17 Residence
- Group Home (*Site Improvement Plan not required*)
 - Multifamily
 - Single-Family (*Site Improvement Plan not required*)

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

1402B.18 Restaurant, Fast Food Restaurant (*no drive-up facility*)

1402B.19 Retail Business, Service Business, or both

- Indoor
- Outdoor

1402B.20 Retirement Home

1402B.21 Retreat – Religious

1402B.22 Sales Office – temporary (*refer to Section 22*) (*Site Improvement Plan not required*)

1402B.23 Seasonal Use (*refer to Section 22A*)

1402B.24 Utility Service Facility (*refer to definition*)

1402B.25 Veterinary Clinic or Hospital

1402B.26 Warehouse

1402B.27 Wholesale Business – sales, service, or both

1402B.28 Youth Oriented Agricultural Activities (*refer to definition*) (*Site Improvement Plan not required*)

1403B Accessory Uses

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

Residential:

1403B.01 Accessory uses and buildings

1403B.02 Animals (*refer to Section 24*)

- Animals are limited to horse, mule, llama, miniature horse, alpaca, sheep, goat, chicken, turkey, duck, dog, cat, pot-bellied pig, bees.
- Household pets inclusive of, but not limited to, dogs, cats, pot-bellied pigs, chickens, turkeys, and ducks shall be permitted for residential

use provided that not more than four (4) animals of more than four (4) months of age are kept by the occupant of any residential unit. Kennel, boarding facilities, and commercial activities are not allowed.

- The minimum lot size required to keep a hoofed animal shall be one (1) acre. The maximum density for hoofed animals shall be one (1) animal unit per half (½) acre.
- Devegetated areas shall be setback 25 feet from all property lines.
- The location of a corral shall be such that it does not cause harm to septic fields and other on-site physical features and facilities.

1403B.03 Day-care home

- Small
- Large

1403B.04 Guest House

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

- Class 1
- Class 2

1403B.06 In-home Elder Care

1403B.07 Residence

- Caretaker

1403B.08 Satellite Dish

Non-residential:

1403B.09 Accessory uses and buildings

1403B.10 Day-care facility for employees' children

1403B.11 Residence for management or employee

1403B.12 Satellite Dish

1403B.13 Storage Area – commercial (*entirely enclosed by a structure*)

1404B Uses Permitted By Special Review *(Amended 8/28/18)*

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

- 1404B.01 Club or Country Club
- 1404B.02 College or University extension office
- 1404B.03 Equipment Sales, Rental, or both – small
- 1404B.04 Event Center
- 1404B.05 Group Residential Facility
- 1403B.06 Greenhouse – one (1) acre maximum *(Site Improvement Plan not required)*
- 1404B.07 Hotel
- 1404B.08 Motel
- 1404B.09 Propane Distribution, Storage, or both
- 1404B.10 Recreation Facility – community or neighborhood
- 1404B.11 Recreation Facility – indoor, outdoor, private
- 1404B.12 Telecommunication Facility
- 1404B.13 Theater
 - Indoor
 - Outdoor
- 1404B.14 Training of Horses, Riders, or both *(maximum of 14 lessons per week)*

1405B Minimum Lot Area

None

1406B Minimum Setbacks

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

Street:

1406B.01 Build-to Line: Between zero (0) and six (6) feet from property line OR 20 feet or greater from property line

- If observing the zero (0) to six (6) foot build-to option, 80 percent of the building façade along public streets and/or sidewalks must be no more than six (6) feet from the property line.
- If observing the zero (0) to six (6) foot build-to option, yards between the street property line and the building line shall be used for open front yards and gardens; plazas or courtyards; and/or outdoor dining. Parking is prohibited within these yards.

Side and Rear Yard:

1406B.02 Minimum six (6)-foot setback (principal and accessory structures) from the property line on lots with a platted alley.

1406B.03 Zero (0)-foot setback (principal and accessory structures) from the Sedalia Downtown, Sedalia Community, Sedalia Highway Commercial, and Sedalia Mixed Industrial zone districts.

1406B.04 Minimum 10-foot setback (principal and accessory structures) from A-1, LRR, RR, ER, SR, MF, LSB, B, C, LI, and GI zone districts.

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

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

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

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

1407B.03 All roof-mounted equipment (*mechanical, ventilating, antennas*) shall be properly screened, with the exception of solar collectors/heaters.

1408B Encroachments

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

1409B Water and Sanitation (Amended 8/28/18)

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

- 1409B.01 Until such time, the use of on-site wastewater treatment systems (OWTS) may be permitted provided the proposed use does not create more than a design flow of 2,000 gallons of effluent per day, as determined by Tri-County Health Department's OWTS Regulation.
- 1409B.02 The proposed use and associated OWTS is evaluated by the Tri-County Health Department, and other applicable agencies, to determine if the use is compatible with an OWTS:
- The evaluation will be based on land characteristics, including, but not limited to, lot size, lot configuration, setbacks, parking areas, floodways and floodplains, detention facilities, soil suitability, site topography, proximity to wells and other on-site physical features and facilities.
- 1409B.03 If a Responsible Management Entity (RME) exists at the time of land use application, the subject land will be served by the RME.
- 1409B.04 All uses shall be served by a central water system. The use of individual wells may be permitted provided:
- The subject land is located within the boundaries of a special district providing water service.
 - The district's water lines are not within 400 feet of the subject land [§32-1-1006(1)(a)(I), C.R.S.], or if within 400 feet, physical connection is not possible due to lack of legal access to lines.
 - The proposed use is a low-water-demand use, as determined by the Director or designee in consultation with the special district providing water service.
 - The District authorizes the use of wells.

1410B Utilities

All public utilities shall be placed underground.

1411B Land Dedication

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

1412B Street Standards

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

1413B Parking Standards

- 1413B.01 For a principal use on lands less than one (1) acre in size, there is no minimum off-street parking requirement for non-residential uses in the D District. For a principal use on lands greater than one (1) acre in size, or for any use permitted by special review, parking shall be provided in accordance with Section 28 of this Resolution. For any use permitted by special review, the Board of County Commissioners may modify off-street parking requirements. *(Amended 8/28/18)*
- 1413B.02 The minimum off-street parking requirement for residential uses is two (2) spaces per dwelling unit unless there are severe site constraints or other extraordinary circumstances, as determined by the Director or designee.
- 1413B.03 For retail, commercial and mixed-use development, parking shall be located to the rear or side of buildings. Buildings shall include façade breaks in passageways, or alleys to connect parking to street entrances.
- 1413B.04 Unlicensed operable vehicles parked outside shall be concealed by a solid fenced berm, vegetative barrier, or a combination thereof. Inoperable vehicles shall not be stored outside.
- 1413B.05 Parking for non-residential uses (if provided) shall be shown on the approved Site Improvement Plan, prepared in accordance with Sections 27 and 28 of this Resolution.

1414B Fencing Standards

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

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

inadequate maintenance, dilapidation, obsolescence, or abandonment, or which constitutes a zoning violation.

1414B.10 Swimming pools shall be enclosed by a fence or wall that meets or exceeds the requirements of the Building Code, as amended and adopted by Douglas County. *(Amended 12/18/12)*

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

1415B Landscaping

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

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

1415B.02 Based upon the scale and impact of a project, a landscape buffer may be required adjacent to residential uses. *(Amended 8/28/18)*

1416B Sign Standards

Refer to Section 29 of this Resolution.

1417B Lighting Standards

Refer to Section 30 of this Resolution.

1418B Outdoor Storage

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

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

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

- 1418B.03 Employee or customer parking or merchandise display areas shall not be considered outdoor storage.
- 1418B.04 Outdoor storage shall not be allowed within any required landscaped area.
- 1418B.05 Outdoor storage shall not exceed the height of the fence except for trailers or other equipment designed to be towed or lifted as a single component.
- 1418B.06 For outdoor storage of vehicles, see the Parking Standards in this Section.
- 1418B.07 Outdoor storage shall be allowed within the required setback from a street provided that the storage area does not occupy more than 50 percent of the lineal frontage at the right-of-way.
- 1418B.08 When outdoor storage areas abut each other and are not visible from public areas, the Director or designee may waive the requirement for a solid fence.
- 1418B.09 Where the topography of the land is such that a fence would not prevent viewing outdoor storage from adjoining land or public rights-of-way, additional landscaping above the height of the fence may be required by the Director or designee. In the event that it is not possible to prevent viewing of the outdoor storage from adjoining land or public rights-of-way, such outdoor storage area shall be prohibited.

THIS PAGE LEFT BLANK INTENTIONALLY

SECTION 14C HC – SEDALIA HIGHWAY COMMERCIAL DISTRICT

-Section Contents-

1401C	Intent	14C-2
1402C	Principal Uses.....	14C-2
1403C	Accessory Uses.....	14C-4
1404C	Uses Permitted By Special Review	14C-4
1405C	Minimum Lot Area	14C-5
1406C	Minimum Setbacks	14C-5
1407C	Building Height	14C-5
1408C	Encroachments.....	14C-5
1409C	Water and Sanitation	14C-6
1410C	Utilities	14C-6
1411C	Land Dedication.....	14C-6
1412C	Street Standards.....	14C-6
1413C	Parking Standards.....	14C-7
1414C	Fencing Standards	14C-7
1415C	Landscaping	14C-8
1416C	Sign Standards.....	14C-8
1417C	Lighting Standards.....	14C-8
1418C	Outdoor Storage.....	14C-8

1401C Intent

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

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

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

1402C Principal Uses

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

1402C.01 Community Uses

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

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

- 1402C.06 Construction Office – temporary (*refer to Section 22*)
- 1402C.07 Equipment Sales, Rental, or both – small
- 1402C.08 Equipment Service, Repair, or both
- 1402C.09 Event Center (*Amended 4/28/15*)
- 1402C.10 Firing Range – indoor
- 1402C.11 Greenhouse – one (1) acre maximum (*Amended 8/28/18*)
- 1402C.12 Hotel
- 1402C.13 Industrial or manufacturing operation which does not emit unusual or excessive amounts of dust, smoke, fumes, gas, noxious odors, or noise beyond the lot boundary
- 1402C.14 Motel
- 1402C.15 Motor Vehicle Sales
- 1402C.16 Motor Vehicle Service, Repair, or both
- 1402C.17 Motor Vehicle Service Station with gas pumps
- 1402C.18 Motorcycle Sales, Service, Repair, or all
- 1402C.19 Office – General, Medical, Professional, Government
- 1402C.20 Office – Temporary (*refer to Section 22*)
- 1402C.21 Parking Lot
 - Public
 - Private
- 1402C.22 Product Distribution, Storage, or both (*no hazardous materials*)
- 1402C.23 Research and Development Facility
- 1402C.24 Restaurant, Fast Food Restaurant (*with or without drive-up facility*)
- 1402C.25 Retail Business, Service Business, or both
 - Indoor
 - Outdoor

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

1403C Accessory Uses

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

Non-residential:

- 1403C.01 Accessory Uses and Buildings
- 1403C.02 Day-care Facility for employees' children
- 1403C.03 Greenhouse – one (1) acre maximum (*Site Improvement Plan not required*) (*Amended 8/28/18*)
- 1403C.04 Propane Distribution, Storage, or both
- 1403C.05 Residence for management or employee
- 1403C.06 Satellite Dish
- 1403C.07 Storage Area – commercial

1404C Uses Permitted By Special Review

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

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

1405C Minimum Lot Area

None

1406C Minimum Setbacks

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

1407C Building Height

Maximum building height:

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

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

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

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

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

1408C Encroachments

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

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

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

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

1409C Water and Sanitation (Amended 8/28/18)

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

1409C.01 Until such time, the use of on-site wastewater treatment systems (OWTS) may be permitted provided the proposed use does not create more than a design flow of 2,000 gallons of effluent per day, as determined by Tri-County Health Department's OWTS Regulation.

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

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

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

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

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

1410C Utilities

All public utility distribution lines shall be placed underground.

1411C Land Dedication

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

1412C Street Standards

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

1413C Parking Standards

- 1413C.01 Minimum off-street parking shall be provided in accordance with Section 28 of this Resolution.
- 1413C.02 Parking for non-residential uses shall be provided as shown on the approved Site Improvement Plan, in accordance with Sections 27 and 28 of this Resolution.
- 1413C.03 Unlicensed, operable or inoperable vehicles parked outside shall be concealed by a solid fence, berm, vegetative barrier, or a combination thereof.
- 1413C.04 Unconcealed parking of operable, unlicensed vehicles may be allowed in association with Motor Vehicle Sales as shown on an approved Site Improvement Plan in accordance with Sections 27 and 28 of this Resolution.

1414C Fencing Standards

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

- 1414C.01 Barbed, concertina, razor wire, or other hazardous materials used for fencing shall be prohibited.
- 1414C.02 Fences, walls, or hedges shall not be erected in the public right-of-way, but shall be allowed within the setback on private land.
- 1414C.03 A building permit shall be required for any retaining wall, as required by the Building Code, as amended and adopted by Douglas County.
(Amended 12/18/12)
- 1414C.04 Fences, walls, or hedges shall not exceed six (6) feet in height and shall not exceed four (4) feet in height when located in the required setback from a street.
- 1414C.05 A building permit is required for any fence greater than six (6) feet in height, or as required by the Building Code, as amended and adopted by Douglas County. (Amended 12/18/12)

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

1415C Landscaping

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

1416C Sign Standards

Refer to Section 29 of this Resolution.

1417C Lighting Standards

Refer to Section 30 of this Resolution.

1418C Outdoor Storage

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

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

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

THIS PAGE LEFT BLANK INTENTIONALLY

SECTION 14D MI – SEDALIA MIXED INDUSTRIAL

-Section Contents-

1401D	Intent	14D-2
1402D	Principal Uses.....	14D-2
1403D	Accessory Uses.....	14D-5
1404D	Uses Permitted By Special Review	14D-6
1405D	Minimum Lot Area	14D-7
1406D	Minimum Setbacks	14D-7
1407D	Building Height	14D-7
1408D	Encroachments.....	14D-8
1409D	Water and Sanitation	14D-8
1410D	Utilities.....	14D-9
1411D	Land Dedication.....	14D-9
1412D	Street Standards.....	14D-9
1413D	Parking Standards.....	14D-9
1414D	Fencing Standards	14D-10
1415D	Landscaping	14D-11
1416D	Sign Standards.....	14D-11
1417D	Lighting Standards.....	14D-11
1418D	Outdoor Storage.....	14D-12

1401D Intent

To provide areas for a full range of retail business, commercial, services, office, research, warehousing, small product assembly, manufacturing, distribution, and residential uses 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 services, and public utilities shall be available to serve the development. Growth should occur in a phased and contiguous manner to avoid the costly, premature extension of basic infrastructure.

Development within this District shall be designed to provide for such uses on well-landscaped sites such that they can be located in proximity to other business, commercial and residential uses in accordance with the intent of the Douglas County Comprehensive Master Plan. High performance standards are set forth for this District to assure that development is compatible with adjoining land uses.

The MI District is characterized by a full range of commercial and light industrial uses with residential and mixed-use development. 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. Heavy freight operations (railroad or multi-modal transfer) are not in keeping with the character of the District; new freight rail sidings are discouraged on private lots.

1402D Principal Uses *(Amended 08/28/18)*

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

1402D.01 Community Uses

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

- Sheriff Station (*with or without training or with or without detention*)
- 1402D.02 Agriculture (*Site Improvement Plan not required*)
- 1402D.03 Agricultural Recreational Activities (*Site Improvement Plan not required*)
- 1402D.04 Animals (*refer to Section 24*) – household animals shall be an accessory use (*Site Improvement Plan not required*)
- Animals are limited to horse, cow, mule, llama, pig, goat, sheep, miniature horse, and alpaca.
 - The minimum lot size required to keep hoofed animal(s) shall be one (1) acre. The maximum density for hoofed animals shall be one (1) animal unit per half (½) acre.
 - Boarded horses will be counted in the total number of allowed animal units.
 - Devegetated areas shall be setback 25 feet from all property lines.
 - The location of a corral shall be such that it does not cause harm to septic fields and other on-site physical features and facilities.
- 1402D.05 Bank or Financial Institution (*no drive-up facility*)
- 1402D.06 Building Materials – retail, wholesale, or both
- 1402D.07 Construction Office – temporary (*refer to Section 22*)
- 1402D.08 Day-care Center
- 1402D.09 Entertainment Event (*refer to Section 22B*)
- 1402D.10 Equipment Service, Repair, or both
- 1402D.11 Equipment Sales, Rental, or both
- Large
 - Small
- 1402D.12 Firing Range – indoor
- 1402D.13 Garden – Public – one (1) acre maximum (*Site Improvement Plan not required*)
- 1402D.14 Greenhouse
- 1402D.15 Hotel

- 1402D.16 Industrial or manufacturing operation which does not emit unusual or excessive amounts of dust, smoke, fumes, gas, noxious odors, or noise beyond the lot boundary.
- 1402D.17 Motel
- 1402D.18 Motor Vehicle Sales
- 1402D.19 Motor Vehicle Service, Repair, or both
- 1402D.20 Motor Vehicle Service Station with gas pumps
- 1402D.21 Motorcycle Sales, Service, Repair or all
- 1402D.22 Office – General, Medical, Professional, Government
- 1402D.23 Office – Temporary (*refer to Section 22*)
- 1402D.24 Parking lot
- Public
 - Private
- 1402D.25 Product Distribution, Storage, or both (*no hazardous materials*)
- 1402D.26 Recreational Vehicle Storage Lot
- 1402D.27 Research and Development Facility
- 1402D.28 Residence – Minimum of two (2) acres
- Group Home (*Site Improvement Plan not required*)
 - Single-Family (*Site Improvement Plan not required*)
 - Temporary (*refer to Section 22*)
- 1402D.29 Restaurant, Fast Food Restaurant (*no drive-up facility*)
- 1402D.30 Retail Business or Service Business, or both
- Indoor
 - Outdoor
- 1402D.31 Retreat – Religious
- 1402D.32 Sales Office – temporary (*refer to Section 22*)
- 1402D.33 Satellite Earth Station

- 1402D.34 Seasonal Use (*refer to Section 22A*)
- 1402D.35 Storage Area – Commercial
- 1402D.36 Theatre
 - Indoor
 - Outdoor
- 1402D.37 Training Facility for Horses, Riders, or both (*maximum 14 lessons per week*)
- 1402D.38 Utility Service Facility (*refer to definition*)
- 1402D.39 Veterinary Clinic or Hospital
- 1402D.40 Warehouse
- 1402D.41 Warehouse – mini or self storage
- 1402D.42 Wholesale Business – sales, service, or both
- 1402D.43 Youth-Oriented Agricultural Activities (*refer to definition*) (*Site Improvement Plan not required*)

1403D Accessory Uses

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

Residential:

- 1403D.01 Accessory Uses and Buildings
- 1403D.02 Animals – household pets
 - Household pets inclusive of, but not limited to, dogs, cats, pot-bellied pigs, chickens, turkeys, and ducks shall be permitted for residential use provided that not more than four (4) animals of more than four (4) months of age are kept by the occupant of any residential unit.
- 1403D.03 Day-care Home
 - Small
 - Large
- 1403D.04 Guest House

1403D.05 Home Occupation (*refer to Section 23*)

- Class 1
- Class 2

1403D.06 Satellite Dish

Non-residential:

1403D.07 Accessory Uses and Buildings

1403D.08 Day-care Facility for employees' children

1403D.09 Caretaker (*Amended 08/28/18*)

1403D.10 Satellite Dish

1404D Uses Permitted By Special Review (*Amended 08/28/18*)

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

1404D.01 Bar or Lounge

1404D.02 Bed and Breakfast

1404D.03 Campground

1404D.04 Cemetery

1404D.05 Church – seating capacity greater than 350

1404D.06 Club or Country Club

1404D.07 Group Residential Facility

1404D.08 Horse Boarding Facility – number of horses greater than allowed by right

1404D.09 Jail or Correctional Facility

1404D.10 Kennel

1404D.11 Propane Distribution, Storage, or both

1404D.12 Recycle Facility, Trash Transfer Facility, or both

1404D.13 Residence

- Multifamily
- Single-Family attached

1404D.14 Satellite Earth Station (*exceeding maximum health and height standards*)1404D.15 Sewage Treatment (*refer to Utility Service Facility definition*)1404D.16 Telecommunication Facility (*within or exceeding maximum height and health standards*)

1404D.17 Utility – Major Facility

1404D.18 Wind Energy Conversion System (*refer to Section 21*)1405D Minimum Lot Area

None

1406D Minimum Setbacks

<u>MINIMUM SETBACK FROM</u>		
Street*	CMTY/D/HC/RES/OS	MI/LSB/B/C/LI/GI/A-1
regional/major arterial: 25' minor arterial: 25' collector/local: 20'	25'	no setback

The setback is measured from the property line to the wall of the structure horizontally and perpendicular to the lot line

1407D Building Height

Maximum building height:

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

1407D.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.

- 1407D.02 The maximum height of a roof-mounted church spire shall not exceed 1.62 times the height of the church (*refer to Section 36 building height definition - spire height calculation*).
- 1407D.03 The maximum height of a parapet wall shall be as approved by staff based on overall mass and bulk and its compatibility with the surrounding area.
- 1407D.04 All roof-mounted equipment (*mechanical, ventilating, antennas*) shall be properly screened, with the exception of solar collectors/heaters.

1408D Encroachments

- 1408D.01 A cornice, canopy, eave, fireplace, wing wall, or similar architectural feature may extend three (3) feet into a required setback.
- 1408D.02 Fire escapes may extend six (6) feet into a required setback.
- 1408D.03 Structures that do not require building permits may encroach into a rear setback. Any encroachment into an easement requires permission from the easement holder.
- 1408D.04 A garage directly accessed from an alley may encroach into a rear setback. Any encroachment into an easement requires permission from the easement holder.

1409D Water and Sanitation (*Amended 08/28/18*)

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

- 1409D.01 Until such time, the use of on-site wastewater treatment systems (OWTS) may be permitted provided the proposed use does not create more than a design flow of 2,000 gallons of effluent per day, as determined by Tri-County Health Department's OWTS Regulation.
- 1409D.02 The proposed use and associated OWTS is evaluated by the Tri-County Health Department, and other applicable agencies, to determine if the use is compatible with an OWTS:
- The evaluation will be based on land characteristics, including, but not limited to lot size, lot configuration, setbacks, parking areas, floodways and floodplains, detention facilities, soil suitability, site topography, proximity to wells and other on-site physical features and facilities.

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

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

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

1410D Utilities

All public utility distribution lines shall be placed underground.

1411D Land Dedication

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

1412D Street Standards

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

1413D Parking Standards

1413D.01 Minimum off-street parking shall be provided in accordance with County regulations.

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

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

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

1414D Fencing Standards

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

- 1414D.01 Concertina, razor wire, or other hazardous materials used for fencing shall be prohibited.
- 1414D.02 Electrically charged fencing material shall be permitted when it is installed for the purpose of containing animals within the boundaries of the lot.
- Electric fencing materials must be installed on the inside of the fence, within the lot area.
 - Electric fencing shall use an interrupted flow of current at intervals of about one (1) second on and two (2) seconds off and shall be limited to 2,000 volts at 17 milliamperes current.
 - All electric fences shall be posted with permanent signs stating that the fence is electrified.
- 1414D.03 Barbed wire shall be permitted when located a minimum of 6' 6" in height measured from the ground level outside the fence.
- 1414D.04 Fences, walls, or hedges shall not be erected in the public right-of-way, but shall be allowed within the setback on private land.
- 1414D.05 A building permit shall be required for any retaining wall as required by the Building Code, as amended and adopted by Douglas County.
(Amended 12/18/12)
- 1414D.06 A building permit is required for any fence greater than six (6) feet in height, or as required by the Building Code, as amended and adopted by Douglas County. (Amended 12/18/12)
- 1414D.07 Solid fences, walls, or hedges shall not exceed four (4) feet in height when located within the required setback from a street except when a fence is required in order to conceal outdoor storage. Then the fence may exceed four (4) feet in height for no more than 50 percent of the lineal frontage of the lot. Fences extending above six (6) feet, to a height of 10 feet, may be permitted only with the approval of the Director or designee.
- 1414D.08 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.

- 1414D.09 Fences, walls, or hedges shall be maintained in good structural or living condition. The landowner is responsible for the repair or removal of a fence, wall, or hedge, which constitutes a safety hazard, by reason of inadequate maintenance, dilapidation, obsolescence, or abandonment, or which constitutes a zoning violation.
- 1414D.10 Fences constructed of woven wire or ornamental iron which are a minimum of 80 percent open may be constructed with no height limitation; however, a building permit is required for any fence greater than six (6) feet in height, or as required by the Building Code, as amended and adopted by Douglas County. *(Amended 12/18/12)*
- 1414D.11 Fences or walls shall be designed and maintained so that they are architecturally harmonious with the principal structures on the lot. When abutting a property with a residence, such fences or walls shall be opaque and may not be constructed of woven wire.
- 1414D.12 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)*
- 1414D.13 Sound barrier walls, when constructed by the landowner other than the Colorado Department of Transportation adjacent to a street, shall be designed in accordance with the State Department of Transportation criteria and approved by the Director or designee.

1415D Landscaping

Non-residential uses shall be landscaped as shown on the approved landscape plan prepared in accordance with Section 27 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.

1416D Sign Standards

Refer to Section 29 of this Resolution.

1417D Lighting Standards

Refer to Section 30 of this Resolution.

1418D Outdoor Storage

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

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

THIS PAGE LEFT BLANK INTENTIONALLY

SECTION 21 USE BY SPECIAL REVIEW**-Section Contents-****GENERAL PROVISIONS**

2101	Intent.....	21-2
2102	Approval Standards	21-2
2103	Length of Approval.....	21-3
2104	Annual Review.....	21-3
2105	Amendment of an Approved Use by Special Review.....	21-3
2106	General Provisions.....	21-3

USES BY SPECIAL REVIEW

2107	Allowed Uses by Special Review and Additional Requirements.....	21-4
------	---	------

SUBMITTAL PROCESS AND REQUIREMENTS

2108	Submittal Prerequisite.....	21-17
2109	Submittal Process.....	21-18
2110	Withdrawal of an Application.....	21-21
2111	Submittal Requirements.....	21-21
2112	Plan Exhibit.....	21-23
2113	Public Notice Requirements.....	21-26
2114	Termination of Use.....	21-29
2115	Inactive Files.....	21-30
2116	Post Denial Application.....	21-30
2117	Revocation.....	21-30
2118	Administrative Use by Special Review Amendment	21-30

2101 Intent

To provide for uses in specific zone districts that shall require a public notice and hearing and the approval of the Board of County Commissioners subject to such conditions and safeguards as may be imposed by the Board, and to establish procedures for amending an approved use by special review based on the anticipated impact of the change.

2102 Approval Standards

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

- 2102.01 Complies with the minimum zoning requirements of the zone district in which the special use is to be located, as set forth in this Resolution.
- 2102.02 Complies with the requirements of this Section 21.
- 2102.03 Complies with the Douglas County Subdivision Resolution.
- 2102.04 Will be in harmony and compatible with the character of the surrounding areas and neighborhood.
- 2102.05 Will be consistent with the Douglas County Comprehensive Master Plan, as amended.
- 2102.06 Will not result in an over-intensive use of land.
- 2102.07 Will provide roadway capacity necessary to maintain the adopted roadway level-of-service for the proposed development concurrently with the impacts of such development.
- 2102.08 Will provide public facilities and services necessary to accommodate the proposed development concurrently with the impacts of such development.
- 2102.09 Will not cause significant air, water, or noise pollution.
- 2102.10 Will be adequately landscaped, buffered, and screened.
- 2102.11 Complies with the following standards regarding water supply:
 - 2102.11.1 If it is demonstrated that the use by special review will not generate any ongoing water demand, no proof of water supply shall be required and no other provisions of Section 18A, Water Supply - Overlay District, herein, shall be applicable. *(Amended 5/26/2015)*
 - 2102.11.2 If it is demonstrated that the use by special review, when located on a conforming parcel within the A-1 or LRR zone district, will generate

a water demand not to exceed three (3) acre-feet per year, and that the demand can be supplied by a groundwater well which has or is capable of receiving a permit from the Colorado Division of Water Resources for such use, this standard shall be met and no other provisions of Section 18A, Water Supply - Overlay District, herein, shall be applicable. Water demands shall be estimated in accordance with the Minimum Water Demand Standards defined in Section 18A, Water Supply – Overlay District, herein. *(Amended 5/26/2015)*

2102.11.3 For all other use by special review applications, the applicant shall demonstrate conformance with Section 18A, Water Supply - Overlay District, herein. *(Amended 5/26/2015)*

2102.12 Will not otherwise be detrimental to the health, safety, or welfare of the present or future inhabitants of the County.

2103 Length of Approval

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

2104 Annual Review

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

2105 Amendment of An Approved Use by Special Review

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

2106 General Provisions

2106.01 The Board may establish lesser setbacks than those required in this Section, and heights greater than those allowed in the underlying zone district, if the Board determines that adequate buffering is or will be provided to mitigate such concerns as noise, visual, dust, or other social or environmental impacts. The burden of proof is on the applicant to demonstrate such adequate mitigation measures.

2106.02 Outdoor storage areas shall be concealed by a solid wall or fence of an appropriate height unless otherwise provided for herein.

- 2106.03 A use by special review may be permitted on nonconforming parcels when such use is permitted, as a use by special review, in the zone district to which the parcel conforms in size.

2107 Allowed Uses by Special Review (Amended 8/28/18)

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

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

- 2107.01 Animals - nondomestic, exotic: A-1 and LRR zone districts provided that:
- a security fence surrounds the enclosures to prevent the animals from leaving the premises; and
 - the applicant shall contact the Denver Zoo Curator and State Division of Wildlife to determine the enclosure size needed and any special conditions for species on the site. Each enclosure shall have adequate water and drainage.
- 2107.02 Bar or Lounge: CMTY and MI zone districts
- 2107.03 Batch plant - concrete, asphalt or mortar: LI and GI zone districts
- 2107.04 Bed and Breakfast: A-1, LRR, RR, ER, and MI zone districts
- 2107.05 Campground: A-1 zone district provided that all uses and structures are located at least 100 feet from all property lines
- 2107.06 Cemetery: A-1 zone district
- 2107.07 Chemical/hazardous material storage, transfer, or disposal facility: GI zone district, provided such use complies with all State and federal regulations and is located at least 500 feet from all lot lines (Amended 3/28/01)
- 2107.08 Church with a seating capacity, in the main worship area, greater than 350: A-1, LRR, RR, ER, SR, MF and MH zone districts, provided that such uses are located at least 50' from all lot lines or the zone district minimum setback, whichever is greater
- 2107.09 Club or Country Club: CMTY, D, and MI zone districts
- 2107.10 College or University extension office: CMTY and D zone districts
- 2107.11 Cultural facility: A-1 and LRR zone districts

2107.12 Day-care center, preschool, or day-care home - large: A-1, LRR, RR, ER, SR, MF, and MH zone districts provided that such uses shall be situated on a lot of not less than 10,000 square feet and that a solid fence or wall 6 feet in height shall completely enclose the yard used for playground purposes

2107.13 Dude ranch: A-1 zone district

2107.14 Event Center: CMTY and D zone districts, subject to the following additional requirement:

2107.14.1 A noise study shall be submitted demonstrating compliance with the limits established in Section 1703A of the Noise Overlay District.

A-1 zone district, subject to the following additional requirements:

2107.14.2 Structures used for the event center shall be of a scale and design that is compatible with the surrounding rural environment.

2107.14.3 Structures, outdoor assembly areas, and parking lots used for the event center shall be setback a minimum of 200 feet from all adjacent property lines.

2107.14.4 Noise generated by the event center use shall not result in noise levels which exceed 40 dB(A) between 7:00 a.m. and 7:00 p.m., and 35 dB(A) between 7:00 p.m. and 7:00 a.m., measured in accordance with Section 1705A.

2107.14.5 A noise study shall be submitted demonstrating compliance with the event center noise standard.

2107.14.6 In addition to the management plan components specified in Section 2112, operational limitations for the event center shall address the following:

- (1) Maximum number of event patrons.
- (2) Frequency of events including times of day and days of week.
- (3) The number of outdoor and indoor events.
- (4) Specific mitigation measures to limit the impacts of any exterior lighting.
- (5) Specific limitations or mitigation measures to ensure compliance with the noise standards consistent with the noise study.

2107.14.7 In addition to the information required for the project narrative specified in Section 2111, the event center narrative shall include a discussion of the following:

- (1) The ability of the existing or proposed structures to comply with building and fire code requirements for public assembly uses.

- (2) The ability to provide sanitation service for the proposed use by connection to a sanitary sewer or provision of on-site wastewater treatment.
- (3) The ability to connect to a central water provider or to obtain a well permit for the proposed use.

2107.15 Feed yard - confinement center: A-1 zone district, provided that such use is located at least 500 feet from all property lines, and that such use is approved by Tri-County Health Department

2107.16 Firing range - outdoor: A-1 and GI zone districts provided that the use is located at least 100 feet from all property lines; an indoor range may be permitted as an accessory use to an outdoor range in the A-1 zone district

2107.17 Greenhouse: A-1 zone district

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

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

2107.18 Group Residential Facility: A-1, LRR, MF, MH, B, C, and LI zone districts provided that the Group Residential Facility does not include more than 1 registered sex offender over the age of 18 *(Amended 5/14/03)*

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

2107.19 Group Home for registered sex offenders: A-1, B, C, LI zone districts, provided the facility is located a minimum of 1,500 feet from a school, park, playground, child-care facility, and youth camp

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

2107.20 Heliport: B/C/LI/GI zone districts:

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

- frequency of flights and diagram of flight patterns; and
- hours of operation.

2107.21 Home occupation: A-1 zone district where the number of nonresident employees exceeds 2, or more than 1500 sq. ft. of an accessory structure is required - No outside storage shall be allowed.

2107.22 Horse boarding or training facility: A-1, LRR, RR, and ER zone districts where the number of boarded horses exceeds the maximum number of horses permitted by right or by administrative review, or the number of lessons for non-owned horses, or riders not related to the landowner or lessee, exceeds 14 per week

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

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

2107.23 Horse rental stable: A-1 and LRR zone districts provided that all uses are located at least 100 feet from all lot lines

2107.24 Hotel: CMTY and D zone districts

2107.25 Hunting or fishing club: A-1 zone district; hunting clubs shall be located on a minimum of 160 acres

2107.26 Jail/correctional facility: G1 zone district - Security for the facility may include barb, electric, or concertina wire when located a minimum of 6' 6" in height measured from the ground level outside the fence.

2107.27 Junk, scrap metal, or auto wrecking yard: G1 zone district provided all such uses are completely concealed by a solid wall or fence at least 6 feet in height

2107.28 Kennel: A-1 and LRR zone districts provided that all uses are located at least 100 feet from all lot lines

2107.29 Landfill - public or private: A-1 and G1 zone districts provided that such use is approved by the Tri-County District Health Department and is located 500 feet from all lot lines or 1,000 feet from any existing residential land use, whichever is greater

Prior to applying for a use by special review, the applicant must first receive a recommendation of approval for the certificate of designation

from the Colorado Department of Health. Any proposal must be in compliance with the Douglas County Comprehensive Master Plan, as amended.

2107.30 Landing Field, Private: A private, non-commercial landing field or helipad for fixed or rotary wing craft is permitted as an accessory use in the A-1 and G1 zone districts provided:

- Minimum lot/parcel area: 35 acres.
- Minimum setback for landing area: 200' from the sides of the landing strip, and 400' from the ends.
- The landing field shall be for the exclusive use of the landowner and guests.
- Any commercial use, flight training, ground school, or sales, are prohibited.
- Aircraft noise may not exceed 78 db(A) for more than 5 minutes in a 1-hour period.
- The FAA shall be notified regarding approval of airspace.
- The landing strip shall be oriented such that aircraft landing and takeoff do not pass directly over dwellings, schools, churches, or other places of public assembly.
- Minimum setback from existing residences (except landowner's): 1/2 mile from either end of the runway.
- A management plan shall be submitted with the application that addresses the following:
 - type and use of aircraft for which the facility is intended;
 - number of planes to be stationed on the site;
 - frequency of flights and diagram of flight patterns; and
 - hours of operation.

2107.31 Mining, quarry, sand and gravel operation, or similar extractive land use: A-1 and G1 zone districts, subject to the following:

2107.31.1 The use is judged by the twelve criteria for approval of a use by special review, and the goals and policies of the Douglas County Comprehensive Master Plan, as amended and its Mineral Extraction element, and may be approved with conditions derived from the extraction plan submittals listed herein.

2107.31.2 Exemptions from these regulations may be approved by the Director of Community Development in accordance with an approved grading permit, for any one of the following:

(1) Earthwork performed within public rights-of-way

(2) Earthwork performed which is consistent with an approved site plan or an approved and recorded final plat

(3) Earthwork performed as part of construction per an approved building permit

(4) Borrow site

2107.31.3 A narrative that addresses all items listed in Section 2111, herein, and the following:

(1) a discussion of the quantity and quality of the deposit and its relationship to the supply and demand information contained in the Douglas County Master Plan for Mineral Extraction

(2) a discussion of the positive and negative impacts of the operation

2107.31.4 A plan exhibit prepared in accordance with Section 2112, herein, and shows the following:

(1) The relationship of the mine site to other uses/structures in the area

(2) The location of all buildings, equipment, on- and off-site haul roads, ancillary facilities, staging areas, and stockpiles

(3) The limits of the mine site and the extent of areas to be disturbed

(4) The location and dimension of buffers against noise and visual impact to be left in place or created

(5) Identified aquifer recharge areas, wetland areas, lakes, rivers

(6) Wildlife impact areas as designated in the Douglas County Comprehensive Master Plan, as amended, and areas considered significant by the Colorado Division of Wildlife

(7) Areas identified, through independent assessment, as having historic, archaeological, or paleontological resources

(8) All Douglas County Comprehensive Master Plan designations

2107.31.5 An operational plan shall be submitted that at a minimum addresses the following:

(1) Start and end dates and the hours of operation

(2) A program for initial air-quality measurements and an ongoing monitoring program, including dust from equipment and stockpiles

(3) A program for initial water quality and quantity measurements, including well tests in the area, and an ongoing water-quality monitoring program

(4) Sources and quantities of water needed on site

(5) A drainage and erosion control plan in compliance with the Douglas County Storm Drainage Design and Technical Criteria manual

(6) A program for initial noise measurement, an ongoing noise monitoring program, and a noise abatement program

(7) Proposed methods and timing of site restoration and their relationship to visual and air-quality impacts

(8) A phasing plan that:

- designates areas to be disturbed and the proposed timing or extraction for each area;
- illustrates the timing of site restoration for each area including revegetation, contouring, and grading;
- limits the total land area to be disturbed at any one time; and
- links the availability of adequate transportation facilities to the scope of the operation, specifically identifies off-site infrastructural improvements required for the project, and specifies the time frame for construction in relation to phases of on-site operation.

(9) A transportation plan that:

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

(10) A blasting plan that:

- Identifies noise and vibration-sensitive uses/structures/activities in the area;

- includes a pre-blast inspection program for identified structures;
- includes a program for initial seismic and noise monitoring during the first blast;
- incorporates a method of reviewing data from the initial blast and provisions for amending the blasting program accordingly; and
- specifies the times and the atmospheric conditions when blasting is permitted.

(11) An end-state, land-use plan that shows:

- areas to be returned to a natural state;
- areas to be restored for wildlife habitat, *if applicable*;
- areas that are appropriate for open space, trails, parks and recreational uses, and are identified on the County's open space and recreational plans;
- the site's final topography;
- proposed post-mining land uses, consistent with the zoning of the land; and
- site restoration phases.

(12) A site evaluation including:

- wildlife impact analysis conducted in conjunction with the Colorado Division of Wildlife;
- independent assessment of the historic, archaeological, or paleontological value of the site;
- drainage studies as required by the Public Works Department, including an erosion and sedimentation control plan, a Phase I drainage report at initial submittal, and a Phase III drainage report prior to each phase;
- a transportation study that identifies transportation routes, number of trips, critical intersections, traffic volumes, and transportation system improvements necessitated by the application;
- a visual analysis that documents the visibility throughout the life of the operation; identifies visually sensitive areas and the expected impact at those locations; and lists visual impact mitigation measures; and
- a copy of all information submitted to the Division of Minerals and Geology, Colorado Department of Natural Resources.

2107.32 Motel: CMTY and D zone districts

2107.33 Motorsports Facility, Private: A-1 zone district (*Amended 4/26/16*)

- 2107.33.1 All components of the Private Motorsports Facility shall be located a minimum of 200 feet from all property lines. Additional setbacks may be required if necessary to mitigate noise impacts.
- 2107.33.2 Noise generated by the Private Motorsports Facility use shall comply with the limits established in Section 1703A of the Noise Overlay District ("noise standard").
- 2107.33.3 A noise study shall be submitted demonstrating that the proposed facility can be designed and operated in such a manner as to ensure ongoing compliance with the noise standard.
- 2107.33.4 Maximum land area devegetated, including devegetation resulting from the Private Motorsports Facility, shall comply with the limits established in Section 24, Animals.
- 2107.33.5 In addition to the management plan components specified in Section 2112, operational limitations for the Private Motorsports Facility shall address the following:
- (1) Maximum number of concurrent motorsports vehicles in use
 - (2) Hours and days of use
 - (3) Specific mitigation measures to limit visual impacts of the Private Motorsports Facility from public roadways and abutting properties; and
 - (4) Specific limitations or mitigation measures to ensure compliance with the noise standard and recommendations of the noise study.
- 2107.34 Oil or gas drilling operation: A-1 zone district provided such use is located a minimum of 100 feet from any lot line
- 2107.35 Propane distribution/storage: GI zone district
- 2107.36 Recreation facility - community: A-1, LRR, RR, ER, SR, MF, MH, CMTY, and D zone districts, provided all structures within A-1, LRR, RR, ER, SR, and MF zone districts are located at least 50' from all lot lines or the zone district minimum setback, whichever is greater
- 2107.37 Recreation facility - indoor: CMTY and D zone districts
- 2107.38 Recreation facility - neighborhood: CMTY and D zone districts
- 2107.39 Recreation facility - outdoor: CMTY and D zone districts
- 2107.40 Recreation facility - private: CMTY and D zone districts
- 2107.41 Recycle/trash transfer facility: LI and GI zone district provided all recycling or trash transfer activities are conducted within an enclosed structure.

2107.42 Residence:

For new residential units in the B, C, LI, GI, or MI zone districts, school and park land dedications shall be provided in accordance with the Douglas County Subdivision Resolution, as amended.

- Caretaker - LRR zone district - 1 per lot
- Mobile home - 1 per parcel/lot in the A-1 zone district when a principal dwelling does not exist on the property
- Multifamily - B, C, and MI zone districts
- Single-family attached or multifamily - LI and MI zone district

2107.43 Religious retreat: A-1 zone district.**2107.44 Satellite earth station: A-1 zone district, and in LI and GI zone districts when the equipment exceeds the height limitation or the minimum health standards.****2107.44.1 In addition to the exhibit requirements contained in this Section and Section 27, a report describing the satellite earth station shall be included with the application. The report shall include the following:**

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

- 2107.45 Sawmill - portable: A-1 and LRR zone districts, provided that such use is located at least 100 feet from all lot lines. A portable sawmill is permitted only as accessory to a principal use.
- 2107.46 Septic waste and domestic sludge application: A-1 and LRR zone districts, with the approval of the Colorado Department of Health, when any of the following apply:
- 2107.46.1 Liquid dewatered or semi-dewatered sludge, as defined by the Colorado Department of Health Domestic Sewage Sludge regulations, would be applied on the soil surface or would be incorporated into the soil at a depth which does not completely cover the sludge. Dried sludge is not subject to this provision.
 - 2107.46.2 More than 10 delivery vehicles would be transporting sludge to the site in any 24-hour period.
 - 2107.46.3 More than 50,000 gallons of liquid sludge, or 200 cubic yards of any sludge, not defined or transported as a liquid, would be applied to the site in any 24-hour period.
 - 2107.46.4 Permanent structures or facilities for further processing, treating or dewatering sludge would be constructed or associated with the site and the application of sludge material.
- 2107.47 Telecommunication facility: A-1 zone district; and in LI and GI zone districts when the equipment exceeds the height limitation or the minimum health standards.
- 2107.47.1 In addition to the exhibit requirements contained in this Section, a report describing the telecommunication facility shall be included with the application. The report shall include the following:
- (1) Description of the height, design and elevation of the proposed support tower with a cross section view and description, and a statement as to whether the tower will be structurally designed to accommodate future antennas
 - (2) Description of height for all potential mounting positions for antennas. If the support tower is designed for collocation, the minimum separation distances should be shown and noted as possible future antenna locations
 - (3) Discussion of proposed number, height, and types of antennas to be accommodated through this application
 - (4) A letter from the applicant stating that an intermodulation study, if required, has been conducted and concludes that no interference problems are predicted

- (5) A description of the use and estimated life of the proposed telecommunication facility including additional development and coverage anticipated to meet projected service needs
- (6) A narrative from the applicant identifying and justifying technologically feasible locations (search ring or rings) for the proposed service, and demonstrating to the satisfaction of the County, that the proposed service cannot be accommodated on an existing or approved support tower located within a five mile radius
- (7) The results of the RF drive test, certified as currently in calibration and traceable to National Institute of Standards and Technology, if it was undertaken to verify technologically feasible locations
- (8) Copy of the FCC license and a commitment statement from the applicant to maintain compliance with all FCC regulations, standards, and requirements regarding both radio frequency interference (RFI) and radio frequency radiation (RFR)
- (9) Statement that the proposed facility will be in compliance with all FAA regulations as demonstrated by the response to the "Notice of Proposed Construction or Alteration" or equivalent, unless certified by a qualified, licensed engineer that FAA review and approval is not required
- (10) Statement that the proposed facility will be in compliance with applicable federal requirements including, but not limited to, those associated with the National Environmental Protection Act (NEPA) as amended, and the National Historic Preservation Act (NHPA) as amended
- (11) When required, a letter of intent, in a form approved by the County, committing the support tower owner, its successors or assigns, to allow collocation of the facility under market terms, rates, and conditions
- (12) A Visual Impact Assessment (VIA) demonstrating that the proposed location is in compliance with the criteria contained in Subsection 2107.37.3
- (13) The County may require that an independent, outside consultant be retained, at the applicant's expense, to perform evaluations pertaining to compliance with regulations, standards and requirements stipulated
- (14) The Director may waive or modify one or more of the aforementioned information requirements based on design, size, or overall impact of the proposed facility

2107.47.2 A Visual Impact Assessment (VIA) shall be prepared in accordance with the VIA process contained in Appendix D of this Zoning Resolution.

2107.47.3 In addition to the approval standards stipulated in Subsection 2102, proposed telecommunication facilities shall be located and designed in accordance with the following criteria:

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

2107.47.4 The property owner shall be responsible for removing all elements of the telecommunication facility including, but not limited to, antennas, buildings, accessory equipment, driveways and fencing if the facility becomes technologically obsolete or ceases to perform its intended function for a period of 180 consecutive days. This removal shall be completed within 90 days of the end of such 180-day period. The site shall be restored to replicate the existing surrounding vegetation.

2107.48 Theatre - indoor or outdoor: CMTY and D zone districts

2107.49 Utility - Major Facility: In all zone districts, except GI, provided that the setback requirements of the zone district in which the facility is proposed to be located are met, or such additional setbacks or requirements as the Board determines necessary. Maximum heights and lot area shall be determined through the use by special review process specific to each site.

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

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

Water Storage/Treatment Facility and/or Appurtenance(s), except for Major Reservoirs, located within the following areas are exempt from the requirement for a use by special review application:

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

2107.50 Veterinary clinic or hospital: A-1, LRR, and RR zone districts, provided that such uses are located 100 feet from all lot lines

2107.51 Wind energy conversion systems up to 100 kilowatts: A-1, LRR, and RR zone districts as follows:

2107.51.1 In addition to the plan exhibit required in Section 2112, herein, the plan exhibit shall include the following:

- Location of all above ground utility lines
- Location of trees or other vegetation on site, described by size and type

2107.51.2 The maximum tower height shall be 120 feet. The minimum distance for any portion of the rotor or blades from the ground beneath the system shall be 30 feet.

2107.51.3 The supporting tower shall be set back from all property lines and overhead utility lines at least the height of the tower, except engineered structures which shall be in compliance with the zone district setback.

2107.51.4 Climbing access to the structure shall be limited either by means of a 6 foot high fence around the tower base with a locking gate, or by limiting tower climbing apparatus to no lower than 12 feet above the ground.

2107.52 Zoo: C zone district

2108 Submittal Prerequisite

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

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

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

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

2109 Submittal Process

The following shall apply to a use by special review or a use by special review amendment. The application shall be submitted only after the presubmittal meeting(s) has been completed and the applicant has received the written staff comment summary from the presubmittal meeting. For a request for a use by special review or a use by special review amendment, the submittal is processed as follows:

2109.01 The applicant shall submit the required submittal information to the Planning Division. The submittal shall be reviewed by staff and a determination of completeness shall be made within 15 working days. The applicant shall be notified in writing if the submittal is incomplete, and any inadequacies shall be specifically identified. An incomplete submittal will not be processed.

2109.02 Once the submittal is determined complete, staff will notify the applicant in writing of the number of copies of the submittal information required for distribution to referral agencies. Staff will identify in the written notice which referral agencies are referral agency - regulatory and which referral agencies are referral agency - advisory. The mailing addresses of the

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

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

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

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

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

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

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

- decision shall be based on the evidence presented, compliance with the adopted County standards, regulations, policies, and other guidelines.
- 2109.07 Following the recommendation by the Planning Commission, staff shall schedule a public hearing before the Board, notify the applicant in writing of the hearing date and time, and prepare a staff report for the Board. The hearing shall be scheduled for the earliest available time taking into consideration the 14-day public noticing requirement but no later than 120 days after the final Planning Commission hearing. The applicant is responsible for public notice of the hearing in accordance with Section 2118 herein.
- 2109.08 For applications that propose a water supply from an Existing District, at least 21 days prior to the Board hearing, the applicant shall submit evidence of inclusion of the property into the Existing District. An inclusion agreement may be contingent on approval of the use by special review by the Board.
- 2109.09 The Board shall evaluate the use by special review request, staff report, referral agency comments, applicant responses, the Planning Commission recommendation, and public comment and testimony, and shall approve, approve with conditions, continue, table for further study, remand to the Planning Commission, or deny the use by special review request. The Board's action shall be based on the evidence presented, compliance with the adopted County standards, regulations, policies, and other guidelines.
- 2109.10 If denied by the Board, a resubmittal of a use by special review request for the same or substantially same request, as determined by the Director, shall not be accepted within 60 days of such denial. The applicant may appeal the decision of the Director, in writing, to the Board of Adjustment pursuant to Section 26A of this Resolution. The submittal of a new application and processing fee shall be required to pursue a proposed use by special review.
- 2109.11 Following approval by the Board, the applicant shall submit a signed and notarized Plan Exhibit to the Planning Division. Staff shall verify that all conditions of approval have been met and all technical corrections have been made to the satisfaction of Douglas County, prior to the Director's execution of the approval certificate on behalf of the Board. The applicant shall submit the final signed Plan Exhibit no later than 90 days from the date of Board approval, unless the Board allows for a longer period of time as part of its approval of the use by special review. The Director may grant a one-time extension of no more than an additional 90 days. Further extensions shall be submitted for the Board's consideration.
- 2109.12 For applications that propose a water supply from a New Special District that will enter into an intergovernmental agreement with an Existing or Extraterritorial District as described in Section 18A, Water Supply –

Overlay District, herein, the applicant shall submit evidence of creation of the New Special District, evidence of execution of the intergovernmental agreement by both parties, and evidence of inclusion of the property into the New Special District prior to approval of the Plan Exhibit. *(Amended 5/26/2015)*

- 2109.13 For applications that propose a water supply from an Existing District or from a New Special District that has entered into an intergovernmental agreement with an Existing or Extraterritorial District as described in Section 18A, Water Supply – Overlay District, herein, the applicant shall submit evidence that the water rights necessary to serve the development have been conveyed to the Existing or Extraterritorial District, and/or that the water credits to serve the development have been purchased from the Existing or Extraterritorial District, prior to approval of the Plan Exhibit. *(Amended 5/26/2015)*

2110 Withdrawal of an Application

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

2111 Submittal Requirements

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

- 2111.01 Completed land-use application *(available from the Planning Office)*
- 2111.02 Application fee *(available from the Planning Office)*
- 2111.03 Proof of ownership that includes an updated or current title insurance policy or title commitment, or other acceptable form of title verification, no more than thirty days old from the date of application.
- 2111.04 A notarized letter of authorization from the landowner permitting a representative to process the application
- 2111.05 Narrative to describe the following:
 - (1) General project concepts
 - (2) Zoning of the land and compliance with the zone district requirements and any additional requirements for the use by special review as defined in Section 2107
 - (3) Define overall impacts of the proposed use on the adjoining lands
 - (4) Compliance with the Douglas County Comprehensive Master Plan, as amended

- (5) Compliance with appropriate agency regulations and any necessary permits
- (6) Proof of water availability
- (7) Method of wastewater treatment
- (8) Type or method of fire protection
- (9) Impacts to existing vegetation and wildlife
- (10) Impacts on air and water quality
- (11) Impacts on peace and quiet of neighborhood
- (12) Provision of buffering, including additional landscaping
- (13) A description of the availability and adequacy of public services and facilities.
- (14) Other narrative details unique to the specific type of use by special review

2111.06 Plan Exhibit *(per 2112, herein)*

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

2111.07 Development Reports, unless waived by Engineering Services:

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

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

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

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

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

2111.10 An analysis of the capacity related to level-of-service for the public facilities and services within the impact area.

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

2112 Plan Exhibit

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

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

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

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

- 2112.02 The management plan shall be provided that addresses all aspects of the day-to-day operation of the use by special review. The degree of detail will depend upon the specific use. The following items shall be included in the plan. The management plan shall be appended to the Plan Exhibit prior to final approval.

2112.02.1 Number of clients/boarders/parishioners/animals

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

2112.02.3 Number of employees

2112.02.4 Required outside storage/parking/loading areas

2112.02.5 Permit requirements from other state, federal or local agencies

2112.02.6 Method of providing fire protection

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

2112.03 Plan Exhibit Title

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

Subdivided land:

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

Within a PD:

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

When unplatted:

(STREET ADDRESS – Address available from County Addressing Specialist)

NW¼ Section 11, Township 8 South, Range 67 West
Permit Area – 1 acre Total Area 5 acres
USR Plan Exhibit - US2010-002

For a use by special review amendment:

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

2112.04 Plan Exhibit Approval Certificate

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

APPROVAL CERTIFICATE

THE USE BY SPECIAL REVIEW AS DEPICTED HEREON WAS APPROVED BY THE BOARD OF COUNTY COMMISSIONERS ON _____, 2 ____.

Director of Community Development

- The use by special review is subject to yearly review, or as otherwise defined by the Board of County Commissioners as part of its approval of the use by special review, to ensure compliance with the approval standards and conditions of approval.
- Construction shall commence pursuant to the use by special review within 3 years from the date of approval, or within the extended effective approval period, or the use by special review shall terminate.
- The use by special review shall terminate when the use of the land changes or when the time period established by the Board of County Commissioners through the approval process expires. The owner shall notify the Zoning Division of a termination of the use. When the Zoning Division is notified of a termination of use or observes that the use has been terminated during the annual review, a written notice of termination shall be sent to the landowner.
- Acceptance of site construction drawings by Douglas County Engineering shall be required (as applicable) prior to issuance of building permits. Acceptance of site construction drawings expires three (3) years after the date of signature.
- Signs shown hereon are NOT approved. All signs require approval of a sign permit in accordance with the Sign Standards section of the Douglas County Zoning Resolution.

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

(for Corporate of LLC owner)

(print corporation/LLC name)

By: _____ (Signature)
 Title: _____
 Date: _____

ATTEST: (if corp.)

Secretary/Treasurer

STATE OF COLORADO)
) ss.
 COUNTY OF _____)

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

My commission expires: _____

Witness my hand and official seal.

 Notary Public

(For Individual Owner)

(signature of owner(s))

Acknowledged before me this _____ day of _____, 20____, by
_____.

My commission expires: _____

Witness my hand and official seal.

Notary Public

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

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

2113 Public Notice Requirements

The following requirements shall apply to a use by special review and use by special review amendment. The applicant shall be responsible for public notification. In calculating the time period for public notification the day of publishing, posting, or mailing shall be counted toward the total number of days required. The day of the hearing shall not be counted toward this total.

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

2113.01 WRITTEN NOTICE

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

shall read substantially the same, as the published notice also required by this section.

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

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

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

CERTIFICATE OF MAILING

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

(list of addresses)

(signature of person completing the mailing)

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

2113.02 PUBLISHED NOTICE

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

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

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

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

2113.03 POSTED NOTICE

At least 14 days prior to the Planning Commission hearing and 14 days prior to the Board hearing, the applicant shall post a notice on the land for which the use is requested. The notice shall consist of at least 1 sign facing each abutting public or private street open for travel, within 10 feet of the property line abutting such street, placed on posts at least 4 feet above ground level. In the event the staff planner determines a sign cannot be placed abutting such street and be visible from such street or that there is no abutting public or private street open for travel, the staff planner may require an alternate location for a sign. Additional signs may be required by the staff planner. Each sign shall measure not less than 3'X4'. Letter size shall be a minimum of 3 inches high. Such notice shall read:

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

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

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

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

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

(signature)

File No./Name: _____

STATE OF COLORADO)
) ss.
 COUNTY OF _____)

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

2113.03.2 The sign shall be removed by the applicant within 2 weeks following the final decision by the Board, withdrawal, or closure of the file by the Community Development Department.

2114 Termination of Use

2114.01 Construction pursuant to approval of a use by special review Plan Exhibit shall be commenced within three years from the date of approval, unless otherwise specified by the Board, or the approval shall terminate. The Director may grant an extension of time, for good cause shown, upon a written request by the applicant.

2114.02 The Director may grant time extensions to the effective period of a Plan Exhibit, not to exceed a total of three years beyond the date of original approval, upon written request by the applicant. As necessary, the Director may include conditions with the time extension in order to ensure that the use by special review remains in compliance with approval standards. Site construction drawings that have expired may require re-approval by Douglas County Engineering.

Further time extensions may be requested by the applicant and considered for approval by the Board at a public meeting.

2114.03 Where a use by special review brings an existing use into compliance with applicable regulations, or is designed to correct a Notice of Violation, all improvements depicted on the use by special review Plan Exhibit shall be completed within six months of approval, unless otherwise approved by the Board.

2114.04 A use by special review shall terminate when the use of the land changes or when the time period established by the Board through the approval process expires, whichever occurs first. The owner shall notify the Zoning Division of a termination of the use. When the Zoning Division is notified of a termination of use or observes that the use has been terminated during the annual review, a written notice of termination shall be sent to the landowner.

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

2115 Inactive Files

Files that become inactive, because the applicant has not responded to staff's request for information or otherwise action in the submittal process, for a period of more than 6 months, shall become void and the resubmittal of a new application and fees shall be required to pursue the special use request. After 5 months of inactivity, staff shall notify the applicant in writing that the application will become void within 30 days. If the applicant fails to submit the required additional information or request a hearing date within 30 days, staff shall notify the applicant in writing that the application is void. This provision shall apply to all applications on file with the County upon the effective date of adoption and any application thereafter. The Director may grant an extension of time, of no more than 6 months, upon a written request by the applicant.

2116 Post Denial Application

If denied by the Board, a resubmittal of the same or substantially same use by special review application shall not be accepted within 60 days from the date of denial by the Board, or in the event of litigation, from the date of the entry of the final judgment. However, if evidence is presented to the Board showing that there has been a substantial change in physical conditions or circumstances, the Board may reconsider the use by special review. A new application and processing fee shall be required.

2117 Revocation

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

2118 Administrative Use by Special Review Amendment

2118.01 Submittal Prerequisite

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

2118.02 Approval Standards

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

2118.03 Submittal Process

2118.03.1 The applicant shall submit the required submittal information to the Planning Division. The submittal shall be reviewed by staff and a determination of completeness shall be made within 15 working days. The applicant shall be notified in writing if the submittal is incomplete, and any inadequacies shall be specifically identified. An incomplete submittal will not be processed.

2118.03.2 Once the submittal is determined complete, staff will notify the applicant in writing of the number of copies of the submittal information required for distribution to referral agencies. Staff will identify in the written notice which referral agencies are referral agency - regulatory and which referral agencies are referral agency - advisory. The mailing addresses of the referral agencies shall be provided to the applicant. Electronic distribution is preferred. Otherwise, referral packets shall be provided by the applicant in unsealed manila envelopes, without postage, addressed to the appropriate referral agency, with submittal information properly folded and compiled. Staff shall include a referral response sheet and distribute the referral packets to the referral agencies.

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

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

2118.03.3 All referral agency comments shall be provided by staff to the applicant upon receipt. The applicant shall address the comments of all referral agencies - regulatory in writing the extent to which the project has been revised in response to the comments. The applicant is strongly encouraged to provide staff a written response to comments of all referral agencies – advisory and other public comments received.

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

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

calendar days of the receipt of the assessment report, based upon demonstrated compliance with the approval standards.

- 2118.03.5 If an improvements agreement is required, it shall be approved by the County Manager prior to the Director's approval of the administrative amendment.
- 2118.03.6 If the administrative amendment is denied, written findings shall be provided by staff to the applicant within three (3) calendar days of the denial.

2118.04 Submittal Requirements

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

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

2118.05 Title and Approval Certificate

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

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

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

Administrative USR Amendment Approval Certificate

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

 Director of Community Development

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

(for Corporate or LLC owner)

(print corporation/LLC name)

By: _____ (Signature)_____

Title: _____

Date: _____

ATTEST: (if corp.)

Secretary/Treasurer

STATE OF COLORADO)
) ss.
COUNTY OF _____)Acknowledged before me this _____ day of _____, 20__, by _____
as _____ and _____
as _____ of _____
a _____ corporation/LLC.

My commission expires: _____

Witness my hand and official seal.

Notary Public

(For Individual Owner)

(signature of owner(s))

Acknowledged before me this _____ day of _____, 20__,
by _____.

My commission expires: _____

Witness my hand and official seal.

Notary Public

An initial block is required on all subsequent exhibit sheets:

**USR Administrative Amendment
Approval Certificate**

Planning

Initials/Date

Owner

Initials/Date

Lessee

(if applicable)

Initials/Date

2118.06 Notice of Final Action

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

- 2118.06.1 The date considered to be the final action on the administrative use by special review amendment shall be the date on the Notice of Action - Final Status.
- 2118.06.2 Should a discrepancy exist between the dates on the administrative use by special review amendment and Notice of Action - Final Status, the date of the Notice of Action - Final Status shall control.
- 2118.06.3 The Notice of Action - Final Status shall be mailed to the applicant, the abutting landowners who received courtesy notices, and any homeowner's associations that received courtesy notices, as described herein. The Notice of Action - Final Status shall be mailed via first class mail, within three (3) calendar days of final determination.
- 2118.06.4 An appeal of the Director's determination regarding A Notice of Action - Final Status for an administrative use by special review amendment may be submitted to the Board of Adjustment pursuant to Section 26A of this Resolution.
- 2118.06.5 If an administrative use by special review amendment is denied, any new amendment request shall require submittal of a new application and processing fee.

THIS PAGE LEFT BLANK INTENTIONALLY

SECTION 22B ENTERTAINMENT EVENTS

-Section Contents-

2201B	Intent.....	22B-2
2202B	Approval Standards	22B-2
2203B	General Requirements.....	22B-2
2204B	Permitting Procedure – Minor Entertainment Event.....	22B-4
2205B	Permitting Procedure – Major Entertainment Event.....	22B-4
2206B	Submittal Requirements.....	22B-6

2201B Intent

This section is intended to provide for the orderly control of Entertainment Events. It establishes permit requirements and regulations for the review of Entertainment Events.

Two types of Entertainment Event permits are established herein based upon the scale and duration of the requested event permit. Minor Entertainment Events shall be subject to administrative review and approval. Major Entertainment Events shall be reviewed and approved by the Board of County Commissioners following a public meeting on the requested permit.

Events which have received a permit or approval by another governmental entity or County department, including but not limited to Douglas County Parks, Trails, and Building Grounds, Douglas County Division of Open Space and Natural Resources, or special districts, and which are contained entirely on the property owned or leased by the approving entity do not require a permit under this section.

2202B Approval Standards

Entertainment Event permits shall be approved based upon a finding that:

- 2202B.01 The proposed use is compatible with the intent of the zone district in which the event is proposed.
- 2202B.02 The proposed use will not have a substantial adverse affect on adjacent uses, buildings, structures, or the natural environment.
- 2202B.03 The proposed use will not have a substantial adverse affect on public services or facilities.
- 2202B.04 The nature of the proposed use will not be detrimental to the health, safety, or welfare of the community.
- 2202B.05 The proposed use complies with the general requirements listed in Section 2203B, herein.
- 2202B.06 The site is suitable for the proposed use, considering flood hazard, drainage, and topography.

2203B General Requirements (Amended 8/28/18)

- 2203B.01 Entertainment Events shall be permitted in the Sedalia Community, Sedalia Downtown, and Sedalia Mixed Industrial Zone Districts by right, as well as on conforming parcels in the Agricultural One and Large Rural Residential Zone Districts, subject to the processes established herein.

- 2203B.02 Entertainment Event permits shall be subject to Section 1703A, Maximum Permissible Noise Levels, of the Douglas County Zoning Resolution unless otherwise specifically modified or excluded from these requirements through approval of an Entertainment Event permit. Any Entertainment Event requesting modification or exclusion from Section 1703A shall be processed as a Major Entertainment Event.
- 2203B.03 Applicants proposing multiple Entertainment Events at a single location throughout the year, or for multiple years, may apply for a single permit for all proposed Entertainment Events. Any request for multiple Entertainment Events at a single location shall be processed as a Major Entertainment Event.
- If requested by the applicant, the Board may approve multiple-year Major Entertainment Event permits limited to a maximum of five years, if no significant changes to the scope and duration of the events are planned to occur over the requested permit duration. Multiple-year permits may be subject to periodic inspections by the County and other agencies. Proof of permits and approvals from applicable agencies and County departments shall also be submitted prior to the start of each year's event.
- 2203B.04 The applicant shall provide evidence that adequate provisions have been made for access, on-site parking, and management of sewage, potable water, and refuse.
- 2203B.05 The applicant shall provide evidence that the Entertainment Event will not cause undue traffic congestion or accident potential. A traffic control plan may be required.
- 2203B.06 The applicant shall provide evidence that all other required permits have been obtained. Other permits may include building permits, fire district approval, GESC permits, health department permits, or a liquor license. The permit holder shall be responsible for all sales tax, state, and federal taxes, licenses, etc., required by other agencies.
- 2203B.07 A \$250 cleanup fee shall be submitted to Planning Services prior to permit issuance, unless waived by the Director. The cleanup fee is refundable. The permit holder shall be responsible for providing notice to Planning Services within 48 hours of the permit expiration that the use has ceased. The site shall be inspected to ensure site cleanup prior to refunding the fee.
- 2203B.08 A banner sign shall be permitted for a period not to exceed two weeks. Alternatively, one temporary 32 square foot sign is permitted. Sign permits shall be required in accordance with Section 29 – Sign Standards of this Resolution.

2203B.09 Lighting shall comply with Section 30, Lighting Standards.

2203B.10 Entertainment Event permits shall be valid for the property and permittee identified on the permit and may not be transferred upon sale of the property, or otherwise assigned to another person or business. The new landowner or lessee shall apply for a new permit.

2204B Permitting Procedure – Minor Entertainment Events

2204B.01 Following a presubmittal meeting with Planning Services, the applicant shall submit the information required in 2206B herein to Planning Services at least 30 days prior to the event. *(Amended 08/28/18)*

2204B.02 The submittal shall be reviewed for completeness and the applicant notified of any inadequacies. Once the submittal is determined complete, Planning staff will send referral response requests to other agencies, for review and comment on the application. Such agencies may include but are not limited to Engineering Services, the Douglas County Sheriff's Office, the affected fire district, the health department, and homeowners associations. The applicant will be asked to address all comments received. *(Amended 8/28/18)*

2204B.03 Staff shall mail a courtesy notice of application in process and applicable contact information to all abutting landowners and other landowners as required by staff.

2204B.04 Minor Entertainment Event Permits shall be approved, approved with conditions, referred to the Board of County Commissioners for final action at a public meeting, or denied by the Director. The Director shall evaluate the Entertainment Event request, applicant responses, and public comment. The Director's action shall be based on the evidence presented and compliance with the adopted County standards, regulations, policies, and guidelines.

2204B.05 Appeals to an administrative determination shall be processed in accordance with Section 26A of this Resolution.

2204B.06 If the conditions or restrictions imposed by this Section 22B, or by the Entertainment Event Permit have not been complied with, the Director may take such action as is deemed necessary to remedy the noncompliance, including but not limited to revocation of the permit. The Director's action may be appealed to the Board of Adjustment pursuant to Section 26A of this Resolution.

2205B Permitting Procedure – Major Entertainment Events

- 2205B.01 Following a presubmittal meeting with Planning Services, the applicant shall submit the information required in 2206B herein to Planning Services at least 45 days prior to the event. *(Amended 08/28/18)*
- 2205B.02 The submittal shall be reviewed for completeness and the applicant notified of any inadequacies. Once the submittal is determined complete, Planning staff will send referral response requests to other agencies for review and comment on the application. Such agencies may include but are not limited to Engineering Services, the Douglas County Sheriff's Office, the affected fire district, the health department, and homeowners associations. The applicant will be asked to address all comments received. *(Amended 8/28/18)*
- 2205B.03 Staff shall mail a courtesy notice of application in process and applicable contact information to all abutting landowners and other landowners as required by staff.
- 2205B.04 At least 14 days prior to the public meeting, the applicant shall mail, by first-class, a written notice of the public meeting to the address of each abutting landowner as such address is shown in the records of the Douglas County Assessor's Office. The notice shall read:

NOTICE OF PUBLIC MEETING BEFORE THE BOARD OF COUNTY COMMISSIONERS

A public meeting will be held on (date), at (time), in the Commissioners' Hearing Room, 100 Third Street, Castle Rock, CO, to consider an entertainment event proposed at (address or nearest intersection). For more information call Douglas County Planning at 303-660-7460.

File No./Name: _____

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

CERTIFICATE OF MAILING

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

(list of addresses)

(signature of person completing the mailing)

In the event the applicant fails to mail a notice to an abutting landowner, the landowner that did not receive such complying notice may waive such notice by submitting a written waiver to Douglas County Planning prior to the meeting.

2205B.05 Major Entertainment Event Permits shall be approved, approved with conditions, continued, tabled for further study, or denied by the Board of County Commissioners at a public meeting. The Board shall evaluate the Entertainment Event request, staff report, applicant responses, and public comment and testimony. The Board's action shall be based on the evidence presented; compliance with adopted County standards, regulations and policies; and other guidelines.

2205B.06 If the conditions or restrictions imposed by this Section 22B, or by the Entertainment Event Permit have not been complied with, the Director may take such action as is deemed necessary to remedy the noncompliance, including but not limited to revocation of the permit. The Director's action may be appealed to the Board of Adjustment pursuant to Section 26A of this Resolution.

2206B Submittal Requirements

The following information shall be submitted to Planning Services, unless waived by the Director:

2206B.01 Completed land-use application form.

2206B.02 Proof of ownership, or written confirmation from the property owner(s) agreeing to the use of their property or right-of-way for the Entertainment Event, or a copy of the lease agreement.

2206B.03 A notarized letter of authorization from the landowner permitting a representative to process the application.

2206B.04 Stamped, letter-sized envelopes addressed to all abutting landowners and other landowners as required by staff.

2206B.05 A written description of the event, including:

- Description of proposed activities
- Description of the proposed event's compatibility with the intent of the zone district
- Description of the proposed event's expected impacts to the subject land and surrounding properties, and how adverse impacts on surrounding properties will be mitigated
- Expected daily and total attendance
- Event schedule (including setup) and daily hours of operation

- Number of employees
- Description of water requirements, including the source of water
- Description of sanitation requirements, including the number and location of temporary toilets

2206B.06 A site plan depicting:

- Parcel boundary or lease area
- Driveway access
- Zoning and current use of the parcel and adjacent parcels
- Location and dimension of existing and proposed structures
- Setback from the property line
- Location and surface material of proposed off-street parking areas
- Food service and vendor information
- Method of trash disposal and location of bins

THIS PAGE LEFT BLANK INTENTIONALLY