

RESOLUTION NO. <sup>R-</sup>019-023

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

A RESOLUTION ADOPTING AMENDMENTS TO DOUGLAS COUNTY ZONING  
RESOLUTION SECTIONS 3 – AGRICULTURAL - ONE, 4 – LARGE RURAL  
RESIDENTIAL, 5 – RURAL RESIDENTIAL, 6 – ESTATE RESIDENTIAL, 7 –  
SUBURBAN RESIDENTIAL, AND 21 – USE BY SPECIAL REVIEW  
("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. DR2018-008); and

**WHEREAS**, said Amendments have been reviewed and recommended for approval by the Planning Commission on January 14, 2019; and

**WHEREAS**, the Board of County Commissioners considered said Amendments at a properly noticed public hearing held on February 12, 2019; and

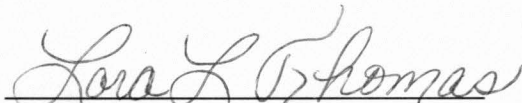
**NOW, THEREFORE, BE IT RESOLVED**, by the Board of County Commissioners of the County of Douglas, State of Colorado, that the Douglas County Zoning Resolution, is hereby amended to read as provided on said Exhibit A; and

**FURTHER RESOLVED**, that said Amendments shall become effective on February 12, 2019.

**PASSED AND ADOPTED**, this 12<sup>th</sup> day of February 2019, in Castle Rock, Douglas County, Colorado.

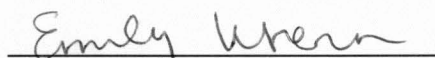
THE BOARD OF COUNTY COMMISSIONERS  
OF THE COUNTY OF DOUGLAS, COLORADO

BY:

  
Lora L. Thomas, Chair

Ref: #2019008490, Date: 2/20/2019 9:17 AM,  
Pages: 1 of 87,  
Douglas County, CO. Merlin Klotz, Clerk and Recorder

ATTEST:

  
Emily Wrenn, Clerk to the Board



## SECTION 3 A1 AGRICULTURAL ONE DISTRICT

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

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

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

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

**302 Principal Uses**

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

302.01 Agricultural recreational activities

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

302.03 Animals - *(refer to Section 24)*

302.04 Community Uses:

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

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

302.05 Construction office – temporary

302.06 Event Center on a parcel of 80 acres or greater (*Site Improvement Plan required per Section 27, unless conducted as an accessory use to an agricultural use on a parcel 160 acres or greater*) (*refer to Section 324*) (*Amended 4/28/15*)

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

302.08 Hay sales (*Site Improvement Plan required per Section 27*) (*Amended 4/28/15*)

302.09 Residence (*Amended 4/28/15*)

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

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

302.11 Training of non-owned horses, or riders not related to the landowner or lessee, limited to 14 lessons per week

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

### 303 Accessory Uses

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

303.01 Accessory uses and buildings

303.02 Day-care home – small

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

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

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

- 304.01 Animals - non domestic, exotic
- 304.02 Campground
- 304.03 Cemetery
- 304.04 Church - greater than 350 seating capacity
- 304.05 Cultural facility
- 304.06 Day-care center/preschool, or day-care home – large
- 304.07 Dude Ranch
- 304.08 Event Center on a parcel of less than 80 acres *(Amended 4/28/15)*

Section 3	A-1 Agricultural One District	EXHIBIT A	3/10/99
304.09	Feedlot/confinement center		
304.10	Firing range		
304.11	Golf course legally established as a Use by Special Review prior to June 22, 2005		
304.12	Greenhouse - greater than 1-acre total area including warehouse and shipping facilities		
304.13	Hunting/fishing club		
304.14	Home occupation that exceeds 2 nonresident employees or requires more than 1500 sq. ft. of an accessory structure		
304.15	Horse boarding or training facility that exceeds the maximum number of horses permitted by right or by administrative review in Section 24. <i>Exempt from Section 18A: Water Supply-Overlay District (Amended 10/14/02)</i>		
304.16	Horse rental stable		
304.17	Kennel		
304.18	Landfill - public/private		
304.19	Landing field – private		
304.20	Mining, quarry, sand/gravel operation, or similar extractive land use		
304.21	Motorsports Facility, Private <i>(Amended 4/26/16)</i>		
304.22	Oil or gas drilling operation		
304.23	Recreation facility – community		
304.24	Religious retreat		
304.25	Residence <i>(Amended 4/28/15)</i>		
	<ul style="list-style-type: none"><li>• Bed and Breakfast</li><li>• Group home for registered sex offenders <i>(Amended 9/12/00)</i></li><li>• Group Residential Facility</li><li>• Mobile Home – 1 per lot when a principal single-family residential dwelling does not exist.</li></ul>		
304.26	Satellite earth station <i>(Amended 4/24/02)</i>		



- 304.27 Septic waste and domestic sludge application
- 304.28 Telecommunication facility
- 304.29 Utility - major facility
- 304.30 Veterinary clinic/hospital
- 304.31 Wind energy conversion system

305 Uses Permitted by Administrative Review (Amended 4/24/02)

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

- 305.01 Agricultural Worker Unit (one dwelling with one to four bedrooms, or one to four attached efficiency units/apartments in one footprint) as follows:
  - 305.01.1 Horse Ranch or Boarding/Training Facility provided the required narrative demonstrates a need based on the general criteria of one worker per 25 horses.
  - 305.01.2 Cattle ranch provided the required narrative demonstrates a need based on the general criteria of one worker per 300 head of cattle.
  - 305.01.3 Farm provided the required narrative demonstrates a need based on the general criteria of one worker per 1200 acres of farmed land.
  - 305.01.4 Combination farm/ranch activities provided the required narrative demonstrates a need based on the general criteria cited for each activity.
- 305.02 Applications for agricultural worker housing shall be reviewed in accordance with the thresholds contained in subsection 305, and the criteria and process set forth in subsections 316 through 323.
- 305.03 The Director shall determine threshold criteria for uses, or combinations of uses, not specifically listed.

306 Minimum Lot Area: 35 acres \*

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

\*The minimum lot area may be decreased with a clustered design through the exemption process. (Amended 4/28/15)

### 307 Minimum Setbacks

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

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

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

### 308 Encroachments

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

### 309 Building Height

Maximum building height: 35 feet

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

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

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

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

### 311 Street Standards

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

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

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

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

### 313 Fencing Standards

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

313.02 Fences, walls, or hedges shall be erected and maintained in a manner which does not obstruct the vision of automobile traffic on the adjacent



streets, rights-of-way, or driveways in accordance with the Douglas County Roadway Design and Construction Standards manual.

313.03 A building permit is required for any retaining wall greater than 4 feet in height or any fence or wall greater than 6 feet in height, or as required by the Building Code, as amended and adopted by Douglas County. *(Amended 12/18/12)*

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

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

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

314 Sign Standards - Refer to Section 29 of this Resolution

315 Lighting Standards - Refer to Section 30 of this Resolution

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

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

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

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

317.01 Whether the proposed use is in harmony and compatible with the character of the surrounding area;

317.02 Whether the proposed use will not result in an over-intensive use of the land;

317.03 Whether the proposed use will not require a level of community facilities and services greater than that which is available;



- 317.04 Whether the proposed use will not cause undue traffic congestion or traffic hazards;
- 317.05 Whether the proposed use will not cause significant air, water or noise pollution;
- 317.06 Whether the proposed use is adequately landscaped, buffered, or screened;
- 317.07 Whether the proposed use will not be otherwise detrimental to the health, safety or welfare of the neighboring landowners.

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

- 318.01 Following the pre-submittal meeting, the applicant shall submit to the Planning Division a copy of the documents required per subsection 321. The submittal shall be reviewed for completeness and the applicant notified of any inadequacies.
- 318.02 Once determined complete, staff will notify the applicant of the number of copies of the plan and narrative required to be submitted for distribution to referral agencies. Referral packets shall be provided by the applicant in unsealed manila envelopes, addressed to the appropriate referral agency. Staff shall mail the referral packets. Referral agencies shall comment within 21 days.
- 318.03 Written Notice
- 318.03.1 At least 10 days prior to the Director's decision, the applicant shall mail a written notice of the request by first-class mail to the address of each abutting landowner as such addresses are shown in the records of the Douglas County Assessor's Office and shall submit a certificate of mailing to Douglas County Planning 7 days prior to the date of the Director's decision. The notice shall indicate:
- the proposed date of the Director's decision;
  - the nature of the request;
  - the location of the land that is the subject of the request (*distance and direction from nearest major intersection*);
  - the file name and number; and
  - a statement that comments and questions should be directed to Douglas County Planning, 100 Third Street, Castle Rock, CO 80104 (303) 660-7460.
- 318.03.2 The person completing the mailing of the written notice shall execute a certificate of mailing. Such certificate shall read as follows:

CERTIFICATE OF MAILING

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

(list of addresses)

(Signature of person completing the mailing)

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

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

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

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

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

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

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

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

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

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

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

320.01 The type and description of the residential unit proposed

320.02 The maximum number of individuals to be accommodated

- 320.03 A detailed description of the agricultural activities of the subject site focusing on the intensity of the operations, and on those work elements necessitating on-site agricultural labor including the following:
- 320.03.1 Number and type of livestock raised
  - 320.03.2 Grazing plan and pasture rotation
  - 320.03.3 Crop types and number of acres farmed
  - 320.03.4 Other income-producing activities occurring on the site
- 320.04 A description of the sanitary service to be provided and evidence that the system is in accordance with Tri-County Health regulations
- 320.05 A description of the water service to be provided and evidence of the ability of the water to be used in the manner proposed
- 320.06 A description of the increase or reduction in traffic anticipated in trips per day as a result of the housing units
- 320.07 A description of community services or facilities (libraries, medical facilities, schools, etc.) that may be required or accessed by the occupants of the unit

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

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

- 321.01 a vicinity map showing the site and the relationship to adjacent properties and major roads;
- 321.02 the total acreage owned or leased by the applicant;
- 321.03 the zoning and use of the contiguous parcels owned, and the zoning and use of adjacent land;
- 321.04 the location of the proposed agricultural worker unit with dimensions to the nearest property lines, and dimensions of the proposed unit;
- 321.05 a sketch of the floor plan for all units proposed, along with a notation restricting the residential use of the units to agricultural workers as defined and approved;
- 321.06 the location and dimensions of all property lines, existing and proposed structures, existing and proposed wells, septic systems, and leach fields noting separation distances as necessary;



- 321.07 access to proposed units - delineate public and private roads, dimensions, and note surface material, and;
- 321.08 all drainage ways affecting the site and designation of any 100-year floodplain on or adjacent to the site.

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

Agricultural housing approved by administrative review shall meet all applicable regulations associated with residential development and shall be subject to an annual compliance inspection. A copy of the landowner/lessee's federal 943 Tax Form indicating that the occupants of the unit are indeed agricultural workers, may be required as part of the annual review and inspection.

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

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

324 Event Center Standards (Amended 4/28/15)

- 324.01 Where event centers are permitted with approval of a Use by Special review, the standards within Section 21 shall apply.
- 324.02 Where event centers are permitted with approval of a Site Improvement Plan, the following standards shall apply:
  - 324.02.1 Structures, outdoor assembly areas, and parking lots shall be setback a minimum of 200 feet from all adjacent property lines.
  - 324.02.2 Noise generated by the event center use shall not result in noise levels which exceed 40 dB(A) between 7:00 a.m. and 7:00 p.m., and 35 dB(A) between 7:00 p.m. and 7:00 a.m., measured in accordance with Section 1705A of the Noise Overlay District.
  - 324.02.3 Maximum capacity shall not exceed 350 persons per event. Event centers that exceed this capacity shall be processed in accordance with Section 304.08.
- 324.03 Where event centers are permitted as accessory uses, the following standards shall apply:
  - 324.03.1 The landowner shall obtain a written Event Center certification prior to commencement of the use.



- The certification request shall be submitted by the landowner in the form of a written request and accompanying exhibit.
  - The exhibit shall depict the property, points of access, and the location of the proposed event center to structures and use areas. Structures, outdoor assembly areas, and parking lots shall be setback a minimum of 500 feet from any existing, separately-owned residence on adjacent parcels.
  - The written request shall confirm that a principal agricultural use exists on the property and that legal and physical access is provided.
  - The Director shall provide a written Event Center certification upon review of the request which confirms that the property meets the minimum size required, that there is a principal agricultural use, and that access is provided. The certification shall include a statement that the event center use is vested, for purposes of setbacks, regardless of subsequent development on adjacent parcels.
- 324.03.2 Noise generated by the event center use shall comply with the limits established in Section 1703A of the Noise Overlay District.
- 324.03.3 If a land division reduces the parcel size to below 160 acres, approval of an application under the provisions of Section 302.06 or 304.08, as applicable, shall be required for continued event center use.

SECTION 4 LRR – LARGE RURAL RESIDENTIAL DISTRICT

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

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

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

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

**402 Principal Uses**

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

402.01 Agricultural recreational activities

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

402.03 Animals - *(refer to Section 24)*

402.04 Community Uses:

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

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- Sheriff substation - no training or detention (*Site Improvement Plan required per Section 27*)
- Temporary Emergency Shelter (*Approval letter required from the Director; the use must comply with applicable regulations*) (*Amended 10/14/02*)

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

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

402.07 Residence

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

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

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

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

#### 403 Accessory Uses

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

403.01 Accessory uses and buildings

403.02 Day-care home - small

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

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

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

403.06 Guest house

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



- 403.08 In-home elder care *(Amended 3/28/01)*
- 403.09 Sale of Agricultural Products and Value-added Agricultural Products produced or raised on site *(Amended 1/28/14)*
- 403.10 Satellite receiving dish
- 403.11 Value-added Agricultural Processing – limited to a maximum of 1,500 square feet devoted to this use *(Amended 1/28/14)*

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

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

- 404.01 Animals - nondomestic, exotic
- 404.02 Church - greater than 350 seating capacity in main worship area
- 404.03 Cultural facility
- 404.04 Day-care center/preschool, or day-care home – large
- 404.05 Golf course legally established as a Use by Special Review prior to June 22, 2005
- 404.06 Horse boarding or training facility that exceeds the maximum number of horses permitted by right or by administrative review. *Exempt from Section 18A: Water Supply-Overlay District* *(Amended 10/14/02)*
- 404.07 Horse rental stable
- 404.08 Kennel
- 404.09 Recreation facility – community
- 404.10 Residence *(Amended 4/28/15)*
  - Bed and Breakfast
  - Caretaker - 1 per lot (may be a mobile home)
  - Group Residential Facility
- 404.11 Septic waste and domestic sludge application

404.12 Utility - major facility

404.13 Veterinary clinic/hospital

404.14 Wind energy conversion system

405 Land Dedication

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

406 Lot Area

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

407 Maximum Gross Density

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

408 Density Bonus

A density bonus may be permitted as follows:

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

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

**408.01 Open Space**

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

**408.02 Building Envelopes**

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

**408.03** Wildlife corridors and habitat shall be protected by the site design.

**408.04** Floodplains and wetlands shall be protected by the site design.

**408.05** Road design, network and layout shall be sensitive to the topography and natural environment

**408.06 Building Design and Height**

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

**408.07 Fencing**

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

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



**408.08 Landscaping**

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

**409 Density Bonus Approval Standards**

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

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

**410 Minimum Setbacks**

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

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

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

**411 Encroachments**

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

**412 Building Height**

Maximum building height: 35 feet

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

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

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

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

414 Street Standards

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

415 Parking Standards

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

416 Fencing Standards

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

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

416.03 A building permit is required for any retaining wall greater than 4 feet in height or any fence or wall greater than 6 feet in height, or as required by the Building Code, as amended and adopted by Douglas County. *(Amended 12/18/12)*

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



- 416.05 Barbed wire or electrically charged fences shall be allowed. Any electrically charged fence shall be clearly and conspicuously posted to warn those outside the fence that it is electrically charged. Concertina or razor wire is prohibited.
- 416.06 Swimming pools shall be enclosed by a fence or wall that meets or exceeds the requirements of the Building Code, as amended and adopted by Douglas County. *(Amended 12/18/12)*
- 417 Signs Standards - Refer to Section 29 of this Resolution
- 418 Lighting Standards - Refer to Section 30 of this Resolution

SECTION 5      RR - RURAL RESIDENTIAL DISTRICT

-Section Contents-

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**501**    Intent *(Amended 8/11/09)*

To provide areas for large-lot residential homesites, on land that has minimal farming or ranching value, that create country living in a rural atmosphere while preserving the vegetation, significant geological features, wildlife habitat/corridors, views and privacy, and provide an appropriate transition from urban development to agricultural areas. The density range is from one dwelling per 9.9 acres to one dwelling per 5 acres.

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

Development within this district should provide road connections between developments allowing adequate response time for sheriff/fire protection, and medical support, and more efficient service delivery such as school busing. Extension of water resources may be extended to large-lot development in accordance with the County Comprehensive Master Plan, as amended.

The RR zone district is characterized by large-lot residential homesites and other accessory uses which enhance the basic elements of a balanced residential area, such as, schools, parks, neighborhood recreational facilities, and open space. Development or use of land in this district is permitted only in accordance with the provisions herein. Land disturbance activities may require permit(s).

**502**    Principal Uses

On lots of 4.5 acres or greater in area, the following uses shall be allowed by right: *(Lots smaller than 4.5 acres are limited to the principal and accessory uses allowed in the residential zone district to which the lot conforms in size.)* *(Amended 5/14/03)*

**502.01**    Community Uses:

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

- Recreation facility - neighborhood (*Site improvement plan required per Section 27*)
- Recreation facility – private (*Site improvement plan required per Section 27*) (*Amended 9/9/08*)
- School - public/private kindergarten thru 12th grade (*Site Improvement Plan required per Section 27 for private school; location and extent required for public school per Section 32*)
- Sheriff substation - no training or detention (*Site Improvement Plan required per Section 27*)

502.02 Construction office – temporary

502.03 Residence

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

502.04 Sales office - temporary (*refer to Section 22*)

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

### 503 Accessory Uses

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

503.01 Accessory uses and buildings

503.02 Animals (*refer to Section 24*)

503.03 Day-care home - small

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

503.05 Guest house

503.06 Home Occupation - Class 1 and Class 2 (*refer to Section 23*)

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

503.08 Satellite receiving dish

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

503.10 Youth-oriented agricultural activity (*Amended 6/14/06*)



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

On lots of 4.5 acres or greater in area, the following uses are permitted, upon the approval of the Board, in accordance with Section 21 Use By Special Review and Section 27 Site Improvement Plan, herein. *(Lots smaller than 4.5 acres are limited to the uses by special review allowed in the residential zone district to which the lot conforms to in area.)*

- 504.01 Church - greater than 350 seating capacity in main worship area
- 504.02 Day-care center/preschool, or day-care home - large
- 504.03 Golf course legally established as a Use by Special Review prior to June 22, 2005
- 504.04 Horse boarding or training facility that exceeds the maximum number or horses permitted by right
- 504.05 Recreation facility – community
- 504.06 Residence
  - Bed and Breakfast
- 504.07 Utility - major facility
- 504.08 Veterinary hospital/clinic
- 504.09 Wind energy conversion system

**505 Land Dedication**

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

**506 Lot Area**

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

**507 Maximum Gross Density**

The gross density shall not exceed 1 dwelling per 5 acres and may be less due to required infrastructure or dedication, or environmental constraints. The overall density may be increased per Section 508 Density Bonus herein.

**508 Density Bonus**

A density bonus may be permitted as follows:

- a 10% increase in density may be allowed when 40% of the gross acreage is preserved as open space and the site design meets the provisions of this Section 508 and the standards set forth in Section 509, herein; or
- a 20% increase in density may be allowed when 50% of the gross acreage is preserved as open space and the site design meets the provisions of this Section 508 and the standards set forth in Section 509, herein; and
- a 15% increase in density may be allowed when the subject land is served by a central water facility.

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

**508.01 Open Space**

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

**508.02 Building Envelopes**

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

**508.03 Wildlife corridors and habitat shall be protected by the site design.****508.04 Floodplains and wetlands shall be protected by the site design.****508.05 Road design, network and layout shall be sensitive to the topography and natural environment****508.06 Building Design and Height**

Criteria shall be developed that ensure that dwellings and other structures are compatible with, and do not dominate the natural environment. These

criteria shall address architectural style, building massing, height, foundation design (*i.e., stepping on steep slopes*), material, color, retaining walls, etc., in accordance with the design guidelines of the County Master Plan and shall be noted in the covenants.

#### 508.07 Fencing

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

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

#### 508.08 Landscaping

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

### 509 Density Bonus Approval Standards

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

- 509.01 the required open space area is protected by a conservation easement, pursuant to sections 38-30.5-101 through 110, C.R.S. or other acceptable means to prevent further subdivision or development of these lands;
- 509.02 the development has been integrated into the existing topography and surrounding landscape, and is designed to protect adjacent properties and community amenities;
- 509.03 the development design and site layout, to the extent feasible, have:
  - 509.03.1 minimized the development of steep/exposed slopes, floodplains, hilltops, open meadows, and attempted to incorporate these features into open space;
  - 509.03.2 protected and preserved wetlands/riparian areas, wildlife corridors and habitat areas;



- 509.03.3 minimized obstruction of scenic views from publicly accessible locations;
- 509.03.4 preserved unique natural, archaeological, or historical features;
- 509.03.5 minimized tree, vegetation and soil disturbance, removal, or grading;
- 509.03.6 provided visual separation between dwellings by the use of landscaping or other means;
- 509.03.7 reduced irrigated landscaping area or the removal of native vegetation;
- 509.04 the dwellings and structures are compatible with, and do not dominate the natural environment; and
- 509.05 the final plat is consistent with the goals and policies of the Comprehensive Master Plan.

#### 510 Minimum Setbacks

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

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

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

#### 511 Encroachments

- 511.01 A cornice, canopy, eave, fireplace, wing wall or similar architectural feature may extend 3 feet into a required setback.
- 511.02 An open, unenclosed, uncovered deck/porch at ground level may extend 6 feet into a required setback, except for a side setback.
- 511.03 An open unenclosed, uncovered deck/porch greater than 4 feet in height, above ground level, may extend 3 feet into a required setback, except for a side setback.



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

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

## 512 Building Height

Maximum building height: 35 feet

512.01 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.

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

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

## 513 Utilities

All public utility distribution lines shall be placed underground.

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

## 515 Street Standards

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

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

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

Unlicensed, operable vehicles parked outside shall be concealed by a solid fence, berm, vegetative barrier, or a combination thereof. Inoperable vehicles are prohibited.

517 Fencing Standards

- 517.01 Fences, walls, or hedges shall not be erected in the public right-of-way, but shall be allowed within the setback, on private land.
- 517.02 Fences, walls, or hedges shall be erected and maintained in a manner which does not obstruct the vision of automobile traffic on the adjacent streets, rights-of-way, or driveways in accordance with the Douglas County Roadway Design and Construction Standards manual.
- 517.03 A building permit is required for any retaining wall greater than 4 feet in height or any fence or wall greater than 6 feet in height, or as required by the Building Code, as amended and adopted by Douglas County. *(Amended 12/18/12)*
- 517.04 Fences, walls or hedges shall be maintained in good structural or living condition. The landowner is responsible for the repair or removal of a fence, wall or hedge, which constitutes a safety hazard, by reason of inadequate maintenance, dilapidation, obsolescence or abandonment, or which constitutes a zoning violation.
- 517.05 Barbed wire or electrically charged fences shall be allowed. Any electrically charged fence shall be clearly and conspicuously posted to warn those outside the fence that it is electrically charged. Concertina or razor wire is prohibited.
- 517.06 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)*

518 Sign Standards Refer to Section 29 of this Resolution

519 Lighting Standards Refer to Section 30 of this Resolution

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## SECTION 6 ER - ESTATE RESIDENTIAL DISTRICT

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601 Intent (Amended 8/11/09)

To provide areas for medium low-density residential homesites, on land that has minimal farming or ranching value, that create country living in a rural atmosphere while preserving the vegetation, significant geological features, wildlife habitat/corridors, views and privacy, and provide an appropriate transition from urban development to large-lot residential or agricultural areas. The density range is from one dwelling per 4.9 acres to one dwelling per 2.5 acres. Adequate facilities, such as roads, water and sanitation, fire protection, emergency service, and public utilities shall be available to serve these areas.

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

Development within this district should provide road connections, between developments, that provide adequate response time for sheriff/fire protection and medical support, and more efficient service delivery such as school busing.

The ER zone district is characterized by residential homesites and other accessory uses which enhance the basic elements of a balanced residential area, such as, schools, parks, neighborhood recreational facilities, and open space. Development or use of land in this district is permitted only in accordance with the provisions herein. Land disturbance activities may require permit(s).

602 Principal Uses

On lots of 2.3 acres or greater in area, the following uses shall be allowed by right: *(Lots smaller than 2.3 acres are limited to the principal and accessory uses allowed in the residential zone district to which the lot conforms in size.)* (Amended 5/14/03)

## 602.01 Community Uses:

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

- Recreation facility - neighborhood (*Site Improvement Plan required per Section 27*)
- Recreation facility – private (*Site Improvement Plan required per Section 27*) (*Amended 9/9/08*)
- School - public/private kindergarten through 12th grade (*Site Improvement Plan required per Section 27 for private school; location and extent required for public school per Section 32*)
- Sheriff substation - no training or detention (*Site Improvement Plan required per Section 27*)

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

602.03 Residence

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

602.04 Sales office - temporary (*refer to Section 22*)

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

602.06 Youth-oriented agricultural activity

### 603 Accessory Uses

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

603.01 Accessory uses and buildings

603.02 Animals (*refer to Section 24*)

603.03 Day-care home – small

603.04 Garage - private, limited to a maximum size of 1,000 sq. ft.

603.05 Home occupation - Class 1 (*refer to Section 23*)

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

603.07 Satellite receiving dish

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

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

On lots 2.3 acres or greater in area, the following uses are permitted, upon the approval of the Board, in accordance with Section 21 Use By Special Review and Section 27 Site Improvement Plan of this Resolution. *(Lots smaller than 2.3 acres are limited to the uses by special review allowed in the residential zone district to which the lot conforms to in area.)*

- 604.01 Church - greater than 350 seating capacity in main worship area
- 604.02 Day-care center/preschool, or day-care home – large
- 604.03 Golf course legally established as a Use by Special Review prior to June 22, 2005
- 604.04 Horse boarding or training facility that exceeds the maximum number of horses permitted by right
- 604.05 Recreation facility – community
- 604.06 Residence
  - Bed and Breakfast
- 604.07 Utility - major facility

**605 Land Dedication**

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

**606 Lot Area**

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

**607 Maximum Gross Density**

The gross density shall not exceed 1 dwelling per 2.5 acres and may be less due to required infrastructure or dedication, or environmental constraints. The overall density may be increased per section 608, herein.



## 608 Density Bonus

A density bonus may be permitted as follows:

- a 10% increase in density may be allowed when 40% of the gross acreage is preserved as open space; or
- a 20% increase in density may be allowed when 50% of the gross acreage is preserved as open space

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

### 608.01 Open Space

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

### 608.02 Building Envelopes

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

608.03 Wildlife corridors and habitat shall be protected by the site design.

608.04 Floodplains and wetlands shall be protected by the site design.

608.05 Road design, network and layout shall be sensitive to the topography and natural environment

### 608.06 Building Design and Height

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

### 608.07 Fencing

Fencing shall only be permitted within the building envelope and on the perimeter boundary of the lot. When open space is designated within

private lots, that portion of the lot designated as open space shall not be fenced.

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

#### 608.08 Landscaping

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

#### 609 Density Bonus Approval Standards

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

- 609.01 the required open space area is protected by a conservation easement, pursuant to sections 38-30.5-101 through 110, C.R.S. or other acceptable means to prevent further subdivision or development of these lands;
- 609.02 the development has been integrated into the existing topography and surrounding landscape, and is designed to protect adjacent properties and community amenities;
- 609.03 the development design and site layout, to the extent feasible, have:
  - 609.03.1 minimized the development of steep/exposed slopes, floodplains, hilltops, open meadows, and attempted to incorporate these features into open space;
  - 609.03.2 protected and preserved wetlands/riparian areas, wildlife corridors and habitat areas;
  - 609.03.3 minimized obstruction of scenic views from publicly accessible locations;
  - 609.03.4 preserved unique natural, archaeological, or historical features;
  - 609.03.5 minimized tree, vegetation and soil disturbance, removal, or grading;

- 609.03.6 provided visual separation between dwellings by the use of landscaping or other means;
- 609.03.7 reduced irrigated landscaping area or the removal of native vegetation;
- 609.04 the dwellings and structures are compatible with, and do not dominate the natural environment; and
- 609.05 the final plat is consistent with the goals and policies of the Comprehensive Master Plan.

#### 610 Minimum Setbacks

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

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

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

#### 611 Encroachments

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



## 612 Building Height

Maximum building height: 35 feet

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

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

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

## 613 Water and Sanitation

All uses shall be served by a central water facility. Individual septic systems shall be allowed in compliance with health department regulations.

## 614 Utilities

All public utility distribution lines shall be placed underground.

## 615 Street Standards

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

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

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

Unlicensed, operable vehicles parked outside shall be concealed by a solid fence, berm, vegetative barrier, or a combination thereof. Inoperable vehicles are prohibited.



**617    Fencing Standards**

617.01    Fences, walls, or hedges shall not be erected in the public right-of-way, but shall be allowed within the setbacks, on private land. A building permit is required for any retaining wall greater than 4 feet in height or any fence or wall greater than 6 feet in height, or as required by the Building Code, as amended and adopted by Douglas County. *(Amended 12/18/12)*

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

617.03    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.

617.04    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)*

617.05    Barbed, electrically charged, concertina, or razor wire is prohibited.

618    Sign Standards - Refer to Section 29 of this Resolution

619    Lighting Standards - Refer to Section 30 of this Resolution

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## SECTION 7 SR - SUBURBAN RESIDENTIAL DISTRICT

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

To provide areas for a variety of housing types, designed in a manner to create livable space in the urban setting, that is protected from incompatible land uses and hazardous conditions, and buffered from commercial/industrial uses. The density shall not exceed 4.36 dwellings per acre. Adequate facilities, such as roads, water and sanitation, fire protection, emergency service, and public utilities shall be available to serve these areas. Growth should occur in a phased and contiguous manner to save on the costly, premature extension of basic infrastructure.

Development within this district should be designed to create neighborhoods in terms of scale and identity and as service units with adequate schools, parks, and convenience retail; pedestrian, bicycle, and automobile circulation that includes connections between neighborhoods and community facilities; and to preserve open space and promote a design that is sensitive to the natural land features in accordance with the intent of the Douglas County Comprehensive Master Plan, as amended.

The SR zone district is characterized by a variety of housing types within a range of affordability, including housing for the elderly, handicapped and other special populations, and other accessory uses which enhance the basic elements of a balanced residential area, such as, schools, parks, playgrounds, and neighborhood recreational facilities. Development or use of land in this district is permitted only in accordance with the provisions herein. Land disturbance activities may require permit(s).

**702 Principal Uses**

On lots that conform to the minimum lot area, the following uses are allowed by right:  
(*Amended 5/14/03*)

**702.01 Community Uses:**

- Church - maximum seating capacity of 350 in main worship area (*Site Improvement Plan required per Section 27*)
- Fire station - no on-site training (*Site Improvement Plan required per Section 27*)
- Library - (*Site Improvement Plan required per Section 27*)
- Open space/trails
- Park/playground
- Recreation facility – neighborhood (*Site Improvement Plan required per Section 27*)
- Recreation facility – private (*Site Improvement Plan required per Section 27*) (*Amended 9/9/08*)
- School - public/private kindergarten through 12th grade (*Site Improvement Plan required per Section 27 for private school; location and extent required for public school per Section 32*)



- Sheriff substation - no training or detention (*Site Improvement Plan required per Section 27*)

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

702.03 Residence

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

702.04 Sales office - temporary (*refer to Section 22*)

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

### 703 Accessory Uses

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

703.01 Accessory uses and buildings

703.02 Animals (*refer to Section 24*)

703.03 Day-care home – small

703.04 Garage - private, limited to a maximum size of 1,000 sq. ft.

703.05 Home occupation - Class 1 (*refer to Section 23*)

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

703.07 Satellite receiving dish

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

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

704.01 Church - greater than 350 seating capacity in main worship area

704.02 Day-care center/preschool, or day-care home – large

704.03 Golf course legally established as a Use by Special Review prior to June 22, 2005

704.04 Recreation facility – community

704.05 Utility - major facility

705 Maximum Gross Density

The gross density shall not exceed 4.36 dwellings/acre and may be less due to required infrastructure or dedication, or environmental constraints.

706 Minimum Lot Area: 9,000 sq. ft.

Calculation of the minimum lot area is exclusive of open space, County-dedicated land or rights-of-way.

707 Water and Sanitation

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

708 Utilities

All public utility distribution lines shall be placed underground.

709 Land Dedication

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

710 Street Standards

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

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

The minimum off-street parking spaces required: 2 spaces per dwelling

Unlicensed, operable vehicles parked outside shall be concealed by a solid fence, berm, vegetative barrier, or a combination thereof. Inoperable vehicles are prohibited.

712 Minimum Setbacks

SETBACK FROM:			
Street	Side Lot Line	Rear Lot Line	115+KV Power Line
regional/maj. arterial: 100' other: 25'	15'*	25'* accessory: 15'	100'

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

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

713 Encroachments

- 713.01 A cornice, canopy, eave, fireplace, wing wall or similar architectural feature may extend 3 feet into a required setback.
- 713.02 An open, unenclosed, uncovered deck/porch at ground level may extend 6 feet into a required setback, except for a side setback.
- 713.03 An open unenclosed, uncovered deck/porch greater than 4 feet in height, above ground level, may extend 3 feet into a required setback, except for a side setback.
- 713.04 A building permit shall not be issued for any structure which is to be located within an easement unless written approval by the easement holder(s) is provided.
- 713.05 Utility distribution lines and related equipment commonly located along property lines may be located within a required setback. A neighborhood substation or gas regulator/meter station shall meet the required setbacks.
- 713.06 Structures that do not require building permits may encroach into a rear setback. Any encroachment into an easement requires permission from the easement holder.
- 713.07 A garage directly accessed from an alley may encroach into a rear setback. Any encroachment into an easement requires permission from the easement holder. (Amended 6/14/06)

714 Building Height

Maximum building height:

- principal building: 35 feet
- accessory building: 20 feet



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

- 714.01 The maximum height of a roof-mounted church spire/steeple shall not exceed 1.62 times the height of the church measured from the lowest finished floor to the roof peak. The height of the roof-mounted spire shall be measured from the top of the spire to the finished floor of the lowest walkout level of the church. *(refer to Section 36 building height definition - spire height calculation)*
- 714.02 The height of an antenna shall be no greater than the distance to the nearest lot line. *(refer to Section 27A for cell sites and Section 21 for telecommunication facilities)*

715 Fencing Standards

- 715.01 Fences, walls, or hedges shall not be erected in the public right-of-way, but shall be allowed within the setbacks, on private land. A building permit is required for any retaining wall greater than 4 feet in height or any fence or wall greater than 6 feet in height, or as required by the Building Code, as amended and adopted by Douglas County. *(Amended 12/18/12)*
- 715.02 Solid fences, walls, or hedges shall not exceed 6 feet in height and shall not exceed 4 feet in height when located in the required setback from a street.
- 715.03 Fences constructed of woven wire or ornamental iron which are a minimum of 80% open may be constructed with no height limitation; however, a building permit is required for any fence greater than 6 feet in height, or as required by the Building Code, as amended and adopted by Douglas County. *(Amended 12/18/12)*
- 715.04 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.
- 715.05 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.



- 715.06 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)*
- 715.07 Sound barrier walls, when constructed by a 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 Site Improvement Plan Referral Board.
- 715.08 Barbed, electrically charged, concertina, or razor wire is prohibited.
- 716 Sign Standards - Refer to Section 29 of this Resolution
- 717 Lighting Standards - Refer to Section 30 of this Resolution

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## SECTION 21 USE BY SPECIAL REVIEW

## -Section Contents-

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## 2101 Intent

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

## 2102 Approval Standards

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

- 2102.01 Complies with the minimum zoning requirements of the zone district in which the special use is to be located, as set forth in this Resolution.
- 2102.02 Complies with the requirements of this Section 21.
- 2102.03 Complies with the Douglas County Subdivision Resolution.
- 2102.04 Will be in harmony and compatible with the character of the surrounding areas and neighborhood.
- 2102.05 Will be consistent with the Douglas County Comprehensive Master Plan, as amended.
- 2102.06 Will not result in an over-intensive use of land.
- 2102.07 Will provide roadway capacity necessary to maintain the adopted roadway level-of-service for the proposed development concurrently with the impacts of such development.
- 2102.08 Will provide public facilities and services necessary to accommodate the proposed development concurrently with the impacts of such development.
- 2102.09 Will not cause significant air, water, or noise pollution.
- 2102.10 Will be adequately landscaped, buffered, and screened.
- 2102.11 Complies with the following standards regarding water supply:
  - 2102.11.1 If it is demonstrated that the use by special review will not generate any ongoing water demand, no proof of water supply shall be required and no other provisions of Section 18A, Water Supply - Overlay District, 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 Golf course legally established as a Use by Special Review prior to June 22, 2005: A-1, LRR, RR, ER, and SR zone districts subject to the following:

- (1) Such use may be amended in accordance with the provisions established herein.
- (2) No amendment shall have the effect of changing the boundary of the area subject to the legally established Use by Special Review as it existed on June 22, 2005.

2107.18 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

2107.19 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.

- 2107.20 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.

- 2107.21 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.

- 2107.22 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.

- 2107.23 Horse boarding or training facility: A-1, LRR, RR, and ER zone districts where the number of boarded horses exceeds the maximum number of horses permitted by right or by administrative review, or the number of lessons for non-owned horses, or riders not related to the landowner or lessee, exceeds 14 per week

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

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

- 2107.24 Horse rental stable: A-1 and LRR zone districts provided that all uses are located at least 100 feet from all lot lines

- 2107.25 Hotel: CMTY and D zone districts

- 2107.26 Hunting or fishing club: A-1 zone district; hunting clubs shall be located on a minimum of 160 acres

- 2107.27 Jail/correctional facility: GI 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.
- 2107.28 Junk, scrap metal, or auto wrecking yard: GI zone district provided all such uses are completely concealed by a solid wall or fence at least 6 feet in height
- 2107.29 Kennel: A-1 and LRR zone districts provided that all uses are located at least 100 feet from all lot lines
- 2107.30 Landfill - public or private: A-1 and GI 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.

- 2107.31 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 GI 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.

2107.32 Mining, quarry, sand and gravel operation, or similar extractive land use: A-1 and G1 zone districts, subject to the following:

2107.32.1 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.

2107.32.2 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

2107.32.3 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

2107.32.4 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



2107.32.5 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.

2107.33 Motel: CMTY and D zone districts

2107.34 Motorsports Facility, Private: A-1 zone district (*Amended 4/26/16*)

- 2107.34.1 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.
- 2107.34.2 Noise generated by the Private Motorsports Facility use shall comply with the limits established in Section 1703A of the Noise Overlay District ("noise standard").
- 2107.34.3 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.
- 2107.34.4 Maximum land area devegetated, including devegetation resulting from the Private Motorsports Facility, shall comply with the limits established in Section 24, Animals.
- 2107.34.5 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.
- 2107.35 Oil or gas drilling operation: A-1 zone district provided such use is located a minimum of 100 feet from any lot line
- 2107.36 Propane distribution/storage: G1 zone district
- 2107.37 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
- 2107.38 Recreation facility - indoor: CMTY and D zone districts
- 2107.39 Recreation facility - neighborhood: CMTY and D zone districts
- 2107.40 Recreation facility - outdoor: CMTY and D zone districts
- 2107.41 Recreation facility - private: CMTY and D zone districts

2107.42 Recycle/trash transfer facility: LI and GI zone district provided all recycling or trash transfer activities are conducted within an enclosed structure.

2107.43 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

2107.44 Religious retreat: A-1 zone district.

2107.45 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.

2107.45.1 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

- 2107.46 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.
- 2107.47 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:
- 2107.47.1 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.
- 2107.47.2 More than 10 delivery vehicles would be transporting sludge to the site in any 24-hour period.
- 2107.47.3 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.
- 2107.47.4 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.
- 2107.48 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.
- 2107.48.1 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

2107.48.2 A Visual Impact Assessment (VIA) shall be prepared in accordance with the VIA process contained in Appendix D of this Zoning Resolution.

2107.48.3 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.

2107.48.4 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.

2107.49 Theatre - indoor or outdoor: CMTY and D zone districts

2107.50 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.

2107.51 Veterinary clinic or hospital: A-1, LRR, and RR zone districts, provided that such uses are located 100 feet from all lot lines

2107.52 Wind energy conversion systems up to 100 kilowatts: A-1, LRR, and RR zone districts as follows:

2107.52.1 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

2107.52.2 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.

2107.52.3 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.

- 2107.52.4 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.

2107.53 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 – **1<sup>st</sup> Amendment**  
NW¼ Section 11, Township 8 South, Range 67 West  
Permit Area – 1 acre    Total Area – 5 acres  
USR Amendment  
US2010-002 **(Amendment to US2003-049)**

2112.04 Plan Exhibit Approval Certificate

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

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 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 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 three inches high, and a minimum of six inches high for the sentence that reads, "For more information call Douglas County Planning at 303-660-7460." *(Amended 11/6/2018)*. 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:

<p>(attach photo here)</p> <p>(sign lettering must be legible in photo)</p>	
<p>I, <u>(applicant/representative/person posting sign)</u>, attest that the above sign was posted on (date) abutting (name of street).</p>	
<p>_____ (signature)</p>	<p>File No./Name: _____</p>
<p>STATE OF COLORADO    )   ) ss. COUNTY OF _____ )</p>	
<p>Acknowledged before me this ____ day of _____, 20__ by _____ as _____.</p>	
<p>My commission expires: _____</p>	
<p>Witness my hand and official seal</p>	
<p>_____ 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:

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