

RESOLUTION NO. R-022- 100

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

**RESOLUTION ADOPTING AMENDMENTS TO DOUGLAS COUNTY ZONING
RESOLUTION SECTION 15 - PLANNED DEVELOPMENT AND SECTION 26 -
VARIANCE STANDARDS AND PROCEDURES. PROJECT FILE: DR2022-003.**

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. DR2022-003); and

WHEREAS, at public hearing held on September 19, 2022, the Planning Commission considered and recommended all of said Amendments; and

WHEREAS, the Board of County Commissioners considered said Amendments at a public hearing held on September 27, 2022; 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 be effective as of September 27, 2022.

PASSED AND ADOPTED this 27th day of September 2022, in Castle Rock, Douglas County, Colorado.

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

BY:

DocuSigned by:

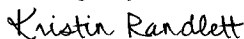


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ABE LAYDON, Chair

ATTEST:

DocuSigned by:



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KRISTIN RANLETT, Clerk to the Board

DocuSigned by:



SECTION 15 PD - PLANNED DEVELOPMENT DISTRICT

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1501 Intent

To encourage innovative and creative design and to facilitate a mix of use in the development of a balanced community including residential, business, commercial, recreational, open space, and other selected secondary uses, in accordance with Section 24-67-101, et. seq., C.R.S. Growth should occur in a phased and contiguous manner to save on the costly, premature extension of basic infrastructure.

Development within this district should be designed to:

- ensure that provision is made for ample open space;
- ensure that environmentally and visually sensitive areas are preserved;
- promote layout, design and construction of residential development that is sensitive to the natural land form and environmental conditions of the immediate and surrounding area;
- provide or be located in proximity to employment and activity centers such as shopping, recreational, and community centers, health care facilities, and public transit;
- ensure the adequacy of public facilities to accommodate population growth;
- promote balanced developments of mixed housing types;
- encourage the provision of dwellings with a range of affordability; and
- otherwise implement the stated purpose and intent of this Resolution and the Douglas County Comprehensive Master Plan.

Development in this district is permitted only in accordance with a Development Plan prepared and approved in accordance with the provisions herein.

The PD zone district is characterized by neighborhoods balanced in terms of scale and identity and as a complete community with adequate schools, parks, employment opportunities, convenience retail, health services, and public transit. Pedestrian, bicycle, and automobile circulation should include connections between neighborhoods, community facilities, employment centers, and shopping centers.

1502 General Requirements *(Amended 9/27/22)*

Planned Developments may be controlled by one or more owners and shall be developed under unified control or by a unified plan. The owners, successors, heirs, or assigns shall be bound by the approved Development Plan, including any amendments thereto approved by the Planning Director or Board of County Commissioners.

1502.01 In order to provide uniform administrative procedures and quality development standards, Planned Developments shall conform to the following sections of this Resolution, as amended:

Sections: 1 – Administrative Provisions and Procedures
2 – General Requirements and Exceptions

- 15 – PD – Planned Development District
- 18 – Floodplain Overlay District
- 18A – Water Supply Overlay District
- 19 – Centennial Airport Review Area – Overlay District
- 20 – Nonconforming Uses and Buildings
- 21 – Use by Special Review
- 22 – Temporary Structures
- 23 – Home Occupations
- 24 – Animals
- 25 – Rezoning
- 26 – Variance Standards and Procedures
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- 27A – Cell Site Design Standards
- 28 – Parking Standards
- 29 – Sign Standards
- 30 – Lighting
- 31 – Clearing, Grading, and Land Disturbance
- 32 – Location and Extent
- 36 – Definitions

Development Plans may include more restrictive regulations than that which is included in the above listed sections, but standards shall not be established that fall below these minimum standards.

Additionally, Development Plans may include regulations for signs, parking and definitions which are not addressed by this Resolution.

- 1502.02 Mineral extraction operations processed as Planned Developments shall meet all requirements and criteria listed in the Uses Permitted by Special Review Section of this Resolution.
- 1502.03 A portion of the gross site area shall be dedicated to Douglas County for public use, or cash-in-lieu of land as required by the Douglas County Subdivision Resolution.
- 1502.04 All public utility distribution lines shall be placed underground.
- 1502.05 All uses proposed in the Planned Development shall be served by a central water and sanitation facility, unless this Zoning Resolution permits the proposed uses to be served by an individual well and an individual septic system.

1503 Approval Criteria for Planned Development Rezoning *(Amended 11/18/14)*

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

- 1503.01 whether the application is in compliance with the requirements of this Resolution and the Douglas County Comprehensive Master Plan;
- 1503.02 whether the application is in compliance with all applicable statutory provisions;
- 1503.03 whether there has been a substantial change in the character of the neighborhood, since the land was last zoned;
- 1503.04 whether the application demonstrates public facilities and services necessary to accommodate the proposed development will be available concurrently with the impacts of such development;
- 1503.05 whether the roadway capacity necessary to maintain the adopted roadway level-of-service for the proposed development will be available concurrently with the impacts of such development;
- 1503.06 whether the proposed rezoning is compatible with the surrounding land uses;
- 1503.07 whether the subject land is suitable for the intended use and is compatible with the natural environment;
- 1503.08 whether the proposed Development Plan complies with the general requirements in 1502 herein;
- 1503.09 whether the planned development provides for unified development control under a unified plan; and
- 1503.10 whether the application is in conformance with Section 18A, Water Supply Overlay District, herein. *(Amended 5/26/2015)*

1504 Prerequisite *(Amended 8/11/04)*

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

- 1504.01 The applicant shall contact the Planning Services Division and schedule a presubmittal meeting which may include the Engineering staff and other referral agencies, as deemed necessary. The applicant shall provide the following:

- 1504.01.1 a schematic plan illustrating the location and relationship of proposed uses by planning area, including access, street network, trails, parks, open space, connections to neighborhoods;
 - 1504.01.2 preliminary evidence of the availability of services, including schools, fire and sheriff protection, parks, utilities such as water, sanitary sewer, electricity, and gas; and
 - 1504.01.3 a description of the site regarding natural and man-made hazards, soils, vegetation, water features, drainages, and wildlife movement areas.
- 1504.02 The staff shall comment on the proposed planned development design; compliance with the intent of the planned development provisions, and the Comprehensive Master Plan, and explain the rezoning process. Additional review may be required at the discretion of the Director due to the size and/or complexity of the proposal.
- 1504.03 A staff comment summary shall be provided to the applicant, and to the Planning Technician for inclusion in the project file.

1505 Rezoning Submittal Process *(Amended 8/11/09)*

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

- 1505.01 The applicant shall submit the required submittal information to the Planning Services Division. The submittal shall be reviewed by staff and a determination of completeness shall be made within 15 calendar days. The applicant shall be notified in writing if the submittal is incomplete, and any inadequacies shall be specifically identified. An incomplete submittal will not be processed. *(Amended 9/27/22)*
- 1505.02 Once the submittal is determined complete, staff will notify the applicant in writing of the number of copies of the submittal information required for distribution to referral agencies. Staff will identify in the written notice which referral agencies are a regulatory referral agency and which referral agencies are an advisory referral agency. 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. *(Amended 9/27/22)*

1505.03 Staff shall send a courtesy notice of an application in process and applicable contact information to all abutting landowners and owners of land separated by 300 feet or less from the property by a platted tract. In Nonurban Areas, staff shall send a courtesy notice of an application in process to the entity or entities responsible for ownership and maintenance of a shared private access. The applicant shall reimburse the County for the cost of materials. Errors in the courtesy notice shall not negatively impact the determination of public notice compliance set forth herein. *(Amended 4/13/2021)*

1505.04 If the referral agencies elect to comment, they shall comment within 21 calendar days of the date the referral packets were mailed or electronically distributed, unless the applicant grants, in writing, an extension of no more than 30 calendar days. After the 21 calendar days, if no extension is granted, any referral agency responses received will be accepted for informational purposes only and provided to the applicant, Planning Commission, and the Board. *(Amended 11/12/13)*

All referral agency comments shall be provided by staff to the applicant upon receipt. The applicant shall address the comments of all regulatory referral agencies received within the 21-calendar day referral period, or as extended by the applicant, by identifying in writing the extent to which the project has been revised in response to the comments. The applicant is strongly encouraged to provide staff a written response to timely comments of any and/or all advisory referral agencies. *(Amended 9/27/22)*

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 regulatory referral agencies. *(Amended 9/27/22)*

1505.05 Staff will review the referral agency comments, discuss the concerns with the applicant, schedule a public hearing before the Planning Commission, notify the applicant in writing of the hearing date and time, and prepare a staff report for the Planning Commission. The applicant is responsible for public notice of the hearing in accordance with Section 1511 herein.

1505.06 The Planning Commission shall evaluate the rezoning request, staff report, referral agency comments, applicant responses, and public comment and testimony, and make a recommendation to the Board to approve, approve with conditions, continue, table for further study, or deny the rezoning request. The Planning Commission's decision shall be based on the evidence presented, compliance with the adopted County standards, regulations, policies, and other guidelines.

1505.07 Following the recommendation by the Planning Commission, staff shall schedule a public hearing before the Board, notify the applicant in writing

of the hearing date and time, and prepare a staff report for the Board. The hearing shall be scheduled for the earliest available time taking into consideration the 14-day public noticing requirement but no later than 120 days after the final Planning Commission hearing. The applicant is responsible for public notice of the hearing in accordance with Section 1511 herein.

1505.08 For applications that propose a water supply from an Existing District, at least 21 days prior to the Board hearing, the applicant shall submit evidence of inclusion of the property into the Existing District. An inclusion agreement may be contingent on approval of the rezoning by the Board.

1505.09 The Board shall evaluate the rezoning request, staff report, referral agency comments, applicant responses, the Planning Commission recommendation, and public comment and testimony, and shall approve, approve with conditions, continue, table for further study, remand to the Planning Commission, or deny the rezoning request. The Board's action shall be based on the evidence presented, compliance with the adopted County standards, regulations, policies, and other guidelines.

1505.10 Upon approval, the Development Plan shall be recorded in accordance with Section 1510 herein.

1505.11 If denied by the Board, a resubmittal of a rezoning request for the same or substantially same request, as determined by the Director, shall not be accepted within 60 days of such denial. The applicant may appeal the decision of the Director, in writing, to the Board of Adjustment pursuant to Section 26A of this Resolution. The submittal of a new application and processing fee shall be required to pursue a proposed rezoning. *(Amended 4/10/12)*

1506 General Submittal Requirements *(Amended 11/18/14)*

1506.01 A completed application form *(available from the Planning Office)*

1506.02 Application Fee *(fee schedule available from the Planning Office)*

1506.03 Proof of ownership, which may be updated or current title insurance policy or title commitment no more than thirty days old from the date of application.

1506.04 A notarized letter of authorization from the landowner permitting a representative to process the application, as necessary.

1506.05 Project Summary *(per 1507 herein)*

- 1506.06 Plan Exhibit (*per 1508 herein*)
Plan reductions (11"X17") shall be required for public hearing packets for the Planning Commission and the Board.
- 1506.07 Development Plan (*per 1509 herein*)
Plan reductions (11"X17") shall be required for public hearing packets for the Planning Commission and the Board.
- 1506.08 A copy of the staff comments from the presubmittal review and any additional information, as requested by staff.
- 1506.09 Water supply documentation in accordance with Section 18A, Water Supply Overlay District, herein. (*Amended 5/26/2015*)
- 1506.10 Documentation of the physical and legal capability to provide sanitation.
- 1506.11 An analysis of the capacity of public facilities and services within the impact area.
- 1506.11.1 A traffic impact study in accordance with the Douglas County Roadway Design and Construction Standards.
- 1506.11.2 Documentation of capacity from the fire protection district in accordance with fire district level of service standards.
- 1506.11.3 Documentation of capacity from the school district in accordance with the school district capacity policy.

1507 Project Summary (*Amended 11/18/14*)

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

- 1507.01 The name and address of:
- landowner/applicant
 - representative, if applicable
 - mineral rights owner
 - water rights owner
- 1507.02 General project concept
- 1507.03 Proposed development staging and time frame.
- 1507.04 Relationship to the existing and adjacent land uses.

- 1507.05 Changes in the character of the neighborhood, since the land was last zoned, to substantiate a rezoning.
- 1507.06 A description of the availability and adequacy of public services and facilities.
- 1507.07 An analysis of the site characteristics related to the proposal, including any environmentally hazardous, sensitive or natural resource areas. Describe any natural or manmade hazards.
- 1507.08 Impacts on existing flora and fauna.
- 1507.09 Compliance with the: *(Amended 5/26/2015)*
- Douglas County Comprehensive Master Plan
 - 1041 Regulations regarding New Communities
- 1507.10 A description of the recreational facilities, including existing and proposed park sites, open space and accessibility to parks and open space areas.
- 1507.11 Any other required information as applicable when other applications are processed in conjunction with the land-use application.
- 1507.12 Comparison Analysis
- Provide a chart on 8 1/2" X 11" paper comparing the proposed Development Plan to the zone district requirements of the Zoning Resolution.

e.g.: MULTIFAMILY	Proposed	County
Maximum Height	35'	50'
Front Setback	15'	25'
e.g.: COMMERCIAL – Uses by Right	Proposed	County
Retail Commercial	Yes	Yes
Car Sales/Service	Yes	Yes
Bungee Jumping	Yes	No

1508 Plan Exhibit

- 1508.01 The plan shall be submitted on 24" X 36" paper at a scale of 1" = 100', 1" = 200' or another scale approved by the Director. A margin, at least 1" on all sides, shall be provided on each sheet and left entirely blank.
- 1508.02 The name of the proposed planned development shall be placed at the top of each sheet along the long dimension of the sheet. Names shall not duplicate existing planned developments or subdivisions. A general legal description stating the aliquot portion of the section, section, township,

range, 6th P.M., and Douglas County shall be included under the name followed by the total acreage, number of residential units, or square footage of business, commercial, or industrial. For example:

MEADOWBROOK PLANNED DEVELOPMENT

A part of the S/2 of Section 9, Township 6 South, Range 67 West
of the 6th P.M., Douglas County, CO
475 acres – 230 dwellings – ZR__-_____

- 1508.03 A written metes and bounds legal description of the land.
- 1508.04 Two vicinity maps that depict the area to be rezoned and the area which surrounds this site within a 2 mile radius. One vicinity map shall be superimposed on the Douglas County Zoning Map, and the other vicinity map shall be superimposed on the Douglas County Subdivision map, maintaining the same scale.
- 1508.05 A block in the lower right-hand corner, or along the right-hand margin, which includes the following:
- the preparation date
 - a north arrow designated as true north
 - a written and graphic scale
 - the names and addresses of the applicant, developer, engineer or surveyor who prepared the exhibit
 - the number of the sheet and the total number of sheets
- 1508.06 Indicate existing zoning of the land on the plan exhibit and the existing zoning and land uses of the adjacent land.
- 1508.07 Delineate, to scale, the existing easements or rights-of-way on the site, their use and titleholder or right holder.
- 1508.08 Show all existing structures on the site, their uses and whether they are to remain on the site.
- 1508.09 Show public access to the site and internal circulation, not limited to vehicular.
- 1508.10 Delineate right-of-way dimensions, name and surface materials for all points of access on or adjacent to the site.
- 1508.11 Show topography at 10' contour intervals including high and low spot elevations; shadow areas of 20% or greater slope, - the staff planner may request that other significant topographic conditions be depicted at greater or lesser intervals where appropriate.

- 1508.12 Graphically define all natural and man-made watercourses, retention areas, streams and lakes, and any known 100-year floodplains affecting the site.
- 1508.13 Show all adjacent land owned by the applicant, the current or intended use of such land; land not part of the rezoning request shall be noted as such.
- 1508.14 Note any unique features on the site, historical landforms, views, etc.

1509 Development Plan (Amended 8/22/07)

The Development Plan shall be prepared on 24" X 36" sheets. A margin, at least 1" on all sides, shall be provided on each sheet, and left entirely blank. The name of the planned development shall be centered on the upper portion of each sheet and the sheet number in the lower right hand corner of each sheet. Textual information shall be placed in columns 5-8 inches in width. Type style shall be sans serif (*without a fine line finishing off the main strokes of a letter*) at a minimum size of 12 pt. For processing purposes, the textual information may be prepared on 8 1/2" X 11" paper.

1509.01 Sheet 1

The name of the proposed planned development shall be centered at the top of the sheet along the long dimension of the sheet.

1509.01.1 The following wording shall be placed verbatim in columns, 5-8 inches in width, beginning in the upper left-hand column:

GENERAL PROVISIONSAuthority

This Development Plan is authorized by Section 15 – Planned Development District of the Douglas County Zoning Resolution adopted pursuant to the Colorado Planned Unit Development Act of 1972, as amended.

Applicability

The provisions of this Development Plan shall run with the land. The landowners, their successors, heirs, or assigns shall be bound by this Development Plan, as amended and approved by the Community Development Director or Board of County Commissioners.

Adoption

The adoption of this Development Plan shall evidence the findings and decision of the Douglas County Board of Commissioners that this Development Plan for (*name of development*) is in general conformity with the Douglas County Comprehensive Master Plan; is authorized by the provision of Section 15 of the Douglas County Zoning Resolution; and that such Section 15 and this Development Plan comply with the Colorado Planned Unit Development Act of 1972, as amended.

Relationship to County Regulations

The provisions of this Development Plan shall prevail and govern the development of (*name of development*), provided, however, that where the provisions of this Development Plan do not address a particular subject, the relevant provisions of the Douglas County Zoning Resolution, as amended, or any other applicable resolutions or regulations of Douglas County, shall be applicable.

Enforcement

To further the mutual interest of the residents, occupants, and owners of the Planned Development and of the public in the preservation of the integrity of the Plan, the provisions of this Plan relating to the use of land and the location of common open space shall run in favor of Douglas County and shall be enforceable at law or in equity by the County without limitation on any power or regulation otherwise granted by law.

Conflict

Where there is more than one provision within the Development Plan that covers the same subject matter, the provision which is most restrictive or imposes higher standards or requirements shall govern unless determined otherwise by the Director of Community Development.

Maximum Level of Development

The total number of dwellings or the total commercial, business, or industrial intensity approved for development within the Planning Areas is the maximum development requested for platting or construction (plus approved density transfers, if any). The actual number of dwellings or level of development for commercial, business, or industrial properties may be less due to subdivision or site improvement plan requirements, land carrying capacity, or other requirements of the Board of County Commissioners.

Project Tracking

At the time of subdivision final plat, the applicant shall provide a summary of the development, to date, along with the final plat submittal to the Planning Services Division, in order to assure maximum development limits are not exceeded.

1509.01.2 The statement of commitments shall follow the above in the identical format, with the following heading:

“STATEMENT OF COMMITMENTS”

The statement of commitments shall, in all cases, describe the development commitments including a method for assigning responsibility to heirs, successors, or assigns, and timing of the fulfillment of these commitments for the following:

- (1) Dedication: Public dedication for parks, schools, libraries, roads, drainage, etc., either in specific acreage dedication (referenced by symbol) or specific cash-in-lieu of land or facilities. Describe the proposed ownership, utility provision, improvement schedule, and maintenance provision. A provision for on-demand dedication for regional parks and trails and school sites should be stated. The applicant shall provide title insurance for County-dedicated land. In all cases, dedicated land shall be conveyed to Douglas County and the County may further convey the land to the appropriate agency.
- (2) On- or off-site improvements: Provision shall be made for the construction of, or payment of fees for, county or off-site improvements through bonding or the imposition of pro rata fees.
- (3) Wildlife preservation plan
- (4) Wetlands/riparian preservation plan
- (5) Project phasing restrictions
- (6) Fire protection
- (7) Payment of taxes on land to be dedicated for public use
- (8) Other commitments imposed by the Board

Parks/Trails/Open Space Commitments Matrix					
Area	Plan Preparation and Approval	Construction Timing	Construction Responsibility	Maintenance Responsibility	Ownership
Park A					
Park B					
Trail					

(Amended 3/28/01)

1509.01.3 For applications where the applicant proposes creation of a New Special District to provide water service as described in Section 18A, Water Supply Overlay District, of this Resolution, the statement of commitments shall include a commitment to submit evidence of the creation of the New Special District and of execution of all intergovernmental agreements necessary for water service, prior to submittal of the first preliminary plan, minor development final plat, or site improvement plan. *(Amended 9/27/22)*

1509.01.4 OWNERSHIP CERTIFICATION

Name of Landowner _____

(Landowner's Signature – notarized)

I/we _____, (one of the following: qualified title insurance company, title company, title attorney, or attorney at law), duly qualified, insured or licensed by the State of Colorado, do hereby certify that I/we have examined the title of all lands depicted and described hereon and that title to such land is owned in fee simple by _____ at the time of this application.

(Notarized Signature)

Name of Authorized Official _____

(date) _____

Name of Company: _____

OR

(Signature) (Registration No.)

Name of Attorney _____

(date) _____

1509.01.5 COUNTY CERTIFICATION

This rezoning request to Planned Development has been reviewed and found to be complete and in accordance with the (Board Resolution or Motion Number and Date) approving the Planned Development and all applicable Douglas County Regulations.

(Signature) _____

Chairman, Board of County Commissioners (date) _____

(Signature) _____

Director, Community Development _____

(date) _____

1509.01.6 CLERK AND RECORDER CERTIFICATION

I hereby certify that this Plan was filed in my office on this (day) of (month), 20____, A.D. at ____ o'clock a.m./p.m., and was recorded per Reception No. _____.

Douglas County Clerk and Recorder

1509.01.7 INDEX

i.e.: *Sheet 1 General Provisions/Requirements*
Sheet 2 Development Standards
Sheet 3 Development Plan

1509.02 Sheet 2

The name of the proposed planned development shall be centered at the top of the sheet along the long dimension of the sheet. Beginning in the upper left-hand column of the sheet, state the following for each planning area category, e.g., single family:

1509.02.1 Principal Uses

1509.02.2 Uses Permitted by Special Review

1509.02.3 Accessory Uses/Structures

1509.02.4 Standards for Principal and Accessory Uses:

- (1) minimum lot area
- (2) minimum front, side and rear setbacks. Include a graphic representation or footprint of all typical residential structures other than single family detached, i.e., zero lot line, patio, etc. In order to provide for sufficient parking in all residential development where the garage door directly faces and is accessed by a public street, a minimum setback of 20 feet shall be required from the garage to the edge of the sidewalk nearest the garage, or, where sidewalks are not required, from the garage to the edge of the pavement
- (3) maximum building heights

1509.02.5 Other standards or requirements provided in 1502.01 herein

1509.02.6 Complete legal description - the staff planner may allow this to be provided on a separate sheet, if lengthy

1509.03 Sheet 3

The name of the proposed planned development shall be centered at the top of the sheet along the long dimension of the sheet. This sheet shall graphically depict the site and include the following:

1509.03.1 A block in the lower right-hand corner, or along the right-hand margin, which includes the following:

- North Arrow
- Graphic and written scale at 1" = 100' or 1" = 200' or as otherwise approved by the Director or staff planner
- Date of Preparation

- 1509.03.2 Two vicinity maps that depict the relationship to the surrounding area within a 2-mile radius.
- One vicinity map shall be superimposed on a current Douglas County Subdivision Map,
 - The other shall be superimposed on a current Douglas County Zoning Map, maintaining the same scale.
- 1509.03.3 Dimensions, bearings, and control points along all exterior property lines
- 1509.03.4 Topography at 10' contour intervals, including high and low spot elevations; shadow areas of 20% or greater slope - the staff planner may request that other significant topographic conditions be depicted at greater or lesser intervals where appropriate.
- 1509.03.5 Access
- (1) Arterials and collectors - In all cases, access shall be depicted to all planning areas, include right-of-way dimensions and surface width. *(Refer to the Douglas County Roadway Design and Construction Standards, the Douglas County Storm Drainage Design and Technical Criteria manual, and the Subdivision Resolution Design Guidelines).*
 - (2) Trails
 - (3) Existing Easements - The staff planner may allow them to be provided on a separate plan
- 1509.03.6 100-year floodplains - Depending upon the extent of floodplain area, the Director may permit this information to be provided on a separate sheet.
- 1509.03.7 Land Dedication
- Public or private, regional and community parks, open space and trails shall be depicted and referenced by number, letter or symbol. Local park dedication shall be determined at the time of platting.
 - All other land dedication including school, library, fire station, or sheriff substations as needed or required.
- 1509.03.8 Planning Areas
- All planning areas and open space areas shall be shown overlaid on topography at a scale that clearly delineates the planning area boundaries so that they can be located on the site.

- For each planning area shown on the Development Plan or within a separate table, indicate the following:
 - acreage
 - number of dwelling units
 - land use designation
 - residential density
 - nonresidential square footage

NOTE: *The number of dwellings indicated in the planning areas is the maximum number of dwellings requested, the total of which cannot exceed the total number approved for the proposed PD. The density range for each planning area, when calculated to the maximum proposed, shall not exceed the total number of dwellings for the entire PD. The actual number of dwellings approved by the Board may be less than shown on the plan due to subdivision or site improvement plan requirements or other requirements of the Board.*

1509.03.9 Land Use Table

A separate land-use table, which indicates the total land use for the planned development, shall be prepared as follows:

PARTIAL EXAMPLE					
SYMBOL	LAND USE	GROSS DENSITY	UNITS	ACRES	%
SF	Single Family	3	120	40.0	26%
MF	Multi Family	9	765	35.0	23%
DP	Dedicated Parks	-	-	42.5	28%
SUBTOTAL		8.38	985	117.5	77%
C	Commercial	566,280 sq. ft.		25.0	17%
I	Industrial	217,800 sq. ft.		9.0	6%
SUBTOTAL		784,080 sq. ft.		34.0	23%

1510 Recordation of Development Plan

- 1510.01 Upon approval by the Board, the applicant shall have six (6) months to submit 2 sets of the approved amended Development Plan on 24" X 36" tapeless, spliceless and creaseless original film mylar, 3 millimeters thick, using only permanent black ink that will adhere to drafting films (*no ball point, transfer type or stickybacks*); or an acceptable "fix-line" photographic reproduction or computer generated reproduction (*emulsion up*) of the original drawings, ready for recordation, including the recordation fees, to the staff planner. In addition, the applicant shall submit one 11" X 17" mylar reduction (*as specified above*) of the Development Plan to the Planning Services Division.

If the documents are not submitted within said time period, the PD zoning and Development Plan will be void and of no force or effect.

- 1510.02 Within 30 days of receipt of the Development Plan, the staff planner shall review the documents for compliance with the Board approval, obtain the County Official's signatures and submit to the Clerk and Recorder's Office for recordation.
- 1510.03 The Director may grant no more than one extension of time, of not more than six (6) months, upon a written request by the applicant prior to the expiration of the six (6)-month period. An extension request shall include a fee and a narrative stating the reasons for the applicant's inability to comply with the deadline, listing any changes in the character of the neighborhood, any changes in the County Comprehensive Master Plan, Subdivision Resolution, or this Resolution that have occurred since approval of the plan. Additional review of the plan may occur resulting in additional conditions, as applicable. Further extensions may be granted by the Board at a public meeting, upon written request by the applicant or staff. *(Amended 4/10/12)*
- 1510.04 If the request for an extension of time for recordation of the plan is denied by the Director, the applicant may appeal the denial in writing to the Board of Adjustment pursuant to Section 26A of this Resolution. *(Amended 4/10/12)*

1511 Notice Requirements – Rezoning

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

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

1511.01 WRITTEN NOTICE *(Amended 11/18/14)*

At least 15 days prior to the Planning Commission hearing and the Board hearing, the applicant shall mail a written notice of the hearing by first-class mail to the address of each abutting landowner as such address is shown in the records of the Douglas County Assessor's Office. The notice shall read substantially the same as the published notice also required by this section.

At least seven (7) days prior to the public hearing, the applicant shall submit the following to Douglas County Planning Services:

- alphabetical list of the abutting landowners;
- map showing the site and the location of the abutting landowners;
- copy of the notice sent to the landowners; and
- certificate of mailing

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

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.

1511.02 POSTED NOTICE *(Amended 5/13/14)*

At least 14 days prior to the Planning Commission hearing and 14 days prior to the Board hearing, the applicant shall post a notice on the land under consideration. The notice shall consist of at least one sign facing each abutting public or private street open for travel, within 10 feet of the property line abutting such street, placed on posts at least four feet above ground level. In the event the staff planner determines a sign cannot be placed abutting such street and be visible from such street or that there is no abutting public or private street open for travel, the staff planner may require an alternate location for a sign. Additional signs may be required by the staff planner. Each sign shall measure not less than 3' x 4'. Letter size shall be a minimum of three inches high, 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 change in zoning from (zone district) to PD – Planned Development. The public hearing is (date), in the Commissioners' Hearing Room, 100 Third Street, Castle Rock, CO at (time). For more information call Douglas County Planning at 303-660-7460.

File No./Name: _____

- 1511.02.1 An affidavit of sign posting shall be submitted for the file to Douglas County Planning at least 7 days prior to the hearings. The sign(s) shall be photographed by the applicant and attached to the affidavit as follows:

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

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

(signature) File No./Name _____

STATE OF COLORADO)
) ss.

COUNTY OF _____)

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

My commission expires: _____

Witness my hand and official seal _____
Notary Public

- 1511.02.2 The sign shall be removed by the applicant within 2 weeks following the final decision by the Board.

1511.03 PUBLISHED NOTICE *(Amended 5/13/14)*

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

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

The Board may direct that the notice be published in one or more additional newspapers of general circulation in Douglas County. Such notice shall read:

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

A public hearing will be held on (date), at (time), in the Commissioners' Hearing Room, 100 Third Street, Castle Rock, CO, for a change in zoning from (zone district) to PD – Planned Development. The subject property is located approximately (distance and direction from nearest major intersection). For more information call Douglas County Planning at 303-660-7460.

File No./Name: _____

1512 Amendments to the Development Plan

The Director shall determine whether an amendment request shall be considered an administrative amendment or a major amendment based on the criteria established herein.

Requests for a decrease of the setback, minimum lot size, or increase of the maximum building height for individual lots within the Planned Development shall be processed as a variance in accordance with Section 26 of this Resolution.

1513 Administrative Amendment - Process Eligibility Criteria *(Amended 5/13/14)*

An amendment request may be considered administrative if it meets the following criteria, as determined by the Director:

- 1513.01 Setbacks - A decrease of the required setback when such decrease is no more than a 20% change to the originally approved setback. *(Amended 9/27/22)*
- 1513.02 Minimum Lot Size - A decrease of the minimum lot size when such decrease is no more than a 20% change to the originally approved minimum lot size. *(Amended 9/27/22)*
- 1513.03 Maximum Building Height - An increase of the maximum building height when such increase is no more than a 20% change to the originally approved maximum building height. *(Amended 9/27/22)*
- 1513.04 Increased Number of Dwelling Units - An increase of the number of dwelling units in a planning area of 20% or less provided:
 - the change is compatible with the density range of the affected planning area of the Development Plan,
 - the service providers are able to serve the additional units, and

- the proposed increase meets the overall intent of the Development Plan.

1513.05 Text Changes - Changes to the text when such changes do not alter the intent of the planned development or the commitments.

1513.06 Street Alignment - The Director, upon consultation with the County Engineer, shall determine whether a minor shift in the alignment of an arterial or collector road impacts abutting planning areas or traffic patterns such that an administrative amendment is required.

1513.07 Planning Area Boundary - Whenever a planning area boundary abuts an arterial or collector as shown on the Development Plan, the planning area boundary is the abutting right-of-way. Whenever a planning area boundary abuts either another planning area or open space, the planning area boundary is as shown on the Development Plan. A planning area boundary may be changed as noted below:

1513.07.1 the total acreage of the planning area(s) is increased by no more than 20%

1513.07.2 such change does not alter the intent of the planned development

1513.07.3 the total acreage of affected open space area(s) is not decreased; open space area(s) proposed to be reconfigured is of equal or higher value. Such factors as location, accessibility, slope and views shall be considered

1513.07.4 the proposed change to the planning area boundary does not include an inclusion or exclusion of land to the planned development

1514 Administrative Amendment - Approval Criteria (Amended 5/13/14)

The following criteria shall be considered by the Director for approval of an administrative amendment:

1514.01 whether the amendment is consistent with the development standards, commitments, and overall intent of the planned development;

1514.02 whether the amendment is consistent with the efficient development and preservation of the entire planned development;

1514.03 whether the amendment will adversely affect the enjoyment of the adjacent land or the public interest; and

- 1514.04 whether the amendment's sole purpose is to confer a special benefit upon an individual.

1515 Administrative Amendment - Submittal Process *(Amended 5/13/14)*

- 1515.01 The applicant shall submit the required submittal information to Planning Services. The submittal shall be reviewed by staff and a determination of completeness shall be made within 15 calendar days. The applicant shall be notified in writing if the submittal is incomplete, and any inadequacies shall be specifically identified. An incomplete submittal will not be processed.
- 1515.02 Once the submittal is determined complete, staff will notify the applicant of the number of copies of the amendment required for distribution to referral agencies. Referral packets shall be provided by the applicant in unsealed manila envelopes, addressed to the appropriate referral agency, with all submittal information properly folded and compiled. The staff shall mail the packets.
- 1515.03 Staff shall send a courtesy notice of an application in process and applicable contact information to all abutting landowners and owners of land separated by 300 feet or less from the property by a platted tract. The applicant shall reimburse the County for the cost of materials. Errors in the courtesy notice shall not negatively impact the determination of public notice compliance set forth herein. *(Amended 4/13/2021)*
- 1515.04 If the referral agencies elect to comment, they shall comment within 21 calendar days of the date the referral packets were mailed or electronically distributed, unless the applicant grants, in writing, an extension of no more than 30 calendar days. After the 21 calendar days, if no extension is granted, any referral agency responses received will be accepted for informational purposes only and provided to the applicant.

All referral agency comments shall be provided by staff to the applicant upon receipt. The applicant shall address the comments of all regulatory referral agencies received within the 21-calendar day referral period, or as extended by the applicant, by identifying in writing the extent to which the project has been revised in response to the comments. The applicant is strongly encouraged to provide staff a written response to timely comments of any and/or all advisory referral agencies. *(Amended 9/27/22)*

The applicant is encouraged to meet with the referral agencies and staff to address any concerns.

- 1515.05 Within thirty 30 calendar days of the close of the referral period, the Director shall approve, or deny the request.

- 1515.06 An appeal of the Director's decision regarding an administrative amendment may be submitted to the Board of Adjustment pursuant to Section 26A of this Resolution.

1516 Administrative Amendment – Public Notice Requirements (Amended 5/13/14)

- 1516.01 The Director shall determine whether the applicant must provide public notice. When public notice is required, the applicant shall provide notice as set forth in this section. The degree of accuracy required for the information contained in these public notices shall be that of substantial compliance with the provisions of this section. Substantial compliance for these public notices shall be determined by the Director.
- 1516.02 At least 15 calendar days prior to the Director's decision, the applicant shall mail, by first-class, a written notice of the proposed amendment to each homeowners' association within and abutting the planned development, and shall submit a certificate of mailing to Douglas County Planning Services seven (7) days prior to the date of the Director's decision. The notice shall read substantially the same as the published notice also required by this section. The person completing the mailing of the written notice shall execute a certificate of mailing. Such certificate shall read as follows:

CERTIFICATE OF MAILING

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

(list of addresses)

(signature of person completing the mailing)

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

1516.03 At least 15 calendar days prior to the Director's decision, the applicant shall:

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

NOTICE OF PROPOSED ADMINISTRATIVE AMENDMENT TO
(Name of Development Plan)

On (date) action will be taken on an administrative amendment to (name specific element and general location proposed for amendment, e.g., increase building heights by 10% in planning area C-2 located at the northeast corner of ...). Address all comments to Douglas County Planning Services, 100 Third Street, Castle Rock, CO 80104.

1517 Administrative Amendment – Post Approval Procedures *(Amended 5/13/14)*

1517.01 Within 60 calendar days of receiving approval, the applicant shall submit the amended Development Plan to Planning Services for recordation.

1517.01.1 Two (2) copies of the approved amended Development Plan shall be submitted on 24 inches by 36 inches tapeless, spliceless and creaseless original mylar using only permanent black ink.

1517.01.2 If the amended documents are not submitted within said time period, the amendment shall be void and of no force or effect.

1517.02 Within 30 calendar days of submittal of the amended Development Plan to Planning Services, the staff planner shall review the documents for compliance with the Director's approval, obtain county officials' signatures, as necessary, and submit the document to the Clerk and Recorder's Office for recordation.

1517.03 The Director may grant no more than one (1) extension of time, of not more than six (6) months, upon a written request by the applicant prior to the expiration of the 30-day period. Further extensions may be granted by the Board at a public meeting, upon a written request by the applicant or staff.

1517.04 An extension request shall include a fee and a narrative stating the reasons for the applicant's inability to comply with the deadline, and any changes in the County Comprehensive Master Plan, Subdivision Resolution, or this Resolution that have occurred since approval of the

amendment. Additional review of the plan may occur resulting in additional conditions, as applicable.

- 1517.05 If the request for an extension of time for recordation of the amended plan is denied by the Director, the applicant may appeal the denial, in writing, to the Board of Adjustment pursuant to Section 26A of this Resolution.

1518 Administrative Amendment - Submittal Requirements (Amended 5/13/14)

- 1518.01 Completed land use application
- 1518.02 Application fee
- 1518.03 Proof of ownership which includes an updated or current title insurance policy or title commitment no more than 30 days old.
- 1518.04 A notarized letter of authorization from the landowner permitting a representative to process the application.
- 1518.05 A written narrative describing the request
- 1518.06 A written explanation of the eligibility of the request for processing as an administrative amendment in accordance with Section 1513.
- 1518.07 Three (3) copies of the appropriate portions of the Development Plan retitled with all amendments, including major amendments, numbered consecutively, and containing the required certificates. For example:

MEADOWBROOK PLANNED DEVELOPMENT, 1ST AMENDMENT

An administrative amendment to (specific element or planning area)

1518.07.1 County Certification

An administrative amendment is signed by the Director. The signature block shall read:

ADMINISTRATIVE AMENDMENT OF THE (name of PD) DEVELOPMENT PLAN AMENDING (specify element i.e., boundary of Planning Area 43) AS DEPICTED HEREON PURSUANT TO SECTION (specific section of the Development Plan).

APPROVED THIS ____ DAY OF _____, 20____, BY THE DIRECTOR OF COMMUNITY DEVELOPMENT. THIS AMENDMENT NO. ____ AFFECTS ONLY (i.e., Planning Area 43) AS DESCRIBED IN FILE NO. _____.

Director of Community Development

1518.07.2 Clerk and Recorder Certification

State of Colorado)
) ss.
County of Douglas)

I hereby certify that this Plan was filed in my office on this (day) of (month), 20____, A.D. at _____
o'clock a.m./p.m., and was recorded per Reception No. _____

Douglas County Clerk and Recorder

1518.08 The applicant may be required to submit a subdivision application in accordance with the Douglas County Subdivision Resolution concurrent with the administrative amendment application if the proposed change impacts platted land.

1519 Major Amendment - Process Eligibility Criteria *(Amended 5/13/14)*

An amendment request shall be considered a major amendment if it meets one or more of the following criteria:

- 1519.01 Setbacks - A decrease of the required setback when such decrease is greater than a 20% change to the originally approved setback. *(Amended 9/27/22)*
- 1519.02 Minimum Lot Size - A decrease of the minimum lot size which is greater than 20% of the minimum lot size originally approved. *(Amended 9/27/22)*
- 1519.03 Maximum Building Height - An increase of the maximum building height when such increase is greater than a 20% change to the originally approved maximum building height. *(Amended 9/27/22)*
- 1519.04 Increased Number of Dwelling Units - An increase of the number of dwelling units in a planning area greater than 20%.
- 1519.05 Text Changes - Substantial changes to the development standards or commitments.
- 1519.06 Street Alignment - A significant shift in the alignment of an arterial or collector, as determined by the Director.
- 1519.07 Planning Area Boundary - Whenever a planning area boundary abuts an arterial or collector as shown on the Development Plan, the planning area boundary is the abutting right-of-way. Whenever a planning area boundary abuts either another planning area or open space, the planning

area boundary is as shown on the Development Plan. This planning area boundary may be changed when:

- 1519.07.1 The total acreage of the planning area is increased by more than 20%.
- 1519.07.2 The open space area is proposed to be decreased. Such factors as location, accessibility, slope and views shall be considered.
- 1519.07.3 The park and school land dedication have been approved by the County Parks, Trails and Building Grounds and the School District.
(Amended 5/26/15)
- 1519.08 Planned Development Boundary - Any proposed increase or decrease to the perimeter boundaries that results in a change in the overall size or acreage of the Planned Development shall be subject to the rezoning process unless the land to be added is already zoned planned development.
- 1519.09 Land Use - Any change in the allowed land-use categories, including changes in densities, such as from single-family to multi-family residential.

1520 Major Amendment - Approval Criteria *(Amended 5/26/15)*

The following criteria shall be considered by the Board for approval of the major amendment:

- 1520.01 Whether the amendment is consistent with the development standards, commitments, and overall intent of the planned development.
- 1520.02 Whether the amendment is consistent with the intent, efficient development and preservation of the entire planned development.
- 1520.03 Whether the amendment will adversely affect the public interest or enjoyment of the adjacent land.
- 1520.04 Whether the sole purpose of the amendment is to confer a special benefit upon an individual.
- 1520.05 For applications proposing an increase in the intensity of allowed land-uses, including changes in densities, whether the amendment is consistent with the water supply standards in Section 18A, Water Supply Overlay District, of this Resolution.
- 1520.06 Whether the public facilities and services necessary to accommodate the proposed development will be available concurrently with the impacts of such development.

- 1520.07 Whether the roadway capacity necessary to maintain the adopted roadway level of service for the proposed development will be available concurrently with the impacts of such development.

1521 Major Amendment - Submittal Requirements (Amended 5/26/15)

- 1521.01 Completed land use application (*available from Planning Services*)
- 1521.02 Application fee (*fee schedule available from Planning Services*)
- 1521.03 Proof of ownership, which includes an updated or current title insurance policy or title commitment no more than 30 days old.
- 1521.04 A notarized letter or authorization from the landowner permitting a representative to process the application.
- 1521.05 A written explanation of the request.
- 1521.06 Three (3) copies of the appropriate portions of the Development Plan retitled with all amendments including administrative amendments, numbered consecutively. For example:

MEADOWBROOK PLANNED DEVELOPMENT, (i.e., 1st) Amendment

A major amendment to (specific element and/or planning area)

- 1521.07 The applicant may be required to submit a subdivision application in accordance with the Douglas County Subdivision Resolution concurrent with the major amendment application showing the acreage affected and compliance with the provisions herein.
- 1521.08 For applications proposing an increase in the intensity of allowed land-uses, including changes in densities, an analysis of the capacity of public facilities and services within the impact area.
- 1521.08.1 A traffic impact study in accordance with the Douglas County Roadway Design and Construction Standards.
- 1521.08.2 Documentation of capacity from the fire protection district in accordance with fire district level of service standards.
- 1521.08.3 Documentation of capacity from the school district in accordance with the school district capacity policy. (*Amended 11/18/14*)

1522 Major Amendment - Submittal Process *(Amended 5/26/15)*

- 1522.01 The submittal shall be reviewed for completeness and the applicant shall be notified of any inadequacies. An incomplete submittal shall not be processed.
- 1522.02 Once the submittal is determined complete, staff will notify the applicant of the number of copies of the amendment required for distribution to referral agencies. Referral packets shall be provided by the applicant in unsealed manila envelopes, addressed to the appropriate referral agency, with all submittal information properly folded and compiled. The staff shall mail the packets.
- 1522.03 Staff shall send a courtesy notice of an application in process and applicable contact information to all abutting landowners and owners of land separated by 300 feet or less from the property by a platted tract. In Nonurban Areas, staff shall send a courtesy notice of an application in process to the entity or entities responsible for ownership and maintenance of a shared private access. The applicant shall reimburse the County for the cost of materials. Errors in the courtesy notice shall not negatively impact the determination of public notice compliance set forth herein. *(Amended 4/13/2021)*
- 1522.04 The referral agencies shall comment within 21 calendar days of the date referral packets were mailed or electronically distributed, unless the applicant grants, in writing, an extension of no more than 30 calendar days. After the 21 calendar days, if no extension is granted, any referral agency responses received will be accepted for informational purposes only and provided to the applicant, Planning Commission, and the Board.
- 1522.05 The staff planner will review the referral comments, discuss the concerns with the applicant, schedule a public hearing before the Planning Commission, notify the applicant of the hearing date and time, and prepare a staff report.
- 1522.06 The Planning Commission shall evaluate the application, referral comments, staff report, and public testimony, and make a recommendation to the Board to approve, approve with conditions, table for further study, or deny the amendment request. The Planning Commission's comments shall be based on the evidence presented, compliance with the adopted standards, regulations, policies and other guidelines.
- 1522.07 Following the recommendation by the Planning Commission, the staff planner will schedule a public hearing with the Board, and notify the

applicant of the hearing date and time. The applicant shall be responsible for public notice, in accordance with Section 1523, herein.

1522.08 The Board shall evaluate the major amendment, referral agency comments, staff report, the Planning Commission recommendation and public testimony, and shall approve, conditionally approve, table for further study, remand to the Planning Commission or deny the amendment. The Board's comments shall be based on the evidence presented, compliance with the adopted standards, regulations, policies and other guidelines.

1522.09 Within 30 days of receiving approval, the applicant shall submit the amended Development Plan to Planning Services for recordation as follows:

1522.09.1 Two copies of the approved amended Development Plan shall be submitted on 24" X 36" tapeless, spliceless and creaseless original paper using only permanent black ink.

1522.09.2 County Certification

THIS MAJOR AMENDMENT OF THE (name of PD) DEVELOPMENT PLAN AMENDING THE (specific element, e.g., the setbacks for Planning Area 62) AS DEPICTED HEREON PURSUANT TO (specific section of Development Plan) HAS BEEN APPROVED BY BOARD RESOLUTION NO. _____ ON (month/day/year).

THIS AMENDMENT NO. _____ AFFECTS ONLY (e.g., Planning Area 62) AS DESCRIBED IN FILE NO. _____

(Signature)

Chair, Board of Douglas County Commissioners

(Date)

(Signature)

Director of Community Development

(Date)

1522.09.3 Clerk and Recorder Certification

I hereby certify that this Plan was filed in my office on this (day) of (month), 20____, A.D. at _____ o'clock a.m./p.m., and was recorded per Reception No. _____.

Douglas County Clerk and Recorder

1522.09.4 If the amended documents are not submitted within said time period, the amendment shall be void and of no force or effect.

- 1522.10 Within 30 days the staff planner shall review the documents for compliance with the Board's approval, obtain County Officials' signatures, as necessary, and submit the document to the Clerk and Recorder for recordation.
- 1522.11 The Director may grant no more than one extension of time, of not more than six (6) months, upon a written request by the applicant prior to the expiration of the 30-day period. An extension request shall include a fee and a narrative stating the reasons for the applicant's inability to comply with the deadline, and any changes in the County Comprehensive Master Plan, Subdivision Resolution, or this Resolution that have occurred since approval of the amendment. Additional review of the plan may occur resulting in additional conditions, as applicable. Further extensions may be granted by the Board at a public meeting, upon a written request by the applicant or staff. *(Amended 4/10/12)*
- 1522.12 If the request for an extension of time for recordation of the amended plan is denied by the Director, the applicant may appeal the denial, in writing, to the Board of Adjustment pursuant to Section 26A of this Resolution. *(Amended 4/10/12)*

1523 Major Amendment – Public Notice Requirements *(Amended 5/26/15)*

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

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

1523.01 Written Notice

At least 15 days prior to the Planning Commission hearing and the Board hearing, the applicant shall mail a written notice of the hearing by first-class mail to the address of each abutting landowner as such address is shown in the records of the Douglas County Assessor's Office. The notice shall read substantially the same as the published notice also required by this section.

At least seven (7) days prior to the public hearing, the applicant shall submit the following to Planning Services:

- alphabetical list of the abutting landowners;
- map showing the site and the location of the abutting landowners;

- copy of the notice sent to the landowners; and
- certificate of mailing

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

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 Services prior to the hearing.

1523.02 Posted Notice

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

NOTICE OF PUBLIC HEARING BEFORE THE

(PLANNING COMMISSION OR BOARD OF COUNTY COMMISSIONERS)

This land shall be considered for a major amendment to the (name) Development Plan. The public hearing is (date) in the Commissioners' Hearing Room, 100 Third Street, Castle Rock, CO at (time). For more information call Douglas County Planning Services at 303-660-7460.

File No./Name: _____

- 1523.02.1 An affidavit of sign posting shall be submitted for the file in Planning Services at least seven (7) days prior to the hearings. The sign(s) shall be photographed by the applicant and attached to the affidavit as follows:

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

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

_____(signature) File No./Name _____

STATE OF COLORADO)
) ss.
COUNTY OF _____)

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

My commission expires: _____

Witness my hand and official seal

Notary Public

- 1523.02.2 The sign shall be removed by the applicant within two (2) weeks following the final decision by the Board

1523.03 Published Notice

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

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

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

A public hearing will be held on (date), at (time), in the Commissioners' Hearing Room, 100 Third Street, Castle Rock, CO, to consider a major amendment to the (name) Development Plan. The proposed amendment is to (name specific element and general location proposed for amendment, e.g., increase building heights by 10% in planning area C-2 located at the northeast corner of...). For more information call Douglas County Planning Services at 303-660-7460.

File No./Name: _____

1524 Withdrawal of an Application

The applicant may withdraw an application at any time during the process upon submittal of a written request to Planning Services.

1525 Inactive Files

Files that become inactive, whereby the applicant is required to submit additional information or request a hearing date and has failed to do so, for a period of more than six (6) months, shall become void and the resubmittal of a new application and fees shall be required to pursue the request. The Director may grant no more than two (2) extensions of time, of no more than six (6) months each, upon a written request by the applicant. After five (5) months, the staff planner shall notify the applicant, in writing, that the application will become void within 30 days. After 30 days, provided that the applicant has not submitted the required additional information or requested a hearing date, the staff planner shall notify the applicant, in writing, that the application is void. This provision shall apply to all applications on file with the County upon the effective date of adoption and any application thereafter. *(Amended 4/10/12)*

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SECTION 26 VARIANCE STANDARDS AND PROCEDURES *(Amended 4/13/05)*

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2601 Intent

A variance may be requested from the Board of Adjustment for relief from certain provisions of this Resolution when a strict application of this Resolution would cause peculiar and exceptional practical difficulties or exceptional and undue hardship. [§30-28-118, C.R.S.]

2602 Variance Limitations

2602.01 Variances shall be limited to:

- minimum area of a lot
- maximum height of structures or fences
- minimum setbacks
- minimum off-street parking requirements
- maximum devegetated area for keeping livestock (*Section 24*)

2602.02 A variance for the following shall be strictly prohibited:

- A Use Variance - to permit a use other than those listed in a specific zoning district; or
- A Variance authorizing a zoning violation [§30-28-118(1)(b), C.R.S.] - for a building or use that is subject to prosecution pursuant to [§30-28-124(1), C.R.S.]

2603 Variance - Approval Criteria

2603.01 A variance shall be granted only upon the finding that a strict application of this resolution causes peculiar and exceptional practical difficulties or exceptional and undue hardship by reason of exceptional narrowness, shallowness, or shape of a specific piece of land or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of the land. [§30-28-118(1)(c), C.R.S.]

2603.02 The applicant shall provide reasonable and adequate evidence that the variance request is not a self-imposed hardship which can be rectified by means other than relief through a variance.

2603.03 A variance may be granted provided that no substantial detriment to the public good is created and that the intent and purpose of this Resolution are not impaired.

2603.04 The concurring vote of three members of the Board of Adjustment shall be necessary for a variance. (*Amended 1/10/17*)

2604 Administrative Variance *(Amended 10/9/12)*

The Director may grant up to a 20% adjustment in the zoning requirements for those items listed in 2602.01, in accordance with the approval criteria listed in 2603.01 to .03, without going to the Board of Adjustment. The applicant shall submit the fee and the information required herein to the Planning Office. The applicant shall notify abutting landowners, affected by the appeal, of the request. Such notification shall be either a notice of the variance request sent by certified mail, return receipt requested, at least 10 days prior to the Director's consideration of such request, or the applicant may obtain a signed statement from the abutting landowners stating that they were notified of the variance request and submit these signatures with the application. *(Amended 9/27/22)*

A decision by the Director to deny such variance may be appealed to the Board of Adjustment in accordance with the procedure in Section 26A. A written appeal shall be submitted by the applicant to the Planning Office within 30 days of such denial.

2605 Procedure for Variance

2605.01 The applicant shall discuss the variance informally with Planning staff to discuss the procedures and submittal requirements.

2605.02 The applicant shall submit the following to the Planning Office:

2605.02.1 A completed application form.

2605.02.2 Proof of ownership of the land which is the subject of the variance.

2605.02.3 Application fee *(fee schedule available from the Planning Office)*.

2605.02.4 A site plan, when applicable, indicating how the variance relates to the affected land drawn to scale including the height and setbacks of all existing and proposed structures and any other information requested by Planning staff.

2605.02.5 An explanation in narrative form explaining the variance and how it meets the criteria in 2602 and 2603 herein.

2605.03 The submittal shall be reviewed for completeness and the applicant notified of any inadequacies. An incomplete submittal shall not be processed.

2605.04 Once the submittal is determined to be complete, Planning staff shall submit the application to the appropriate referral agencies and schedule the variance before the Board of Adjustment and notify the applicant of the date and time of the public hearing.

2605.05 The applicant is responsible for posting notice on the property and notifying the abutting landowners in accordance with the public notice requirements in 2606 herein.

2605.06 The Board of Adjustment shall evaluate the application, referral agency comments, staff report and public testimony, and shall approve, conditionally approve, table for further study, or deny the variance based on the evidence presented compliance with the applicable criteria.

2606 Public Notice Requirements

In calculating the time period for public notification the day of posting or mailing shall be counted toward the total number of days required. The day of 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 Board of Adjustment.
(Amended 3/28/01)

2606.01 WRITTEN NOTICE (Amended 3/2/81)

At least 14 days prior to the Board of Adjustment hearing, the applicant shall mail a written notice 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 the Douglas County Planning Office seven (7) days prior to the hearing. The notice shall indicate:

- the date, time and location of the hearing;
- an explanation of the variance;
- the location of the land that is the subject of the request (*distance and direction from nearest major intersection*),
- the file name and number; and
- that questions should be directed to the Douglas County Planning Office, 303-660-7460.

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

CERTIFICATE OF MAILING

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

(list of addresses)

(signature of person completing the mailing)

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

2606.02 POSTED NOTICE *(Amended 3/28/01)*

At least 14 days prior to the Board of Adjustment hearing, the applicant shall post a notice on the land under consideration. The sign posting shall consist of at least one (1) sign facing each abutting public or private street open for travel, within 10 feet of the lot 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. Each sign shall measure not less than 3' by 4'. 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)*. The notice shall read:

NOTICE OF PUBLIC HEARING BEFORE THE BOARD OF ADJUSTMENT

This land shall be considered for (a variance/appeal) pursuant to the Douglas County Zoning Resolution to allow (specify the request; i.e., a reduction in the side setback from 10' to 7'). 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: _____

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

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

The sign shall be removed by the applicant within two (2) weeks following the Board of Adjustment decision, or withdrawal of the application.

2606.03 Additional public notice may be required by the Director.

2607 Post Approval Action

Construction pursuant to approval of a variance shall be completed within five (5) years from the date the variance was granted, unless otherwise specified by the Board of Adjustment or the approval shall terminate. The Director may grant an extension of time, for good cause shown, upon a written request by the applicant.

2608 Post Denial Application

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