

Zoning Resolution Amendment Staff Report

Date: February 23, 2026
To: Douglas County Board of County Commissioners
Through: Douglas J. DeBord, County Manager
From: Kati Carter, AICP, Director of Community Development *SK for KCC*
CC: Melanie Estrada, Planning Technician
Lauren Pulver, Planning Manager
Steven E. Koster, AICP, Deputy Director of Community Development
Subject: **Douglas County Zoning Resolution Amendments for Large Day-Care Homes**
Project File: DR2025-007

Planning Commission Hearing:	February 23, 2026 @ 6:00 p.m.
Board of County Commissioners Hearing:	March 10, 2026 @ 2:30 p.m.

I. EXECUTIVE SUMMARY

The request is for approval of proposed changes to Douglas County Zoning Resolution (DCZR) Sections 3 through 9, 14B, 14D, 21 and 36.

The proposed amendments will bring the DCZR into alignment with State Statutes by removing the Use by Special Review (USR) requirement for Day-Care Homes serving seven to twelve children or adults. All Day-Care Homes will be a residential accessory use.

II. REQUEST

A. Request

Approval of amendments to DCZR Sections 3 through 9, 14B, 14D, 21, and 36.

B. Process

Per DCZR Section 109, The Board of County Commissioners (Board) shall evaluate the amendment proposal, referral agency comments, staff report, the Planning Commission (PC) recommendation, and public testimony, and shall approve, approve with modifications, table for further study, remand the PC or deny the amendment proposal.

C. Project Description

State legislation passed in 2021 prohibits local governments from applying additional regulatory requirements to family child care homes. Local governments are required to treat small and large family child care homes as a residential use when applying all

local zoning and building codes and cannot impose any additional regulations that do not also apply to other residential uses.

Under DCZR Section 21, Large Day-Care Homes, which provide care for up to twelve children or adults at a time, are only allowed as a USR. Small Day-Care Homes, which provide care for up to six children or adults at a time (and up to nine children at a time with a special State-issued license) are an accessory use to a residence in all zone districts where residences are allowed as a principal use (often referred to as a “use by right”). The proposed amendments will remove the USR requirement for Large Day-Care Homes in order to comply with State Statutes.

The proposed amendments update the definition of Day-Care Homes in Section 36 to remove the distinction between Small and Large Day-Care Homes. The amendment also applies to Day-Care Homes for adults. In the proposed amendments, a Day-Care Home is now defined as a residence in which care is provided for up to 12 children or adults for periods of less than 24 consecutive hours. All Day-Care Homes will be a residential accessory use.

III. PUBLIC INPUT

Staff sent the proposed amendments to the County-wide contact list and referral agency list, which consists of approximately 500 recipients. All referral agency responses are attached. Most referral agencies responding to the request provided either a no comment or no objection response.

Louviers Conservation Partnership and Grandview Estates HOA provided comments expressing concerns with the amendments. Louviers Conservation Partnership commented that the removal of the USR requirement will prevent residents from providing input regarding Large Day-Care Homes that could impact surrounding neighbors. No revisions were made to the proposed amendments in response to this comment since they will bring the DCZR into alignment with State Statutes. Grandview Estates HOA recommended that language be included in the DCZR requiring operators of Day-Care Homes to familiarize themselves with and comply with all state regulations. Staff will update the County’s Guide to Day Care packet that is available to the public to recommend that Day-Care Home providers become familiar with relevant State regulations. Grandview Estates also provided suggestions and recommendations for the County to consider regarding updating other elements of the DCZR related to services provided in a residential setting. These comments were not related to the proposed amendments.

A public workshop was held on October 9, 2025. No public attended.

IV. PLANNING COMMISSION HEARING

This item was presented to the Planning Commission at a hearing on February 23, 2026. The Planning Commission voted to recommend approval 7 to 0. One member of the public commented with concerns about staffing levels for larger facilities. Staff responded that these facilities will be licensed by the state.

V. PUBLIC NOTICE

Notice of the hearing before the Planning Commission and the Board was published in the Douglas County News Press on February 5, 2026.

VI. STAFF ASSESSMENT

After evaluating the proposed amendments, referral comments, staff report and public testimony, the Board may consider approval of the amendment.

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RESOLUTION NO. R-026-___

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

A RESOLUTION ADOPTING AMENDMENTS TO DOUGLAS COUNTY ZONING
RESOLUTION SECTION 3 – AGRICULTURAL ONE DISTRICT, SECTION 4 – LARGE
RURAL RESIDENTIAL DISTRICT, SECTION 5 – RURAL RESIDENTIAL DISTRICT,
SECTION 6 – ESTATE RESIDENTIAL DISTRICT, SECTION 7 – SUBURBAN
RESIDENTIAL DISTRICT, SECTION 8 – MULTIFAMILY DISTRICT, SECTION 9 –
MOBILE HOME DISTRICT, SECTION 14B – SEDALIA DOWNTOWN DISTRICT,
SECTION 14D – SEDALIA MIXED INDUSTRIAL, SECTION 21 – USE BY SPECIAL
REVIEW, SECTION 36 – DEFINITIONS (“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. DR2027-007); and

WHEREAS, said Amendments were reviewed and recommended for approval by the Planning Commission on FEBRUARY 23, 2026; and

WHEREAS, the Board of County Commissioners considered said Amendments at a public hearing held on MARCH 10, 2026; 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 March 10, 2026.

PASSED AND ADOPTED this 10th day of March 2026, in Castle Rock, Douglas County, Colorado.

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

BY: _____
George Teal, Chair

ATTEST: _____
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 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 – one (1) per lot
 - Mobile home, when a principal single-family dwelling exists on the lot
 - Principal – one (1) single-family dwelling or one (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*)
- 302.13 Veterinary Clinic or Hospital, Equine and Livestock (*Site Improvement Plan required per Section 27*) (*Amended 2/21/23*)

303 Accessory Uses (*Amended 6/24/25*)

The following uses shall be allowed only when a principal use has been established on the lot. (*Parcels smaller than 35 acres are limited to the accessory uses allowed in the residential zone district to which the parcel conforms in size.*)

- 303.01 Accessory Dwelling Unit (ADU) – one per lot, except as restricted by a Rural Site Plan, subdivision plat, or other similar land use approval. A second ADU may be allowed subject to Section 325, Second Accessory Dwelling Unit Standards.
- 303.02 Accessory uses and buildings
- 303.03 Day-care home
- 303.04 Entertainment Event – *(refer to Section 22B) (Amended 1/28/14)*
- 303.05 Event Center on a parcel of 160 acres or greater with a principal agricultural use *(Amended 4/28/15)*
- 303.06 Farmers Market – *(refer to Section 22A) (Amended 1/28/14)*
- 303.07 Garage – private:
- For lots less than 1 acre in size – a maximum of one (1) detached garage of no more than 1,000 sq. ft. in area is permitted.
 - For lots 1 acre or greater in size – a maximum of two (2) detached garages is permitted. The total detached garage area shall not exceed 3,000 sq. ft. per lot.
(Amended 3/08/22)
- 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 Section 21, Use by Special Review, 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 or preschool
- 304.07 Dude Ranch
- 304.08 Event Center on a parcel of less than 80 acres *(Amended 4/28/15)*
- 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 *(Amended 2/12/19)*
- 304.12 Greenhouse – greater than 1 acre total area including warehouse and shipping facilities
- 304.13 Hunting/fishing club
- 304.14 Home occupation pursuant to Section 2310, herein. *(Amended 8/23/22)*
- 304.15 Horse boarding or training facility that exceeds the maximum number of horses permitted by right or by administrative review in Section 24. *Exempt from Section 18A: Water Supply Overlay District (Amended 10/14/02)*
- 304.16 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 *(Amended 4/26/16)*
- 304.22 Oil or gas drilling operation
- 304.23 Recreation facility – community

- 304.24 Religious retreat
- 304.25 Residence (*Amended 4/28/15*)
- Bed and Breakfast
 - Group home for registered sex offenders (*Amended 9/12/00*)
 - Group Residential Facility
 - Mobile Home – one (1) per lot when a principal single-family residential dwelling does not exist.
- 304.26 Satellite earth station (*Amended 4/24/02*)
- 304.27 Septic waste and domestic sludge application
- 304.28 Telecommunication facility
- 304.29 Utility – major facility
- 304.30 Veterinary clinic or 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 (1) dwelling with one (1) to four (4) bedrooms, or one (1) to four (4) attached efficiency units/apartments in one (1) 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 (1) worker per 25 horses.
- 305.01.2 Cattle ranch provided the required narrative demonstrates a need based on the general criteria of one (1) worker per 300 head of cattle.
- 305.01.3 Farm provided the required narrative demonstrates a need based on the general criteria of one (1) 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* (Amended 6/24/25)

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.

306.01 For lots served by central water, a one-acre minimum lot area is required for a detached accessory dwelling unit (ADU).

306.02 For lots served by individual groundwater well, a two-acre minimum lot area is required for a detached accessory dwelling unit (ADU).

*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	Setback from Side Lot Line	Setback from Rear Lot Line	Setback from 115+ KV Power Line
Less than 2.3 ac.	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 A covered or uncovered deck or porch may extend 6 feet into a required setback, except for a side setback. *(Amended 3/8/22)*
- 308.03 Foundation anchoring and foundation repair systems may be located within a required setback. *(Amended 3/8/22)*
- 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 Seven (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:

<p>CERTIFICATE OF MAILING</p> <p>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:</p> <p>(list of addresses)</p> <p>(Signature of person completing the mailing)</p>

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 County Health Department 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.

325 Second Accessory Dwelling Unit (ADU) (Amended 6/24/25)

A second ADU may be allowed on a parcel of 35 acres or more in size where one ADU has previously been approved or constructed, subject to the following review process.

325.01 Review Process

- 325.01.1 Following a presubmittal meeting with the Planning Services Division, the applicant shall submit the information required in 325.02 to the Planning Services Division. The submittal shall be reviewed for completeness and the applicant notified of any inadequacies. Once the submittal is determined complete, staff will send referral response requests to other agencies for review and comment on the application.
- 325.01.2 Referral agencies may include but are not limited to Douglas County Engineering and Building Divisions, Douglas County Health Department, Douglas County Sheriff's Office, the affected fire district, utility providers, Colorado Division of Water Resources, and county-registered homeowners associations within a two (2)-mile radius. The applicant will be asked to address all comments received.
- 325.01.3 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. Staff shall also 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.
- 325.01.4 At least 14 days prior to the public meeting before the Board, the applicant shall mail a written notice of the public meeting 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:

**NOTICE OF PUBLIC MEETING BEFORE THE BOARD OF COUNTY
COMMISSIONERS**

A public meeting will be held on (date), at (time), in the Commissioners' Hearing Room, 100 Third Street, Castle Rock, CO, to consider approval of a second accessory dwelling unit (ADU) at (address or nearest intersection). For more information call Douglas County Planning at 303-660-7460.

File No. and Name: _____

At least 7 days prior to the public meeting, the applicant shall provide the following to the Planning Services Division:

- Alphabetical list of the landowners.
- A map showing their relationship to the site.
- A copy of the notice sent to the landowners.
- 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
<p>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</p> <p>(list of addresses)</p> <p>_____</p> <p>(signature of person completing the mailing)</p>

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

- 325.01.5 The request for a second ADU shall be approved, approved with conditions, continued, tabled for further study, or denied by the Board of County Commissioners at a public meeting. The Board shall evaluate the request, staff report, applicant responses, and public comment and testimony. The Board's action shall be based on the evidence presented and compliance with adopted County standards, regulations, and policies.

325.02 Submittal Requirements

- 325.02.1 Land use application
- 325.02.2 Proof of current ownership within 30 days of application submittal such as a title commitment or other instrument acceptable to the County.
- 325.02.3 Narrative describing the request. Include information on the proposed size and other design features of the proposed ADU. Describe how water and sewer services will be provided to the ADU. Indicate how the ADU will be sited on the property to minimize site disturbance and impacts to adjacent properties.

325.02.4 Copy of existing well permit(s) or septic use permit(s) issued for the property.

325.02.5 Plan exhibit to include the following:

- A vicinity map showing the parcel in relationship to adjacent properties and major roads. An aerial image may be used for this map.
- An overall parcel map labeling existing structures and dwellings.
- A site plan for the second ADU to show the building footprint or envelope. Show topography in two-foot contours within the area to be impacted by ADU construction. A DESC (Drainage, Erosion, and Sediment Control) Plan may be submitted in lieu of the site plan if one has been prepared.

325.02.6 Any other information requested by staff as necessary to evaluate the request. The Director may waive a required submittal requirement if deemed unnecessary to the review of the request.

325.03 Approval Standards

325.03.1 The second ADU is located outside of major drainageways and mapped 100-year floodplains.

325.03.2 The second ADU is capable of being served by water, sewer, and utility services.

325.03.3 The second ADU location minimizes impacts to existing topography and vegetation.

325.03.4 Legal and physical access is available to the second ADU.

325.03.5 The second ADU shall meet setback, height, and parking standards.

325.03.6 The second ADU is in general compliance with the goals, policies, and objectives of the County Comprehensive Master Plan.

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 (1) 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 allowed in the residential zone district to which the lot conforms in size.)* (Amended 5/14/03)

402.01 Agricultural recreational activities

402.02 Agriculture (Amended 1/28/14)

402.03 Animals - (refer to Section 24)

402.04 Community Uses:

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

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

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

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

402.07 Residence

- Principal - one (1) single-family dwelling or one (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*)

402.11 Veterinary Clinic or Hospital, Equine and Livestock (*Site Improvement Plan required per Section 27*) (*Amended 2/21/23*)

403 Accessory Uses (*Amended 6/24/25*)

The following accessory uses shall be allowed only when a principal use has been established on the lot. (*Lots smaller than 9 acres are limited to the accessory uses allowed in the residential zone district to which the lot conforms in size.*)

403.01 Accessory Dwelling Unit (ADU) – one per lot, except as restricted by a Rural Site Plan, subdivision plat, or other similar land use approval.

403.02 Accessory uses and buildings

403.03 Day-care home

403.04 Entertainment Event - (*refer to Section 22B*) (*Amended 1/28/14*)

- 403.05 Farmers Market - *(refer to Section 22A) (Amended 1/28/14)*
- 403.06 Garage - private:
- For lots less than 1 acre in size - a maximum of one (1) detached garage of no more than 1,000 sq. ft. in area is permitted.
 - For lots 1 acre or greater in size - a maximum of two (2) detached garages is permitted. The total detached garage area shall not exceed 3,000 sq. ft. per lot.
(Amended 3/8/22)
- 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 Section 21, Use by Special Review 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 or preschool
- 404.04 Golf course legally established as a Use by Special Review prior to June 22, 2005
- 404.05 Home occupation pursuant to Section 2310, herein. *(Amended 8/23/22)*
- 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 or 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*)

- 406.01 For lots served by an individual well and septic system, the allowable minimum lot area is 2 acres.
- 406.02 For lots served by a central water system, the allowable minimum lot area is 1 acre.
- 406.03 For lots served by central water, a one-acre minimum lot area is required for a detached accessory dwelling unit (ADU). (*Amended 6/24/25*)
- 406.04 For lots served by individual groundwater well, a two-acre minimum lot area is required for a detached accessory dwelling unit (ADU). (*Amended 6/24/25*)

407 Maximum Gross Density

The gross density shall not exceed one (1) dwelling per 10 acres and may be less due to required infrastructure or dedication, or environmental constraints.

408 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.

409 Encroachments

- 409.01 A cornice, canopy, eave, fireplace, wing wall or similar architectural feature may extend 3 feet into a required setback.
- 409.02 A covered or uncovered deck or porch may extend 6 feet into a required setback, except for a side setback. *(Amended 3/8/22)*
- 409.03 Foundation anchoring and foundation repair systems may be located within a required setback. *(Amended 3/8/22)*
- 409.04 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.
- 409.05 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.

410 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.

410.01 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)*

410.02 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)*

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

412 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.

413 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)*

414 Fencing Standards

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

414.02 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.

414.03 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)*

- 414.04 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.
- 414.05 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.
- 414.06 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)*
- 415 Signs Standards - Refer to Section 29 of this Resolution
- 416 Lighting Standards - Refer to Section 30 of this Resolution

SECTION 5 RR - RURAL RESIDENTIAL DISTRICT

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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 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 (*Amended 6/24/25*)

The following shall be allowed only when a principal use has been established on the lot: (*Lots smaller than 4.5 acres are limited to the accessory uses allowed in the residential zone district to which the lot conforms in size.*)

503.01 Accessory Dwelling Unit (ADU) – one per lot, except as restricted by a Rural Site Plan, subdivision plat, or other similar approval.

503.02 Accessory uses and buildings

503.03 Animals (*refer to Section 24*)

503.04 Day-care home

503.05 Garage - private:

- For lots less than 1 acre in size - a maximum of 1 detached garage of no more than 1,000 sq. ft. in area is permitted.
- For lots 1 acre or greater in size - a maximum of 2 detached garages is permitted. The total detached garage area shall not exceed 3,000 sq. ft. per lot.
(*Amended 3/8/22*)

- 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 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 or preschool
- 504.03 Golf course legally established as a Use by Special Review prior to June 22, 2005 (*Amended 2/12/19*)
- 504.04 Home occupation pursuant to Section 2310, herein. (*Amended 8/23/22*)
- 504.05 Horse boarding or training facility that exceeds the maximum number or horses permitted by right
- 504.06 Recreation facility - community
- 504.07 Residence
 - Bed and Breakfast
- 504.08 Utility - major facility
- 504.09 Veterinary hospital/clinic
- 504.10 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)*

- 506.01 For lots served by an individual well and septic system, the allowable minimum lot area is 2 acres.
- 506.02 For lots served by a central water system, the allowable minimum lot area is 1 acre.
- 506.03 For lots served by central water, a one-acre minimum lot area is required for a detached accessory dwelling unit (ADU). *(Amended 6/24/25)*
- 506.04 For lots served by individual groundwater well, a two-acre minimum lot area is required for a detached accessory dwelling unit (ADU). *(Amended 6/24/25)*

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.

508 Minimum Setbacks

Lot Size	SETBACK FROM:			
	Street	Side Lot Line	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.

509 Encroachments

- 509.01 A cornice, canopy, eave, fireplace, wing wall or similar architectural feature may extend 3 feet into a required setback.

- 509.02 A covered or uncovered deck or porch may extend 6 feet into a required setback, except for a side setback. *(Amended 3/8/22)*
- 509.03 Foundation anchoring and foundation repair systems may be located within a required setback. *(Amended 3/8/22)*
- 509.04 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.
- 509.05 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.

510 Building Height

Maximum building height: 35 feet

- 510.01 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.
- 510.02 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)*
- 510.03 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)*

511 Utilities

All public utility distribution lines shall be placed underground.

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

513 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.

514 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.

515 Fencing Standards

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

515.02 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.

515.03 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)

515.04 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.

515.05 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.

515.06 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)

516 Sign Standards Refer to Section 29 of this Resolution

517 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 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 (*Amended 6/24/25*)

The following shall be allowed only when a principal use has been established on the lot. (*Lots smaller than 2.3 acres are limited to the accessory uses allowed in the residential zone district to which the lot conforms in size.*)

603.01 Accessory Dwelling Unit (ADU) – one per lot, except as restricted by a Rural Site Plan, subdivision plat, or other similar land use approval.

603.02 Accessory uses and buildings

603.03 Animals (*refer to Section 24*)

603.04 Day-care home

603.05 Garage - private:

- For lots less than 1 acre in size - a maximum of 1 detached garage of no more than 1,000 sq. ft. in area is permitted.
- For lots 1 acre or greater in size - a maximum of 2 detached garages is permitted. The total detached garage area shall not exceed 3,000 sq. ft. per lot. (*Amended 3/8/22*)

- 603.06 Home occupation - Class 1 (*refer to Section 23*)
- 603.07 In-home elder care (*Amended 3/28/01*)
- 603.08 Satellite receiving dish
- 603.09 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 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 or preschool
- 604.03 Horse boarding or training facility that exceeds the maximum number of horses permitted by right
- 604.04 Recreation facility - community
- 604.05 Residence
 - Bed and Breakfast
- 604.06 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*)

- 606.01 For lots served by an individual septic system, the minimum allowable lot area is 1 acre.

606.02 For lots served by central water, a one-acre minimum lot area is required for a detached accessory dwelling unit (ADU). *(Amended 6/24/25)*

606.03 For lots served by individual groundwater well, a two-acre minimum lot area is required for a detached accessory dwelling unit (ADU). *(Amended 6/24/25)*

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.

608 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.

609 Encroachments

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

609.02 A covered or uncovered deck or porch may extend 6 feet into a required setback, except for a side setback. *(Amended 3/8/22)*

609.03 Foundation anchoring and foundation repair systems may be located within a required setback. *(Amended 3/8/22)*

609.04 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.

609.05 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.

610 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.

610.01 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)*

610.02 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)*

611 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.

612 Utilities

All public utility distribution lines shall be placed underground.

613 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.

614 Parking Standards - Refer to Section 28 for nonresidential 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.

615 Fencing Standards

615.01 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)*

- 615.02 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.
- 615.03 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.
- 615.04 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)*
- 615.05 Barbed, electrically charged, concertina, or razor wire is prohibited.
- 616 Sign Standards - Refer to Section 29 of this Resolution
- 617 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)

702.1 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 Dwelling Unit (ADU) – one per lot, except as restricted by a Rural Site Plan, subdivision plat, or other similar land use approval. *ADU's are not permitted in the PD – Planned Development District. (Amended 6/24/25)*

703.02 Accessory uses and buildings

703.03 Animals (*refer to Section 24*)

703.04 Day-care home

703.05 Garage - private:

- For lots less than 1 acre in size – a maximum of 1 detached garage of no more than 1,000 sq. ft. in area is permitted.
- For lots 1 acre or greater in size – a maximum of 2 detached garages is permitted. The total detached garage area shall not exceed 3,000 sq. ft. per lot.
(*Amended 3/8/22*)

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

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

703.08 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, of this Resolution.

- 704.01 Church - greater than 350 seating capacity in main worship area
- 704.02 Day-care center or preschool
- 704.03 Golf course legally established as a Use by Special Review prior to June 22, 2005 (Amended 2/12/19)
- 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.

A minimum lot area of greater than 0.5 acres is required for a detached accessory dwelling unit (ADU). (Amended 6/24/25)

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 (Amended 3/8/22)

Lot Size	Setback From:			
	Street	Side Lot Line	Rear Lot Line	115 KV or greater power line
0.50 ac. or less	Regional or major arterial: 100' Other: 20'	5'*	15'*	100'
Greater than 0.5 acres and less than 1.0 acre	Regional or major arterial: 100' Other: 25'	10'*	20'* Accessory: 15'*	100'
1.0 acre or greater	Regional or major 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 A covered or uncovered deck or porch may extend 6 feet into a required setback, except for a side setback. (Amended 3/8/22)

713.03 Foundation anchoring and foundation repair systems may be located within a required setback. (Amended 3/8/22)

- 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 8 MF - MULTIFAMILY DISTRICT

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801 Intent (Amended 8/11/09)

To provide areas for high-density residential development, designed in a manner to create livable space in the urban setting, conveniently and efficiently located to reduce unnecessary commuting and automobile emissions. 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 manner to save on the costly, premature extension of basic infrastructure.

Development within this district should be located in proximity to employment centers; activity centers, such as shopping, recreational, and community centers; health care facilities; and public transit in accordance with the intent of the Douglas County Comprehensive Master Plan, as amended. These areas should be protected from incompatible land uses and hazardous conditions, and buffered from major commercial/industrial uses.

The MF zone district is characterized by multifamily residential complexes in a landscaped setting with landscaped off-street parking areas. Site improvements including landscaping, and recreational and support amenities commensurate to the size of the complex, shall be provided and designed to minimize the impact on adjacent residential uses. A site improvement plan is required prior to construction. Typical structures include townhouses, condominiums, apartments, 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).

802 Principal Uses

The following uses are allowed upon the approval of a Site Improvement Plan in accordance with Section 27 of this Resolution. (Amended 5/14/03)

802.01 Community Uses:

- Church - maximum seating capacity of 350 in main worship area
- Fire station - no on-site training
- Library
- Open space/trails
- Park/playground
- Recreation facility - neighborhood
- Recreation facility - private (Amended 9/9/08)
- School - public/private kindergarten through 12th grade
- Sheriff substation - no training or detention

802.02 Construction office - temporary (refer to Section 22)

802.03 Nursing home, convalescent home or other extended-care facility

802.04 Residence

- Group Home (*group homes must be separated by a distance of 750'*)
- multifamily dwelling (*apartment, condominium, duplex*)
- single-family, attached (*townhouse, patio, cluster*)

802.05 Retirement home

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

802.07 Utility service facility

803 Accessory Uses

The following shall be allowed only when a principal use has been established on the lot, in accordance with Section 27 Site Improvement Plan of this Resolution.

803.01 Accessory uses and buildings

803.02 Animals (*refer to Section 24*)

803.03 Day-care home

803.04 Home Occupation - Class 1 (*refer to Section 23*)

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

803.06 Satellite receiving dish

804 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, of this Resolution. (*Amended 5/14/03*)

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

804.02 Day-care center or preschool

804.03 Recreation facility - community

804.04 Residence - Group Residential Facility

804.05 Utility - major facility

805 Maximum Gross Density

The gross density shall not exceed 20 units/acre and may be less due to required infrastructure or dedication, or environmental constraints.

806 Minimum Lot Area: none

807 Water and Sanitation

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

808 Public Utilities

All public utility distribution lines shall be placed underground.

809 Land Dedication

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

810 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.

811 Landscape Requirements

Each parcel shall be landscaped in accordance with a landscaping plan approved by the Site Improvement Plan Review Board.

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

The total off-street parking-spaces required:

- 1.5 spaces per 1 bedroom unit
- 2 spaces per 2 and 3 bedroom unit
- 2.5 spaces for 4 bedroom unit
- 0.75 guest space per unit

813 Minimum Setbacks

SETBACK FROM:			
Street	Side Lot Line	Rear Lot Line	115+KV Power Line
Regional/maj. arterial: 100' other: 20**	15*	15*	100'
MINIMUM DISTANCE BETWEEN BUILDINGS 10'			

*Schools or buildings located in recreation areas shall be set back 40'

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 POWERLINE is measured from the closest edge of the easement to the structure.

814 Encroachments

- 814.01 A cornice, canopy, eave, fireplace, wing wall or similar architectural feature may extend 3 feet into a required setback. Fire escapes may extend 6 feet into a required setback.
- 814.02 A covered or uncovered deck or porch may extend 6 feet into a required setback, except for a side setback. (Amended 3/8/22)
- 814.03 Foundation anchoring and foundation repair systems may be located within a required setback. (Amended 3/8/22)
- 814.04 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.
- 814.05 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.

815 Building Height

Maximum building height: 35 feet

- 815.01 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 carried above the roof level.
- 815.02 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)*

- 815.03 The height of antennas 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)*

816 Fencing Standards

- 816.01 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)*
- 816.02 Solid fences or walls, or hedges shall be a maximum of 4 feet in height when located in the front setback, otherwise solid fences or walls, or hedges shall be a maximum of 6 feet in height.
- 816.03 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)*
- 816.04 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.
- 816.05 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.
- 816.06 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)*
- 816.07 Sound barrier walls, when constructed adjacent to roadways, shall be designed in accordance with the State Department of Transportation criteria and approved by the Site Improvement Plan Review Board.
- 816.08 Barbed, electrically charged, concertina or razor wire is prohibited.

817 Sign Standards - Refer to Section 29 of this Resolution

818 Lighting Standards - Refer to Section 30 of this Resolution

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SECTION 9 MH - MOBILE HOME DISTRICT

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901 Intent (Amended 8/11/09)

To provide areas for high-density residential development, designed in a manner to create livable space in the urban setting, conveniently and efficiently located to reduce unnecessary commuting and automobile emissions. These areas should be protected from incompatible land uses and hazardous conditions, and buffered from major commercial/industrial uses. Adequate facilities, such as roads, water and sanitation, fire protection, emergency service, and public utilities shall be available to serve these areas. Development within this district should be located in proximity to employment centers; activity centers, such as shopping, recreational, and community centers; health care facilities; and public transit; in accordance with the intent of the Douglas County Comprehensive Master Plan, as amended.

The MH zone district is characterized by single-family, mobile home parks in a landscaped setting with landscaped off-street parking areas. Site improvements including landscaping shall be provided and designed to minimize the impact on adjacent residential uses. A site improvement plan is required prior to development. Typical structures include single-family mobile homes, 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).

902 Principal Uses

The following uses are permitted upon the approval of, and in accordance with, a Site Improvement Plan, in accordance with 906 herein and Section 27 Site Improvement Plan of this Resolution. (Amended 05/14/03)

902.01 Community Uses:

- Church - maximum seating capacity of 350 in main worship area
- Fire station - no on-site training
- Open space/trails
- Park/playground
- Recreation facility – neighborhood
- Recreation facility – private (Amended 9-9-08)
- School - public/private kindergarten through 12th grade

902.02 Construction office - temporary (refer to Section 22)

902.03 Residence

- Group Home (*group homes must be separated by a distance of 750'*)
- 1 single-family mobile home per space (Amended 9-9-08)

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

902.05 Utility service facility

903 Accessory Uses

The following shall be allowed only when a principal use has been established on the lot, in accordance with Section 27 Site Improvement Plan of this Resolution.

903.01 Accessory uses and buildings

903.02 Animals (*refer to Section 24*)

903.03 Day-care home

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

903.05 Home Occupation - Class 1 (*refer to Section 23*)

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

903.07 Satellite receiving dish

904 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, of this Resolution. (*Amended 5/14/03*)

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

904.02 Day-care center or preschool

904.03 Recreation facility – community - Group Residential Facility

904.04 Utility - major public facility

905 Minimum Standards

A development plan shall be part of each rezoning request in compliance with the following:

905.01 Maximum gross density: 7 mobile homes/acre

Net density may be less due to required infrastructure or dedication, or environmental constraints.

905.02 Minimum gross area: 10 acres

- 905.03 Minimum net lot area, exclusive of adjoining rights-of-way, County dedicated land and open space: 6,000 sq. ft.
- 905.04 Minimum lot width: 60 feet
- 905.05 Minimum setbacks for mobile homes, buildings or uses

SETBACK FROM:			
Street	Side Lot Line	Rear Lot Line	115+kv power line
Regional/maj. arterial: 100' other: 25	15*	15*	100'

*Schools or buildings located within recreation areas shall be set back 40'

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.

- 905.06 Maximum Height
- 905.06.1 Principal building: 35 feet
- 905.06.2 Accessory building: 20 feet
- 905.06.3 The height of an antenna shall be no greater than the distance to the nearest lot line.
- 905.06.4 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.
- 905.07 Each mobile home park shall provide a yard not less than 25 feet in width along each boundary abutting a public right-of-way; such yard shall be landscaped and maintained, except for those portions used for ingress and egress.
- 905.08 Access
- 905.08.1 Each mobile home park shall have two separate entrance and exits, each of which shall not be less than 40 feet wide, hard surfaced with asphalt or concrete, and connected to a dedicated public-right-of-way not less than 60 feet in width.
- 905.08.2 All mobile homes and accessory buildings or uses shall face upon and take access from an interior road.
- 905.09 Parking (see Section 28 for additional parking requirements)

- 905.09.1 2 parking spaces for each mobile home located at least 15 feet from the interior road from which it takes access. Each such parking space shall be hard surfaced with asphalt or concrete and shall measure no less than 8 feet by 20 feet.
- 905.09.2 1 additional off-street parking space per two mobile homes, provided in a common parking area, within 300' of the units.
- 905.09.3 No trailer of any type, boat or detached pickup camper shall be kept, stored, or parked on any public right-of-way or private driveway.

905.10 Storage Area

Within each mobile home park, a storage area for trailers of all types, boats, detached pickup campers, motor homes, etc., shall be provided in an amount equal to 250 square feet per mobile home space. Such storage area shall be hard surfaced with asphalt or concrete and shall be screened from view by a solid fence, wall or hedge 6 feet in height.

905.11 Recreational Area

15 percent of the gross area of the mobile home park, excluding any area dedicated as a public right-of-way, shall be provided for common.

Recreational uses - Such area shall not include any area designated as a mobile home space, storage area, or required yard.

- 905.12 All public utility distribution lines shall be placed underground. Utility distribution lines and related equipment commonly located along property lines may be located within a required setback; however, a neighborhood substation, or gas regulator/meter station shall meet the required setbacks.

- 905.13 Service, utility and recreation buildings and appurtenances, garbage or trash containers, rodent and insect control, and water and sewage provisions must comply with all health department regulations.

- 905.14 All trash, refuse, and storage shall be kept in closed containers or within a building or area enclosed by a solid fence or wall at least 6 feet in height.

- 905.15 Skirting on a mobile home is required within 30 days of placement.

- 905.16 No vehicle in excess of 3/4 ton carrying capacity shall be kept, stored, or parked on any public right-of-way or private road except while making normal deliveries.

- 905.17 Walkways, not less than 3 feet in width, shall be provided from mobile home spaces to walkways on both sides of all streets. Such walkways shall be hard surfaced with asphalt or concrete and lighted at night with a minimum illumination of 0.6 foot candles. Twenty-five watt lamps at intervals of not more than 100 feet shall meet requirements.
- 905.18 Fire extinguishing equipment in good working order of such type, size and number and so located within the park as prescribed by the local fire prevention authority, or to satisfy reasonable fire regulations shall be provided.
- 905.19 Sanitary facilities for emergency use shall be provided in a service building or office building. Such facilities shall consist of at least one flush type toilet and one lavatory.
- 905.20 All ground surfaces not used for mobile homes, recreational uses, storage, or rights-of-way shall be protected with a vegetative groundcover which will prevent soil erosion and eliminate dust.
- 905.21 Mobile home subdivisions shall be platted in accordance with the Douglas County Subdivision Resolution.

906 Site Plan

A Site Improvement Plan shall be submitted and approved in accordance with Section 27 of this Resolution prior to the development of the mobile home park or subdivision.

In addition to the requirements set forth in Section 27, the following information shall be provided on the site plan exhibit:

- 906.01 Number identifying each mobile home space
- 906.02 Purpose for which sites, other than mobile home spaces, are dedicated or reserved.
- 906.03 Location and width of walkways which shall be a continuous system throughout the park or subdivision.
- 906.04 Locations and dimensions of mobile home spaces, recreation area, storage area, and off-street parking spaces, when not part of the mobile home space

907 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.

908 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.

909 Water and Sanitation Requirements

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

910 Landscape Requirements

All uses shall be landscaped in accordance with a landscaping plan approved by the Site Improvement Plan Review Board.

911 Fencing Standards

- 911.01 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)*
- 911.02 Solid fences or walls, or hedges shall be a maximum of 4 feet in height when located in the front setback, otherwise solid fences or walls, or hedges shall be a maximum of 6 feet in height.
- 911.03 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)*
- 911.04 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.
- 911.05 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.

- 911.06 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)*
- 911.07 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 Review Board.
- 911.08 Barbed, electrically charged, concertina, or razor wire is prohibited.
- 912 Sign Standards - Refer to Section 29 of this Resolution
- 913 Lighting Standard - Refer to Section 30 of this Resolution

SECTION 14B D – SEDALIA DOWNTOWN DISTRICT

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1401B Intent

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

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

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

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

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

1402B.01 Community Uses

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

- Park, Playground, or both
- Post Office
- School (*private or public K-12*)
- Sheriff Station (*with or without training or with or without detention*)

1402B.02 Bank or Financial Institution (*no drive-up facility*)

1402B.03 Bar or Lounge

1402B.04 Bed and Breakfast

1402B.05 Building Materials – retail, wholesale, or both

1402B.06 Construction Office – temporary (*refer to Section 22*) (*Site Improvement Plan not required*)

1402B.07 Day-care center

1402B.08 Entertainment Event (*refer to Section 22B*)

1402B.09 Garden – Public – one (1) acre maximum (*Site Improvement Plan not required*)

1402B.10 Greenhouse – one (1) acre maximum

1402B.11 Industrial or manufacturing operation which does not emit unusual or excessive amounts of dust, smoke, fumes, gas, noxious odors, or noise beyond the lot boundary

1402B.12 Motor Vehicle Service, Repair, or both

1402B.13 Motor Vehicle Service Station with gas pumps

1402B.14 Office – General, Medical, Professional, Government

1402B.15 Office – Temporary (*refer to Section 22*) (*Site Improvement Plan not required*)

1402B.16 Parking Lot – Public or Private

1402B.17 Residence

- Group Home (*Site Improvement Plan not required*)
- Multifamily
- Single-Family (*Site Improvement Plan not required*)
- Single-Family attached

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

- 1402B.18 Restaurant, Fast Food Restaurant (*no drive-up facility*)
- 1402B.19 Retail Business, Service Business, or both – Indoor or Outdoor
- 1402B.20 Retirement Home
- 1402B.21 Retreat – Religious
- 1402B.22 Sales Office – temporary (*refer to Section 22*) (*Site Improvement Plan not required*)
- 1402B.23 Seasonal Use (*refer to Section 22A*)
- 1402B.24 Utility Service Facility (*refer to definition*)
- 1402B.25 Veterinary Clinic or Hospital
- 1402B.26 Warehouse
- 1402B.27 Wholesale Business – sales, service, or both
- 1402B.28 Youth Oriented Agricultural Activities (*refer to definition*) (*Site Improvement Plan not required*)

1403B Accessory Uses

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

Residential:

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

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

1403B.03 Day-care home

1403B.04 Greenhouse – one (1) acre maximum

1403B.05 Guest House

1403B.06 Home Occupation (*refer to Section 23*) – Class 1 or 2

1403B.07 In-home Elder Care

1403B.08 Residence

- Caretaker

1403B.09 Satellite Dish

Non-residential:

1403B.10 Accessory uses and buildings

1403B.11 Day-care facility for employees' children

1403B.12 Residence for management or employee

1403B.13 Satellite Dish

1404B Uses Permitted by Special Review

The following uses are permitted, upon the approval of the Board, in accordance with Section 21 of this Resolution. (*Amended 3/26/24*)

1404B.01 Club or Country Club

1404B.02 College or University extension office

1404B.03 Equipment Sales, Rental, or both – small

1404B.04 Event Center

- 1404B.05 Group Residential Facility
- 1404B.06 Hotel
- 1404B.07 Motel
- 1404B.08 Propane Distribution, Storage, or both
- 1404B.09 Recreation Facility – community or neighborhood
- 1404B.10 Recreation Facility – indoor, outdoor, private
- 1404B.11 Telecommunication Facility
- 1404B.12 Theater – Indoor or Outdoor
- 1404B.13 Training of Horses, Riders, or both (*maximum of 14 lessons per week*)

1405B Minimum Lot Area

None

1406B Minimum Setbacks

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

Street:

- 1406B.01 Build-to Line: Between zero (0) and six (6) feet from property line OR 20 feet or greater from property line
 - If observing the zero (0) to six (6) foot build-to option, 80 percent of the building façade along public streets and/or sidewalks must be no more than six (6) feet from the property line.
 - If observing the zero (0) to six (6) foot build-to option, yards between the street property line and the building line shall be used for open front yards and gardens; plazas or courtyards; and/or outdoor dining. Parking is prohibited within these yards.

Side and Rear Yard:

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

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

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

1407B Building Height

Maximum building height:

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

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

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

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

1408B Encroachments

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

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

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

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

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

1409B.01 Until such time, the use of on-site wastewater treatment systems (OWTS) may be permitted provided the proposed use does not create more than

a design flow of 2,000 gallons of effluent per day, as determined by Douglas County Health Department's OWTS Regulation. *(Amended 3/26/24)*

1409B.02 The proposed use and associated OWTS is evaluated by the Douglas County Health Department, and other applicable agencies, to determine if the use is compatible with an OWTS: *(Amended 3/26/24)*

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

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

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

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

1410B Utilities

All public utilities shall be placed underground.

1411B Land Dedication

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

1412B Street Standards

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

1413B Parking Standards

- 1413B.01 For a principal use on lands less than one (1) acre in size, there is no minimum off-street parking requirement for non-residential uses in the D District. For a principal use on lands greater than one (1) acre in size, or for any use permitted by special review, parking shall be provided in accordance with Section 28 of this Resolution. For any use permitted by special review, the Board of County Commissioners may modify off-street parking requirements. *(Amended 08/28/18)*
- 1413B.02 The minimum off-street parking requirement for residential uses is two (2) spaces per dwelling unit unless there are severe site constraints or other extraordinary circumstances, as determined by the Director or designee.
- 1413B.03 For retail, commercial, and mixed-use development, parking shall be located to the rear or side of buildings. Buildings shall include façade breaks in passageways, or alleys to connect parking to street entrances.
- 1413B.04 For residential uses, unlicensed, operable vehicles parked outside shall be concealed by a solid fenced berm, vegetative barrier, or a combination thereof. Inoperable vehicles shall not be stored outside. *(Amended 3/26/24)*
- 1413B.05 Parking for non-residential uses (if provided) shall be shown on the approved USR Plan Exhibit or Site Improvement Plan, prepared in accordance with Section 28 of this Resolution. *(Amended 3/26/24)*

1414B Fencing Standards *(Amended 3/26/24)*

Fencing shall be allowed for residential and non-residential uses in accordance with the following standards. Fencing provided for non-residential uses shall be shown on an approved USR Plan Exhibit or Site Improvement Plan, in accordance with Section 21 or Section 27 of this Resolution.

- 1414B.01 Barbed, concertina, razor wire, or other hazardous materials used for fencing shall be prohibited.
- 1414B.02 Electrically charged fencing material shall be permitted when it is installed for the purpose of containing animals within the boundaries of the lot.
- Electric fencing materials must be installed on the inside of the fence, within the lot area.
 - Electric fencing shall use an interrupted flow of current at intervals of about one (1) second on and two (2) seconds off and shall be limited to 2,000 volts at 17 milliamperes current.
 - All electric fences shall be posted with permanent signs stating that the fence is electrified.

- 1414B.03 Fences, walls, or hedges shall not be erected in the public right-of-way, but shall be allowed within a setback.
- 1414B.04 A building permit shall be required for any retaining wall as required by the Building Code, as amended and adopted by Douglas County.
- 1414B.05 Fences, walls, or hedges shall not exceed four (4) feet in height when located in the required setback from a street.
- 1414B.06 A building permit is required for any fence greater than six (6) feet in height, or as required by the Building Code, as amended and adopted by Douglas County.
- 1414B.07 Fences or walls shall be designed and maintained so that they are architecturally harmonious with the principal structures on the lot.
- 1414B.08 Fences, walls, or hedges shall be erected and maintained in a manner that does not obstruct the vision of automobile traffic on streets, rights-of-way, or driveways in accordance with the Douglas County Roadway Design and Construction Standards manual.
- 1414B.09 Fences, walls, or hedges shall be maintained in good structural or living condition. The landowner is responsible for the repair or removal of a fence, wall, or hedge which constitutes a public safety hazard by reason of inadequate maintenance, dilapidation, obsolescence, or abandonment.
- 1414B.10 Swimming pools shall be enclosed by a fence or wall that meets or exceeds the requirements of the Building Code, as amended and adopted by Douglas County.
- 1414B.11 Sound barrier walls, when constructed by the landowner other than the Colorado Department of Transportation adjacent to a street, shall be designed in accordance with the State Department of Transportation criteria and approved by the Director or designee.

1415B Landscaping

If required for non-residential uses, a landscape plan shall be prepared in accordance with the following provisions and Section 21 or Section 27 of this Resolution. *(Amended 3/26/24)*

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

1415B.02 Based upon the scale and impact of a project, a landscape buffer may be required adjacent to residential uses.

1416B Sign Standards

Refer to Section 29 of this Resolution.

1417B Lighting Standards

Refer to Section 30 of this Resolution.

1418B Outdoor Storage (*Amended 3/26/24*)

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

- 1418B.01 Outdoor storage, including but not limited to, raw materials supplies, finished or semi-finished products, or equipment shall be screened from view from abutting properties and public streets or trails bordering the site by a solid fence, wall, or hedge that is a minimum of 6 feet in height.
- 1418B.02 Employee or customer parking or merchandise display areas shall not be considered outdoor storage.
- 1418B.03 Outdoor storage shall not be allowed within any required landscaped area.
- 1418B.04 Operable trailers or other equipment designed to be towed or lifted as a single component may be visible above the height of a six-foot tall fence, wall, or hedge without being additionally screened.
- 1418B.05 For outdoor storage of vehicles, see the Parking Standards in this Section.
- 1418B.06 Outdoor storage shall be allowed within the required setback from a street provided that the storage area does not occupy more than 50 percent of the lineal frontage at the right-of-way.
- 1418B.07 When outdoor storage areas abut each other and are not visible from public streets or trails bordering the site, the Director or designee may waive the requirement for a solid fence.
- 1418B.08 Where the topography of the land is such that a solid fence, wall, or hedge would not prevent viewing outdoor storage from abutting properties and public streets or trails bordering the site, additional landscaping above the height of the fence, wall, or hedge to mitigate site-specific visual impacts may be required.

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SECTION 14D MI – SEDALIA MIXED INDUSTRIAL

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1401D Intent

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

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

The MI District is characterized by a full range of commercial and light industrial uses with residential and mixed-use development. Uses allowed within this District shall operate with minimal dust, fumes, odors, refuse, smoke, vapor, noise, lights, and vibrations. Such impacts shall be mitigated in accordance with applicable County, State, and federal regulations. Any other impacts shall be mitigated to the maximum extent possible. Development, or use of land, in this District is permitted only in accordance with the provisions herein. Heavy freight operations (railroad or multi-modal transfer) are not in keeping with the character of the District; new freight rail sidings are discouraged on private lots.

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

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

1402D.01 Community Uses

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

- School – private or public K-12
- Sheriff Station (*with or without training or with or without detention*)

1402D.02 Agriculture (*Site Improvement Plan not required*)

1402D.03 Agricultural Recreational Activities (*Site Improvement Plan not required*)

1402D.04 Animals (*refer to Section 24*) – household animals shall be an accessory use (*Site Improvement Plan not required*)

- Animals are limited to horse, cow, mule, llama, pig, goat, sheep, miniature horse, and alpaca.
- The minimum lot size required to keep hoofed animal(s) shall be one (1) acre. The maximum density for hoofed animals shall be one (1) animal unit per half (½) acre.
- Boarded horses will be counted in the total number of allowed animal units.
- Devegetated areas shall be setback 25 feet from all property lines.
- The location of a corral shall be such that it does not cause harm to septic fields and other on-site physical features and facilities.

1402D.05 Bank or Financial Institution (*no drive-up facility*)

1402D.06 Building Materials – retail, wholesale, or both

1402D.07 Commercial Storage Area (*Amended 3/26/24*)

1402D.08 Construction Office – temporary (*refer to Section 22*)

1402D.09 Day-care Center

1402D.10 Entertainment Event (*refer to Section 22B*)

1402D.11 Equipment Service, Repair, or both

1402D.12 Equipment Sales, Rental, or both – Large or Small

1402D.13 Firing Range – indoor

1402D.14 Garden – Public – one (1) acre maximum (*Site Improvement Plan not required*)

1402D.15 Greenhouse

1402D.16 Hotel

- 1402D.17 Industrial or manufacturing operation which does not emit unusual or excessive amounts of dust, smoke, fumes, gas, noxious odors, or noise beyond the lot boundary.
- 1402D.18 Motel
- 1402D.19 Motor Vehicle Sales
- 1402D.20 Motor Vehicle Service, Repair, or both
- 1402D.21 Motor Vehicle Service Station with gas pumps
- 1402D.22 Motorcycle Sales, Service, Repair or all
- 1402D.23 Office – General, Medical, Professional, Government
- 1402D.24 Office – Temporary (*refer to Section 22*)
- 1402D.25 Parking lot – Public or Private
- 1402D.26 Product Distribution, Storage, or both (*no hazardous materials*)
- 1402D.27 Recreational Vehicle Storage Lot
- 1402D.28 Research and Development Facility
- 1402D.29 Residence – Minimum of two (2) acres
- Group Home (*Site Improvement Plan not required*)
 - Single-Family (*Site Improvement Plan not required*)
 - Temporary (*refer to Section 22*)
- 1402D.30 Restaurant, Fast Food Restaurant (*no drive-up facility*)
- 1402D.31 Retail Business or Service Business, or both – Indoor or Outdoor
- 1402D.32 Retreat – Religious
- 1402D.33 Sales Office – temporary (*refer to Section 22*)
- 1402D.34 Satellite Earth Station
- 1402D.35 Seasonal Use (*refer to Section 22A*)
- 1402D.36 Theater – Indoor or Outdoor

- 1402D.37 Training Facility for Horses, Riders, or both (*maximum 14 lessons per week*)
- 1402D.38 Utility Service Facility (*refer to definition*)
- 1402D.39 Veterinary Clinic or Hospital
- 1402D.40 Warehouse
- 1402D.41 Warehouse – mini or self storage
- 1402D.42 Wholesale Business – sales, service, or both
- 1402D.43 Youth-Oriented Agricultural Activities (*refer to definition*) (*Site Improvement Plan not required*)

1403D Accessory Uses

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

Residential:

- 1403D.01 Accessory Uses and Buildings
- 1403D.02 Animals – household pets
- Household pets inclusive of, but not limited to, dogs, cats, pot-bellied pigs, chickens, turkeys, and ducks shall be permitted for residential use provided that not more than four (4) animals of more than four (4) months of age are kept by the occupant of any residential unit.
- 1403D.03 Day-care Home
- 1403D.04 Guest House
- 1403D.05 Home Occupation (*refer to Section 23*) Class 1 or 2
- 1403D.06 Satellite Dish

Non-residential:

- 1403D.07 Accessory Uses and Buildings
- 1403D.08 Day-care Facility for employees' children

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

1403D.10 Satellite Dish

1404D Uses Permitted By Special Review

The following uses are permitted, upon the approval of the Board, in accordance with Section 21 of this Resolution. *(Amended 3/26/24)*

1404D.01 Bar or Lounge

1404D.02 Bed and Breakfast

1404D.03 Campground

1404D.04 Cemetery

1404D.05 Church – seating capacity greater than 350

1404D.06 Club or Country Club

1404D.07 Group Residential Facility

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

1404D.09 Jail or Correctional Facility

1404D.10 Kennel

1404D.11 Propane Distribution, Storage, or both

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

1404D.13 Residence

- Multifamily
- Single-Family attached

1404D.14 Satellite Earth Station *(exceeding maximum health and height standards)*

1404D.15 Sewage Treatment *(refer to Utility Service Facility definition)*

1404D.16 Telecommunication Facility *(within or exceeding maximum height and health standards)*

1404D.17 Utility – Major Facility

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

None

1406D Minimum Setbacks

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

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

1407D Building Height

Maximum building height:

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

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

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

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

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

1408D Encroachments

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

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

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

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

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

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

1409D.01 Until such time, the use of on-site wastewater treatment systems (OWTS) may be permitted provided the proposed use does not create more than a design flow of 2,000 gallons of effluent per day, as determined by Douglas County Health Department's OWTS Regulation. *(Amended 3/26/24)*

1409D.02 The proposed use and associated OWTS is evaluated by the Douglas County Health Department, and other applicable agencies, to determine if the use is compatible with an OWTS: *(Amended 3/26/24)*

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

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

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

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

1410D Utilities

All public utility distribution lines shall be placed underground.

1411D Land Dedication

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

1412D Street Standards

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

1413D Parking Standards

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

1413D.02 Parking for non-residential uses shall be provided as shown on the approved USR Plan Exhibit or Site Improvement Plan in accordance with Section 28 of this Resolution. *(Amended 3/26/24)*

1413D.03 For residential uses, inoperable or unlicensed, operable vehicles parked outside shall be concealed by a solid fence, berm, vegetative barrier, or any combination thereof. *(Amended 3/26/24)*

1413D.04 Unscreened parking of operable, unlicensed vehicles may be allowed in association with Motor Vehicle Sales as shown on an approved Site Improvement Plan in accordance with Sections 27 and 28 of this Resolution. *(Amended 3/26/24)*

1414D Fencing Standards *(Amended 3/26/24)*

Fencing shall be allowed for residential and non-residential uses in accordance with the following standards. Fencing provided for non-residential uses shall be shown on an approved USR Plan Exhibit or Site Improvement Plan, in accordance with Section 21 or Section 27 of this Resolution.

1414D.01 Concertina, razor wire, or other hazardous materials used for fencing shall be prohibited.

1414D.02 Electrically charged fencing material shall be permitted when it is installed for the purpose of containing animals within the boundaries of the lot.

- Electric fencing materials must be installed on the inside of the fence, within the lot area.

- Electric fencing shall use an interrupted flow of current at intervals of about one (1) second on and two (2) seconds off and shall be limited to 2,000 volts at 17 milliamperes current.
 - All electric fences shall be posted with permanent signs stating that the fence is electrified.
- 1414D.03 Barbed wire shall be permitted when located a minimum of 6' 6" in height measured from the ground level outside the fence.
- 1414D.04 Fences, walls, or hedges shall not be erected in the public right-of-way, but shall be allowed within a setback.
- 1414D.05 A building permit shall be required for any retaining wall as required by the Building Code, as amended and adopted by Douglas County.
- 1414D.06 A building permit is required for any fence greater than six (6) feet in height, or as required by the Building Code, as amended and adopted by Douglas County.
- 1414D.07 Solid fences, walls, or hedges shall not exceed four (4) feet in height when located within the required setback from a street except when a fence is required in order to conceal outdoor storage. Then the fence may exceed four (4) feet in height for no more than 50 percent of the lineal frontage of the lot. Fences extending above six (6) feet, to a height of 10 feet, may be permitted only with the approval of the Director or designee.
- 1414D.08 Fences, walls, or hedges shall be erected and maintained in a manner which does not obstruct the vision of automobile traffic on streets, rights-of-way, or driveways in accordance with the Douglas County Roadway Design and Construction Standards manual.
- 1414D.09 Fences, walls, or hedges shall be maintained in good structural or living condition. The landowner is responsible for the repair or removal of a fence, wall, or hedge, which constitutes a public safety hazard, by reason of inadequate maintenance, dilapidation, obsolescence, or abandonment.
- 1414D.10 Fences constructed of woven wire or ornamental iron which are a minimum of 80 percent open may be constructed with no height limitation; however, a building permit is required for any fence greater than six (6) feet in height, or as required by the Building Code, as amended and adopted by Douglas County.
- 1414D.11 Fences or walls shall be designed and maintained so that they are architecturally harmonious with the principal structures on the lot. When abutting a property with a residence, such fences or walls shall be opaque and may not be constructed of woven wire.

1414D.12 Swimming pools shall be enclosed by a fence or wall that meets or exceeds the requirements of the Building Code, as amended and adopted by Douglas County.

1414D.13 Sound barrier walls, when constructed by the landowner other than the Colorado Department of Transportation adjacent to a street, shall be designed in accordance with the State Department of Transportation criteria and approved by the Director or designee.

1415D Landscaping

Non-residential uses shall be landscaped as shown on the approved landscape plan prepared in accordance with Section 21 or Section 27 of this Resolution. Areas to be landscaped include the lot area within the required setback from the street, parking areas, and other areas as required. *(Amended 3/26/24)*

1416D Sign Standards

Refer to Section 29 of this Resolution.

1417D Lighting Standards

Refer to Section 30 of this Resolution.

1418D Outdoor Storage *(Amended 3/26/24)*

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

1418D.01 Outdoor storage including, but not limited to, raw materials supplies, finished or semi-finished products, or equipment shall be screened from view from abutting properties and public streets or trails bordering the site by a solid fence, wall, or hedge that is a minimum of 6 feet in height.

1418D.02 Employee or customer parking or merchandise display areas shall not be considered outdoor storage.

1418D.03 Operable trailers or other equipment designed to be towed or lifted as a single component may be visible above the height of a six-foot tall fence, wall, or hedge without being additionally screened.

1418D.04 Outdoor storage shall be allowed within the required setback from a street provided that the storage area does not occupy more than 50 percent of the lineal frontage at the right-of-way.

1418D.05 For outdoor storage of vehicles, see the Parking Standards in this section.

- 1418D.06 Outdoor storage shall not be allowed within any required landscaped area.
- 1418D.07 Where the topography of the land is such that a solid fence, wall, or hedge would not prevent viewing outdoor storage from abutting properties and public streets or trails bordering the site, additional landscaping above the height of the fence, wall, or hedge to mitigate site-specific visual impacts.
- 1418D.08 A solid fence, wall, or hedge shall not be required at a shared property line which merely separates outdoor storage areas.

SECTION 21 USE BY SPECIAL REVIEW

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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 screened by a solid wall or fence of an appropriate height unless otherwise provided for herein. *(Amended 3/26/24)*
- 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
- 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 or preschool: 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 surround the yard used for playground purposes (*Amended 3/26/24*)
- 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 the Douglas County Health Department (*Amended 3/26/24*)

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. (*Amended 2/12/19*)

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, and 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, and 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, LRR, and RR zone districts pursuant to Section 2310, herein. No outside storage shall be allowed. (*Amended 8/23/22*)

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 screened by a solid wall or fence at least 6 feet in height (*Amended 3/26/24*)
- 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 Douglas County Health Department and is located 500 feet from all lot lines or 1,000 feet from any existing residential land use, whichever is greater. (*Amended 3/26/24*)

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 GI 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 Natural Medicine Business. A Natural Medicine Business shall be located a minimum of 1,500 feet from any: *(Amended 6/24/25)*

- A residential zone district (LRR, RR, ER, SR).
- Dwelling.
- Church, park, or library.
- State-licensed day-care facility.
- School or educational facility, serving persons age 18 or younger.
- Property within an incorporated area.

The distance between any Natural Medicine Business and any dwelling, church, park, library, day-care facility, school, residential zone district, or incorporated area shall be measured in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as part of the premises where the Natural Medicine Business is conducted to the nearest lot line of the premises of the dwelling, church, park, library, day-care facility, or school or the nearest boundary of a residential zone district or incorporated area.

- 2107.35.1 Healing Center: B, C, LI, and GI zone districts.
- Additional Requirements:
 - Hours of Operation: Between 8:00 a.m. and the next 5:00 p.m.
 - Days of Operation: Monday through Friday
 - A Healing Center shall be located no further than 5 miles from a hospital, emergency medical care center, urgent care center, or other such medical treatment facility, unless such services are available at the Healing Center.
 - Within 14 days of the Director's execution of the approval certificate for a new Healing Center, staff shall provide written notice of the approval to the Douglas County Sheriff's Office, Douglas County Health Department, and any facility providing emergency medical care located within 5 miles of the Healing Center.
- 2107.35.2 Cultivation Facility: LI and GI zone districts.
- Additional Requirements:
 - Hours of Operation: Between 8:00 a.m. and the next 5:00 p.m.
 - Days of Operation: Monday through Friday.
- 2107.35.3 Products Manufacturer: LI and GI zone districts.
- Additional Requirements:
 - Hours of Operation: Between 8:00 a.m. and the next 5:00 p.m.
 - Days of Operation: Monday through Friday.
- 2107.35.4 Testing Facility: LI and GI zone districts.
- Hours of Operation: Between 8:00 a.m. and the next 5:00 p.m.
 - Days of Operation: Monday through Friday.
- 2107.35.5 Any other Natural Medicine Business licensed by the State Licensing Authority: LI and GI zone districts.
- Additional Requirements:
 - Hours of Operation: Between 8:00 a.m. and the next 5:00 p.m.
 - Days of Operation: Monday through Friday.
- 2701.36 Oil or gas drilling operation: A-1 zone district provided such use is located a minimum of 100 feet from any lot line

- 2107.37 Propane distribution/storage: GI zone district
- 2107.38 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
- 2107.39 Recreation facility – indoor: CMTY and D zone districts
- 2107.40 Recreation facility – neighborhood: CMTY and D zone districts
- 2107.41 Recreation facility – outdoor: CMTY and D zone districts
- 2107.42 Recreation facility – private: CMTY and D zone districts
- 2107.43 Recycle/trash transfer facility: LI and GI zone district provided all recycling or trash transfer activities are conducted within an enclosed structure.
- 2107.44 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
- 2107.45 Religious retreat: A-1 zone district.
- 2107.46 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.
- 2107.46.1 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

2107.47 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.

2107.48 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:

2107.48.1 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.

2107.48.2 More than 10 delivery vehicles would be transporting sludge to the site in any 24-hour period.

2107.48.3 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.

2107.48.4 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.

2107.49 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.

2107.49.1 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

2107.49.2 A Visual Impact Assessment (VIA) shall be prepared in accordance with the VIA process contained in Appendix D of this Zoning Resolution.

2107.49.3 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.

2107.49.4 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.

2107.50 Theater – indoor or outdoor: CMTY and D zone districts

2107.51 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.

2107.52 Veterinary clinic or hospital: A-1, LRR, and RR zone districts, provided that such uses are located 100 feet from all lot lines

2107.53 Wind energy conversion systems up to 100 kilowatts: A-1, LRR, and RR zone districts as follows:

2107.53.1 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

2107.53.2 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.

2107.53.3 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.

2107.53.4 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.

2107.54 Zoo: C zone district

2108 Submittal Prerequisite

The applicant shall attend a presubmittal meeting with the Planning Services 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 Services 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 regulatory referral agencies and which referral agencies are advisory referral agencies. 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 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)*

- 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 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 all advisory referral agencies 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 regulatory referral agencies.

- 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 a District, at least 21 days prior to the Board hearing, the applicant shall submit evidence of inclusion of the property into the 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 Services 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 Established 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 a District or from a New Special District that has entered into an intergovernmental agreement with an Established 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 Established District, and/or that the water credits to serve the development have been purchased from the Established 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 Services 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. (*Amended 3/26/24*)

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

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

2111.10.1 A traffic impact study in accordance with the Douglas County Roadway Design and Construction Standards.

2111.10.2 Documentation of capacity from the fire protection district in accordance with fire district level of service standards.

- 2111.10.3 For applications proposing additional residential uses, documentation of capacity from the school district in accordance with the school district capacity policy.

2112 Plan Exhibit

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

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

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

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

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

- 2112.02.1 Number of clients/boarders/parishioners/animals
- 2112.02.2 Hours of operation – whether the use is seasonal and the number of days of the week
- 2112.02.3 Number of employees
- 2112.02.4 Required outside storage/parking/loading areas
- 2112.02.5 Permit requirements from other state, federal or local agencies
- 2112.02.6 Method of providing fire protection

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

2112.03 Plan Exhibit Title

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

Subdivided land:

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

Within a PD:

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

When unplatted:

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

For a use by special review amendment:

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

2112.04 Plan Exhibit Approval Certificate

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

APPROVAL CERTIFICATE

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

Director of Community Development

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

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

(for Corporate or LLC owner, print corporation or 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 Services 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 Services 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 Services Division at least 7 days prior to the hearings. The sign(s) shall be photographed by the applicant and attached to the affidavit as follows:

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

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

_____ (signature) File No./Name: _____

STATE OF COLORADO)
) ss.
 COUNTY OF _____)

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

My commission expires: _____

Witness my hand and official seal

 Notary Public

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 Services 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 Services 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 regulatory referral agencies and which referral agencies are advisory referral agencies. 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.

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)*

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 regulatory referral agencies 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 advisory referral agencies 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 regulatory referral agencies.

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

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

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

2118.04 Submittal Requirements

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

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

2118.05 Title and Approval Certificate

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

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

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

Administrative USR Amendment Approval Certificate

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

Director of Community Development

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

(for Corporate or LLC owner, print corporation or LLC name)

By: _____ (signature)
 Title: _____
 Date: _____

ATTEST: (if corp.)

Secretary/Treasurer

STATE OF COLORADO)

) ss.

COUNTY OF _____)

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

My commission expires: _____

Witness my hand and official seal.

Notary Public

(For Individual Owner)

(signature of owner(s))

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

My commission expires: _____

Witness my hand and official seal.

Notary Public

An initial block is required on all subsequent exhibit sheets:

USR Administrative Amendment Approval Certificate	
Planning	_____ Initials/Date
Owner	_____ Initials/Date
Lessee <i>(if applicable)</i>	_____ 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.

3601 Rules of Construction

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

3602 Definitions

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

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

Accessory Dwelling Unit (ADU): An attached or detached unit situated on one (1) lot with an established principal dwelling which shall not be held in ownership by other than the owner of the principal dwelling. The ADU shall be arranged, designed, or intended for occupancy by not more than one (1) family in compliance with the County building code. (Amended 6/24/25)

Attached ADU – An ADU that is attached to the principal dwelling unit as either an addition to the dwelling or a conversion of existing space within the dwelling.

Detached ADU – An ADU that is detached from the principal dwelling unit.

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

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

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

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

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

Agricultural Activities, Youth-Oriented: Special activities oriented toward children and held for educational, instructional or recreational purposes, including but not limited to: 4-H, pony club, and Little Britches. *(Amended 4/28/15)*

Agriculture: Land uses related to grazing or raising livestock or land uses which produce products that originate from the land's productivity, such as farming, ranching, forestry, tree farming, animal husbandry, and horticulture. Excluded from this definition is all marijuana prohibited by Douglas County per Resolution No. R-010-108 and Ordinance No. O-012-003. *(Amended 1/28/14)*

Agricultural Producer: A person or entity that raises or produces Agricultural Products on land that the person or entity farms and owns, rents, or leases. *(Amended 1/28/14)*

Agricultural Products: Products that originate from the land's productivity, such as fruits, vegetables, mushrooms, herbs, nuts, shell eggs, honey or other bee products, flowers, nursery stock, livestock products (including meat, milk, cheese and other dairy products), hay, grass, and grains. Excluded from this definition is any marijuana product, the cultivation or other processing of which is prohibited by Douglas County per Resolution No. R-010-108 and Ordinance No. O-012-003. *(Amended 1/28/14)*

Agricultural Worker: An individual employed in the operation of a farm or ranch.

Airport: Any area of land or water designed for the landing and take-off of aircraft for business or commercial purposes, including all necessary facilities for passenger and cargo loading, maintenance and fueling facilities and housing of aircraft.

Alley: A public or private vehicular passageway dedicated or permanently reserved as a means of secondary access to abutting property and designated an alley on a final plat. An alley shall not be considered to be a street.

Ambient Lighting: All available light surrounding a subject sign at any point in time with the subject sign light source extinguished. (*Amended 2/11/14*)

Ambient Noise Level: The average equivalent sound level (LEQ) occurring during a six-minute period as measured with a sound level measuring instrument. The ambient noise level shall be determined with the noise source at issue silent, and in the same location and approximate time as the measurement of the noise level of the source at issue.

Animal, Exotic: An animal introduced from another country not normally kept as a household pet or farm animal. (*See animal - nondomestic.*)

Animal, Household Pet: A small animal customarily permitted to be kept in a dwelling for company or pleasure, including, but not limited to, dogs, cats, pot-bellied pigs, gerbils, hamsters, tropical fish, or common house birds, provided that such animals are not kept to supplement food supplies or for any commercial purpose. A limit of one (1) litter, brood, or offspring is permitted, per household, per year.

Animal, Nondomestic: An animal not normally adapted to live and breed in a tame condition. (*See animal - exotic.*)

Antenna: A system of wires, rods, reflecting discs or similar devices used for the wireless transmission or reception of electromagnetic waves.

Directional (or panel or rectangular): A flat surface antenna used to achieve transmission or reception from a specific direction.

Parabolic: A round, often concave, antenna no greater than 24" in diameter used primarily for point-to-point transmission of radio signals.

Omnidirectional (or whip): A thin, self-supporting rod antenna that beams and receives a signal in all directions.

Satellite Dish: A ground mounted antenna, generally exceeding 24" in diameter, incorporating a solid, open mesh, or bar configured surface used to transmit or receive radio or electromagnetic waves.

Antenna Array: Groups of directional panel antennas designed to send and receive wireless transmissions.

Avigation Easement: An easement that allows the grantee the right to use the airspace. The easement may include restrictions regarding the height of structures, the use of reflective glass, or the interference of radio transmissions by the grantor and an acknowledgment by the grantor that airplanes flying overhead may present a physical danger, increase noise levels or cause pollution.

Base Flood: The flood having a 1% chance of being equaled or exceeded in any given year. (*Refer to Flood - 100 year*)

Batch Plant, Concrete, Mortar, or Asphalt: A site, together with its accessory facilities, where sand, gravel, cement and various petroleum derivatives are compounded to manufacture concrete, mortar or asphalt.

Bed and Breakfast: A dwelling where a maximum of five (5) guest units for overnight or otherwise short-term temporary lodging is provided and may include meals. The operator of the facility shall live on the property. (*This does not include hotels/motels.*)

Berm: Mound of earth used in landscaping for screening, definition of space, noise attenuation, or decoration.

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

Bordering: Touching at a boundary. (*Amended 3/26/24*)

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

Buffer Area: An area of land established to separate and protect one type of land use from another; to protect from objectionable noise, smoke, or visual impact; or to provide for future public improvements or additional open space. (*Amended 3/26/24*)

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

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

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

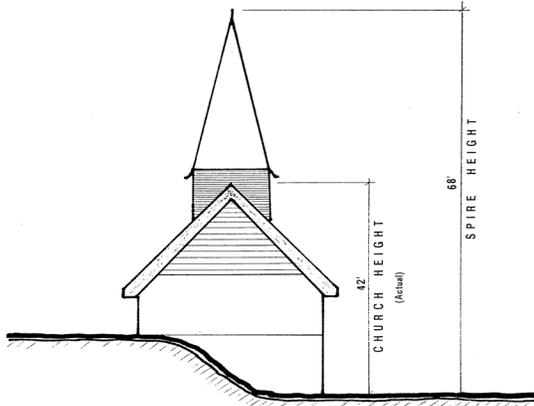
Building Height: The vertical distance above a reference datum measured to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the average height of the highest gable of a pitched or hipped roof. The reference datum shall be selected by either of the following, whichever yields a greater height of building:

- (1) The elevation of the highest adjoining sidewalk or ground surface within a five (5) foot horizontal distance of the exterior wall of the building when such sidewalk or ground surface is not more than 10 feet above the lowest grade.

- (2) An elevation 10 feet higher than the lowest grade when the sidewalk or ground surface described in number one (1) above is more than 10 feet above the lowest grade.
- (3) The height of a stepped or terraced building is the maximum height of any segment of the building. *(Amended 12/18/12)*

Spire Height Calculation *(see diagram)*

Spire Height Calculation



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

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

Capacity: The maximum demand that can be accommodated by a public facility or service without exceeding the level of service as determined by the service provider. *(Amended 11/18/14)*

Capital Improvements: Large scale physical assets constructed or purchased to provide, improve, or replace a costly public facility. "Capital improvements" shall include physical assets providing additional capacity needed to accommodate the demand for public facilities generated by a development. *(Amended 11/18/14)*

Carrier: A company that provides personal wireless communication services.

Cellular Communication: A type of personal wireless communication service consisting of low-power mobile radio communication that occurs through a network of radio wave transmitting devices.

Centennial Airport Review Area (CARA): An overlay district intended to allow for compatible land-use planning in the vicinity of Centennial Airport. The overlay district includes three components; safety zones, noise zones, and height zones as depicted in Figure 19-1.

Central Water: Water service provided by a special district formed pursuant to the Special District Act, C.R.S. § 32-1-101, et. seq.

Central Sanitation: A centralized wastewater collection and treatment facility approved by Tri-County Health Department and the Colorado Department of Health including at a minimum, secondary wastewater treatment, subject to any waste discharge permits required by the State.

Channel: A natural or artificial watercourse of perceptible extent, with definite bed and banks to confine and conduct continuously or periodically flowing water. Channel flow is that water which is flowing within the limits of the defined channel.

Church: A building, where people regularly assemble for worship, or other type of religious practice, together with its accessory buildings and uses, maintained and controlled by an organization to sustain public worship. *(Amended 4/28/15)*

Clinic, Dental or Medical: A facility licensed and used for the provision of medical, dental, surgical or mental health care of the sick or injured, but excluding therefrom inpatient and overnight accommodations.

Club (Country Club): Individuals gathered for social, educational or recreational purposes, including buildings or facilities owned/operated by such organization, excluding a golf course unless specifically permitted in that zoning district.

Collocation: The circumstance occurring when one or more carriers install antenna arrays on the same single structure.

Commercial Storage Area: An outdoor area for the storage of items including but not limited to raw materials, supplies, finished or semi-finished products, goods, wares, merchandise, vehicles, or equipment. *(Amended 3/26/24)*

Commitment to serve: (as related to water supply) - A letter stating the water district's "intent to serve" the project, or at the time of final/minor development plat application, a letter stating that the water district "will serve" the area of the final/minor development plat.

Comprehensive Master Plan: The Douglas County Comprehensive Master Plan as adopted by Planning Commission resolution. The Douglas County Comprehensive Master Plan is the long-range plan intended to guide the growth and development of the County, and is inclusive of supplemental plans which may be adopted and incorporated by Planning Commission resolution.

Condominium: A legal form of ownership whereby an owner gains title to an interior air space dwelling unit, together with interest in the common areas and facilities appurtenant to such units.

Confinement Center: An animal feeding operation where livestock are kept and fed in close quarters until they are shipped to market.

Construction: Any and all activity incidental to the erection, demolition, assembling, altering, installing, or equipping of buildings, structures, roads, or appurtenances thereto, including land clearing, grading, excavating, and filling.

Convenience Store: A small retail or service commercial use, which provides limited food products, household items or other goods or services commonly associated with the same, which do not typically offer comparison shopping opportunities.

County: Douglas County, Colorado.

Cultural Facility: A building or area designed and intended for intellectual or artistic activities, including a museum, art gallery, outdoor amphitheater, fairground, sports stadium/arena, performing arts center, or similar facility.

dB(A): A sound level in decibels measured on the "A" scale of sound level having characteristics defined by the American National Standards Institute. [§25-12-102(2), C.R.S.]

Day-Care Center or Preschool: A commercial facility where care and training is provided for children or adults for periods of less than 24 consecutive hours.

Day-Care Home: A residence in which care is provided for up to 12 children or adults for periods of less than 24 consecutive hours.

Day-Care Household Pets: A retail/service facility for the care of dogs or other household pets for periods of less than 24 consecutive hours. Overnight, indoor boarding may be permitted as an accessory use only. Outdoor holding facilities are prohibited in connection with the accessory use.

Decibel: A unit describing the relative amplitude of sound. A decibel is a unit of sound pressure level equal to 20 times the logarithm to the base 10 of the ratio of the sound pressure to the reference pressure of $2 \times 10^{-5} \text{N/m}^2$ (Newton's/meter squared.) [§25-12-102(3), C.R.S.]

Density: The number of units per area of measure. For example, the number of dwelling units per acre.

Density, Gross: The total number of units divided by the total land area within the boundary of the project including publicly dedicated streets, open space or other public facilities.

Density, Net: The number of units divided by the land area within the boundary of the project excluding publicly dedicated streets, open space or other public facilities.

Department: The Douglas County Community Development Department.

Designated Elevation: The elevation above sea level determined at each airport in accordance with the approved airport guidelines.

Development: Any change to improved or unimproved real estate, including but not limited to: buildings, structures, mining, dredging, filling, grading, paving, excavation or drilling operations or any alteration to land, buildings or structures which falls under the purview of this Resolution.

Development Plan: A specific set of regulations establishing lot size, land use, density, lot coverage, open space or other standards and a map depicting land uses within a Planned Development District approved by the Board and recorded in the Office of the Clerk and Recorder. The current and future owners and their assigns are required to develop their property in accordance with this plan.

Director: The Director shall be as designated by the County Manager.

Driveway: A private vehicular access abutting a street, for the exclusive use of the owners and occupants of the lot, lots or project and their invitees, not considered to be a street.

Dude Ranch: A functioning ranch that offers guests the opportunity to participate in activities commonly associated with its operation. The recreational component shall be accessory to the principal ranching operation.

Dwelling: A building or portion thereof used exclusively for residential occupancy, including single-family, two-family and multi-family dwellings, but not including mobile homes, boarding houses, hotels, motels, recreational vehicles, or tents. Manufactured homes certified pursuant to the "National Manufactured Housing Construction and Safety Standards Act of 1974", 42 U.S.C. 5401 et seq., as amended and Section 30-28-115 of the Colorado Revised Statutes shall be deemed a dwelling unit. *(Amended 5/10/16)*

Dwelling, Multifamily: A dwelling situated on 1 lot and arranged, designed or intended for occupancy by two (2) or more families living independently of each other, including condominiums and duplexes, but excluding therefrom hotels and motels.

Dwelling, Single-Family: A dwelling situated on 1 lot and arranged, designed or intended for occupancy by not more than one (1) family in compliance with the County building code. The dwelling must function as a continuous enclosure without any impassable separation such as a wall or floor. Dwelling spaces joined by a garage or breezeway are considered to be a separate dwelling.

Dwelling, Single-Family, attached: A dwelling with primary ground floor access to the outside, which is attached to another unit by a party wall without openings, and is situated on one (1) lot. The term is intended primarily for such dwelling types as townhouses, cluster units, patio homes.

Easement: An acquired right of use, interest or privilege in land owned by another.

Enhanced Specialized Mobile Radio Service (ESMR): A type of communication technology that is used primarily by fleet-dispatched service providers and closed system mobile radio users.

Entertainment Event: A public presentation for which admission is made available to the general public, held on a one time or occasional basis that provides amusement for, or holds the attention of, those in attendance. *(Amended 4/28/15)*

Entertainment Event, Major: An Entertainment Event that exceeds the limitations placed on Minor Entertainment Events. *(Amended 1/28/14)*

Entertainment Event, Minor: An Entertainment Event that meets one of the following limitations:

- A one-day event, such as a concert, with a maximum daily attendance of 500 persons.
- A multi-day event, such as a festival, carnival, or revival, with a maximum daily attendance of 300 persons and duration of seven days or less. *(Amended 1/28/14)*

Equipment, Small: Vehicles/equipment not exceeding the following gross vehicle weights: Motorized - 18,000 lbs.; nonmotorized - 6,000 lbs.

Event Center: A facility consisting of structures or premises used to accommodate the assembly of persons for private meetings, parties, weddings, wedding receptions, reunions, birthday celebrations, charitable fundraisers, and other social engagement purposes, or similar such uses, in exchange for remuneration of any kind. Such use may include the provision of food, beverages, and entertainment. Event Center shall not include any use component of a sexually oriented business, as defined herein. *(Amended 4/28/15)*

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

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

Farm and Commercial Garden Building: A building or structure used to shelter or enclose livestock, poultry, feed, flowers, field equipment or similar uses.

Farmers Market: An outdoor market open to the public and operated by a governmental agency, a nonprofit corporation, or one or more Agricultural Producers; where the products offered for sale are Agricultural Products, Value-added Agricultural Products, and incidental sale of other items. *(Amended 1/28/14)*

Feedlot: Any tract of land or structure, pen/corral wherein cattle, horses, sheep, goats, swine, or similar livestock are maintained in close quarters for the purpose of feeding such livestock in order to fatten them prior to final shipment to market.

Fence: Any structure used as a barrier or a boundary. *(Amended 3/26/24)*

Firearm: Any handgun, revolver, pistol, rifle, shotgun, or other instrument or device capable of or intended to discharge bullets, shot, or other projectile by means of gasses released by burning a solid propellant.

Fire Protection Facilities: Fire stations and major pieces of fire fighting apparatus, including, but not limited to pumpers, quick response vehicles, hook and ladder trucks, and similar equipment, owned and operated by county fire districts.

Firing Range: A facility used to provide, in exchange for remuneration of any kind, training in conjunction with, or for practice in, discharging firearms. *(Amended 4/28/15)*

Flag: A piece of fabric, cloth, or sturdy material usually oblong, rectangular, square, or triangular, typically attachable on one edge to a staff, pole, or cord. *(Amended 2/11/14)*

Flood, 100-year: The flood having a 1% chance of being equaled or exceeded in any given year. It is also known as a "base flood".

Floodplain: The area adjoining any river, stream, watercourse, lake or other body of standing water which is subject to inundation by a 100-year flood. Refer to the floodplain overlay district section for more information.

Floor Area, Gross: The sum of the horizontal area, measured in square feet, of all floors of a building measured from the exterior face of the wall including stairwells or elevator shafts and excluding unfinished basements or attics, garage space, or unenclosed porches.

Floor Area, Net: The sum of the horizontal floor area, measured in square feet, of all floors of a building measured from the interior face of the exterior wall excluding therefrom, stairwells, elevator shafts, covered malls, covered walkways, roof patio areas, covered entries, covered parking, covered driveways, covered loading areas, utility rooms and storage areas.

Floor Area Ratio - F.A.R.: Determined by dividing the gross floor area of all buildings on a lot by the total area of that lot.

Frontage: The length of a parcel/lot abutting a right-of-way.

Garage:

Private - A building, or portion thereof, including carports, in which only private or pleasure-type motor vehicles used by the owners or resident tenants of the land are stored or kept.

Public - A building, or portion thereof, other than a private garage, used for the parking of automobiles.

Golf Course: A recreational facility primarily used for the purpose of playing golf, including associated food service, retail sales areas, and staff offices, excluding residential and other non-golf recreational uses.

Grade: The elevation of the finished surface of the ground.

Greenhouse: A structure used for the propagation, cultivation or growing of nursery stock such as flowers, bulbs, plants, trees, shrubs or vines.

Group Home: A residence that provides non-institutional housing for persons living as a single housekeeping unit as follows: *[Per 30-28-115 CRS]*

- A group of no more than 8 persons with developmental disabilities living in a state-licensed group home or community residential home; or
- A group of not more than 8 persons with a mental illness living in a state-licensed group home; or
- A group of not more than 8 persons 60 years of age or older who do not need nursing facilities; or
- Any other type of home allowed under the provisions of the Fair Housing Act, as amended, for any type of protected class, or pursuant to any other applicable law

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

Group Residential Facility: A residence, not qualifying as a group home, that provides a community living environment for individuals requiring custodial care, medical treatment, or specialized social services. This term includes, but is not limited to: specialized group child care home, facility or center; residential child care facility; residential treatment facility; shelters for the homeless; shelters from domestic violence; residential facilities for those living together as a result of criminal offenses; and homes for individuals that are HIV positive or afflicted with the AIDS virus. *(Amended 5/10/16)*

Guest House: A dwelling attached or unattached to the principal dwelling, used to house guests of the occupants of the principal dwelling, and which shall not be rented or leased, or held in ownership by other than the owner of the principal dwelling. A Guest House is an ADU. *(Amended 6/24/25)*

Hay: Grass or other herbaceous plant that has been cut, dried, and stored for use as animal fodder, particularly for grazing livestock such as cattle, horses, goats, and sheep. *(Amended 4/28/15)*

Hay Sales: The sale of imported hay for animal fodder as a principal commercial use of the property. No other bagged or baled animal feed, imported agricultural products, or other sales are allowed, except as otherwise permitted herein. *(Amended 4/28/15)*

Hedge: A row of shrubs or small trees which, at maturity, forms a barrier that cannot be easily seen through.

Heliport: Any area used by helicopters for commercial or business purposes, including landing and take-off, passenger and cargo loading, maintenance and fueling facilities.

Home Occupation: A business use conducted on the site, which is clearly incidental and secondary to the use of the land for residential or agricultural purposes; that does not change the character of the dwelling, lot, or neighborhood; and that allows the resident to work at home. Such uses as a motor vehicle repair or body shop, bed and breakfast establishment, medical clinic, hospital, kennel, animal clinic/hospital, retail business, warehousing and distribution, or any similar use generating more than occasional or minimal vehicular or pedestrian traffic shall not be allowed as a home occupation.

Homeowners' Association: An association of homeowners within a residential area created to govern the area with powers including but not limited to: the setting and collection of expense assessments from the members of the association, the control and maintenance of common areas, and the enforcement of protective covenants.

Horse, Boarded: A horse, not owned by the landowner or lessee, kept on the landowner or lessee's property for a period of 24 hours or more.

Horse, Nonowned: A horse not solely owned by the owner or lessee of the land. A horse leased for the exclusive use of the lessee shall be considered to be an owned horse.

Horse, Owned: A horse solely owned by the owner or lessee of the land. A horse leased for the exclusive use of the lessee shall be considered to be an owned horse.

Horse Rental Stable: A facility where horses, ponies, or mules are rented to the general public for recreational purposes.

Hospital: An institution providing health services primarily for human in-patient medical or surgical care for the sick or injured and including related facilities such as laboratories,

out-patient departments, training facilities, central services facilities and staff offices that are an integral part of the facilities.

Hotel: Any building arranged, designed or intended as a temporary lodging place for human beings, with or without meals, in which there are six (6) or more guest rooms or suites, and in which only minimal provision may be made for cooking in any individual room or suite.

Hunting/Fishing Club: Individuals gathered for the express purpose of participating in recreational activities directly related to hunting, fishing and similar outdoor sportsman activities that typically take place on club-owned land.

Impact Area: The area within which a proposed development is presumed to create a demand for public facilities and services and which area, therefore, will be evaluated to determine whether the capacity of public facilities and services is adequate to accommodate the demand. The impact areas for specific public facilities and services are as follows:

- (1) Fire Protection: the boundaries of the district providing fire protection service to the proposed residential development.
- (2) Public Schools: High School Feeder Areas as designated by the Douglas County School District.
- (3) Streets: the area as defined in the Douglas County Roadway Design and Construction Standards. (*Amended 11/18/14*)

In-Home Elder Care: Providing 24-hr. in-home care for six (6) or fewer elderly persons (*60+ years old*), not related to the members of the household, who are ambulatory and are not mentally ill or developmentally disabled, who because of impaired capacity for independent living elect protective oversight, but do not require regular 24-hour medical or nursing care. The care provider shall reside at and maintain their primary place of residency in this home, be licensed by the State, and may have 1-2 nonresident helpers. The limitation contained in §30-28-115(2)(f), C.R.S., requiring that a group home for the aged not be located within 750' of another such group home, shall not apply to in-home elder care facilities.

Industrial Park: A tract of land with two or more separate industrial buildings or related uses planned, designed, constructed, or managed on an integrated and coordinated basis with special attention to on-site traffic patterns, parking, utilities, building design and orientation, and open space.

Junk Yard: A building, structure or parcel of land, or portion thereof, used for the collecting, storage or sale of waste paper, rags, scrap metal or discarded material; or, for the collecting, dismantling, storage, salvaging, or demolition of vehicles, machinery or other materials.

Kennel: Any site used to keep more household pets than permitted in Section 24 Animals or used for breeding, boarding, training with boarding or selling of household pets. This definition shall not include a veterinary clinic or hospital or pet shop. *(Amended 5/27/14)*

Landfill: A site used for the disposal of junk, garbage or other waste material including biodegradables imported from off-site. The burying of biodegradable material that originated on-site shall not be considered a landfill provided all applicable requirements are met and necessary permits obtained.

Landing Field - Private: An area of land or water designed for the landing or take-off of aircraft for the benefit of the landowner/lessee and not to be used for commercial purposes.

Landscape: Improvement to an area of land by the planting of a combination of trees, shrubs and ground covers.

Legal Description: A written metes and bounds description of the boundary of a parcel of real property by a Professional Land Surveyor (PLS), for the purpose of perpetuating location and title. The description must recite all ties and monuments, recorded or physical, which will determine the correct position of the boundary, all references to adjoining lands by name and record, and a full dimensional recital of the boundary courses in succession which shall be mathematically correct. The description must be accompanied by an exhibit or map showing all pertinent information as described in the narrative.

Level of Service (LOS): An indicator of the extent or degree of service provided by, or proposed to be provided by, a public facility based upon and related to the operational characteristics of the public facility; or the capacity per unit of demand for each public facility.

Level of Service (LOS), Adopted Roadway: Level of Service C for Nonurban areas and D for Urban areas. *(Amended 11/18/14)*

Level of Service (LOS), Roadway: A performance measure of quality of service measured on an A-F scale, with a LOS A representing the best operating conditions from the traveler's perspective and a LOS F representing the worst. *(Amended 11/18/14)*

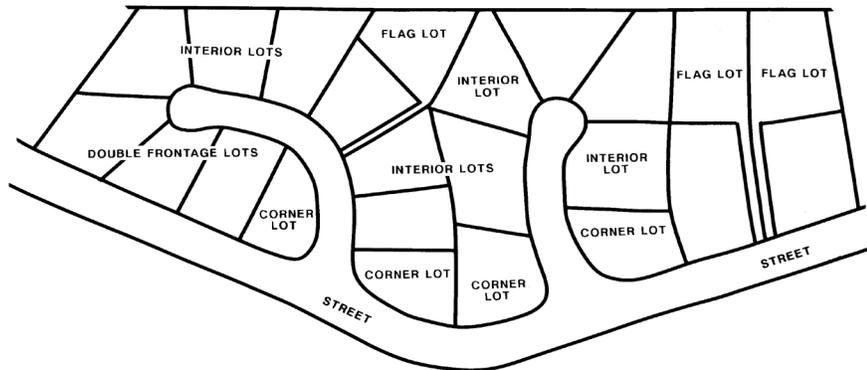
Lot: A parcel of land designated as a lot on a recorded plat or a parcel of land that has been recorded by a deed in the Office of the Douglas County Clerk and Recorder provided such lot was created in compliance with the State land-use laws and Douglas County subdivision and zoning regulations in effect at the time the lot/parcel was created. Also, lot of record. *(A tax parcel is not necessarily a lot of record)*

Corner - A lot abutting two or more adjacent streets which have an angle of intersection of not more than 135 degrees.

Double Frontage - A lot abutting two nonintersecting streets as distinguished from a corner lot.

Flag - A lot having access or an easement to a public or private street by a narrow, private right-of-way

Interior - A lot other than a corner lot.



Lot, Area of: The area of a lot exclusive of streets, County-dedicated land or open space.

Lot, Buildable: A lot of record that complies with all the requirements of the zoning district within which it is located, or a nonconforming lot provided such lot was created in compliance with the State land-use laws and the Douglas County subdivision and zoning regulations in effect at the time the lot was created. *(A tax parcel may or may not be a buildable lot.)*

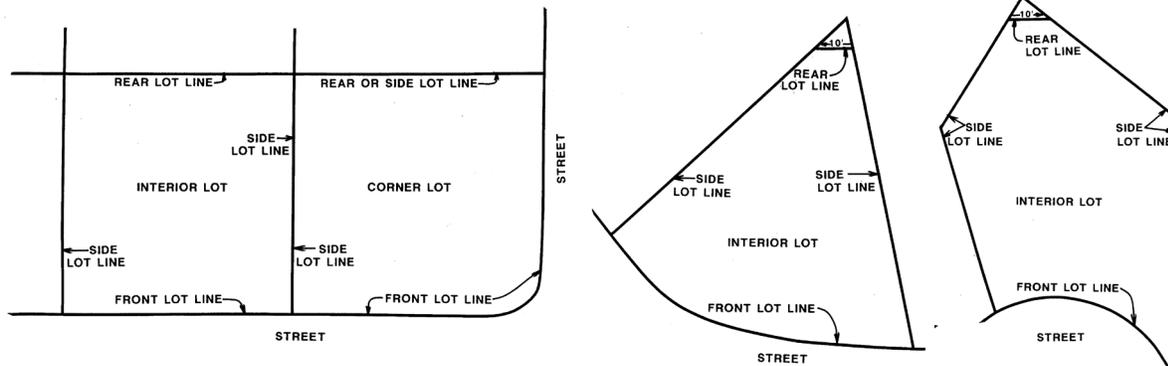
Lot, Nonconforming: A lot that has less than the required minimum area or width as established by the zone in which it is located.

Lot Line: Any boundary of a lot. The classifications of lot lines are:

Front: The lot line separating the lot from a street. On a corner lot or double frontage lot each lot line separating the lot from a street is considered a front lot line. Where a lot is not abutting a street, other than by its driveway, that lot line which faces the principal entrance of the main building is the front lot line.

Rear: The lot line opposite and most distant from the front lot line; however, for corner lots the rear lot line may be any lot line not abutting a street. For triangular, pie-shaped, or irregularly-shaped lots the rear lot line shall be deemed to be a line within the lot having a length of 10 feet, parallel to and most distant from the front lot line for the purpose of determining required setbacks.

Side: Any property boundary line which is neither a front lot line nor rear lot line.



Major Reservoir(s): Any body of water within the State of Colorado having a surface area at high water line in excess of 100 acres excepting livestock water tanks as defined in Article 49 of Title 35, C.R.S. 1973.

Manufactured Housing: A factory-built, single-family structure that is manufactured and certified under the authority of 42 U.S.C. Section 5401, the National Manufactured Home Construction and Safety Standards Act, in compliance with Section 30-28-115 of the Colorado Revised Statutes. Manufactured housing is different than a mobile home.

Message: A complete, static display message on an Electronic Message Sign. (Amended 2/11/14)

Message Hold Time: The time interval a static message shall remain on the display before transitioning to another message on an Electronic Message Sign. (Amended 2/11/14)

Metes and Bounds: A method of describing or locating real property; metes are measures of length and bounds are boundaries; this description starts with a well-marked point of beginning and follows the boundaries of the land until it returns once more to the point of beginning.

Microwave Dish: A device for receiving or transmitting radio frequency/electromagnetic waves.

Mineral: An inanimate constituent of the earth, in either solid, liquid or gaseous state that, when extracted from the earth, is usable in its natural form or is capable of conversion into usable form as a metal, a metallic compound, a chemical, an energy source, a raw material for manufacturing or construction material.

Mineral Resource Area: An area in which minerals are located in sufficient concentration in veins, deposits, bodies, beds, seams, fields, pools or otherwise, as to be capable of economic recovery. The term includes but is not limited to any area in which there has been significant mining activity in the past, there is significant mining activity in the present, mining development is planned or in progress, or mineral rights are held by mineral patent or valid mining claim with the intention of mining.

Mining: The withdrawal or refinement of materials including but not limited to: minerals (either solid, liquid, or gas which are usable in their natural form or converted to a usable form when extracted from the earth), sand, gravel, quarry aggregate, oil, natural gas, coal, dimension or landscape stone, peat and metals. Mining does not include surface or groundwater found in Douglas County.

Mobile Home: A portable structure used or designed to be used for living or sleeping purposes, transportable on its own wheels and requiring only minor work after arrival on its site to become suitable for occupancy. A mobile home is allowed as a dwelling only in the MH zone district or as specified in the A-1 and LRR zone districts. A mobile home shall also mean any factory built home pre-dating the Housing and Urban Development Department's manufactured housing regulations adopted in 1976. *(Refer to Manufactured Housing and Modular Home) (Amended 4/28/15)*

Mobile Home, Converted: A mobile home that has been placed on a permanent foundation and taxed as real estate. Converted mobile homes shall be permitted only in MH zone district, or as a specified within the A-1 and LRR zone districts. A mobile home shall also mean any factory built home pre-dating the 1976 Housing and Urban Development Department's manufactured housing regulations adopted in 1976. *(Amended 4/28/15)*

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

Mobile Home Subdivision: An area of land subdivided for occupancy by mobile homes exclusively, and containing lots in divided or separate ownership.

Modular Home: A prefabricated living unit, designed to become a permanent building, which meets the building standards of the Douglas County Building Code.

Motel: A building or group of detached or connected buildings designed or used primarily for providing sleeping accommodations for automobile travelers and having a parking area adjacent to each unit.

Motorcycle: A self-propelled vehicle with not more than three (3) wheels in contact with the ground that is designed primarily for use on the public highways. *[§25-12-102(5.2), C.R.S.]*

Motorsports: The operation of Motorsport Vehicles for practice, education, recreation, or competition, excluding agricultural or property maintenance uses or the occasional, incidental operation of Motorsports Vehicles on private property that does not result in the establishment of a track. *(Amended 8/9/16)*

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

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

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

Motor Vehicle: A self-propelled vehicle with at least four (4) wheels in contact with the ground that is designed primarily for use on the public highways. [§25-12-102(5.4), C.R.S.]

Nonconforming Building: A building that does not meet the bulk requirements of the zoning district in which it is located, but which complied with applicable regulations at the time the building was constructed.

Nonconforming Use: A use of land that does not comply with the use regulations for its zoning district but which complied with applicable regulations at the time the use was established.

Nonurban Areas: Nonurban Areas as designated on the Douglas County Master Plan Land Use Map and as defined in the Douglas County Master Plan.

Nursing Home: A 24-hour residential care facility, licensed by the state, providing some level of skilled nursing or medical service.

Off-Highway Vehicle: A self-propelled vehicle with wheels or tracks in contact with the ground that is designed primarily for use off the public highways, excluding military vehicles, golf carts, snowmobiles, vehicles designed and used to carry persons with disabilities, and vehicles designed and used specifically for agricultural, logging, firefighting, or mining purposes. [§25-12-102(5.6), C.R.S.]

Office, Professional: A place of business for predominantly administrative, professional, or clerical operations, i.e., accountant; architect; attorney; bookkeeper; broker; doctor; dentist, chiropractor; psychologist; drafter; bank; savings and loan; insurance company; credit union; credit-reporting agency; developer; contractor; engineer; surveyor; planner; insurance agency; interior design; landscape architect; pharmacy; notary; stenographer; clerical services.

Open Space: Public or private land and aquatic areas that are regulated or managed to protect the natural environment and significant cultural resources; provide recreation and agricultural opportunities; shape the pattern of urban development, or any combination thereof, including yards and common areas and including a limited number of buildings and accessory uses compatible with intended use. Open space shall be deemed not to include driveways, parking lots, or other surfaces designed or intended for vehicular travel.

Parcel: All contiguous land held under one deed irrespective of the method of legal description used.

Park: A tract of land identified for public use by zoning or subdivision action, or designated by an authorized public entity, for recreational, educational, or cultural purposes.

Parking, Lot: An area other than a street or alley that is permanently reserved and maintained for the parking of motor vehicles on a temporary basis - daily or overnight.

Parking, Off-Street: See Parking Lot. *(Amended 2/11/14)*

Person Aggrieved: An applicant, an abutting property owner, or a person with an interest in real estate located within 1,000 feet of the subject property where such person can show his/her property interest has been damaged by a final administrative decision and such damage is different in kind, not merely in degree, from that experienced by the public generally. *(Amended 8/12/14)*

Personal Communication Service (PCS): A type of wireless communication technology capable of transmitting voice, data and paging that utilizes small geographic areas on a tight grid of interconnected sites.

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

Personal Wireless Communication Facility: Any unstaffed facility for the transmission and/or reception of voice, data and paging signals consisting of one or more of the following elements: antennas, support towers, or accessory equipment buildings or structures.

Personal Wireless Communication Services: The term used to collectively describe low-powered, unmanned facilities providing wireless telecommunication services including, but not limited to, paging, enhanced specialized mobile radio (ESMR), personal communication service (PCS), commercial mobile radio service (CMRS), cellular telephone and similar technologies, to a small geographic area within a network of interconnected sites. The power density at the property line or lease area shall not exceed the radio frequency emission standards set by the FCC.

Planned Development: A zoning district for an area of land controlled by one or more landowners, which is developed under a single development guide for mixed use.

Planning Area: An area of land within a Planned Development defined by acreage, use, density, etc., and whose boundaries are defined by the alignment of arterials or collectors or as otherwise depicted on the Development Guide.

Planning Commission: The Douglas County Planning Commission.

Planning Office: The Douglas County Planning Office.

Plant Nursery: An area of land used to raise trees, shrubs, vines or other plants, for transplanting or sale.

Plat: A map and supporting materials of certain described land prepared in accordance with the Douglas County Subdivision Resolution as an instrument for recording of real estate interests with the County Clerk and Recorder.

Primary Urban Area (PUA): The Primary Urban Area as designated on the Douglas County Comprehensive Master Plan Land Use Map and as defined in the Douglas County Comprehensive Master Plan. *(Amended 11/18/14)*

Principal Building: A building in which the primary use of the lot/parcel on which the building is located is conducted.

Principal Use: The main use of land or structures, as distinguished from an accessory use.

Public Facilities: Infrastructure and associated improvements including water facilities, wastewater facilities, fire protection facilities, public schools, regional parks and streets. *(Amended 11/18/14)*

Public Schools: Elementary schools, middle schools, or high schools and charter schools, capital equipment provided therein and the land needed for public schools, which are owned and operated by the Douglas County School District.

Recreation Facility, Indoor: An establishment providing recreational activities, completely enclosed by a structure, such as bowling alley, gymnasium, roller skating or ice skating, billiards, pool, theater, swimming pool or related amusements. This does not include adult entertainment establishments.

Recreation Facility, Outdoor: An area used primarily for outdoor recreational activity, i.e., swimming pool, tennis court, basketball court, soccer field, baseball diamond, park, playground or other similar uses not specifically addressed, and may include structures for restrooms, locker rooms, maintenance equipment storage.

Recreation Facility, Community: An indoor/outdoor area or other facility used for social or recreational purposes, generally open to the public, including active play fields, swimming pools, tennis or basketball courts, play apparatus, or picnic areas and generally serves residents within a 5 to 7 mile radius.

Recreation Facility, Neighborhood: An indoor/outdoor area or other facility used for social or recreational purposes, generally open to the public, including active play fields, swimming pools, tennis or basketball courts, play apparatus, or picnic areas and generally serves residents within a 2 mile radius.

Recreation Facility, Private: An indoor/outdoor area or other facility used for social or recreational purposes, owned and operated by a Homeowners' Association or similar entity, for the exclusive use of the residents and their invitees within a residential development. These facilities may include but are not limited to: meeting rooms, game rooms, kitchen/bar, lounge areas, restrooms, and indoor/outdoor recreation facilities.

These facilities may also include ancillary offices for the Homeowners' Association or similar entity. Structures and site amenities should be of similar design, scale, and materials as the residential development it serves.

Recreational Vehicle: A motor home, travel or camping trailer, van or truck camper, with or without self-motive power, boat, jet ski, motorcycle or all-terrain vehicle.

Recreational Vehicle Storage Yard: An area of land and associated structures arranged, designed or intended to accommodate the temporary parking or storage of unoccupied recreational vehicles.

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

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

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

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

Religious Retreat: A building or site designed and designated for religious teaching, reflection, or contemplative activities, maintained and controlled by a religious organization to sustain worship or other religious practice, and may include overnight guest accommodations. This use is distinct from that of a church, which is separately defined herein. *(Amended 4/28/15)*

Residence, Caretaker: A dwelling or mobile home designed or intended for occupancy by a person(s) owning, employed in or dealing with, and responsible for the security and maintenance of the land on which it is situated. A caretaker's residence shall meet the principal use setbacks.

Residential Rezoning: A rezoning from a zoning district that does not permit residential uses to a zoning district that permits residential uses, unless within a planned development maintaining the dwelling unit cap, or a rezoning from a zoning district that permits residential uses to a zoning district that permits an increased number of dwelling units.

Retail/Service Business: A commercial use characterized by the selling of tangible goods/merchandise or services/intangibles directly to the consumer.

Retirement Home: One or more buildings containing dwellings where the occupancy is restricted to persons at least 55 years of age, or couples where either spouse is at least 55 years old. This may contain special support services, *i.e., convalescent or nursing facilities, and central dining facilities.*

Rezoning: A revision to the County Zone District Map.

Right-of-way: Land acquired by reservation, dedication, prescription or condemnation and intended to be occupied by a road, trail, water line, sanitary sewer or other public use.

Runway (Landing Strip): An area of land used for aircraft landing or take-off.

Satellite Dish: (see Antenna)

Satellite Earth Station: A telecommunication facility consisting of multiple satellite dishes for transmitting and receiving signals from orbiting satellites.

Screen: A barrier that cannot be easily seen through. To obscure the view of something so that it cannot be easily seen. *(Amended 3/26/24)*

Separated Urban Area (SUA): Separated Urban Areas as designated on the Douglas County Master Plan Land Use Map and as defined in the Douglas County Master Plan. *(Amended 11/18/14)*

Setback: The required minimum horizontal distance between the location of structures or uses and the related front, side, or rear lot line measured perpendicular to such lot line.

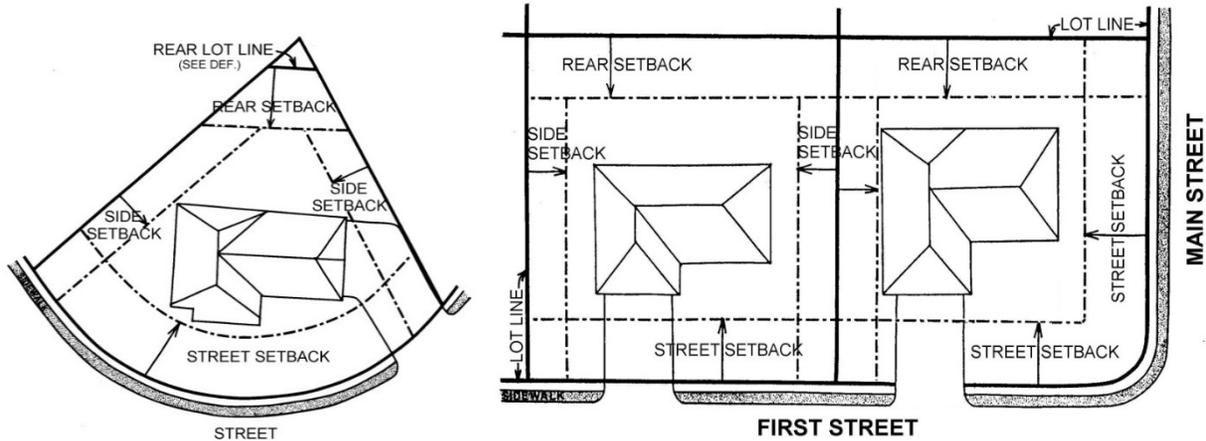
Front - a setback extending across the full width of the lot measured perpendicular to the front lot line.

Rear - a setback extending across the full width of the lot measured perpendicular to the rear lot line.

Side - a setback extending from the front lot line to the rear setback measured perpendicular to the side lot line.

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

(see following setback diagrams)



Sexually Oriented Business: An adult arcade, adult bookstore, adult novelty shop, adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, sexual encounter establishment, or nude model studio. The definition of sexually oriented businesses shall not include an establishment where a medical practitioner, psychologist, psychiatrist, or similar professional person licensed by the state engages in medically approved and recognized sexual therapy.

"Specified Anatomical Areas" include any of the following:

- (1) Less than completely and opaquely covered human genitals, pubic region, buttocks, anus, or female breasts below a point immediately above the top of the areola; or
- (2) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

"Specified Sexual Activities" includes any of the following:

- (1) The fondling or other intentional touching of human genitals, pubic region, buttocks, anus, or female breasts
- (2) Sex acts, normal or perverted, actual or simulated, including, but not limited to, intercourse, oral copulation, sodomy, sadomasochism or bestiality;
- (3) Masturbation, actual or simulated; or
- (4) Human genitals in a state of sexual stimulation, arousal or tumescence;
- (5) Excretory functions as part of or in connection with any of the activities set forth in subsections (a) thru (d) of this subsection.

Adult Arcade: An establishment where, for any form of consideration, one or more still or motion picture projectors, slide projectors, or similar machines or other image producing machines, for viewing by five or fewer persons each, are used to show films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas".

Adult Bookstore, Adult Novelty Store or Adult Video Store:

- (1) A commercial establishment which:
 - (a) devotes a significant or substantial portion of its stock-in-trade or interior floor space to;
 - (b) receives a significant or substantial portion of its revenues from; or
 - (c) devotes a significant or substantial portion of its advertising expenditures to the promotion of the sale, rental or viewing (for any form of consideration) of books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, slides or other visual representations which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas";
- (2) An establishment may have other principal business purposes that do not involve the offering for sale, rental or viewing of materials depicting or describing "specified sexual activities" or "specified anatomical areas", and still be categorized as an adult bookstore, adult novelty store, or adult video store. Such other business purposes will not serve to exempt such establishment from being categorized as an adult bookstore, adult novelty store or adult video store so long as the provisions of sub-section (1) are otherwise met.

Adult Cabaret: A nightclub, bar, restaurant or other commercial establishment, which regularly features:

- (1) persons who appear nude or in a state of nudity; or
- (2) live performances, which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities."

Adult Motel: A motel, hotel or similar commercial establishment which:

- (1) offers public accommodations, for any form of consideration, and provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas" and which advertises the availability of this sexually oriented type of material by means of a sign visible from the public right-of-way, or by magazines, pamphlets or leaflets, radio or television, or
- (2) offers a sleeping room for rent for a period of time less than 10 hours, or
- (3) allows a tenant or occupant to sub-rent a sleeping room for a time period of less than 10 hours.

Adult Motion Picture Theater: A theater, concert hall, auditorium or similar commercial establishment which, for any form of consideration, regularly features persons who appear in a state of nudity or live performances which are characterized by exposure of "specified anatomical areas" or by "specified sexual activities."

Nudity or State of Nudity: (1) the appearance of the human bare buttock, anus, male genitals, female genitals, or the areola or nipple of the female breast; or (2) a state of dress which fails to opaquely and fully cover a human buttock, anus, male or female genitals, pubic region or areola or nipple of the female breast.

Nude Model Studio: Any place where a person, who appears in a state of nudity or displays "specified anatomical areas" is provided for money or any form of consideration to be observed, sketched, drawn, painted, sculpted, photographed, or similarly depicted by other means. The definition of "nude model studio" does not apply to:

- (1) a college, junior college or university supported entirely or partly by taxation;
- (2) a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college or university supported entirely or partly by taxation; or
- (3) a business located in a structure which has no sign visible from the exterior of the structure and no other advertising that indicates a nude person is available for viewing; and where, in order to participate in a class a student must enroll at least 3 days in advance of the class; and where no more than one nude model is on the premises at any one time.

Sexual Encounter establishment: A business or commercial establishment, that as one of its primary business purposes offers, for any form of consideration, a place where two or more persons may congregate, associate or consort for the purpose of "specified sexual activities" or the exposure of "specified anatomical areas" or activities when one or more of the persons is in a state of nudity. An adult motel will not be classified as a sexual encounter establishment by virtue of the fact that it offers private rooms to rent.

Shopping Center: A grouping of retail business or service uses on a single site with common parking facilities and open space.

Sign: Any display or object regardless of form or material used to identify or display information about or direct or attract attention to a person, institution, organization, business, product, event, location, idea, or otherwise by any means. *(Amended 2/11/14)*

Sign, Billboard: Any sign, whether standalone or attached to another thing or structure, of more than one square foot, which is displayed in a manner to attract, at least in part, the attention of pedestrian, bicycle, and/or motor vehicle traffic to something which does not pertain to the premises upon which the sign is located. *(Amended 11/19/19)*

Sign, Canopy: Any sign painted, permanently attached to, or constructed underneath a canopy. *(Amended 2/11/14)*

Sign, Directory: Any sign identifying the locations of businesses on the property. *(Amended 11/19/19)*

Sign, Electronic Message: Any sign with a fixed or changing message composed of a series of lights that may be changed through electronic means. *(Amended 2/11/14)*

Sign, Freestanding: Any sign which is permanently affixed in or upon the ground, supported by one (1) or more structural members and not attached to or dependent for support from any building. *(Amended 2/11/14)*

Sign, Temporary: Any sign generally intended and designed for installation in a simple and non-permanent manner and constructed of cloth, canvas, fabric, metal, plywood, or other material and displayed for a purpose of a non-recurring nature. *(Amended 11/19/19)*

Sign, Vehicle: Any sign permanently or temporarily attached to or placed on an operable vehicle actively used for conducting a business operation or service. *(Amended 2/11/14)*

Sign, Wall: Any sign attached to or painted on the wall or surface of a building or structure in such a manner that the wall is the supporting structure for or forms the background surface of the sign. *(Amended 2/11/14)*

Sign, Way-finding: Any sign that directs vehicular or pedestrian traffic onto the property or towards parking or other identified locations on the site in a manner that improves site safety. *(Amended 11/19/19)*

Sign, Window: Any sign posted, painted, placed, or affixed in or on a window exposed to public view. An interior sign that faces a window exposed to public view and located within 3 feet of the window is considered a window sign, but excludes merchandise in a window display. *(Amended 2/11/14)*

Sign Height: The vertical distance from the lowest adjacent grade to the highest point of the sign or sign structure. *(Amended 11/19/19)*

Site Improvement Plan: The plans and supplemental materials, including a grading and drainage plan, a landscape plan and other detailed information, drawn and submitted in accordance with this Resolution.

Snowmobile: A self-propelled vehicle primarily designed or altered for travel on snow or ice when supported in part by skis, belts, or cleats and designed primarily for use off the public highways, excluding machinery used strictly for the grooming of snowmobile trails or ski slopes. [§25-12-102(9), C.R.S.]

Staff: Douglas County employees with a role in reviewing or administering the provisions contained herein.

Stealth or Faux Design: A personal wireless communication facility or element thereof, that is disguised, camouflaged, hidden or incorporated into an existing or proposed structure or placed within an existing or proposed structure so as to minimize or eliminate its visibility from off site.

Street: Land intended primarily for vehicular traffic and providing the principal means of access to property, including a roadway, road, lane, drive, avenue, highway, boulevard, or any other thoroughfare other than a driveway.

Regional/Major Arterial - A street or highway significant to the region serving the major centers of activity which carries the major portion of the trips entering and leaving an urban area, as well as, the majority of through movements desiring to bypass towns or neighborhoods.

Minor Arterial - A street, that interconnects with and augments the regional arterial system, which distributes travel to geographic areas smaller than those identified with the regional/major arterial system and provides intracommunity continuity, but ideally should not penetrate identifiable neighborhoods.

Collector - A street which distributes trips from the arterial to the ultimate destination. The collector system provides both land access service and local traffic movement within residential neighborhoods, commercial areas and industrial areas.

Local - A street which provides direct access to abutting land and access to the arterial and collector road network. Service to through traffic movement usually is deliberately discouraged.

NOTE: For identification of these types of roads within the County refer to the Douglas County Transportation Master Plan. *(Amended 11/18/14)*

Street, Private: A privately owned access way generally constructed to County specifications and not maintained by the County.

Street, Public: All public property reserved or dedicated for vehicular traffic constructed in compliance with the Douglas County Roadway Design and Construction Standards and the Douglas County Storm Drainage Design and Technical Criteria manual.

Structure: Anything constructed or erected in, under, over or upon the land, or attached to something in, under, over, or upon the land, but excluding therefrom walks, patios, off-street parking areas, fences and walls, and electrical distribution, natural gas or water and sewer lines.

Permanent - That which is built in such a manner, that it would reasonably be expected to last and remain useful for more than 5 years.

Temporary - A structure that is not a permanent structure, or one that is constructed for a special purpose in contemplation of removal upon accomplishment of such. Temporary shall mean a period of 6 months.

Subject Land: Real property which is the subject of the regulations set forth in this Resolution.

Support Tower: A vertical, ground-mounted structure designed and engineered for the purpose of supporting antennas for the transmission and/or reception of radio signals.

Lattice Tower: A self-supporting tower with multiple legs and cross bracing designed to support antennas.

Monopole: A self-supporting tower consisting of a single support of wood, metal or concrete designed to support antennas.

Guyed Tower: A tower designed to support antennas and requiring guy wires for stability.

Swimming Pool: Any structure intended for swimming or recreational bathing capable of containing water greater than 24 inches in depth. This includes in-ground, above-ground, and on-ground swimming pools, hot tubs, and spas. Any fencing required in association with such structure shall be permanently affixed to the ground. *(Amended 12/18/12)*

Telecommunications Facility: A facility and all elements thereof, including but not limited to support towers, antennas, and accessory equipment buildings, that together facilitate communication by the electronic transmission of telephone, radio, television, internet, wireless, or microwave impulses of an FCC licensed carrier, but excluding those used exclusively for private radio and television reception, private citizen's band, amateur radio communications.

Personal wireless communication facilities that exceed the height requirements provided for by this Zoning Resolution shall be considered telecommunication facilities and therefore subject to all applicable provisions.

Temporary Emergency Shelter: A facility used on a temporary basis for the purpose of housing individuals or families affected by disasters or emergency situations.

Townhome: An individual dwelling unit situated on 1 lot but attached to 1 or more similar dwelling units by a common wall or party wall. Where such a unit is attached to another, the property line shall be the center of the common wall or party wall. The owner of a townhome unit may have an undivided interest in common areas and elements appurtenant to such units.

Training: To coach or instruct an individual in a specific general area of equine expertise, or to physically condition a horse to be ridden, handled, or to perform upon command.

Urban: Urban areas as defined in the Douglas County Comprehensive Master Plan.

Utility - Major Facility:

- Pipelines and storage areas of utilities providing natural gas or petroleum derivatives;
- Appurtenance: A use or structure which is incidental and subordinate to, and devoted to the Utility-Major Facility;

- **Power Plant:** Any electrical energy generating facility with an energy generation capacity of 50 megawatts or more, and Appurtenance(s);
- **Substation:** Any facility designed to provide switching, voltage, transformation, or voltage control required for the transmission of electricity exceeding 115 kilovolts (kV);
- **Transmission Lines:** Any electric transmission line and Appurtenance(s) which emanate from a power plant or a substation and terminate at a substation and which are designed for or capable of, the transmission of electricity exceeding 115 kV;
- **Wastewater Treatment Facility:** A facility or system for treating, neutralizing, stabilizing, or disposing of domestic wastewater, which facility or system has a designed capacity to receive more than two thousand (2,000) gallons per day of domestic wastewater. The term Wastewater Treatment Facility also includes Appurtenance(s) to such system or facility, such as outfall sewers and equipment related to such Appurtenances;
- **Water Storage/Treatment Facility:** A facility used for water storage with a designed capacity of 300,000 gallons or more and/or treatment, except wellhead disinfection, of 10,000 gallons per day or more; and/or a Major Reservoir; and/or facilities and/or structures for the export of water outside the County; including, but not limited to, water diversion structures, headgates, forebays; and all associated Appurtenances. Water storage tanks must be buried, unless this requirement is waived by the Director due to geological/topographical conditions that would prevent burial.

Utility Service Facility: Any Neighborhood Substation, Personal Wireless Communication Facility, Water Storage/Treatment Facility:

- **Neighborhood Substation:** Any facility used for the purpose of reducing voltages to levels of 115 kV, or less, for distribution to individual users;
- **Personal Wireless Communication Facility:** Any unstaffed facility for the transmission and/or reception of voice, data and paging signals consisting of one or more of the following elements: antennas, support towers, or accessory equipment buildings or structures;
- **Water Storage/Treatment Facility:** A facility used for water storage with a designed capacity of less than 300,000 gallons and/or treatment of less than 10,000 gallons per day. Water storage tanks must be buried, unless this requirement is waived by the Director due to geological/topographical conditions that would prevent burial.

Value-Added Agricultural Processing: The processing and/or packaging of Agricultural Products, for which the primary ingredient is raised or grown on the site. Value-added Processing may include the sales of Value-Added Agricultural Products produced on the site. Value-added Agricultural Processing does not include processing Agricultural Products into fuels, lubricants, paints, varnishes, or the like. (*Amended 1/28/14*)

Value-Added Agricultural Product: A product processed by an Agricultural Producer from an Agricultural Product, such as baked goods, jams, jellies, and leather or woolen goods. (Amended 1/28/14)

Variance: A grant of relief from certain provisions of this Resolution, as provided in and limited by the Variance section of this Resolution.

Veterinary Clinic or Hospital: A structure where animals are brought for medical or surgical treatment and may be held during the time of treatment and recuperation. Overnight, indoor boarding may be permitted as an accessory use only. Outdoor holding facilities are prohibited in connection with the accessory use.

Veterinary Clinic or Hospital, Equine and Livestock: A facility which provides preventative and medical or surgical treatment to horses and livestock. Animals may be held during the time of treatment and recuperation including overnight stays. Outdoor holding facilities are allowed in connection with the clinic or hospital. An Equine and Livestock Veterinary Clinic or Hospital shall not have more than 12 stalls or bays. (Amended 2/21/23)

Warehouse: A building, or portion thereof, for storing goods, wares and merchandise for the owner or for others.

Wastewater Facilities: Structures or systems designed for the collection, transmission, treatment or disposal of sewage and includes trunk mains, interceptors, and treatment plants, including package treatment plant and disposal system and on-site septic systems.

Water Facilities: Systems or structures designed to collect, treat, or distribute potable water, and includes water wells, treatment plants, and storage facilities.

Water and Sewer Facilities - Public: Facilities of a municipality, public utility, nonprofit corporation, sanitation or water or other special district, that are constructed, operated or maintained to provide water or sewer service.

Watercourse: A channel, natural depression, slough, artificial channel, gulch, arroyo, stream, creek, pond, reservoir or lake in which storm runoff and flood water flows either regularly or intermittently, including major drainageways for carrying urban storm runoff.

Wholesale Business: A business use characterized by the selling of tangible goods/merchandise or intangibles/services directly to the retailer or contractor or the assembly or manufacturing of products.

Wind Energy Conversion System: Any mechanism including blades, rotors or other moving surfaces designed for the purpose of converting wind energy into mechanical or electrical power. Towers, tower bases, guy wires and any other structures necessary for the installation of small wind energy conversion systems are also included. A large-scale system designed for the generation of commercial power shall be considered a major utility facility for purposes of this Resolution.

Yard: In this Resolution the term yard is not used, as such term represents a distance that is established in a like manner as that of a setback.

Zero Lot Line: The location of a structure on a lot in such a manner that one or more of the structure's sides rest directly on a lot line with no easement or setback requirement including two adjoining structures on separate lots sharing a common wall.

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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 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 – one (1) per lot
 - Mobile home, when a principal single-family dwelling exists on the lot
 - Principal – one (1) single-family dwelling or one (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*)
- 302.13 Veterinary Clinic or Hospital, Equine and Livestock (*Site Improvement Plan required per Section 27*) (*Amended 2/21/23*)

303 Accessory Uses (*Amended 6/24/25*)

The following uses shall be allowed only when a principal use has been established on the lot. (*Parcels smaller than 35 acres are limited to the accessory uses allowed in the residential zone district to which the parcel conforms in size.*)

- 303.01 Accessory Dwelling Unit (ADU) – one per lot, except as restricted by a Rural Site Plan, subdivision plat, or other similar land use approval. A second ADU may be allowed subject to Section 325, Second Accessory Dwelling Unit Standards.
- 303.02 Accessory uses and buildings
- 303.03 Day-care home—~~small~~
- 303.04 Entertainment Event – *(refer to Section 22B) (Amended 1/28/14)*
- 303.05 Event Center on a parcel of 160 acres or greater with a principal agricultural use *(Amended 4/28/15)*
- 303.06 Farmers Market – *(refer to Section 22A) (Amended 1/28/14)*
- 303.07 Garage – private:
- For lots less than 1 acre in size – a maximum of one (1) detached garage of no more than 1,000 sq. ft. in area is permitted.
 - For lots 1 acre or greater in size – a maximum of two (2) detached garages is permitted. The total detached garage area shall not exceed 3,000 sq. ft. per lot.
(Amended 3/08/22)
- 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 Section 21, Use by Special Review, 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 ~~/ or 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)*
- 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 *(Amended 2/12/19)*
- 304.12 Greenhouse – greater than 1 acre total area including warehouse and shipping facilities
- 304.13 Hunting/fishing club
- 304.14 Home occupation pursuant to Section 2310, herein. *(Amended 8/23/22)*
- 304.15 Horse boarding or training facility that exceeds the maximum number of horses permitted by right or by administrative review in Section 24. *Exempt from Section 18A: Water Supply Overlay District (Amended 10/14/02)*
- 304.16 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 *(Amended 4/26/16)*
- 304.22 Oil or gas drilling operation
- 304.23 Recreation facility – community

- 304.24 Religious retreat
- 304.25 Residence (*Amended 4/28/15*)
- Bed and Breakfast
 - Group home for registered sex offenders (*Amended 9/12/00*)
 - Group Residential Facility
 - Mobile Home – one (1) per lot when a principal single-family residential dwelling does not exist.
- 304.26 Satellite earth station (*Amended 4/24/02*)
- 304.27 Septic waste and domestic sludge application
- 304.28 Telecommunication facility
- 304.29 Utility – major facility
- 304.30 Veterinary clinic or 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 (1) dwelling with one (1) to four (4) bedrooms, or one (1) to four (4) attached efficiency units/apartments in one (1) 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 (1) worker per 25 horses.
- 305.01.2 Cattle ranch provided the required narrative demonstrates a need based on the general criteria of one (1) worker per 300 head of cattle.
- 305.01.3 Farm provided the required narrative demonstrates a need based on the general criteria of one (1) 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* (Amended 6/24/25)

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.

306.01 For lots served by central water, a one-acre minimum lot area is required for a detached accessory dwelling unit (ADU).

306.02 For lots served by individual groundwater well, a two-acre minimum lot area is required for a detached accessory dwelling unit (ADU).

*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	Setback from Side Lot Line	Setback from Rear Lot Line	Setback from 115+ KV Power Line
Less than 2.3 ac.	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 A covered or uncovered deck or porch may extend 6 feet into a required setback, except for a side setback. *(Amended 3/8/22)*
- 308.03 Foundation anchoring and foundation repair systems may be located within a required setback. *(Amended 3/8/22)*
- 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 Seven (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:

<p>CERTIFICATE OF MAILING</p> <p>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:</p> <p>(list of addresses)</p> <p>(Signature of person completing the mailing)</p>

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 County Health Department 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.

325 Second Accessory Dwelling Unit (ADU) (Amended 6/24/25)

A second ADU may be allowed on a parcel of 35 acres or more in size where one ADU has previously been approved or constructed, subject to the following review process.

325.01 Review Process

- 325.01.1 Following a presubmittal meeting with the Planning Services Division, the applicant shall submit the information required in 325.02 to the Planning Services Division. The submittal shall be reviewed for completeness and the applicant notified of any inadequacies. Once the submittal is determined complete, staff will send referral response requests to other agencies for review and comment on the application.
- 325.01.2 Referral agencies may include but are not limited to Douglas County Engineering and Building Divisions, Douglas County Health Department, Douglas County Sheriff's Office, the affected fire district, utility providers, Colorado Division of Water Resources, and county-registered homeowners associations within a two (2)-mile radius. The applicant will be asked to address all comments received.
- 325.01.3 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. Staff shall also 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.
- 325.01.4 At least 14 days prior to the public meeting before the Board, the applicant shall mail a written notice of the public meeting 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:

**NOTICE OF PUBLIC MEETING BEFORE THE BOARD OF COUNTY
COMMISSIONERS**

A public meeting will be held on (date), at (time), in the Commissioners' Hearing Room, 100 Third Street, Castle Rock, CO, to consider approval of a second accessory dwelling unit (ADU) at (address or nearest intersection). For more information call Douglas County Planning at 303-660-7460.

File No. and Name: _____

At least 7 days prior to the public meeting, the applicant shall provide the following to the Planning Services Division:

- Alphabetical list of the landowners.
- A map showing their relationship to the site.
- A copy of the notice sent to the landowners.
- 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
<p>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</p> <p>(list of addresses)</p> <p>_____</p> <p>(signature of person completing the mailing)</p>

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

- 325.01.5 The request for a second ADU shall be approved, approved with conditions, continued, tabled for further study, or denied by the Board of County Commissioners at a public meeting. The Board shall evaluate the request, staff report, applicant responses, and public comment and testimony. The Board's action shall be based on the evidence presented and compliance with adopted County standards, regulations, and policies.

325.02 Submittal Requirements

- 325.02.1 Land use application
- 325.02.2 Proof of current ownership within 30 days of application submittal such as a title commitment or other instrument acceptable to the County.
- 325.02.3 Narrative describing the request. Include information on the proposed size and other design features of the proposed ADU. Describe how water and sewer services will be provided to the ADU. Indicate how the ADU will be sited on the property to minimize site disturbance and impacts to adjacent properties.

325.02.4 Copy of existing well permit(s) or septic use permit(s) issued for the property.

325.02.5 Plan exhibit to include the following:

- A vicinity map showing the parcel in relationship to adjacent properties and major roads. An aerial image may be used for this map.
- An overall parcel map labeling existing structures and dwellings.
- A site plan for the second ADU to show the building footprint or envelope. Show topography in two-foot contours within the area to be impacted by ADU construction. A DESC (Drainage, Erosion, and Sediment Control) Plan may be submitted in lieu of the site plan if one has been prepared.

325.02.6 Any other information requested by staff as necessary to evaluate the request. The Director may waive a required submittal requirement if deemed unnecessary to the review of the request.

325.03 Approval Standards

325.03.1 The second ADU is located outside of major drainageways and mapped 100-year floodplains.

325.03.2 The second ADU is capable of being served by water, sewer, and utility services.

325.03.3 The second ADU location minimizes impacts to existing topography and vegetation.

325.03.4 Legal and physical access is available to the second ADU.

325.03.5 The second ADU shall meet setback, height, and parking standards.

325.03.6 The second ADU is in general compliance with the goals, policies, and objectives of the County Comprehensive Master Plan.

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 (1) 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 allowed in the residential zone district to which the lot conforms in size.)* (Amended 5/14/03)

402.01 Agricultural recreational activities

402.02 Agriculture (Amended 1/28/14)

402.03 Animals - (refer to Section 24)

402.04 Community Uses:

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

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

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

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

402.07 Residence

- Principal - one (1) single-family dwelling or one (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*)

402.11 Veterinary Clinic or Hospital, Equine and Livestock (*Site Improvement Plan required per Section 27*) (*Amended 2/21/23*)

403 Accessory Uses (*Amended 6/24/25*)

The following accessory uses shall be allowed only when a principal use has been established on the lot. (*Lots smaller than 9 acres are limited to the accessory uses allowed in the residential zone district to which the lot conforms in size.*)

403.01 Accessory Dwelling Unit (ADU) – one per lot, except as restricted by a Rural Site Plan, subdivision plat, or other similar land use approval.

403.02 Accessory uses and buildings

403.03 Day-care home—~~small~~

403.04 Entertainment Event - (*refer to Section 22B*) (*Amended 1/28/14*)

- 403.05 Farmers Market - *(refer to Section 22A) (Amended 1/28/14)*
- 403.06 Garage - private:
- For lots less than 1 acre in size - a maximum of one (1) detached garage of no more than 1,000 sq. ft. in area is permitted.
 - For lots 1 acre or greater in size - a maximum of two (2) detached garages is permitted. The total detached garage area shall not exceed 3,000 sq. ft. per lot.
(Amended 3/8/22)
- 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 Section 21, Use by Special Review 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 ~~/ or preschool, or day-care home - large~~
- 404.04 Golf course legally established as a Use by Special Review prior to June 22, 2005
- 404.05 Home occupation pursuant to Section 2310, herein. *(Amended 8/23/22)*
- 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 or 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*)

- 406.01 For lots served by an individual well and septic system, the allowable minimum lot area is 2 acres.
- 406.02 For lots served by a central water system, the allowable minimum lot area is 1 acre.
- 406.03 For lots served by central water, a one-acre minimum lot area is required for a detached accessory dwelling unit (ADU). (*Amended 6/24/25*)
- 406.04 For lots served by individual groundwater well, a two-acre minimum lot area is required for a detached accessory dwelling unit (ADU). (*Amended 6/24/25*)

407 Maximum Gross Density

The gross density shall not exceed one (1) dwelling per 10 acres and may be less due to required infrastructure or dedication, or environmental constraints.

408 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.

409 Encroachments

- 409.01 A cornice, canopy, eave, fireplace, wing wall or similar architectural feature may extend 3 feet into a required setback.
- 409.02 A covered or uncovered deck or porch may extend 6 feet into a required setback, except for a side setback. *(Amended 3/8/22)*
- 409.03 Foundation anchoring and foundation repair systems may be located within a required setback. *(Amended 3/8/22)*
- 409.04 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.
- 409.05 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.

410 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.

410.01 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)*

410.02 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)*

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

412 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.

413 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)*

414 Fencing Standards

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

414.02 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.

414.03 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)*

414.04 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.

414.05 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.

414.06 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)*

415 Signs Standards - Refer to Section 29 of this Resolution

416 Lighting Standards - Refer to Section 30 of this Resolution

SECTION 5 RR - RURAL RESIDENTIAL DISTRICT

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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 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 (*Amended 6/24/25*)

The following shall be allowed only when a principal use has been established on the lot: (*Lots smaller than 4.5 acres are limited to the accessory uses allowed in the residential zone district to which the lot conforms in size.*)

503.01 Accessory Dwelling Unit (ADU) – one per lot, except as restricted by a Rural Site Plan, subdivision plat, or other similar approval.

503.02 Accessory uses and buildings

503.03 Animals (*refer to Section 24*)

503.04 Day-care home—~~small~~

503.05 Garage - private:

- For lots less than 1 acre in size - a maximum of 1 detached garage of no more than 1,000 sq. ft. in area is permitted.
- For lots 1 acre or greater in size - a maximum of 2 detached garages is permitted. The total detached garage area shall not exceed 3,000 sq. ft. per lot.
(*Amended 3/8/22*)

- 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 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 ~~/ or preschool, or day-care home - large~~
- 504.03 Golf course legally established as a Use by Special Review prior to June 22, 2005 (*Amended 2/12/19*)
- 504.04 Home occupation pursuant to Section 2310, herein. (*Amended 8/23/22*)
- 504.05 Horse boarding or training facility that exceeds the maximum number or horses permitted by right
- 504.06 Recreation facility - community
- 504.07 Residence
 - Bed and Breakfast
- 504.08 Utility - major facility
- 504.09 Veterinary hospital/clinic
- 504.10 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)*

- 506.01 For lots served by an individual well and septic system, the allowable minimum lot area is 2 acres.
- 506.02 For lots served by a central water system, the allowable minimum lot area is 1 acre.
- 506.03 For lots served by central water, a one-acre minimum lot area is required for a detached accessory dwelling unit (ADU). *(Amended 6/24/25)*
- 506.04 For lots served by individual groundwater well, a two-acre minimum lot area is required for a detached accessory dwelling unit (ADU). *(Amended 6/24/25)*

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.

508 Minimum Setbacks

Lot Size	SETBACK FROM:			
	Street	Side Lot Line	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.

509 Encroachments

- 509.01 A cornice, canopy, eave, fireplace, wing wall or similar architectural feature may extend 3 feet into a required setback.

- 509.02 A covered or uncovered deck or porch may extend 6 feet into a required setback, except for a side setback. *(Amended 3/8/22)*
- 509.03 Foundation anchoring and foundation repair systems may be located within a required setback. *(Amended 3/8/22)*
- 509.04 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.
- 509.05 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.

510 Building Height

Maximum building height: 35 feet

- 510.01 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.
- 510.02 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)*
- 510.03 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)*

511 Utilities

All public utility distribution lines shall be placed underground.

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

513 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.

514 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.

515 Fencing Standards

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

515.02 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.

515.03 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)

515.04 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.

515.05 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.

515.06 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)

516 Sign Standards Refer to Section 29 of this Resolution

517 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 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 (*Amended 6/24/25*)

The following shall be allowed only when a principal use has been established on the lot. (*Lots smaller than 2.3 acres are limited to the accessory uses allowed in the residential zone district to which the lot conforms in size.*)

603.01 Accessory Dwelling Unit (ADU) – one per lot, except as restricted by a Rural Site Plan, subdivision plat, or other similar land use approval.

603.02 Accessory uses and buildings

603.03 Animals (*refer to Section 24*)

603.04 Day-care home ~~—small~~

603.05 Garage - private:

- For lots less than 1 acre in size - a maximum of 1 detached garage of no more than 1,000 sq. ft. in area is permitted.
- For lots 1 acre or greater in size - a maximum of 2 detached garages is permitted. The total detached garage area shall not exceed 3,000 sq. ft. per lot. (*Amended 3/8/22*)

- 603.06 Home occupation - Class 1 (*refer to Section 23*)
- 603.07 In-home elder care (*Amended 3/28/01*)
- 603.08 Satellite receiving dish
- 603.09 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 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 ~~/ or preschool, or day care home - large~~
- 604.03 Horse boarding or training facility that exceeds the maximum number of horses permitted by right
- 604.04 Recreation facility - community
- 604.05 Residence
 - Bed and Breakfast
- 604.06 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*)

- 606.01 For lots served by an individual septic system, the minimum allowable lot area is 1 acre.

606.02 For lots served by central water, a one-acre minimum lot area is required for a detached accessory dwelling unit (ADU). *(Amended 6/24/25)*

606.03 For lots served by individual groundwater well, a two-acre minimum lot area is required for a detached accessory dwelling unit (ADU). *(Amended 6/24/25)*

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.

608 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.

609 Encroachments

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

609.02 A covered or uncovered deck or porch may extend 6 feet into a required setback, except for a side setback. *(Amended 3/8/22)*

609.03 Foundation anchoring and foundation repair systems may be located within a required setback. *(Amended 3/8/22)*

609.04 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.

609.05 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.

610 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.

610.01 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)*

610.02 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)*

611 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.

612 Utilities

All public utility distribution lines shall be placed underground.

613 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.

614 Parking Standards - Refer to Section 28 for nonresidential 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.

615 Fencing Standards

615.01 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)*

- 615.02 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.
- 615.03 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.
- 615.04 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)*
- 615.05 Barbed, electrically charged, concertina, or razor wire is prohibited.
- 616 Sign Standards - Refer to Section 29 of this Resolution
- 617 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)

702.1 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 Dwelling Unit (ADU) – one per lot, except as restricted by a Rural Site Plan, subdivision plat, or other similar land use approval. *ADU's are not permitted in the PD – Planned Development District. (Amended 6/24/25)*

703.02 Accessory uses and buildings

703.03 Animals (*refer to Section 24*)

703.04 Day-care home ~~small~~

703.05 Garage - private:

- For lots less than 1 acre in size – a maximum of 1 detached garage of no more than 1,000 sq. ft. in area is permitted.
- For lots 1 acre or greater in size – a maximum of 2 detached garages is permitted. The total detached garage area shall not exceed 3,000 sq. ft. per lot.
(*Amended 3/8/22*)

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

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

703.08 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, of this Resolution.

- 704.01 Church - greater than 350 seating capacity in main worship area
- 704.02 Day-care center ~~/or~~ preschool, ~~or day care home~~ ~~large~~
- 704.03 Golf course legally established as a Use by Special Review prior to June 22, 2005 (Amended 2/12/19)
- 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.

A minimum lot area of greater than 0.5 acres is required for a detached accessory dwelling unit (ADU). (Amended 6/24/25)

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
(Amended 3/8/22)**

Lot Size	Setback From:			
	Street	Side Lot Line	Rear Lot Line	115 KV or greater power line
0.50 ac. or less	Regional or major arterial: 100' Other: 20'	5'*	15'*	100'
Greater than 0.5 acres and less than 1.0 acre	Regional or major arterial: 100' Other: 25'	10'*	20'* Accessory: 15'*	100'
1.0 acre or greater	Regional or major 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 A covered or uncovered deck or porch may extend 6 feet into a required setback, except for a side setback. (Amended 3/8/22)

713.03 Foundation anchoring and foundation repair systems may be located within a required setback. (Amended 3/8/22)

- 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 8 MF - MULTIFAMILY DISTRICT

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801 Intent (Amended 8/11/09)

To provide areas for high-density residential development, designed in a manner to create livable space in the urban setting, conveniently and efficiently located to reduce unnecessary commuting and automobile emissions. 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 manner to save on the costly, premature extension of basic infrastructure.

Development within this district should be located in proximity to employment centers; activity centers, such as shopping, recreational, and community centers; health care facilities; and public transit in accordance with the intent of the Douglas County Comprehensive Master Plan, as amended. These areas should be protected from incompatible land uses and hazardous conditions, and buffered from major commercial/industrial uses.

The MF zone district is characterized by multifamily residential complexes in a landscaped setting with landscaped off-street parking areas. Site improvements including landscaping, and recreational and support amenities commensurate to the size of the complex, shall be provided and designed to minimize the impact on adjacent residential uses. A site improvement plan is required prior to construction. Typical structures include townhouses, condominiums, apartments, 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).

802 Principal Uses

The following uses are allowed upon the approval of a Site Improvement Plan in accordance with Section 27 of this Resolution. (Amended 5/14/03)

802.01 Community Uses:

- Church - maximum seating capacity of 350 in main worship area
- Fire station - no on-site training
- Library
- Open space/trails
- Park/playground
- Recreation facility - neighborhood
- Recreation facility - private (Amended 9/9/08)
- School - public/private kindergarten through 12th grade
- Sheriff substation - no training or detention

802.02 Construction office - temporary (refer to Section 22)

802.03 Nursing home, convalescent home or other extended-care facility

802.04 Residence

- Group Home (*group homes must be separated by a distance of 750'*)
- multifamily dwelling (*apartment, condominium, duplex*)
- single-family, attached (*townhouse, patio, cluster*)

802.05 Retirement home

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

802.07 Utility service facility

803 Accessory Uses

The following shall be allowed only when a principal use has been established on the lot, in accordance with Section 27 Site Improvement Plan of this Resolution.

803.01 Accessory uses and buildings

803.02 Animals (*refer to Section 24*)

803.03 Day-care home—~~small~~

803.04 Home Occupation - Class 1 (*refer to Section 23*)

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

803.06 Satellite receiving dish

804 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. (*Amended 5/14/03*)

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

804.02 Day-care center ~~/or~~ preschool, ~~or day care home—large~~

804.03 Recreation facility - community

804.04 Residence - Group Residential Facility

804.05 Utility - major facility

805 Maximum Gross Density

The gross density shall not exceed 20 units/acre and may be less due to required infrastructure or dedication, or environmental constraints.

806 Minimum Lot Area: none

807 Water and Sanitation

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

808 Public Utilities

All public utility distribution lines shall be placed underground.

809 Land Dedication

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

810 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.

811 Landscape Requirements

Each parcel shall be landscaped in accordance with a landscaping plan approved by the Site Improvement Plan Review Board.

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

The total off-street parking-spaces required:

- 1.5 spaces per 1 bedroom unit
- 2 spaces per 2 and 3 bedroom unit
- 2.5 spaces for 4 bedroom unit
- 0.75 guest space per unit

813 Minimum Setbacks

SETBACK FROM:			
Street	Side Lot Line	Rear Lot Line	115+KV Power Line
Regional/maj. arterial: 100' other: 20**	15*	15*	100'
MINIMUM DISTANCE BETWEEN BUILDINGS 10'			

*Schools or buildings located in recreation areas shall be set back 40'

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 POWERLINE is measured from the closest edge of the easement to the structure.

814 Encroachments

- 814.01 A cornice, canopy, eave, fireplace, wing wall or similar architectural feature may extend 3 feet into a required setback. Fire escapes may extend 6 feet into a required setback.
- 814.02 A covered or uncovered deck or porch may extend 6 feet into a required setback, except for a side setback. (Amended 3/8/22)
- 814.03 Foundation anchoring and foundation repair systems may be located within a required setback. (Amended 3/8/22)
- 814.04 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.
- 814.05 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.

815 Building Height

Maximum building height: 35 feet

- 815.01 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 carried above the roof level.
- 815.02 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)*

- 815.03 The height of antennas 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)*

816 Fencing Standards

- 816.01 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)*
- 816.02 Solid fences or walls, or hedges shall be a maximum of 4 feet in height when located in the front setback, otherwise solid fences or walls, or hedges shall be a maximum of 6 feet in height.
- 816.03 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)*
- 816.04 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.
- 816.05 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.
- 816.06 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)*
- 816.07 Sound barrier walls, when constructed adjacent to roadways, shall be designed in accordance with the State Department of Transportation criteria and approved by the Site Improvement Plan Review Board.
- 816.08 Barbed, electrically charged, concertina or razor wire is prohibited.

817 Sign Standards - Refer to Section 29 of this Resolution

818 Lighting Standards - Refer to Section 30 of this Resolution

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SECTION 9 MH - MOBILE HOME DISTRICT

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901 Intent (Amended 8/11/09)

To provide areas for high-density residential development, designed in a manner to create livable space in the urban setting, conveniently and efficiently located to reduce unnecessary commuting and automobile emissions. These areas should be protected from incompatible land uses and hazardous conditions, and buffered from major commercial/industrial uses. Adequate facilities, such as roads, water and sanitation, fire protection, emergency service, and public utilities shall be available to serve these areas. Development within this district should be located in proximity to employment centers; activity centers, such as shopping, recreational, and community centers; health care facilities; and public transit; in accordance with the intent of the Douglas County Comprehensive Master Plan, as amended.

The MH zone district is characterized by single-family, mobile home parks in a landscaped setting with landscaped off-street parking areas. Site improvements including landscaping shall be provided and designed to minimize the impact on adjacent residential uses. A site improvement plan is required prior to development. Typical structures include single-family mobile homes, 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).

902 Principal Uses

The following uses are permitted upon the approval of, and in accordance with, a Site Improvement Plan, in accordance with 906 herein and Section 27 Site Improvement Plan of this Resolution. (Amended 05/14/03)

902.01 Community Uses:

- Church - maximum seating capacity of 350 in main worship area
- Fire station - no on-site training
- Open space/trails
- Park/playground
- Recreation facility – neighborhood
- Recreation facility – private (Amended 9-9-08)
- School - public/private kindergarten through 12th grade

902.02 Construction office - temporary (refer to Section 22)

902.03 Residence

- Group Home (*group homes must be separated by a distance of 750'*)
- 1 single-family mobile home per space (Amended 9-9-08)

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

902.05 Utility service facility

903 Accessory Uses

The following shall be allowed only when a principal use has been established on the lot, in accordance with Section 27 Site Improvement Plan of this Resolution.

903.01 Accessory uses and buildings

903.02 Animals (*refer to Section 24*)

903.03 Day-care home ~~—small~~

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

903.05 Home Occupation - Class 1 (*refer to Section 23*)

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

903.07 Satellite receiving dish

904 Uses Permitted ~~B~~by Special Review (*Amended 6/22/05*)

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

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

904.02 Day-care center ~~/or preschool, or day care home—large~~

904.03 Recreation facility – community - Group Residential Facility

904.04 Utility - major public facility

905 Minimum Standards

A development plan shall be part of each rezoning request in compliance with the following:

905.01 Maximum gross density: 7 mobile homes/acre

Net density may be less due to required infrastructure or dedication, or environmental constraints.

- 905.02 Minimum gross area: 10 acres
- 905.03 Minimum net lot area, exclusive of adjoining rights-of-way, County dedicated land and open space: 6,000 sq. ft.
- 905.04 Minimum lot width: 60 feet
- 905.05 Minimum setbacks for mobile homes, buildings or uses

SETBACK FROM:			
Street	Side Lot Line	Rear Lot Line	115+kv power line
Regional/maj. arterial: 100' other: 25	15*	15*	100'

*Schools or buildings located within recreation areas shall be set back 40'

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.

- 905.06 Maximum Height
- 905.06.1 Principal building: 35 feet
- 905.06.2 Accessory building: 20 feet
- 905.06.3 The height of an antenna shall be no greater than the distance to the nearest lot line.
- 905.06.4 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.
- 905.07 Each mobile home park shall provide a yard not less than 25 feet in width along each boundary abutting a public right-of-way; such yard shall be landscaped and maintained, except for those portions used for ingress and egress.
- 905.08 Access
- 905.08.1 Each mobile home park shall have two separate entrance and exits, each of which shall not be less than 40 feet wide, hard surfaced with asphalt or concrete, and connected to a dedicated public-right-of-way not less than 60 feet in width.
- 905.08.2 All mobile homes and accessory buildings or uses shall face upon and take access from an interior road.

905.09 Parking (see Section 28 for additional parking requirements)

905.09.1 2 parking spaces for each mobile home located at least 15 feet from the interior road from which it takes access. Each such parking space shall be hard surfaced with asphalt or concrete and shall measure no less than 8 feet by 20 feet.

905.09.2 1 additional off-street parking space per two mobile homes, provided in a common parking area, within 300' of the units.

905.09.3 No trailer of any type, boat or detached pickup camper shall be kept, stored, or parked on any public right-of-way or private driveway.

905.10 Storage Area

Within each mobile home park, a storage area for trailers of all types, boats, detached pickup campers, motor homes, etc., shall be provided in an amount equal to 250 square feet per mobile home space. Such storage area shall be hard surfaced with asphalt or concrete and shall be screened from view by a solid fence, wall or hedge 6 feet in height.

905.11 Recreational Area

15 percent of the gross area of the mobile home park, excluding any area dedicated as a public right-of-way, shall be provided for common.

Recreational uses - Such area shall not include any area designated as a mobile home space, storage area, or required yard.

905.12 All public utility distribution lines shall be placed underground. Utility distribution lines and related equipment commonly located along property lines may be located within a required setback; however, a neighborhood substation, or gas regulator/meter station shall meet the required setbacks.

905.13 Service, utility and recreation buildings and appurtenances, garbage or trash containers, rodent and insect control, and water and sewage provisions must comply with all health department regulations.

905.14 All trash, refuse, and storage shall be kept in closed containers or within a building or area enclosed by a solid fence or wall at least 6 feet in height.

905.15 Skirting on a mobile home is required within 30 days of placement.

905.16 No vehicle in excess of 3/4 ton carrying capacity shall be kept, stored, or parked on any public right-of-way or private road except while making normal deliveries.

- 905.17 Walkways, not less than 3 feet in width, shall be provided from mobile home spaces to walkways on both sides of all streets. Such walkways shall be hard surfaced with asphalt or concrete and lighted at night with a minimum illumination of 0.6 foot candles. Twenty-five watt lamps at intervals of not more than 100 feet shall meet requirements.
- 905.18 Fire extinguishing equipment in good working order of such type, size and number and so located within the park as prescribed by the local fire prevention authority, or to satisfy reasonable fire regulations shall be provided.
- 905.19 Sanitary facilities for emergency use shall be provided in a service building or office building. Such facilities shall consist of at least one flush type toilet and one lavatory.
- 905.20 All ground surfaces not used for mobile homes, recreational uses, storage, or rights-of-way shall be protected with a vegetative groundcover which will prevent soil erosion and eliminate dust.
- 905.21 Mobile home subdivisions shall be platted in accordance with the Douglas County Subdivision Resolution.

906 Site Plan

A Site Improvement Plan shall be submitted and approved in accordance with Section 27 of this Resolution prior to the development of the mobile home park or subdivision.

In addition to the requirements set forth in Section 27, the following information shall be provided on the site plan exhibit:

- 906.01 Number identifying each mobile home space
- 906.02 Purpose for which sites, other than mobile home spaces, are dedicated or reserved.
- 906.03 Location and width of walkways which shall be a continuous system throughout the park or subdivision.
- 906.04 Locations and dimensions of mobile home spaces, recreation area, storage area, and off-street parking spaces, when not part of the mobile home space

907 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.

908 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.

909 Water and Sanitation Requirements

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

910 Landscape Requirements

All uses shall be landscaped in accordance with a landscaping plan approved by the Site Improvement Plan Review Board.

911 Fencing Standards

- 911.01 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)*
- 911.02 Solid fences or walls, or hedges shall be a maximum of 4 feet in height when located in the front setback, otherwise solid fences or walls, or hedges shall be a maximum of 6 feet in height.
- 911.03 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)*
- 911.04 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.
- 911.05 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.

- 911.06 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)*
- 911.07 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 Review Board.
- 911.08 Barbed, electrically charged, concertina, or razor wire is prohibited.
- 912 Sign Standards - Refer to Section 29 of this Resolution
- 913 Lighting Standard - Refer to Section 30 of this Resolution

SECTION 14B D – SEDALIA DOWNTOWN DISTRICT

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1401B Intent

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

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

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

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

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

1402B.01 Community Uses

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

- Park, Playground, or both
- Post Office
- School (*private or public K-12*)
- Sheriff Station (*with or without training or with or without detention*)

1402B.02 Bank or Financial Institution (*no drive-up facility*)

1402B.03 Bar or Lounge

1402B.04 Bed and Breakfast

1402B.05 Building Materials – retail, wholesale, or both

1402B.06 Construction Office – temporary (*refer to Section 22*) (*Site Improvement Plan not required*)

1402B.07 Day-care center

1402B.08 Entertainment Event (*refer to Section 22B*)

1402B.09 Garden – Public – one (1) acre maximum (*Site Improvement Plan not required*)

1402B.10 Greenhouse – one (1) acre maximum

1402B.11 Industrial or manufacturing operation which does not emit unusual or excessive amounts of dust, smoke, fumes, gas, noxious odors, or noise beyond the lot boundary

1402B.12 Motor Vehicle Service, Repair, or both

1402B.13 Motor Vehicle Service Station with gas pumps

1402B.14 Office – General, Medical, Professional, Government

1402B.15 Office – Temporary (*refer to Section 22*) (*Site Improvement Plan not required*)

1402B.16 Parking Lot – Public or Private

1402B.17 Residence

- Group Home (*Site Improvement Plan not required*)
- Multifamily
- Single-Family (*Site Improvement Plan not required*)
- Single-Family attached

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

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

1402B.19 Retail Business, Service Business, or both – Indoor or Outdoor

1402B.20 Retirement Home

1402B.21 Retreat – Religious

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

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

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

1402B.25 Veterinary Clinic or Hospital

1402B.26 Warehouse

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

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

1403B Accessory Uses

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

Residential:

1403B.01 Accessory uses and buildings

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

- Animals are limited to horse, mule, llama, miniature horse, alpaca, sheep, goat, chicken, turkey, duck, dog, cat, pot-bellied pig, bees.
- Household pets inclusive of, but not limited to, dogs, cats, pot-bellied pigs, chickens, turkeys, and ducks shall be permitted for residential use provided that not more than four (4) animals of more than four (4) months of age are kept by the occupant of any residential unit. Kennel, boarding facilities, and commercial activities are not allowed.

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

1403B.03 Day-care home — ~~Small or Large~~

1403B.04 Greenhouse – one (1) acre maximum

1403B.05 Guest House

1403B.06 Home Occupation (*refer to Section 23*) – Class 1 or 2

1403B.07 In-home Elder Care

1403B.08 Residence

- Caretaker

1403B.09 Satellite Dish

Non-residential:

1403B.10 Accessory uses and buildings

1403B.11 Day-care facility for employees' children

1403B.12 Residence for management or employee

1403B.13 Satellite Dish

1404B Uses Permitted by Special Review

The following uses are permitted, upon the approval of the Board, in accordance with Section 21 of this Resolution. (*Amended 3/26/24*)

1404B.01 Club or Country Club

1404B.02 College or University extension office

1404B.03 Equipment Sales, Rental, or both – small

1404B.04 Event Center

- 1404B.05 Group Residential Facility
- 1404B.06 Hotel
- 1404B.07 Motel
- 1404B.08 Propane Distribution, Storage, or both
- 1404B.09 Recreation Facility – community or neighborhood
- 1404B.10 Recreation Facility – indoor, outdoor, private
- 1404B.11 Telecommunication Facility
- 1404B.12 Theater – Indoor or Outdoor
- 1404B.13 Training of Horses, Riders, or both (*maximum of 14 lessons per week*)

1405B Minimum Lot Area

None

1406B Minimum Setbacks

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

Street:

- 1406B.01 Build-to Line: Between zero (0) and six (6) feet from property line OR 20 feet or greater from property line
 - If observing the zero (0) to six (6) foot build-to option, 80 percent of the building façade along public streets and/or sidewalks must be no more than six (6) feet from the property line.
 - If observing the zero (0) to six (6) foot build-to option, yards between the street property line and the building line shall be used for open front yards and gardens; plazas or courtyards; and/or outdoor dining. Parking is prohibited within these yards.

Side and Rear Yard:

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

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

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

1407B Building Height

Maximum building height:

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

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

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

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

1408B Encroachments

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

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

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

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

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

1409B.01 Until such time, the use of on-site wastewater treatment systems (OWTS) may be permitted provided the proposed use does not create more than

a design flow of 2,000 gallons of effluent per day, as determined by Douglas County Health Department's OWTS Regulation. *(Amended 3/26/24)*

1409B.02 The proposed use and associated OWTS is evaluated by the Douglas County Health Department, and other applicable agencies, to determine if the use is compatible with an OWTS: *(Amended 3/26/24)*

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

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

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

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

1410B Utilities

All public utilities shall be placed underground.

1411B Land Dedication

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

1412B Street Standards

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

1413B Parking Standards

- 1413B.01 For a principal use on lands less than one (1) acre in size, there is no minimum off-street parking requirement for non-residential uses in the D District. For a principal use on lands greater than one (1) acre in size, or for any use permitted by special review, parking shall be provided in accordance with Section 28 of this Resolution. For any use permitted by special review, the Board of County Commissioners may modify off-street parking requirements. *(Amended 08/28/18)*
- 1413B.02 The minimum off-street parking requirement for residential uses is two (2) spaces per dwelling unit unless there are severe site constraints or other extraordinary circumstances, as determined by the Director or designee.
- 1413B.03 For retail, commercial, and mixed-use development, parking shall be located to the rear or side of buildings. Buildings shall include façade breaks in passageways, or alleys to connect parking to street entrances.
- 1413B.04 For residential uses, unlicensed, operable vehicles parked outside shall be concealed by a solid fenced berm, vegetative barrier, or a combination thereof. Inoperable vehicles shall not be stored outside. *(Amended 3/26/24)*
- 1413B.05 Parking for non-residential uses (if provided) shall be shown on the approved USR Plan Exhibit or Site Improvement Plan, prepared in accordance with Section 28 of this Resolution. *(Amended 3/26/24)*

1414B Fencing Standards *(Amended 3/26/24)*

Fencing shall be allowed for residential and non-residential uses in accordance with the following standards. Fencing provided for non-residential uses shall be shown on an approved USR Plan Exhibit or Site Improvement Plan, in accordance with Section 21 or Section 27 of this Resolution.

- 1414B.01 Barbed, concertina, razor wire, or other hazardous materials used for fencing shall be prohibited.
- 1414B.02 Electrically charged fencing material shall be permitted when it is installed for the purpose of containing animals within the boundaries of the lot.
- Electric fencing materials must be installed on the inside of the fence, within the lot area.
 - Electric fencing shall use an interrupted flow of current at intervals of about one (1) second on and two (2) seconds off and shall be limited to 2,000 volts at 17 milliamperes current.
 - All electric fences shall be posted with permanent signs stating that the fence is electrified.

- 1414B.03 Fences, walls, or hedges shall not be erected in the public right-of-way, but shall be allowed within a setback.
- 1414B.04 A building permit shall be required for any retaining wall as required by the Building Code, as amended and adopted by Douglas County.
- 1414B.05 Fences, walls, or hedges shall not exceed four (4) feet in height when located in the required setback from a street.
- 1414B.06 A building permit is required for any fence greater than six (6) feet in height, or as required by the Building Code, as amended and adopted by Douglas County.
- 1414B.07 Fences or walls shall be designed and maintained so that they are architecturally harmonious with the principal structures on the lot.
- 1414B.08 Fences, walls, or hedges shall be erected and maintained in a manner that does not obstruct the vision of automobile traffic on streets, rights-of-way, or driveways in accordance with the Douglas County Roadway Design and Construction Standards manual.
- 1414B.09 Fences, walls, or hedges shall be maintained in good structural or living condition. The landowner is responsible for the repair or removal of a fence, wall, or hedge which constitutes a public safety hazard by reason of inadequate maintenance, dilapidation, obsolescence, or abandonment.
- 1414B.10 Swimming pools shall be enclosed by a fence or wall that meets or exceeds the requirements of the Building Code, as amended and adopted by Douglas County.
- 1414B.11 Sound barrier walls, when constructed by the landowner other than the Colorado Department of Transportation adjacent to a street, shall be designed in accordance with the State Department of Transportation criteria and approved by the Director or designee.

1415B Landscaping

If required for non-residential uses, a landscape plan shall be prepared in accordance with the following provisions and Section 21 or Section 27 of this Resolution. (*Amended 3/26/24*)

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

1415B.02 Based upon the scale and impact of a project, a landscape buffer may be required adjacent to residential uses.

1416B Sign Standards

Refer to Section 29 of this Resolution.

1417B Lighting Standards

Refer to Section 30 of this Resolution.

1418B Outdoor Storage *(Amended 3/26/24)*

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

- 1418B.01 Outdoor storage, including but not limited to, raw materials supplies, finished or semi-finished products, or equipment shall be screened from view from abutting properties and public streets or trails bordering the site by a solid fence, wall, or hedge that is a minimum of 6 feet in height.
- 1418B.02 Employee or customer parking or merchandise display areas shall not be considered outdoor storage.
- 1418B.03 Outdoor storage shall not be allowed within any required landscaped area.
- 1418B.04 Operable trailers or other equipment designed to be towed or lifted as a single component may be visible above the height of a six-foot tall fence, wall, or hedge without being additionally screened.
- 1418B.05 For outdoor storage of vehicles, see the Parking Standards in this Section.
- 1418B.06 Outdoor storage shall be allowed within the required setback from a street provided that the storage area does not occupy more than 50 percent of the lineal frontage at the right-of-way.
- 1418B.07 When outdoor storage areas abut each other and are not visible from public streets or trails bordering the site, the Director or designee may waive the requirement for a solid fence.
- 1418B.08 Where the topography of the land is such that a solid fence, wall, or hedge would not prevent viewing outdoor storage from abutting properties and public streets or trails bordering the site, additional landscaping above the height of the fence, wall, or hedge to mitigate site-specific visual impacts may be required.

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SECTION 14D MI – SEDALIA MIXED INDUSTRIAL

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1401D Intent

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

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

The MI District is characterized by a full range of commercial and light industrial uses with residential and mixed-use development. Uses allowed within this District shall operate with minimal dust, fumes, odors, refuse, smoke, vapor, noise, lights, and vibrations. Such impacts shall be mitigated in accordance with applicable County, State, and federal regulations. Any other impacts shall be mitigated to the maximum extent possible. Development, or use of land, in this District is permitted only in accordance with the provisions herein. Heavy freight operations (railroad or multi-modal transfer) are not in keeping with the character of the District; new freight rail sidings are discouraged on private lots.

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

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

1402D.01 Community Uses

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

- School – private or public K-12
- Sheriff Station (*with or without training or with or without detention*)

1402D.02 Agriculture (*Site Improvement Plan not required*)

1402D.03 Agricultural Recreational Activities (*Site Improvement Plan not required*)

1402D.04 Animals (*refer to Section 24*) – household animals shall be an accessory use (*Site Improvement Plan not required*)

- Animals are limited to horse, cow, mule, llama, pig, goat, sheep, miniature horse, and alpaca.
- The minimum lot size required to keep hoofed animal(s) shall be one (1) acre. The maximum density for hoofed animals shall be one (1) animal unit per half (½) acre.
- Boarded horses will be counted in the total number of allowed animal units.
- Devegetated areas shall be setback 25 feet from all property lines.
- The location of a corral shall be such that it does not cause harm to septic fields and other on-site physical features and facilities.

1402D.05 Bank or Financial Institution (*no drive-up facility*)

1402D.06 Building Materials – retail, wholesale, or both

1402D.07 Commercial Storage Area (*Amended 3/26/24*)

1402D.08 Construction Office – temporary (*refer to Section 22*)

1402D.09 Day-care Center

1402D.10 Entertainment Event (*refer to Section 22B*)

1402D.11 Equipment Service, Repair, or both

1402D.12 Equipment Sales, Rental, or both – Large or Small

1402D.13 Firing Range – indoor

1402D.14 Garden – Public – one (1) acre maximum (*Site Improvement Plan not required*)

1402D.15 Greenhouse

1402D.16 Hotel

- 1402D.17 Industrial or manufacturing operation which does not emit unusual or excessive amounts of dust, smoke, fumes, gas, noxious odors, or noise beyond the lot boundary.
- 1402D.18 Motel
- 1402D.19 Motor Vehicle Sales
- 1402D.20 Motor Vehicle Service, Repair, or both
- 1402D.21 Motor Vehicle Service Station with gas pumps
- 1402D.22 Motorcycle Sales, Service, Repair or all
- 1402D.23 Office – General, Medical, Professional, Government
- 1402D.24 Office – Temporary (*refer to Section 22*)
- 1402D.25 Parking lot – Public or Private
- 1402D.26 Product Distribution, Storage, or both (*no hazardous materials*)
- 1402D.27 Recreational Vehicle Storage Lot
- 1402D.28 Research and Development Facility
- 1402D.29 Residence – Minimum of two (2) acres
- Group Home (*Site Improvement Plan not required*)
 - Single-Family (*Site Improvement Plan not required*)
 - Temporary (*refer to Section 22*)
- 1402D.30 Restaurant, Fast Food Restaurant (*no drive-up facility*)
- 1402D.31 Retail Business or Service Business, or both – Indoor or Outdoor
- 1402D.32 Retreat – Religious
- 1402D.33 Sales Office – temporary (*refer to Section 22*)
- 1402D.34 Satellite Earth Station
- 1402D.35 Seasonal Use (*refer to Section 22A*)
- 1402D.36 Theater – Indoor or Outdoor

- 1402D.37 Training Facility for Horses, Riders, or both (*maximum 14 lessons per week*)
- 1402D.38 Utility Service Facility (*refer to definition*)
- 1402D.39 Veterinary Clinic or Hospital
- 1402D.40 Warehouse
- 1402D.41 Warehouse – mini or self storage
- 1402D.42 Wholesale Business – sales, service, or both
- 1402D.43 Youth-Oriented Agricultural Activities (*refer to definition*) (*Site Improvement Plan not required*)

1403D Accessory Uses

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

Residential:

- 1403D.01 Accessory Uses and Buildings
- 1403D.02 Animals – household pets
- Household pets inclusive of, but not limited to, dogs, cats, pot-bellied pigs, chickens, turkeys, and ducks shall be permitted for residential use provided that not more than four (4) animals of more than four (4) months of age are kept by the occupant of any residential unit.
- 1403D.03 Day-care Home—~~Small or Large~~
- 1403D.04 Guest House
- 1403D.05 Home Occupation (*refer to Section 23*) Class 1 or 2
- 1403D.06 Satellite Dish

Non-residential:

- 1403D.07 Accessory Uses and Buildings
- 1403D.08 Day-care Facility for employees' children

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

1403D.10 Satellite Dish

1404D Uses Permitted By Special Review

The following uses are permitted, upon the approval of the Board, in accordance with Section 21 of this Resolution. *(Amended 3/26/24)*

1404D.01 Bar or Lounge

1404D.02 Bed and Breakfast

1404D.03 Campground

1404D.04 Cemetery

1404D.05 Church – seating capacity greater than 350

1404D.06 Club or Country Club

1404D.07 Group Residential Facility

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

1404D.09 Jail or Correctional Facility

1404D.10 Kennel

1404D.11 Propane Distribution, Storage, or both

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

1404D.13 Residence

- Multifamily
- Single-Family attached

1404D.14 Satellite Earth Station *(exceeding maximum health and height standards)*

1404D.15 Sewage Treatment *(refer to Utility Service Facility definition)*

1404D.16 Telecommunication Facility *(within or exceeding maximum height and health standards)*

1404D.17 Utility – Major Facility

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

None

1406D Minimum Setbacks

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

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

1407D Building Height

Maximum building height:

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

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

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

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

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

1408D Encroachments

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

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

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

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

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

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

1409D.01 Until such time, the use of on-site wastewater treatment systems (OWTS) may be permitted provided the proposed use does not create more than a design flow of 2,000 gallons of effluent per day, as determined by Douglas County Health Department's OWTS Regulation. *(Amended 3/26/24)*

1409D.02 The proposed use and associated OWTS is evaluated by the Douglas County Health Department, and other applicable agencies, to determine if the use is compatible with an OWTS: *(Amended 3/26/24)*

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

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

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

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

1410D Utilities

All public utility distribution lines shall be placed underground.

1411D Land Dedication

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

1412D Street Standards

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

1413D Parking Standards

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

1413D.02 Parking for non-residential uses shall be provided as shown on the approved USR Plan Exhibit or Site Improvement Plan in accordance with Section 28 of this Resolution. *(Amended 3/26/24)*

1413D.03 For residential uses, inoperable or unlicensed, operable vehicles parked outside shall be concealed by a solid fence, berm, vegetative barrier, or any combination thereof. *(Amended 3/26/24)*

1413D.04 Unscreened parking of operable, unlicensed vehicles may be allowed in association with Motor Vehicle Sales as shown on an approved Site Improvement Plan in accordance with Sections 27 and 28 of this Resolution. *(Amended 3/26/24)*

1414D Fencing Standards *(Amended 3/26/24)*

Fencing shall be allowed for residential and non-residential uses in accordance with the following standards. Fencing provided for non-residential uses shall be shown on an approved USR Plan Exhibit or Site Improvement Plan, in accordance with Section 21 or Section 27 of this Resolution.

1414D.01 Concertina, razor wire, or other hazardous materials used for fencing shall be prohibited.

1414D.02 Electrically charged fencing material shall be permitted when it is installed for the purpose of containing animals within the boundaries of the lot.

- Electric fencing materials must be installed on the inside of the fence, within the lot area.

- Electric fencing shall use an interrupted flow of current at intervals of about one (1) second on and two (2) seconds off and shall be limited to 2,000 volts at 17 milliamperes current.
 - All electric fences shall be posted with permanent signs stating that the fence is electrified.
- 1414D.03 Barbed wire shall be permitted when located a minimum of 6' 6" in height measured from the ground level outside the fence.
- 1414D.04 Fences, walls, or hedges shall not be erected in the public right-of-way, but shall be allowed within a setback.
- 1414D.05 A building permit shall be required for any retaining wall as required by the Building Code, as amended and adopted by Douglas County.
- 1414D.06 A building permit is required for any fence greater than six (6) feet in height, or as required by the Building Code, as amended and adopted by Douglas County.
- 1414D.07 Solid fences, walls, or hedges shall not exceed four (4) feet in height when located within the required setback from a street except when a fence is required in order to conceal outdoor storage. Then the fence may exceed four (4) feet in height for no more than 50 percent of the lineal frontage of the lot. Fences extending above six (6) feet, to a height of 10 feet, may be permitted only with the approval of the Director or designee.
- 1414D.08 Fences, walls, or hedges shall be erected and maintained in a manner which does not obstruct the vision of automobile traffic on streets, rights-of-way, or driveways in accordance with the Douglas County Roadway Design and Construction Standards manual.
- 1414D.09 Fences, walls, or hedges shall be maintained in good structural or living condition. The landowner is responsible for the repair or removal of a fence, wall, or hedge, which constitutes a public safety hazard, by reason of inadequate maintenance, dilapidation, obsolescence, or abandonment.
- 1414D.10 Fences constructed of woven wire or ornamental iron which are a minimum of 80 percent open may be constructed with no height limitation; however, a building permit is required for any fence greater than six (6) feet in height, or as required by the Building Code, as amended and adopted by Douglas County.
- 1414D.11 Fences or walls shall be designed and maintained so that they are architecturally harmonious with the principal structures on the lot. When abutting a property with a residence, such fences or walls shall be opaque and may not be constructed of woven wire.

1414D.12 Swimming pools shall be enclosed by a fence or wall that meets or exceeds the requirements of the Building Code, as amended and adopted by Douglas County.

1414D.13 Sound barrier walls, when constructed by the landowner other than the Colorado Department of Transportation adjacent to a street, shall be designed in accordance with the State Department of Transportation criteria and approved by the Director or designee.

1415D Landscaping

Non-residential uses shall be landscaped as shown on the approved landscape plan prepared in accordance with Section 21 or Section 27 of this Resolution. Areas to be landscaped include the lot area within the required setback from the street, parking areas, and other areas as required. *(Amended 3/26/24)*

1416D Sign Standards

Refer to Section 29 of this Resolution.

1417D Lighting Standards

Refer to Section 30 of this Resolution.

1418D Outdoor Storage *(Amended 3/26/24)*

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

1418D.01 Outdoor storage including, but not limited to, raw materials supplies, finished or semi-finished products, or equipment shall be screened from view from abutting properties and public streets or trails bordering the site by a solid fence, wall, or hedge that is a minimum of 6 feet in height.

1418D.02 Employee or customer parking or merchandise display areas shall not be considered outdoor storage.

1418D.03 Operable trailers or other equipment designed to be towed or lifted as a single component may be visible above the height of a six-foot tall fence, wall, or hedge without being additionally screened.

1418D.04 Outdoor storage shall be allowed within the required setback from a street provided that the storage area does not occupy more than 50 percent of the lineal frontage at the right-of-way.

1418D.05 For outdoor storage of vehicles, see the Parking Standards in this section.

- 1418D.06 Outdoor storage shall not be allowed within any required landscaped area.
- 1418D.07 Where the topography of the land is such that a solid fence, wall, or hedge would not prevent viewing outdoor storage from abutting properties and public streets or trails bordering the site, additional landscaping above the height of the fence, wall, or hedge to mitigate site-specific visual impacts.
- 1418D.08 A solid fence, wall, or hedge shall not be required at a shared property line which merely separates outdoor storage areas.

SECTION 21 USE BY SPECIAL REVIEW

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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 screened by a solid wall or fence of an appropriate height unless otherwise provided for herein. *(Amended 3/26/24)*
- 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
- 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 or, 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 surround the yard used for playground purposes (*Amended 3/26/24*)
- 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 the Douglas County Health Department (*Amended 3/26/24*)

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. (*Amended 2/12/19*)

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, and 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, and 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, LRR, and RR zone districts pursuant to Section 2310, herein. No outside storage shall be allowed. (*Amended 8/23/22*)

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 screened by a solid wall or fence at least 6 feet in height (*Amended 3/26/24*)
- 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 Douglas County Health Department and is located 500 feet from all lot lines or 1,000 feet from any existing residential land use, whichever is greater. (*Amended 3/26/24*)

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 GI 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 Natural Medicine Business. A Natural Medicine Business shall be located a minimum of 1,500 feet from any: *(Amended 6/24/25)*

- A residential zone district (LRR, RR, ER, SR).
- Dwelling.
- Church, park, or library.
- State-licensed day-care facility.
- School or educational facility, serving persons age 18 or younger.
- Property within an incorporated area.

The distance between any Natural Medicine Business and any dwelling, church, park, library, day-care facility, school, residential zone district, or incorporated area shall be measured in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as part of the premises where the Natural Medicine Business is conducted to the nearest lot line of the premises of the dwelling, church, park, library, day-care facility, or school or the nearest boundary of a residential zone district or incorporated area.

- 2107.35.1 Healing Center: B, C, LI, and GI zone districts.
- Additional Requirements:
 - Hours of Operation: Between 8:00 a.m. and the next 5:00 p.m.
 - Days of Operation: Monday through Friday
 - A Healing Center shall be located no further than 5 miles from a hospital, emergency medical care center, urgent care center, or other such medical treatment facility, unless such services are available at the Healing Center.
 - Within 14 days of the Director's execution of the approval certificate for a new Healing Center, staff shall provide written notice of the approval to the Douglas County Sheriff's Office, Douglas County Health Department, and any facility providing emergency medical care located within 5 miles of the Healing Center.
- 2107.35.2 Cultivation Facility: LI and GI zone districts.
- Additional Requirements:
 - Hours of Operation: Between 8:00 a.m. and the next 5:00 p.m.
 - Days of Operation: Monday through Friday.
- 2107.35.3 Products Manufacturer: LI and GI zone districts.
- Additional Requirements:
 - Hours of Operation: Between 8:00 a.m. and the next 5:00 p.m.
 - Days of Operation: Monday through Friday.
- 2107.35.4 Testing Facility: LI and GI zone districts.
- Hours of Operation: Between 8:00 a.m. and the next 5:00 p.m.
 - Days of Operation: Monday through Friday.
- 2107.35.5 Any other Natural Medicine Business licensed by the State Licensing Authority: LI and GI zone districts.
- Additional Requirements:
 - Hours of Operation: Between 8:00 a.m. and the next 5:00 p.m.
 - Days of Operation: Monday through Friday.
- 2701.36 Oil or gas drilling operation: A-1 zone district provided such use is located a minimum of 100 feet from any lot line

- 2107.37 Propane distribution/storage: GI zone district
- 2107.38 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
- 2107.39 Recreation facility – indoor: CMTY and D zone districts
- 2107.40 Recreation facility – neighborhood: CMTY and D zone districts
- 2107.41 Recreation facility – outdoor: CMTY and D zone districts
- 2107.42 Recreation facility – private: CMTY and D zone districts
- 2107.43 Recycle/trash transfer facility: LI and GI zone district provided all recycling or trash transfer activities are conducted within an enclosed structure.
- 2107.44 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
- 2107.45 Religious retreat: A-1 zone district.
- 2107.46 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.
- 2107.46.1 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

2107.47 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.

2107.48 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:

2107.48.1 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.

2107.48.2 More than 10 delivery vehicles would be transporting sludge to the site in any 24-hour period.

2107.48.3 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.

2107.48.4 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.

2107.49 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.

2107.49.1 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

2107.49.2 A Visual Impact Assessment (VIA) shall be prepared in accordance with the VIA process contained in Appendix D of this Zoning Resolution.

2107.49.3 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.

2107.49.4 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.

2107.50 Theater – indoor or outdoor: CMTY and D zone districts

2107.51 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.

2107.52 Veterinary clinic or hospital: A-1, LRR, and RR zone districts, provided that such uses are located 100 feet from all lot lines

2107.53 Wind energy conversion systems up to 100 kilowatts: A-1, LRR, and RR zone districts as follows:

2107.53.1 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

2107.53.2 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.

2107.53.3 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.

2107.53.4 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.

2107.54 Zoo: C zone district

2108 Submittal Prerequisite

The applicant shall attend a presubmittal meeting with the Planning Services 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 Services 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 regulatory referral agencies and which referral agencies are advisory referral agencies. 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 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)*

- 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 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 all advisory referral agencies 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 regulatory referral agencies.

- 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 a District, at least 21 days prior to the Board hearing, the applicant shall submit evidence of inclusion of the property into the 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 Services 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 Established 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 a District or from a New Special District that has entered into an intergovernmental agreement with an Established 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 Established District, and/or that the water credits to serve the development have been purchased from the Established 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 Services 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. (*Amended 3/26/24*)

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

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

2111.10.1 A traffic impact study in accordance with the Douglas County Roadway Design and Construction Standards.

2111.10.2 Documentation of capacity from the fire protection district in accordance with fire district level of service standards.

- 2111.10.3 For applications proposing additional residential uses, documentation of capacity from the school district in accordance with the school district capacity policy.

2112 Plan Exhibit

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

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

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

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

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

- 2112.02.1 Number of clients/boarders/parishioners/animals
- 2112.02.2 Hours of operation – whether the use is seasonal and the number of days of the week
- 2112.02.3 Number of employees
- 2112.02.4 Required outside storage/parking/loading areas
- 2112.02.5 Permit requirements from other state, federal or local agencies
- 2112.02.6 Method of providing fire protection

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

2112.03 Plan Exhibit Title

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

Subdivided land:

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

Within a PD:

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

When unplatted:

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

For a use by special review amendment:

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

2112.04 Plan Exhibit Approval Certificate

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

APPROVAL CERTIFICATE

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

Director of Community Development

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

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

(for Corporate or LLC owner, print corporation or 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 Services 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 Services 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 Services Division at least 7 days prior to the hearings. The sign(s) shall be photographed by the applicant and attached to the affidavit as follows:

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

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

_____ (signature) File No./Name: _____

STATE OF COLORADO)
) ss.
COUNTY OF _____)

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

My commission expires: _____

Witness my hand and official seal

Notary Public

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 Services 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 Services 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 regulatory referral agencies and which referral agencies are advisory referral agencies. 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.

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)*

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 regulatory referral agencies 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 advisory referral agencies 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 regulatory referral agencies.

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

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

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

2118.04 Submittal Requirements

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

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

2118.05 Title and Approval Certificate

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

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

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

Administrative USR Amendment Approval Certificate
<p>US ____ - ____ is hereby amended this ____ day of ____, 2____. The use by special review continues to meet all approval criteria and is subject to all original conditions of approval, unless specifically noted hereon.</p> <p>_____</p> <p>Director of Community Development</p> <p>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.</p> <p><i>(for Corporate or LLC owner, print corporation or LLC name)</i></p> <p style="text-align: right;">By: _____ (signature)</p> <p style="text-align: right;">Title: _____</p> <p style="text-align: right;">Date: _____</p> <p>ATTEST: (if corp.)</p>

Secretary/Treasurer

STATE OF COLORADO)

) ss.

COUNTY OF _____)

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

My commission expires: _____

Witness my hand and official seal.

Notary Public

(For Individual Owner)

(signature of owner(s))

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

My commission expires: _____

Witness my hand and official seal.

Notary Public

An initial block is required on all subsequent exhibit sheets:

USR Administrative Amendment Approval Certificate	
Planning	_____ Initials/Date
Owner	_____ Initials/Date
Lessee <i>(if applicable)</i>	_____ 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.

3601 Rules of Construction

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

3602 Definitions

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

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

Accessory Dwelling Unit (ADU): An attached or detached unit situated on one (1) lot with an established principal dwelling which shall not be held in ownership by other than the owner of the principal dwelling. The ADU shall be arranged, designed, or intended for occupancy by not more than one (1) family in compliance with the County building code. (Amended 6/24/25)

Attached ADU – An ADU that is attached to the principal dwelling unit as either an addition to the dwelling or a conversion of existing space within the dwelling.

Detached ADU – An ADU that is detached from the principal dwelling unit.

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

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

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

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

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

Agricultural Activities, Youth-Oriented: Special activities oriented toward children and held for educational, instructional or recreational purposes, including but not limited to: 4-H, pony club, and Little Britches. *(Amended 4/28/15)*

Agriculture: Land uses related to grazing or raising livestock or land uses which produce products that originate from the land's productivity, such as farming, ranching, forestry, tree farming, animal husbandry, and horticulture. Excluded from this definition is all marijuana prohibited by Douglas County per Resolution No. R-010-108 and Ordinance No. O-012-003. *(Amended 1/28/14)*

Agricultural Producer: A person or entity that raises or produces Agricultural Products on land that the person or entity farms and owns, rents, or leases. *(Amended 1/28/14)*

Agricultural Products: Products that originate from the land's productivity, such as fruits, vegetables, mushrooms, herbs, nuts, shell eggs, honey or other bee products, flowers, nursery stock, livestock products (including meat, milk, cheese and other dairy products), hay, grass, and grains. Excluded from this definition is any marijuana product, the cultivation or other processing of which is prohibited by Douglas County per Resolution No. R-010-108 and Ordinance No. O-012-003. *(Amended 1/28/14)*

Agricultural Worker: An individual employed in the operation of a farm or ranch.

Airport: Any area of land or water designed for the landing and take-off of aircraft for business or commercial purposes, including all necessary facilities for passenger and cargo loading, maintenance and fueling facilities and housing of aircraft.

Alley: A public or private vehicular passageway dedicated or permanently reserved as a means of secondary access to abutting property and designated an alley on a final plat. An alley shall not be considered to be a street.

Ambient Lighting: All available light surrounding a subject sign at any point in time with the subject sign light source extinguished. (*Amended 2/11/14*)

Ambient Noise Level: The average equivalent sound level (LEQ) occurring during a six-minute period as measured with a sound level measuring instrument. The ambient noise level shall be determined with the noise source at issue silent, and in the same location and approximate time as the measurement of the noise level of the source at issue.

Animal, Exotic: An animal introduced from another country not normally kept as a household pet or farm animal. (*See animal - nondomestic.*)

Animal, Household Pet: A small animal customarily permitted to be kept in a dwelling for company or pleasure, including, but not limited to, dogs, cats, pot-bellied pigs, gerbils, hamsters, tropical fish, or common house birds, provided that such animals are not kept to supplement food supplies or for any commercial purpose. A limit of one (1) litter, brood, or offspring is permitted, per household, per year.

Animal, Nondomestic: An animal not normally adapted to live and breed in a tame condition. (*See animal - exotic.*)

Antenna: A system of wires, rods, reflecting discs or similar devices used for the wireless transmission or reception of electromagnetic waves.

Directional (or panel or rectangular): A flat surface antenna used to achieve transmission or reception from a specific direction.

Parabolic: A round, often concave, antenna no greater than 24" in diameter used primarily for point-to-point transmission of radio signals.

Omnidirectional (or whip): A thin, self-supporting rod antenna that beams and receives a signal in all directions.

Satellite Dish: A ground mounted antenna, generally exceeding 24" in diameter, incorporating a solid, open mesh, or bar configured surface used to transmit or receive radio or electromagnetic waves.

Antenna Array: Groups of directional panel antennas designed to send and receive wireless transmissions.

Avigation Easement: An easement that allows the grantee the right to use the airspace. The easement may include restrictions regarding the height of structures, the use of reflective glass, or the interference of radio transmissions by the grantor and an acknowledgment by the grantor that airplanes flying overhead may present a physical danger, increase noise levels or cause pollution.

Base Flood: The flood having a 1% chance of being equaled or exceeded in any given year. (*Refer to Flood - 100 year*)

Batch Plant, Concrete, Mortar, or Asphalt: A site, together with its accessory facilities, where sand, gravel, cement and various petroleum derivatives are compounded to manufacture concrete, mortar or asphalt.

Bed and Breakfast: A dwelling where a maximum of five (5) guest units for overnight or otherwise short-term temporary lodging is provided and may include meals. The operator of the facility shall live on the property. (*This does not include hotels/motels.*)

Berm: Mound of earth used in landscaping for screening, definition of space, noise attenuation, or decoration.

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

Bordering: Touching at a boundary. (*Amended 3/26/24*)

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

Buffer Area: An area of land established to separate and protect one type of land use from another; to protect from objectionable noise, smoke, or visual impact; or to provide for future public improvements or additional open space. (*Amended 3/26/24*)

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

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

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

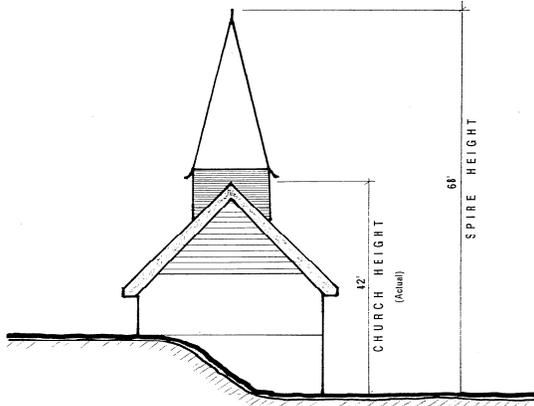
Building Height: The vertical distance above a reference datum measured to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the average height of the highest gable of a pitched or hipped roof. The reference datum shall be selected by either of the following, whichever yields a greater height of building:

- (1) The elevation of the highest adjoining sidewalk or ground surface within a five (5) foot horizontal distance of the exterior wall of the building when such sidewalk or ground surface is not more than 10 feet above the lowest grade.

- (2) An elevation 10 feet higher than the lowest grade when the sidewalk or ground surface described in number one (1) above is more than 10 feet above the lowest grade.
- (3) The height of a stepped or terraced building is the maximum height of any segment of the building. *(Amended 12/18/12)*

Spire Height Calculation *(see diagram)*

Spire Height Calculation



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

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

Capacity: The maximum demand that can be accommodated by a public facility or service without exceeding the level of service as determined by the service provider. *(Amended 11/18/14)*

Capital Improvements: Large scale physical assets constructed or purchased to provide, improve, or replace a costly public facility. "Capital improvements" shall include physical assets providing additional capacity needed to accommodate the demand for public facilities generated by a development. *(Amended 11/18/14)*

Carrier: A company that provides personal wireless communication services.

Cellular Communication: A type of personal wireless communication service consisting of low-power mobile radio communication that occurs through a network of radio wave transmitting devices.

Centennial Airport Review Area (CARA): An overlay district intended to allow for compatible land-use planning in the vicinity of Centennial Airport. The overlay district includes three components; safety zones, noise zones, and height zones as depicted in Figure 19-1.

Central Water: Water service provided by a special district formed pursuant to the Special District Act, C.R.S. § 32-1-101, et. seq.

Central Sanitation: A centralized wastewater collection and treatment facility approved by Tri-County Health Department and the Colorado Department of Health including at a minimum, secondary wastewater treatment, subject to any waste discharge permits required by the State.

Channel: A natural or artificial watercourse of perceptible extent, with definite bed and banks to confine and conduct continuously or periodically flowing water. Channel flow is that water which is flowing within the limits of the defined channel.

Church: A building, where people regularly assemble for worship, or other type of religious practice, together with its accessory buildings and uses, maintained and controlled by an organization to sustain public worship. *(Amended 4/28/15)*

Clinic, Dental or Medical: A facility licensed and used for the provision of medical, dental, surgical or mental health care of the sick or injured, but excluding therefrom inpatient and overnight accommodations.

Club (Country Club): Individuals gathered for social, educational or recreational purposes, including buildings or facilities owned/operated by such organization, excluding a golf course unless specifically permitted in that zoning district.

Collocation: The circumstance occurring when one or more carriers install antenna arrays on the same single structure.

Commercial Storage Area: An outdoor area for the storage of items including but not limited to raw materials, supplies, finished or semi-finished products, goods, wares, merchandise, vehicles, or equipment. *(Amended 3/26/24)*

Commitment to serve: (as related to water supply) - A letter stating the water district's "intent to serve" the project, or at the time of final/minor development plat application, a letter stating that the water district "will serve" the area of the final/minor development plat.

Comprehensive Master Plan: The Douglas County Comprehensive Master Plan as adopted by Planning Commission resolution. The Douglas County Comprehensive Master Plan is the long-range plan intended to guide the growth and development of the County, and is inclusive of supplemental plans which may be adopted and incorporated by Planning Commission resolution.

Condominium: A legal form of ownership whereby an owner gains title to an interior air space dwelling unit, together with interest in the common areas and facilities appurtenant to such units.

Confinement Center: An animal feeding operation where livestock are kept and fed in close quarters until they are shipped to market.

Construction: Any and all activity incidental to the erection, demolition, assembling, altering, installing, or equipping of buildings, structures, roads, or appurtenances thereto, including land clearing, grading, excavating, and filling.

Convenience Store: A small retail or service commercial use, which provides limited food products, household items or other goods or services commonly associated with the same, which do not typically offer comparison shopping opportunities.

County: Douglas County, Colorado.

Cultural Facility: A building or area designed and intended for intellectual or artistic activities, including a museum, art gallery, outdoor amphitheater, fairground, sports stadium/arena, performing arts center, or similar facility.

dB(A): A sound level in decibels measured on the "A" scale of sound level having characteristics defined by the American National Standards Institute. [§25-12-102(2), C.R.S.]

Day-Care Center/ or Preschool: A commercial facility where care and training is provided for children or adults for periods of less than 24 consecutive hours.

Day-Care Home: A residence in which care is provided for up to 12 children or adults for periods of less than 24 consecutive hours.

~~small — A residence in which care is provided for up to six (6) children or adults, including the provider's own children, plus two (2) additional children of school age either before or after school hours, and on days during the regular school year when school is not in session, such as conference days/in-service days and holidays, including summer vacations or off-track periods in year-round schools when the child does not attend classes. If the applicant has an experienced Child Care Provider License, a maximum of nine children may be permitted in accordance with Colorado Department of Human Services regulations for child care facilities.~~

~~large — A residence in which care and training is provided for seven (7) to 12 children or adults, including the provider's own children, except as provided for above.~~

Day-Care Household Pets: A retail/service facility for the care of dogs or other household pets for periods of less than 24 consecutive hours. Overnight, indoor boarding may be

permitted as an accessory use only. Outdoor holding facilities are prohibited in connection with the accessory use.

Decibel: A unit describing the relative amplitude of sound. A decibel is a unit of sound pressure level equal to 20 times the logarithm to the base 10 of the ratio of the sound pressure to the reference pressure of $2 \times 10^{-5} \text{N/m}^2$ (Newton's/meter squared.) [§25-12-102(3), C.R.S.]

Density: The number of units per area of measure. For example, the number of dwelling units per acre.

Density, Gross: The total number of units divided by the total land area within the boundary of the project including publicly dedicated streets, open space or other public facilities.

Density, Net: The number of units divided by the land area within the boundary of the project excluding publicly dedicated streets, open space or other public facilities.

Department: The Douglas County Community Development Department.

Designated Elevation: The elevation above sea level determined at each airport in accordance with the approved airport guidelines.

Development: Any change to improved or unimproved real estate, including but not limited to: buildings, structures, mining, dredging, filling, grading, paving, excavation or drilling operations or any alteration to land, buildings or structures which falls under the purview of this Resolution.

Development Plan: A specific set of regulations establishing lot size, land use, density, lot coverage, open space or other standards and a map depicting land uses within a Planned Development District approved by the Board and recorded in the Office of the Clerk and Recorder. The current and future owners and their assigns are required to develop their property in accordance with this plan.

Director: The Director shall be as designated by the County Manager.

Driveway: A private vehicular access abutting a street, for the exclusive use of the owners and occupants of the lot, lots or project and their invitees, not considered to be a street.

Dude Ranch: A functioning ranch that offers guests the opportunity to participate in activities commonly associated with its operation. The recreational component shall be accessory to the principal ranching operation.

Dwelling: A building or portion thereof used exclusively for residential occupancy, including single-family, two-family and multi-family dwellings, but not including mobile homes, boarding houses, hotels, motels, recreational vehicles, or tents. Manufactured homes certified pursuant to the "National Manufactured Housing Construction and Safety

Standards Act of 1974", 42 U.S.C. 5401 et seq., as amended and Section 30-28-115 of the Colorado Revised Statutes shall be deemed a dwelling unit. *(Amended 5/10/16)*

Dwelling, Multifamily: A dwelling situated on 1 lot and arranged, designed or intended for occupancy by two (2) or more families living independently of each other, including condominiums and duplexes, but excluding therefrom hotels and motels.

Dwelling, Single-Family: A dwelling situated on 1 lot and arranged, designed or intended for occupancy by not more than one (1) family in compliance with the County building code. The dwelling must function as a continuous enclosure without any impassable separation such as a wall or floor. Dwelling spaces joined by a garage or breezeway are considered to be a separate dwelling.

Dwelling, Single-Family, attached: A dwelling with primary ground floor access to the outside, which is attached to another unit by a party wall without openings, and is situated on one (1) lot. The term is intended primarily for such dwelling types as townhouses, cluster units, patio homes.

Easement: An acquired right of use, interest or privilege in land owned by another.

Enhanced Specialized Mobile Radio Service (ESMR): A type of communication technology that is used primarily by fleet-dispatched service providers and closed system mobile radio users.

Entertainment Event: A public presentation for which admission is made available to the general public, held on a one time or occasional basis that provides amusement for, or holds the attention of, those in attendance. *(Amended 4/28/15)*

Entertainment Event, Major: An Entertainment Event that exceeds the limitations placed on Minor Entertainment Events. *(Amended 1/28/14)*

Entertainment Event, Minor: An Entertainment Event that meets one of the following limitations:

- A one-day event, such as a concert, with a maximum daily attendance of 500 persons.
- A multi-day event, such as a festival, carnival, or revival, with a maximum daily attendance of 300 persons and duration of seven days or less. *(Amended 1/28/14)*

Equipment, Small: Vehicles/equipment not exceeding the following gross vehicle weights: Motorized - 18,000 lbs.; nonmotorized - 6,000 lbs.

Event Center: A facility consisting of structures or premises used to accommodate the assembly of persons for private meetings, parties, weddings, wedding receptions, reunions, birthday celebrations, charitable fundraisers, and other social engagement purposes, or similar such uses, in exchange for remuneration of any kind. Such use may

include the provision of food, beverages, and entertainment. Event Center shall not include any use component of a sexually oriented business, as defined herein. *(Amended 4/28/15)*

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

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

Farm and Commercial Garden Building: A building or structure used to shelter or enclose livestock, poultry, feed, flowers, field equipment or similar uses.

Farmers Market: An outdoor market open to the public and operated by a governmental agency, a nonprofit corporation, or one or more Agricultural Producers; where the products offered for sale are Agricultural Products, Value-added Agricultural Products, and incidental sale of other items. *(Amended 1/28/14)*

Feedlot: Any tract of land or structure, pen/corral wherein cattle, horses, sheep, goats, swine, or similar livestock are maintained in close quarters for the purpose of feeding such livestock in order to fatten them prior to final shipment to market.

Fence: Any structure used as a barrier or a boundary. *(Amended 3/26/24)*

Firearm: Any handgun, revolver, pistol, rifle, shotgun, or other instrument or device capable of or intended to discharge bullets, shot, or other projectile by means of gasses released by burning a solid propellant.

Fire Protection Facilities: Fire stations and major pieces of fire fighting apparatus, including, but not limited to pumpers, quick response vehicles, hook and ladder trucks, and similar equipment, owned and operated by county fire districts.

Firing Range: A facility used to provide, in exchange for remuneration of any kind, training in conjunction with, or for practice in, discharging firearms. *(Amended 4/28/15)*

Flag: A piece of fabric, cloth, or sturdy material usually oblong, rectangular, square, or triangular, typically attachable on one edge to a staff, pole, or cord. *(Amended 2/11/14)*

Flood, 100-year: The flood having a 1% chance of being equaled or exceeded in any given year. It is also known as a "base flood".

Floodplain: The area adjoining any river, stream, watercourse, lake or other body of standing water which is subject to inundation by a 100-year flood. Refer to the floodplain overlay district section for more information.

Floor Area, Gross: The sum of the horizontal area, measured in square feet, of all floors of a building measured from the exterior face of the wall including stairwells or elevator shafts and excluding unfinished basements or attics, garage space, or unenclosed porches.

Floor Area, Net: The sum of the horizontal floor area, measured in square feet, of all floors of a building measured from the interior face of the exterior wall excluding therefrom, stairwells, elevator shafts, covered malls, covered walkways, roof patio areas, covered entries, covered parking, covered driveways, covered loading areas, utility rooms and storage areas.

Floor Area Ratio - F.A.R.: Determined by dividing the gross floor area of all buildings on a lot by the total area of that lot.

Frontage: The length of a parcel/lot abutting a right-of-way.

Garage:

Private - A building, or portion thereof, including carports, in which only private or pleasure-type motor vehicles used by the owners or resident tenants of the land are stored or kept.

Public - A building, or portion thereof, other than a private garage, used for the parking of automobiles.

Golf Course: A recreational facility primarily used for the purpose of playing golf, including associated food service, retail sales areas, and staff offices, excluding residential and other non-golf recreational uses.

Grade: The elevation of the finished surface of the ground.

Greenhouse: A structure used for the propagation, cultivation or growing of nursery stock such as flowers, bulbs, plants, trees, shrubs or vines.

Group Home: A residence that provides non-institutional housing for persons living as a single housekeeping unit as follows: *[Per 30-28-115 CRS]*

- A group of no more than 8 persons with developmental disabilities living in a state-licensed group home or community residential home; or
- A group of not more than 8 persons with a mental illness living in a state-licensed group home; or
- A group of not more than 8 persons 60 years of age or older who do not need nursing facilities; or
- Any other type of home allowed under the provisions of the Fair Housing Act, as amended, for any type of protected class, or pursuant to any other applicable law

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

Group Residential Facility: A residence, not qualifying as a group home, that provides a community living environment for individuals requiring custodial care, medical treatment, or specialized social services. This term includes, but is not limited to: specialized group child care home, facility or center; residential child care facility; residential treatment facility; shelters for the homeless; shelters from domestic violence; residential facilities for those living together as a result of criminal offenses; and homes for individuals that are HIV positive or afflicted with the AIDS virus. *(Amended 5/10/16)*

Guest House: A dwelling attached or unattached to the principal dwelling, used to house guests of the occupants of the principal dwelling, and which shall not be rented or leased, or held in ownership by other than the owner of the principal dwelling. A Guest House is an ADU. *(Amended 6/24/25)*

Hay: Grass or other herbaceous plant that has been cut, dried, and stored for use as animal fodder, particularly for grazing livestock such as cattle, horses, goats, and sheep. *(Amended 4/28/15)*

Hay Sales: The sale of imported hay for animal fodder as a principal commercial use of the property. No other bagged or baled animal feed, imported agricultural products, or other sales are allowed, except as otherwise permitted herein. *(Amended 4/28/15)*

Hedge: A row of shrubs or small trees which, at maturity, forms a barrier that cannot be easily seen through.

Heliport: Any area used by helicopters for commercial or business purposes, including landing and take-off, passenger and cargo loading, maintenance and fueling facilities.

Home Occupation: A business use conducted on the site, which is clearly incidental and secondary to the use of the land for residential or agricultural purposes; that does not change the character of the dwelling, lot, or neighborhood; and that allows the resident to work at home. Such uses as a motor vehicle repair or body shop, bed and breakfast establishment, medical clinic, hospital, kennel, animal clinic/hospital, retail business, warehousing and distribution, or any similar use generating more than occasional or minimal vehicular or pedestrian traffic shall not be allowed as a home occupation.

Homeowners' Association: An association of homeowners within a residential area created to govern the area with powers including but not limited to: the setting and collection of expense assessments from the members of the association, the control and maintenance of common areas, and the enforcement of protective covenants.

Horse, Boarded: A horse, not owned by the landowner or lessee, kept on the landowner or lessee's property for a period of 24 hours or more.

Horse, Nonowned: A horse not solely owned by the owner or lessee of the land. A horse leased for the exclusive use of the lessee shall be considered to be an owned horse.

Horse, Owned: A horse solely owned by the owner or lessee of the land. A horse leased for the exclusive use of the lessee shall be considered to be an owned horse.

Horse Rental Stable: A facility where horses, ponies, or mules are rented to the general public for recreational purposes.

Hospital: An institution providing health services primarily for human in-patient medical or surgical care for the sick or injured and including related facilities such as laboratories, out-patient departments, training facilities, central services facilities and staff offices that are an integral part of the facilities.

Hotel: Any building arranged, designed or intended as a temporary lodging place for human beings, with or without meals, in which there are six (6) or more guest rooms or suites, and in which only minimal provision may be made for cooking in any individual room or suite.

Hunting/Fishing Club: Individuals gathered for the express purpose of participating in recreational activities directly related to hunting, fishing and similar outdoor sportsman activities that typically take place on club-owned land.

Impact Area: The area within which a proposed development is presumed to create a demand for public facilities and services and which area, therefore, will be evaluated to determine whether the capacity of public facilities and services is adequate to accommodate the demand. The impact areas for specific public facilities and services are as follows:

- (1) Fire Protection: the boundaries of the district providing fire protection service to the proposed residential development.
- (2) Public Schools: High School Feeder Areas as designated by the Douglas County School District.
- (3) Streets: the area as defined in the Douglas County Roadway Design and Construction Standards. *(Amended 11/18/14)*

In-Home Elder Care: Providing 24-hr. in-home care for six (6) or fewer elderly persons (*60+ years old*), not related to the members of the household, who are ambulatory and are not mentally ill or developmentally disabled, who because of impaired capacity for independent living elect protective oversight, but do not require regular 24-hour medical or nursing care. The care provider shall reside at and maintain their primary place of residency in this home, be licensed by the State, and may have 1-2 nonresident helpers. The limitation contained in §30-28-115(2)(f), C.R.S., requiring that a group home for the aged not be located within 750' of another such group home, shall not apply to in-home elder care facilities.

Industrial Park: A tract of land with two or more separate industrial buildings or related uses planned, designed, constructed, or managed on an integrated and coordinated basis with special attention to on-site traffic patterns, parking, utilities, building design and orientation, and open space.

Junk Yard: A building, structure or parcel of land, or portion thereof, used for the collecting, storage or sale of waste paper, rags, scrap metal or discarded material; or, for the collecting, dismantling, storage, salvaging, or demolition of vehicles, machinery or other materials.

Kennel: Any site used to keep more household pets than permitted in Section 24 Animals or used for breeding, boarding, training with boarding or selling of household pets. This definition shall not include a veterinary clinic or hospital or pet shop. *(Amended 5/27/14)*

Landfill: A site used for the disposal of junk, garbage or other waste material including biodegradables imported from off-site. The burying of biodegradable material that originated on-site shall not be considered a landfill provided all applicable requirements are met and necessary permits obtained.

Landing Field - Private: An area of land or water designed for the landing or take-off of aircraft for the benefit of the landowner/lessee and not to be used for commercial purposes.

Landscape: Improvement to an area of land by the planting of a combination of trees, shrubs and ground covers.

Legal Description: A written metes and bounds description of the boundary of a parcel of real property by a Professional Land Surveyor (PLS), for the purpose of perpetuating location and title. The description must recite all ties and monuments, recorded or physical, which will determine the correct position of the boundary, all references to adjoining lands by name and record, and a full dimensional recital of the boundary courses in succession which shall be mathematically correct. The description must be accompanied by an exhibit or map showing all pertinent information as described in the narrative.

Level of Service (LOS): An indicator of the extent or degree of service provided by, or proposed to be provided by, a public facility based upon and related to the operational characteristics of the public facility; or the capacity per unit of demand for each public facility.

Level of Service (LOS), Adopted Roadway: Level of Service C for Nonurban areas and D for Urban areas. *(Amended 11/18/14)*

Level of Service (LOS), Roadway: A performance measure of quality of service measured on an A-F scale, with a LOS A representing the best operating conditions from the traveler's perspective and a LOS F representing the worst. *(Amended 11/18/14)*

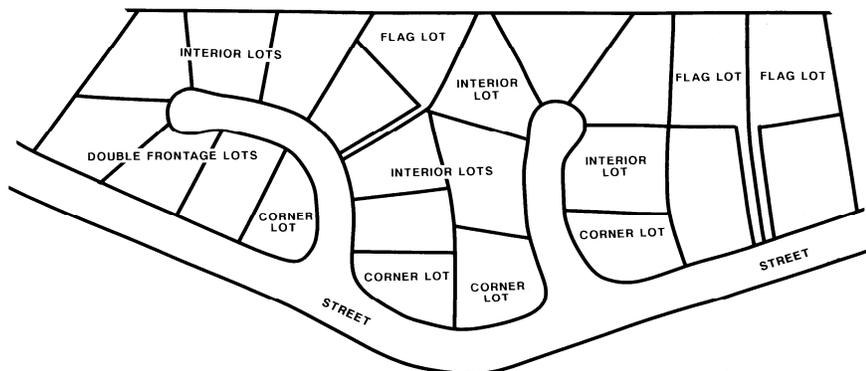
Lot: A parcel of land designated as a lot on a recorded plat or a parcel of land that has been recorded by a deed in the Office of the Douglas County Clerk and Recorder provided such lot was created in compliance with the State land-use laws and Douglas County subdivision and zoning regulations in effect at the time the lot/parcel was created. Also, lot of record. (*A tax parcel is not necessarily a lot of record*)

Corner - A lot abutting two or more adjacent streets which have an angle of intersection of not more than 135 degrees.

Double Frontage - A lot abutting two nonintersecting streets as distinguished from a corner lot.

Flag - A lot having access or an easement to a public or private street by a narrow, private right-of-way

Interior - A lot other than a corner lot.



Lot, Area of: The area of a lot exclusive of streets, County-dedicated land or open space.

Lot, Buildable: A lot of record that complies with all the requirements of the zoning district within which it is located, or a nonconforming lot provided such lot was created in compliance with the State land-use laws and the Douglas County subdivision and zoning regulations in effect at the time the lot was created. (*A tax parcel may or may not be a buildable lot.*)

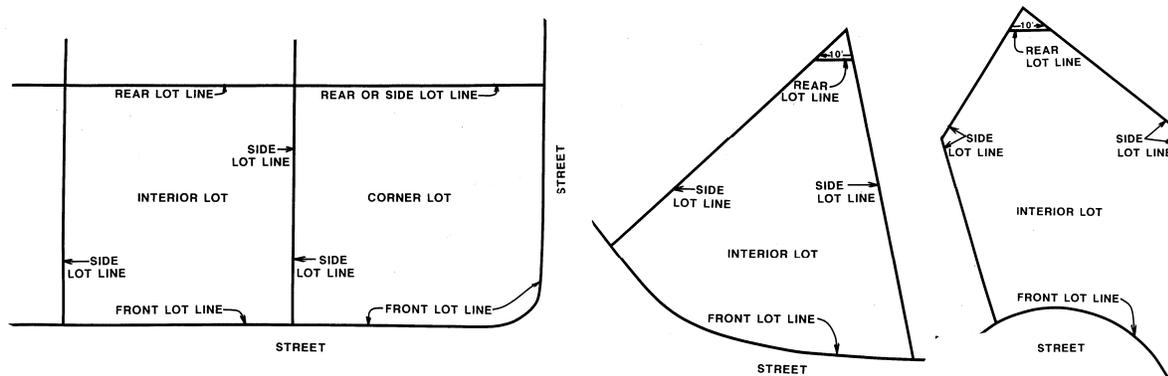
Lot, Nonconforming: A lot that has less than the required minimum area or width as established by the zone in which it is located.

Lot Line: Any boundary of a lot. The classifications of lot lines are:

Front: The lot line separating the lot from a street. On a corner lot or double frontage lot each lot line separating the lot from a street is considered a front lot line. Where a lot is not abutting a street, other than by its driveway, that lot line which faces the principal entrance of the main building is the front lot line.

Rear: The lot line opposite and most distant from the front lot line; however, for corner lots the rear lot line may be any lot line not abutting a street. For triangular, pie-shaped, or irregularly-shaped lots the rear lot line shall be deemed to be a line within the lot having a length of 10 feet, parallel to and most distant from the front lot line for the purpose of determining required setbacks.

Side: Any property boundary line which is neither a front lot line nor rear lot line.



Major Reservoir(s): Any body of water within the State of Colorado having a surface area at high water line in excess of 100 acres excepting livestock water tanks as defined in Article 49 of Title 35, C.R.S. 1973.

Manufactured Housing: A factory-built, single-family structure that is manufactured and certified under the authority of 42 U.S.C. Section 5401, the National Manufactured Home Construction and Safety Standards Act, in compliance with Section 30-28-115 of the Colorado Revised Statutes. Manufactured housing is different than a mobile home.

Message: A complete, static display message on an Electronic Message Sign. (Amended 2/11/14)

Message Hold Time: The time interval a static message shall remain on the display before transitioning to another message on an Electronic Message Sign. (Amended 2/11/14)

Metes and Bounds: A method of describing or locating real property; metes are measures of length and bounds are boundaries; this description starts with a well-marked point of beginning and follows the boundaries of the land until it returns once more to the point of beginning.

Microwave Dish: A device for receiving or transmitting radio frequency/electromagnetic waves.

Mineral: An inanimate constituent of the earth, in either solid, liquid or gaseous state that, when extracted from the earth, is usable in its natural form or is capable of conversion into usable form as a metal, a metallic compound, a chemical, an energy source, a raw material for manufacturing or construction material.

Mineral Resource Area: An area in which minerals are located in sufficient concentration in veins, deposits, bodies, beds, seams, fields, pools or otherwise, as to be capable of economic recovery. The term includes but is not limited to any area in which there has been significant mining activity in the past, there is significant mining activity in the present, mining development is planned or in progress, or mineral rights are held by mineral patent or valid mining claim with the intention of mining.

Mining: The withdrawal or refinement of materials including but not limited to: minerals (either solid, liquid, or gas which are usable in their natural form or converted to a usable form when extracted from the earth), sand, gravel, quarry aggregate, oil, natural gas, coal, dimension or landscape stone, peat and metals. Mining does not include surface or groundwater found in Douglas County.

Mobile Home: A portable structure used or designed to be used for living or sleeping purposes, transportable on its own wheels and requiring only minor work after arrival on its site to become suitable for occupancy. A mobile home is allowed as a dwelling only in the MH zone district or as specified in the A-1 and LRR zone districts. A mobile home shall also mean any factory built home pre-dating the Housing and Urban Development Department's manufactured housing regulations adopted in 1976. *(Refer to Manufactured Housing and Modular Home) (Amended 4/28/15)*

Mobile Home, Converted: A mobile home that has been placed on a permanent foundation and taxed as real estate. Converted mobile homes shall be permitted only in MH zone district, or as a specified within the A-1 and LRR zone districts. A mobile home shall also mean any factory built home pre-dating the 1976 Housing and Urban Development Department's manufactured housing regulations adopted in 1976. *(Amended 4/28/15)*

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

Mobile Home Subdivision: An area of land subdivided for occupancy by mobile homes exclusively, and containing lots in divided or separate ownership.

Modular Home: A prefabricated living unit, designed to become a permanent building, which meets the building standards of the Douglas County Building Code.

Motel: A building or group of detached or connected buildings designed or used primarily for providing sleeping accommodations for automobile travelers and having a parking area adjacent to each unit.

Motorcycle: A self-propelled vehicle with not more than three (3) wheels in contact with the ground that is designed primarily for use on the public highways. *[§25-12-102(5.2), C.R.S.]*

Motorsports: The operation of Motorsport Vehicles for practice, education, recreation, or competition, excluding agricultural or property maintenance uses or the occasional,

incidental operation of Motorsports Vehicles on private property that does not result in the establishment of a track. *(Amended 8/9/16)*

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

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

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

Motor Vehicle: A self-propelled vehicle with at least four (4) wheels in contact with the ground that is designed primarily for use on the public highways. *[§25-12-102(5.4), C.R.S.]*

Nonconforming Building: A building that does not meet the bulk requirements of the zoning district in which it is located, but which complied with applicable regulations at the time the building was constructed.

Nonconforming Use: A use of land that does not comply with the use regulations for its zoning district but which complied with applicable regulations at the time the use was established.

Nonurban Areas: Nonurban Areas as designated on the Douglas County Master Plan Land Use Map and as defined in the Douglas County Master Plan.

Nursing Home: A 24-hour residential care facility, licensed by the state, providing some level of skilled nursing or medical service.

Off-Highway Vehicle: A self-propelled vehicle with wheels or tracks in contact with the ground that is designed primarily for use off the public highways, excluding military vehicles, golf carts, snowmobiles, vehicles designed and used to carry persons with disabilities, and vehicles designed and used specifically for agricultural, logging, firefighting, or mining purposes. *[§25-12-102(5.6), C.R.S.]*

Office, Professional: A place of business for predominantly administrative, professional, or clerical operations, i.e., accountant; architect; attorney; bookkeeper; broker; doctor; dentist, chiropractor; psychologist; drafter; bank; savings and loan; insurance company; credit union; credit-reporting agency; developer; contractor; engineer; surveyor; planner; insurance agency; interior design; landscape architect; pharmacy; notary; stenographer; clerical services.

Open Space: Public or private land and aquatic areas that are regulated or managed to protect the natural environment and significant cultural resources; provide recreation and agricultural opportunities; shape the pattern of urban development, or any combination thereof, including yards and common areas and including a limited number of buildings and accessory uses compatible with intended use. Open space shall be deemed not to

include driveways, parking lots, or other surfaces designed or intended for vehicular travel.

Parcel: All contiguous land held under one deed irrespective of the method of legal description used.

Park: A tract of land identified for public use by zoning or subdivision action, or designated by an authorized public entity, for recreational, educational, or cultural purposes.

Parking Lot: An area other than a street or alley that is permanently reserved and maintained for the parking of motor vehicles on a temporary basis - daily or overnight.

Parking, Off-Street: See Parking Lot. *(Amended 2/11/14)*

Person Aggrieved: An applicant, an abutting property owner, or a person with an interest in real estate located within 1,000 feet of the subject property where such person can show his/her property interest has been damaged by a final administrative decision and such damage is different in kind, not merely in degree, from that experienced by the public generally. *(Amended 8/12/14)*

Personal Communication Service (PCS): A type of wireless communication technology capable of transmitting voice, data and paging that utilizes small geographic areas on a tight grid of interconnected sites.

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

Personal Wireless Communication Facility: Any unstaffed facility for the transmission and/or reception of voice, data and paging signals consisting of one or more of the following elements: antennas, support towers, or accessory equipment buildings or structures.

Personal Wireless Communication Services: The term used to collectively describe low-powered, unmanned facilities providing wireless telecommunication services including, but not limited to, paging, enhanced specialized mobile radio (ESMR), personal communication service (PCS), commercial mobile radio service (CMRS), cellular telephone and similar technologies, to a small geographic area within a network of interconnected sites. The power density at the property line or lease area shall not exceed the radio frequency emission standards set by the FCC.

Planned Development: A zoning district for an area of land controlled by one or more landowners, which is developed under a single development guide for mixed use.

Planning Area: An area of land within a Planned Development defined by acreage, use, density, etc., and whose boundaries are defined by the alignment of arterials or collectors or as otherwise depicted on the Development Guide.

Planning Commission: The Douglas County Planning Commission.

Planning Office: The Douglas County Planning Office.

Plant Nursery: An area of land used to raise trees, shrubs, vines or other plants, for transplanting or sale.

Plat: A map and supporting materials of certain described land prepared in accordance with the Douglas County Subdivision Resolution as an instrument for recording of real estate interests with the County Clerk and Recorder.

Primary Urban Area (PUA): The Primary Urban Area as designated on the Douglas County Comprehensive Master Plan Land Use Map and as defined in the Douglas County Comprehensive Master Plan. *(Amended 11/18/14)*

Principal Building: A building in which the primary use of the lot/parcel on which the building is located is conducted.

Principal Use: The main use of land or structures, as distinguished from an accessory use.

Public Facilities: Infrastructure and associated improvements including water facilities, wastewater facilities, fire protection facilities, public schools, regional parks and streets. *(Amended 11/18/14)*

Public Schools: Elementary schools, middle schools, or high schools and charter schools, capital equipment provided therein and the land needed for public schools, which are owned and operated by the Douglas County School District.

Recreation Facility, Indoor: An establishment providing recreational activities, completely enclosed by a structure, such as bowling alley, gymnasium, roller skating or ice skating, billiards, pool, theater, swimming pool or related amusements. This does not include adult entertainment establishments.

Recreation Facility, Outdoor: An area used primarily for outdoor recreational activity, i.e., swimming pool, tennis court, basketball court, soccer field, baseball diamond, park, playground or other similar uses not specifically addressed, and may include structures for restrooms, locker rooms, maintenance equipment storage.

Recreation Facility, Community: An indoor/outdoor area or other facility used for social or recreational purposes, generally open to the public, including active play fields, swimming pools, tennis or basketball courts, play apparatus, or picnic areas and generally serves residents within a 5 to 7 mile radius.

Recreation Facility, Neighborhood: An indoor/outdoor area or other facility used for social or recreational purposes, generally open to the public, including active play fields,

swimming pools, tennis or basketball courts, play apparatus, or picnic areas and generally serves residents within a 2 mile radius.

Recreation Facility, Private: An indoor/outdoor area or other facility used for social or recreational purposes, owned and operated by a Homeowners' Association or similar entity, for the exclusive use of the residents and their invitees within a residential development. These facilities may include but are not limited to: meeting rooms, game rooms, kitchen/bar, lounge areas, restrooms, and indoor/outdoor recreation facilities. These facilities may also include ancillary offices for the Homeowners' Association or similar entity. Structures and site amenities should be of similar design, scale, and materials as the residential development it serves.

Recreational Vehicle: A motor home, travel or camping trailer, van or truck camper, with or without self-motive power, boat, jet ski, motorcycle or all-terrain vehicle.

Recreational Vehicle Storage Yard: An area of land and associated structures arranged, designed or intended to accommodate the temporary parking or storage of unoccupied recreational vehicles.

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

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

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

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

Religious Retreat: A building or site designed and designated for religious teaching, reflection, or contemplative activities, maintained and controlled by a religious organization to sustain worship or other religious practice, and may include overnight guest accommodations. This use is distinct from that of a church, which is separately defined herein. *(Amended 4/28/15)*

Residence, Caretaker: A dwelling or mobile home designed or intended for occupancy by a person(s) owning, employed in or dealing with, and responsible for the security and

maintenance of the land on which it is situated. A caretaker's residence shall meet the principal use setbacks.

Residential Rezoning: A rezoning from a zoning district that does not permit residential uses to a zoning district that permits residential uses, unless within a planned development maintaining the dwelling unit cap, or a rezoning from a zoning district that permits residential uses to a zoning district that permits an increased number of dwelling units.

Retail/Service Business: A commercial use characterized by the selling of tangible goods/merchandise or services/intangibles directly to the consumer.

Retirement Home: One or more buildings containing dwellings where the occupancy is restricted to persons at least 55 years of age, or couples where either spouse is at least 55 years old. This may contain special support services, *i.e., convalescent or nursing facilities, and central dining facilities.*

Rezoning: A revision to the County Zone District Map.

Right-of-way: Land acquired by reservation, dedication, prescription or condemnation and intended to be occupied by a road, trail, water line, sanitary sewer or other public use.

Runway (Landing Strip): An area of land used for aircraft landing or take-off.

Satellite Dish: (see Antenna)

Satellite Earth Station: A telecommunication facility consisting of multiple satellite dishes for transmitting and receiving signals from orbiting satellites.

Screen: A barrier that cannot be easily seen through. To obscure the view of something so that it cannot be easily seen. *(Amended 3/26/24)*

Separated Urban Area (SUA): Separated Urban Areas as designated on the Douglas County Master Plan Land Use Map and as defined in the Douglas County Master Plan. *(Amended 11/18/14)*

Setback: The required minimum horizontal distance between the location of structures or uses and the related front, side, or rear lot line measured perpendicular to such lot line.

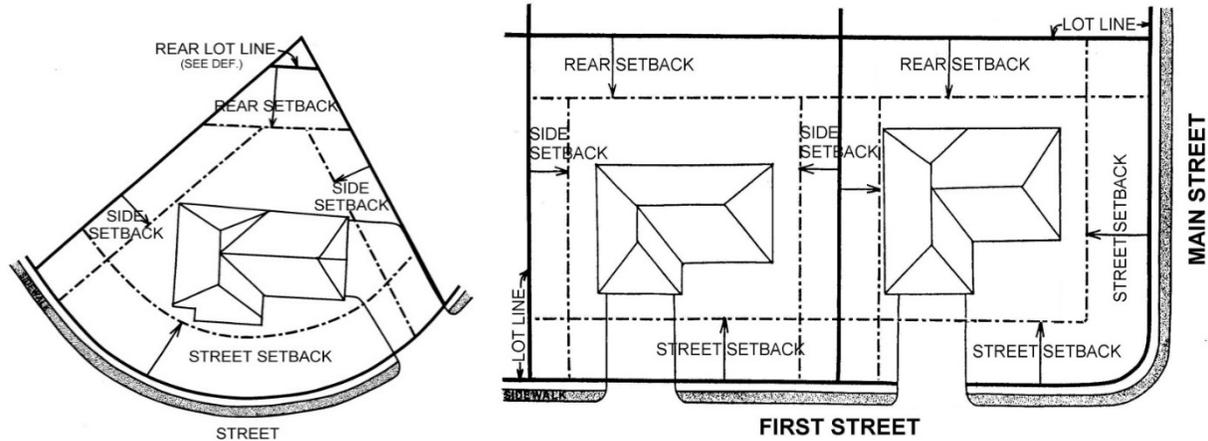
Front - a setback extending across the full width of the lot measured perpendicular to the front lot line.

Rear - a setback extending across the full width of the lot measured perpendicular to the rear lot line.

Side - a setback extending from the front lot line to the rear setback measured perpendicular to the side lot line.

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

(see following setback diagrams)



Sexually Oriented Business: An adult arcade, adult bookstore, adult novelty shop, adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, sexual encounter establishment, or nude model studio. The definition of sexually oriented businesses shall not include an establishment where a medical practitioner, psychologist, psychiatrist, or similar professional person licensed by the state engages in medically approved and recognized sexual therapy.

"Specified Anatomical Areas" include any of the following:

- (1) Less than completely and opaquely covered human genitals, pubic region, buttocks, anus, or female breasts below a point immediately above the top of the areola; or
- (2) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

"Specified Sexual Activities" includes any of the following:

- (1) The fondling or other intentional touching of human genitals, pubic region, buttocks, anus, or female breasts
- (2) Sex acts, normal or perverted, actual or simulated, including, but not limited to, intercourse, oral copulation, sodomy, sadomasochism or bestiality;
- (3) Masturbation, actual or simulated; or
- (4) Human genitals in a state of sexual stimulation, arousal or tumescence;
- (5) Excretory functions as part of or in connection with any of the activities set forth in subsections (a) thru (d) of this subsection.

Adult Arcade: An establishment where, for any form of consideration, one or more still or motion picture projectors, slide projectors, or similar machines or other image producing machines, for viewing by five or fewer persons each, are used to show films, motion

pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas".

Adult Bookstore, Adult Novelty Store or Adult Video Store:

- (1) A commercial establishment which:
 - (a) devotes a significant or substantial portion of its stock-in-trade or interior floor space to;
 - (b) receives a significant or substantial portion of its revenues from; or
 - (c) devotes a significant or substantial portion of its advertising expenditures to the promotion of the sale, rental or viewing (for any form of consideration) of books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, slides or other visual representations which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas";
- (2) An establishment may have other principal business purposes that do not involve the offering for sale, rental or viewing of materials depicting or describing "specified sexual activities" or "specified anatomical areas", and still be categorized as an adult bookstore, adult novelty store, or adult video store. Such other business purposes will not serve to exempt such establishment from being categorized as an adult bookstore, adult novelty store or adult video store so long as the provisions of sub-section (1) are otherwise met.

Adult Cabaret: A nightclub, bar, restaurant or other commercial establishment, which regularly features:

- (1) persons who appear nude or in a state of nudity; or
- (2) live performances, which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities."

Adult Motel: A motel, hotel or similar commercial establishment which:

- (1) offers public accommodations, for any form of consideration, and provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas" and which advertises the availability of this sexually oriented type of material by means of a sign visible from the public right-of-way, or by magazines, pamphlets or leaflets, radio or television, or
- (2) offers a sleeping room for rent for a period of time less than 10 hours, or
- (3) allows a tenant or occupant to sub-rent a sleeping room for a time period of less than 10 hours.

Adult Motion Picture Theater: A theater, concert hall, auditorium or similar commercial establishment which, for any form of consideration, regularly features persons who appear in a state of nudity or live performances which are characterized by exposure of "specified anatomical areas" or by "specified sexual activities."

Nudity or State of Nudity: (1) the appearance of the human bare buttock, anus, male genitals, female genitals, or the areola or nipple of the female breast; or (2) a state of dress which fails to opaquely and fully cover a human buttock, anus, male or female genitals, pubic region or areola or nipple of the female breast.

Nude Model Studio: Any place where a person, who appears in a state of nudity or displays "specified anatomical areas" is provided for money or any form of consideration to be observed, sketched, drawn, painted, sculpted, photographed, or similarly depicted by other means. The definition of "nude model studio" does not apply to:

- (1) a college, junior college or university supported entirely or partly by taxation;
- (2) a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college or university supported entirely or partly by taxation; or
- (3) a business located in a structure which has no sign visible from the exterior of the structure and no other advertising that indicates a nude person is available for viewing; and where, in order to participate in a class a student must enroll at least 3 days in advance of the class; and where no more than one nude model is on the premises at any one time.

Sexual Encounter establishment: A business or commercial establishment, that as one of its primary business purposes offers, for any form of consideration, a place where two or more persons may congregate, associate or consort for the purpose of "specified sexual activities" or the exposure of "specified anatomical areas" or activities when one or more of the persons is in a state of nudity. An adult motel will not be classified as a sexual encounter establishment by virtue of the fact that it offers private rooms to rent.

Shopping Center: A grouping of retail business or service uses on a single site with common parking facilities and open space.

Sign: Any display or object regardless of form or material used to identify or display information about or direct or attract attention to a person, institution, organization, business, product, event, location, idea, or otherwise by any means. *(Amended 2/11/14)*

Sign, Billboard: Any sign, whether standalone or attached to another thing or structure, of more than one square foot, which is displayed in a manner to attract, at least in part, the attention of pedestrian, bicycle, and/or motor vehicle traffic to something which does not pertain to the premises upon which the sign is located. *(Amended 11/19/19)*

Sign, Canopy: Any sign painted, permanently attached to, or constructed underneath a canopy. *(Amended 2/11/14)*

Sign, Directory: Any sign identifying the locations of businesses on the property. *(Amended 11/19/19)*

Sign, Electronic Message: Any sign with a fixed or changing message composed of a series of lights that may be changed through electronic means. *(Amended 2/11/14)*

Sign, Freestanding: Any sign which is permanently affixed in or upon the ground, supported by one (1) or more structural members and not attached to or dependent for support from any building. *(Amended 2/11/14)*

Sign, Temporary: Any sign generally intended and designed for installation in a simple and non-permanent manner and constructed of cloth, canvas, fabric, metal, plywood, or other material and displayed for a purpose of a non-recurring nature. *(Amended 11/19/19)*

Sign, Vehicle: Any sign permanently or temporarily attached to or placed on an operable vehicle actively used for conducting a business operation or service. *(Amended 2/11/14)*

Sign, Wall: Any sign attached to or painted on the wall or surface of a building or structure in such a manner that the wall is the supporting structure for or forms the background surface of the sign. *(Amended 2/11/14)*

Sign, Way-finding: Any sign that directs vehicular or pedestrian traffic onto the property or towards parking or other identified locations on the site in a manner that improves site safety. *(Amended 11/19/19)*

Sign, Window: Any sign posted, painted, placed, or affixed in or on a window exposed to public view. An interior sign that faces a window exposed to public view and located within 3 feet of the window is considered a window sign, but excludes merchandise in a window display. *(Amended 2/11/14)*

Sign Height: The vertical distance from the lowest adjacent grade to the highest point of the sign or sign structure. *(Amended 11/19/19)*

Site Improvement Plan: The plans and supplemental materials, including a grading and drainage plan, a landscape plan and other detailed information, drawn and submitted in accordance with this Resolution.

Snowmobile: A self-propelled vehicle primarily designed or altered for travel on snow or ice when supported in part by skis, belts, or cleats and designed primarily for use off the public highways, excluding machinery used strictly for the grooming of snowmobile trails or ski slopes. [§25-12-102(9), C.R.S.]

Staff: Douglas County employees with a role in reviewing or administering the provisions contained herein.

Stealth or Faux Design: A personal wireless communication facility or element thereof, that is disguised, camouflaged, hidden or incorporated into an existing or proposed

structure or placed within an existing or proposed structure so as to minimize or eliminate its visibility from off site.

Street: Land intended primarily for vehicular traffic and providing the principal means of access to property, including a roadway, road, lane, drive, avenue, highway, boulevard, or any other thoroughfare other than a driveway.

Regional/Major Arterial - A street or highway significant to the region serving the major centers of activity which carries the major portion of the trips entering and leaving an urban area, as well as, the majority of through movements desiring to bypass towns or neighborhoods.

Minor Arterial - A street, that interconnects with and augments the regional arterial system, which distributes travel to geographic areas smaller than those identified with the regional/major arterial system and provides intracommunity continuity, but ideally should not penetrate identifiable neighborhoods.

Collector - A street which distributes trips from the arterial to the ultimate destination. The collector system provides both land access service and local traffic movement within residential neighborhoods, commercial areas and industrial areas.

Local - A street which provides direct access to abutting land and access to the arterial and collector road network. Service to through traffic movement usually is deliberately discouraged.

NOTE: For identification of these types of roads within the County refer to the Douglas County Transportation Master Plan. *(Amended 11/18/14)*

Street, Private: A privately owned access way generally constructed to County specifications and not maintained by the County.

Street, Public: All public property reserved or dedicated for vehicular traffic constructed in compliance with the Douglas County Roadway Design and Construction Standards and the Douglas County Storm Drainage Design and Technical Criteria manual.

Structure: Anything constructed or erected in, under, over or upon the land, or attached to something in, under, over, or upon the land, but excluding therefrom walks, patios, off-street parking areas, fences and walls, and electrical distribution, natural gas or water and sewer lines.

Permanent - That which is built in such a manner, that it would reasonably be expected to last and remain useful for more than 5 years.

Temporary - A structure that is not a permanent structure, or one that is constructed for a special purpose in contemplation of removal upon accomplishment of such. Temporary shall mean a period of 6 months.

Subject Land: Real property which is the subject of the regulations set forth in this Resolution.

Support Tower: A vertical, ground-mounted structure designed and engineered for the purpose of supporting antennas for the transmission and/or reception of radio signals.

Lattice Tower: A self-supporting tower with multiple legs and cross bracing designed to support antennas.

Monopole: A self-supporting tower consisting of a single support of wood, metal or concrete designed to support antennas.

Guyed Tower: A tower designed to support antennas and requiring guy wires for stability.

Swimming Pool: Any structure intended for swimming or recreational bathing capable of containing water greater than 24 inches in depth. This includes in-ground, above-ground, and on-ground swimming pools, hot tubs, and spas. Any fencing required in association with such structure shall be permanently affixed to the ground. *(Amended 12/18/12)*

Telecommunications Facility: A facility and all elements thereof, including but not limited to support towers, antennas, and accessory equipment buildings, that together facilitate communication by the electronic transmission of telephone, radio, television, internet, wireless, or microwave impulses of an FCC licensed carrier, but excluding those used exclusively for private radio and television reception, private citizen's band, amateur radio communications.

Personal wireless communication facilities that exceed the height requirements provided for by this Zoning Resolution shall be considered telecommunication facilities and therefore subject to all applicable provisions.

Temporary Emergency Shelter: A facility used on a temporary basis for the purpose of housing individuals or families affected by disasters or emergency situations.

Townhome: An individual dwelling unit situated on 1 lot but attached to 1 or more similar dwelling units by a common wall or party wall. Where such a unit is attached to another, the property line shall be the center of the common wall or party wall. The owner of a townhome unit may have an undivided interest in common areas and elements appurtenant to such units.

Training: To coach or instruct an individual in a specific general area of equine expertise, or to physically condition a horse to be ridden, handled, or to perform upon command.

Urban: Urban areas as defined in the Douglas County Comprehensive Master Plan.

Utility - Major Facility:

- Pipelines and storage areas of utilities providing natural gas or petroleum derivatives;
- Appurtenance: A use or structure which is incidental and subordinate to, and devoted to the Utility-Major Facility;
- Power Plant: Any electrical energy generating facility with an energy generation capacity of 50 megawatts or more, and Appurtenance(s);
- Substation: Any facility designed to provide switching, voltage, transformation, or voltage control required for the transmission of electricity exceeding 115 kilovolts (kV);
- Transmission Lines: Any electric transmission line and Appurtenance(s) which emanate from a power plant or a substation and terminate at a substation and which are designed for or capable of, the transmission of electricity exceeding 115 kV;
- Wastewater Treatment Facility: A facility or system for treating, neutralizing, stabilizing, or disposing of domestic wastewater, which facility or system has a designed capacity to receive more than two thousand (2,000) gallons per day of domestic wastewater. The term Wastewater Treatment Facility also includes Appurtenance(s) to such system or facility, such as outfall sewers and equipment related to such Appurtenances;
- Water Storage/Treatment Facility: A facility used for water storage with a designed capacity of 300,000 gallons or more and/or treatment, except wellhead disinfection, of 10,000 gallons per day or more; and/or a Major Reservoir; and/or facilities and/or structures for the export of water outside the County; including, but not limited to, water diversion structures, headgates, forebays; and all associated Appurtenances. Water storage tanks must be buried, unless this requirement is waived by the Director due to geological/topographical conditions that would prevent burial.

Utility Service Facility: Any Neighborhood Substation, Personal Wireless Communication Facility, Water Storage/Treatment Facility:

- Neighborhood Substation: Any facility used for the purpose of reducing voltages to levels of 115 kV, or less, for distribution to individual users;
- Personal Wireless Communication Facility: Any unstaffed facility for the transmission and/or reception of voice, data and paging signals consisting of one or more of the following elements: antennas, support towers, or accessory equipment buildings or structures;
- Water Storage/Treatment Facility: A facility used for water storage with a designed capacity of less than 300,000 gallons and/or treatment of less than 10,000 gallons per day. Water storage tanks must be buried, unless this requirement is waived by the Director due to geological/topographical conditions that would prevent burial.

Value-Added Agricultural Processing: The processing and/or packaging of Agricultural Products, for which the primary ingredient is raised or grown on the site. Value-added

Processing may include the sales of Value-Added Agricultural Products produced on the site. Value-added Agricultural Processing does not include processing Agricultural Products into fuels, lubricants, paints, varnishes, or the like. *(Amended 1/28/14)*

Value-Added Agricultural Product: A product processed by an Agricultural Producer from an Agricultural Product, such as baked goods, jams, jellies, and leather or woolen goods. *(Amended 1/28/14)*

Variance: A grant of relief from certain provisions of this Resolution, as provided in and limited by the Variance section of this Resolution.

Veterinary Clinic or Hospital: A structure where animals are brought for medical or surgical treatment and may be held during the time of treatment and recuperation. Overnight, indoor boarding may be permitted as an accessory use only. Outdoor holding facilities are prohibited in connection with the accessory use.

Veterinary Clinic or Hospital, Equine and Livestock: A facility which provides preventative and medical or surgical treatment to horses and livestock. Animals may be held during the time of treatment and recuperation including overnight stays. Outdoor holding facilities are allowed in connection with the clinic or hospital. An Equine and Livestock Veterinary Clinic or Hospital shall not have more than 12 stalls or bays. *(Amended 2/21/23)*

Warehouse: A building, or portion thereof, for storing goods, wares and merchandise for the owner or for others.

Wastewater Facilities: Structures or systems designed for the collection, transmission, treatment or disposal of sewage and includes trunk mains, interceptors, and treatment plants, including package treatment plant and disposal system and on-site septic systems.

Water Facilities: Systems or structures designed to collect, treat, or distribute potable water, and includes water wells, treatment plants, and storage facilities.

Water and Sewer Facilities - Public: Facilities of a municipality, public utility, nonprofit corporation, sanitation or water or other special district, that are constructed, operated or maintained to provide water or sewer service.

Watercourse: A channel, natural depression, slough, artificial channel, gulch, arroyo, stream, creek, pond, reservoir or lake in which storm runoff and flood water flows either regularly or intermittently, including major drainageways for carrying urban storm runoff.

Wholesale Business: A business use characterized by the selling of tangible goods/merchandise or intangibles/services directly to the retailer or contractor or the assembly or manufacturing of products.

Wind Energy Conversion System: Any mechanism including blades, rotors or other moving surfaces designed for the purpose of converting wind energy into mechanical or

electrical power. Towers, tower bases, guy wires and any other structures necessary for the installation of small wind energy conversion systems are also included. A large-scale system designed for the generation of commercial power shall be considered a major utility facility for purposes of this Resolution.

Yard: In this Resolution the term yard is not used, as such term represents a distance that is established in a like manner as that of a setback.

Zero Lot Line: The location of a structure on a lot in such a manner that one or more of the structure's sides rest directly on a lot line with no easement or setback requirement including two adjoining structures on separate lots sharing a common wall.

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Referral Agency Response Report

Project Name: Large Day-Care Homes, Douglas County Zoning Resolution Amendment, Section 21

Project File #: DR2025-007

Date Sent: 09/22/2025

Date Due: 10/22/2025

Agency	Date Received	Agency Response	Response Resolution
Arapahoe County Public Airport Authority-Centennial	09/19/2025	See attached letter: No objection	No response required.
Black Hills Energy	09/25/2025	Received: No Comment (verbatim).	No response required.
Castle Rock Fire and Rescue Department	10/10/2025	See attached letter: CRFD has no objections.	No response required.
Castlewood Canyon State Park	09/22/2025	Received: No Comment (verbatim).	No response required.
CDPHE - All Referrals	10/24/2025	See attached letter: No Comments	No response required.
Cherry Creek Basin Water Quality Authority	09/24/2025	Received: The Cherry Creek Basin Water Quality Authority (Authority) acknowledges notification from Douglas County that the proposed development plans for DR2025-007, Zoning Resolution Large Day-Care Homes have been or will be reviewed by Douglas County for compliance with the applicable Regulation 72 construction and post-construction requirements. Based on the Authority's current policy, the Authority will no longer routinely conduct a technical review and instead the Authority will defer to Douglas County's review and ultimate determination that the proposed development plans comply with Regulation 72. If a technical review of the proposed development plan is needed, please contact LandUseReferral@ccbwqa.org. The review may include consultation with the Authority's Technical Manager to address specific questions or to conduct a more detailed Land Use Review, if warranted (verbatim).	No response required.
City of Aurora	09/30/2025	Received: No Comment (verbatim).	No response required.
City of Centennial	09/23/2025	Received: No Comment (verbatim).	No response required.
City of Littleton	10/20/25	See attached letter: No Comments	No response required.
Colorado Department of Transportation CDOT-Region # 1	09/24/2025	See attached letter: No Comment	No response required.
Colorado Geological Survey	10/10/2025	Received: No Comment (verbatim).	No response required.
Colorado Parks and Wildlife (Northcentral DC - Dist 541)	10/02/2025	See attached letter: No concerns	No response required.
Colorado State Forest Service	09/22/2025	Received: No Comment (verbatim).	No response required.

Referral Agency Response Report**Project Name:** Large Day-Care Homes, Douglas County Zoning Resolution Amendment, Section 21**Project File #:** DR2025-007**Date Sent:** 09/22/2025**Date Due:** 10/22/2025

Agency	Date Received	Agency Response	Response Resolution
CORE Electric Cooperative	09/22/2025	Received: No Comment (verbatim).	No response required.
Division of Water Resources	10/02/2025	See attached letter: DWR does not consider use to be ordinary household purpose. A commercial well permit may be required.	No response required.
Dominion Water and Sanitation District	09/29/2025	Received: No Comment (verbatim).	No response required.
Douglas County Addressing Analyst	09/22/2025	Received: No Comment (verbatim).	No response required.
Douglas County Building Services	10/14/2025	Received: No Comment (verbatim).	No response required.
Douglas County Engineering Services	10/02/2025	Received: No Comment (verbatim).	No response required.
Douglas County Office of Emergency Management	09/24/2025	Received: No Comment (verbatim).	No response required.
Douglas County Open Space and Natural Resources	09/23/2025	Received: No Comment (verbatim).	No response required.
Douglas County Parks and Trails	10/02/2025	Received: No Comment (verbatim).	No response required.
Douglas County Public Works Operations	09/23/2025	See attached letter: No Comment:	No response required.
Douglas County Wildfire Mitigation	10/21/2025	Received: Wildfire Mitigation staff have reviewed the submitted documents and have no objections at this time. The proposed change to the zoning resolution will not alter how wildfire risk is evaluated. Any future development or permitting within the affected area will continue to follow the existing wildfire review and mitigation requirements currently in place (verbatim).	No response required.
E-470 Public Highway Authority	09/21/2025	See attached letter: No comments	No response required.
El Paso County Planning and Community Development Department	10/06/2025	See attached letter: No comments	No response required.
Elbert County Community & Development Services	09/22/2025	See attached letter: No issues.	No response required.

Referral Agency Response Report

Project Name: Large Day-Care Homes, Douglas County Zoning Resolution Amendment, Section 21

Project File #: DR2025-007

Date Sent: 09/22/2025

Date Due: 10/22/2025

Agency	Date Received	Agency Response	Response Resolution
Grandview Estates HOA	10/21/25	See attached letter: Grandview Estates HOA recommends that the County update its regulations to require operators of day-care homes to familiarize themselves with and comply with all State regulations. The HOA also provided suggestions and recommendations for the County to consider regarding updating other elements of the Zoning Resolution related to services provided in a residential setting.	These comments have been provided to the Board for review. Staff will revise the County's Guide to Day Care packet to recommend providers become familiar with relevant state statutes.
Highlands Ranch Community Association	09/22/2025	<p>Received: The Highlands Ranch Community Association ("HRCA") appreciates the opportunity to review and provide comments on this Application.</p> <p>Upon review, the Highlands Ranch Planned Development Guide (HRPDG)—which governs land use within Highlands Ranch and takes precedence over the Douglas County Zoning Resolution—does not reference “Day-Care Homes” or “Large Day-Care Homes.” The only relevant provision is the definition of “Child Care Center,” which is a distinct commercial use.</p> <p>Accordingly, the HRCA finds no conflict between the proposed amendment and the HRPDG and takes no exceptions to the proposed language (verbatim).</p>	No response required.
Highlands Ranch Metro District	10/20/2025	See attached letter: No Comments	No response required.
Highlands Ranch Town Center Review Committee	10/14/2025	Received: No Comment (verbatim).	No response required.
Highlands Ranch Water and Sanitation District	10/17/2025	See attached letter: No Comments	No response required.

Project Name: Large Day-Care Homes, Douglas County Zoning Resolution Amendment, Section 21

Project File #: DR2025-007

Date Sent: 09/22/2025

Date Due: 10/22/2025

Agency	Date Received	Agency Response	Response Resolution
Louviers Conservation Partnership	10/20/2025	<p>Received: Louviers Conservation Partnership (LCP) has reviewed the documents for the Proposed amendments to the Douglas County Zoning Resolution (DCZR) for Large Day-Care Homes, Douglas County Zoning Resolution Amendment, Section 21 and has the following comment:</p> <p>The county commissioners state they and the county are/want to be transparent. All of the proposed changes/updates remove the Use by Special Review (USR) for Large Day-Care Homes and therefore removes public & local residents from getting notifications and being able to provide comments/input. The changes allow for double the number of residents at each day-care home which would greatly impact surrounding neighbors without their knowledge.</p> <p>Randy Johnson Louviers Conservation Partnership (verbatim).</p>	State statute prohibits the County from applying the USR process to Large Day-Care Homes for children. This amendment brings the County’s regulations into alignment with State statute.
Meridian DCC, Meridian Village Metro District, Meridian Metro Districts	10/14/2025	Received: No Comment (verbatim).	No response required.
Meridian Village Metro Districts 1-2-3-4	10/14/2025	Received: No Comment (verbatim).	No response required.
Misty Pines HOA	10/04/2025	Received: No Comment (verbatim).	No response required.
Mountain View Electric Association	10/21/2025	See attached letter: No objection	No response required.
Parker Water & Sanitation District	09/22/2025	Received: No Comment (verbatim).	No response required.
Pinery Water and Wastewater District	10/22/2025	Received: The Pinery Water District takes no exceptions (verbatim).	No response required.
Plum Creek Water Reclamation Authority	09/23/2025	Received: No Comment (verbatim).	No response required.
Pueblo County Planning & Development	09/22/2025	Received: No comment (verbatim).	No response required.
Roxborough Water & Sanitation District	09/29/2025	See attached letter: No comments	No response required.

Referral Agency Response Report**Project Name:** Large Day-Care Homes, Douglas County Zoning Resolution Amendment, Section 21**Project File #:** DR2025-007**Date Sent:** 09/22/2025**Date Due:** 10/22/2025

Agency	Date Received	Agency Response	Response Resolution
Sedalia Water & Sanitation District	10/02/2025	Received: No comment. As each individual project moves forward, they would need to reach out to SWSD to evaluate the water demands (verbatim).	No response required.
South Metro Fire Rescue	10/01/2025	Received: South Metro Fire Rescue (SMFR) has reviewed the provided documents and has no objection to the proposed zoning resolution update (verbatim).	No response required.
South Platte Renew	09/29/2025	Received: No Comment (verbatim).	No response required.
South Suburban Park & Recreation District	10/22/2025	See attached letter: No comments	No response required.
Town of Castle Rock	10/03/2025	Received: Town of Castle Rock has no comments (verbatim).	No response required.
Town of Larkspur	09/29/2025	Received: No Comment (verbatim).	No response required.
Town of Parker Development Review	09/22/2025	See attached letter: No Comment	No response required.
Town of Parker Public Works	09/23/2025	Received: No Comment (verbatim).	No response required.
West Douglas County FD	09/24/2025	Received: No Comment (verbatim).	No response required.
West Metro Fire Protection District	10/20/2025	Received: No Comment (verbatim).	No response required.
Xcel Energy-Right of Way & Permits	10/15/2025	Received: No apparent conflict (verbatim).	No response required.



CENTENNIAL AIRPORT
ARAPAHOE COUNTY AIRPORT AUTHORITY

7565 South Peoria Street, Unit D9
Englewood, Colorado 80112
main: 303-790-0598 | fax: 303-790-2129
www.centennialairport.com

September 19, 2025

Melanie Estrada
Douglas County Community Development Department
100 3rd St.
Castle Rock, CO 80104

Re: DR2025-007 – DCZR Amendment Large Day-Care Homes

Dear Ms. Estrada,

Thank you for the opportunity to review the proposed amendments to the Douglas County Zoning Resolution.. The Arapahoe County Public Airport Authority has reviewed the documents and has no objection to the proposed development.

Please feel free to call me if you have any questions.

Sincerely,

Zachary Gabehart
Planning Specialist - Noise & Environmental

From: [Alayna Moore](#)
To: [Melanie Estrada](#)
Subject: RE: Douglas County eReferral DR2025-007 Is Ready For Review
Date: Friday, October 10, 2025 3:06:05 PM
Attachments: [image001.png](#)
[image002.png](#)
[image004.png](#)

CRFD has no objections to this proposal.

Respectfully,

Alayna Moore, CFM, FA
Fire Prevention Officer



[Form Center • Request a Construction Inspection or Reinspect \(crgov.com\)](#)



Life Safety Division
Castle Rock Fire and Rescue Department
300 Perry Street
Castle Rock, CO 80104
303.663.3120 Office
e-mail FPO@crgov.com



An internationally accredited Fire/Rescue agency since 2012

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From: [Cicione - CDPHE, Brendan](#)
To: [Melanie Estrada](#)
Subject: Re: Referral Response Request - DR2025-007 Douglas County Zoning Resolution Amendment Large Day-Care Home
Date: Monday, September 22, 2025 4:41:07 PM

Hi Melanie,

Thank you for your email. There are no comments from the Air Pollution Control Division. Please do not hesitate to contact me with any questions.

Thanks,
Brendan Cicione (*he/him*)
Air Quality and Transportation Planner



4300 Cherry Creek Drive S. | Denver, CO 80246-1530 brendan.cicione@state.co.us
| <https://cdphe.colorado.gov/>

On Mon, Sep 22, 2025 at 9:08 AM Localreferral - CDPHE, CDPHE
<cdphe_localreferral@state.co.us> wrote:

Hello,

Please see the email below. Please add comments by 10/20.

Thank you!

----- Forwarded message -----

From: **Melanie Estrada** <mestrada@douglas.co.us>

Date: Fri, Sep 19, 2025 at 3:33 PM

Subject: Referral Response Request - DR2025-007 Douglas County Zoning Resolution Amendment Large Day-Care Home

To: cdphe_localreferral@state.co.us <cdphe_localreferral@state.co.us>

Date: September 22, 2025

To: Interested Parties

From: Melanie Estrada

From: [Rachel Vigil](#)
To: [Melanie Estrada](#)
Subject: Referral for Douglas County Zoning Resolution Amendment – Large Day-Care Homes, DR2025-007
Date: Monday, October 20, 2025 10:12:40 AM
Attachments: [image001.png](#)
[REF25-0018 Response Letter.docx](#)

Good morning, Melanie,

The city of Littleton Planners have reviewed the following referral request and have **no comments**. I have also attached a letter to this effect.

Thank you,
Rachel

Rachel Vigil
Planner 1
Community Development Dept.
City of Littleton
2255 W. Berry Ave.
Littleton, Colorado 80120
(303) 795-3721

www.littletonco.gov

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* Sender and receiver should be mindful that all incoming and outgoing emails may be subject to the Colorado Open Records Act, S 24-72-200.1, et seq.

From: [Varner - CDOT, Jessica](#)
To: [Melanie Estrada](#)
Cc: [Steven Loeffler - CDOT](#)
Subject: Douglas County eReferral DR2025-007
Date: Wednesday, September 24, 2025 10:48:03 AM

Hi Melanie,

I have reviewed the referral for Douglas County Zoning Resolution Large Day-Care Homes and have No Comment.

Thank you for the opportunity to review this referral.

Thank you,

Jessica Varner
Permits Unit- Region 1



P 720.541.0441 | F 303.757.9053
2829 W. Howard Pl. 2nd Floor, Denver, CO 80204
Jessica.varner@state.co.us | www.codot.gov | www.cotrip.org

From: [Olson - DNR, Justin](#)
To: [Melanie Estrada](#)
Subject: Re: Douglas County eReferral DR2025-007 Is Ready For Review
Date: Thursday, October 2, 2025 3:22:56 PM

Good afternoon Ms. Estrada,

Thank you for including Colorado Parks and Wildlife in the referral request process for the zoning resolution for the project listed above. I have reviewed the documents and referral request, and I wanted to inform you that I have no concerns with this development as it pertains to any wildlife concerns. If you have any further questions or need more information, do not hesitate to let me know. Thank you for your time.

Justin Olson
District Wildlife Manager
Littleton District - Area 5



P 303.291.7131 | F 303.291.7114
6060 Broadway, Denver, CO 80216
justin.olson@state.co.us | cpw.state.co.us



On Fri, Sep 19, 2025 at 3:44 PM <mestrada@douglas.co.us> wrote:

There is an eReferral for your review. Please use the following link to log on to your account:

[https://urldefense.com/v3/https://apps.douglas.co.us/planning/projects/Login.aspx_!!PUG2raq7KiCZwBk!ZpKmLfXMaV7SegXy_5QquTiyBhmjaFE-cWbPYo9nR5mqfFloL6Wa6yHqnl_VgY44x7R1spswb8znDHD3MsFE_v4kWA\\$](https://urldefense.com/v3/https://apps.douglas.co.us/planning/projects/Login.aspx_!!PUG2raq7KiCZwBk!ZpKmLfXMaV7SegXy_5QquTiyBhmjaFE-cWbPYo9nR5mqfFloL6Wa6yHqnl_VgY44x7R1spswb8znDHD3MsFE_v4kWA$)

DR2025-007, Douglas County Zoning Resolution Large Day-Care Homes, Douglas County is proposing revisions to the Use by Special Review requirement for Large Day-Care Homes to comply with Colorado Revised Statutes 26-6-104.5

This referral will close on Wednesday, October, 22, 2025.

If you have any questions, please contact me.

Sincerely,

Melanie Estrada
Planning Services
100 Third Street
Castle Rock, CO 80104
303-660-7460 (main)



October 2, 2025

Melanie Estrada, Planner

Douglas County Department of Community Development

Transmitted via email: mestrada@douglas.co.us

Re: Douglas County Zoning Resolution Amendment - Large Day-Care Homes

Project File #: DR2025-007

Water Division 1, Water District 8, Douglas County

CDWR Assigned Referral No. 34420

Dear Melanie Estrada:

We have reviewed the referral for the Douglas County proposed revision to the Use by Special Review requirement for Large Day-Care Homes to comply with Colorado Revised Statutes § 26-6-10.5. The requirement to the Use by Special Review permit for Large Day-Care Homes will be removed, and all Day-Care Homes will be residential accessory use.

Guideline 2023-1

The county should be aware that according to [Guideline 2023-1](#) DWR does not consider the following use/structure types to be ordinary household purposes or normal operations associated with single-family dwellings and these uses/structure types are not allowed to be served by an exempt well permit or a small capacity well permit:

- Venues for events such as parties and weddings;
- Bed and breakfasts, hotels, motels, and hostels;
- Boarding houses, dormitories, and shelters;
- In-home day cares;



- Properties with use of water by employees or customers as a result of an on-site commercial business, or other non-residential activity (such as a church or nonprofit organization).

Based on the above a commercial well permit may be required for Day-Care Homes. Therefore, well owners may [contact DWR](#) directly if they need clarification as to whether a permit is valid or clarification on the allowed use of the well. If the well cannot be used as permitted for the Day-Care Home, the applicant must re-permit the well, and obtain a court-approved augmentation plan in some cases. Please note that for wells constructed in a Denver Basin Aquifer, the lot size may be used to determine the quantity of water available for a well and some smaller lots may not have sufficient water underlying the parcel to permit the well for residential use and commercial use associated with Day-Care Homes. The ability to re-permit a well depends on many factors.

While DWR does not have any objections to the proposed amendments, the county may want to consider the provision of the 2023-1 Guideline.

Please contact me 303-866-3581 x8246 with any questions or ioana.comaniciu@state.co.us

Sincerely,



Ioana Comaniciu, P.E.

Water Resources Engineer

Attachments: Guideline 2023-1



Guideline 2023-1

Uses of Water From Exempt and Small Capacity Wells

Purpose

Provide guidance regarding the allowed uses of exempt and small capacity wells, in situations where the statutes may not provide explicit direction. This guideline revokes and supersedes the following guidance:

- Policy 2011-3 titled “Concerning Commercial Activities on Property Served by Residential Exempt and Small Capacity Wells”
- The June 23, 1993 memorandum titled “Watering of domestic animals in post SB 35 subdivisions with State Engineer Approved Water Supply Plans”
- The June 20, 2001 memorandum titled “Watering of Domestic Animals with Small Capacity Domestic Well Permits Issued within the Designated Basins Pursuant to Section 37-90-105”.

This guidance does not apply to non-exempt or large capacity wells. The information in this document is to be used as a guide for administrative decisions regarding exempt and small capacity well permits. If the guidance in this document conflicts with county, local, or any other applicable land use regulations, this guidance is not to be construed as authorizing any use of property or water in a manner that does not comply with county, local, or any other applicable land use regulations.

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1. Background

Exempt wells and small capacity wells are similar but they are issued pursuant to different statutes that apply outside and inside of Designated Ground Water Basins, respectively.

1.1 Exempt wells - outside Designated Basins

Section 37-92-602 of the Colorado Revised Statutes (C.R.S.)¹ provides an exemption from administration in the water right priority system for wells located outside of Designated Groundwater Basins with uses limited to those in section 37-92-602(1). Those uses are specifically identified as ordinary household purposes, fire protection and fire-fighting, the watering of poultry, domestic animals, and livestock on farms and ranches, the irrigation of not over one acre of home gardens and lawns, monitoring and observation purposes, and drinking and sanitary facilities in individual commercial businesses.

The rationale for issuing exempt permits is described in section 37-92-602(6):

“It is hereby declared to be the policy of the state of Colorado that the exemptions set forth in this section are intended to allow citizens to obtain a water supply in less densely populated areas for in-house and domestic animal uses where other water supplies are not available. It is not the intent that these wells be used to cause material injury to prior vested water rights, and, wherever possible, persons seeking the use of such individual wells may be required to develop plans for augmentation pursuant to section 37-92-302 or to develop other replacement plans acceptable to the state engineer.”

Exempt well permits are currently issued under one of the following statutes:

- Pursuant to section 37-92-602(3)(b)(II)(A) based on a rebuttable presumption that there will not be material injury to the vested water rights of others or to any other existing well resulting from such well. The majority of exempt wells are issued under this statute; which prescribes allowed uses for three types of parcels: those less than 35 acres, those equal to or greater than 35 acres, and those that are located in cluster developments as defined in section 30-28-403. Exempt well permits issued pursuant to section 37-92-602(3)(b)(II)(A) on parcels less than 35 acres, which are not on parcels created through a cluster

¹All statutory references are for the Colorado Revised Statutes (2023).

development, are limited to ordinary household purposes inside one single-family dwelling, with no allowed outdoor uses.² Only one exempt well permit issued pursuant to section 37-92-602(3)(b)(II)(A) for production purposes (not including exempt well permits issued exclusively for monitoring and observation or fire-fighting purposes) may be issued per legal parcel, cluster development lot, or tract of land of 35 acres or more.

- Pursuant to section 37-92-602(3)(b)(I) which requires that the State Engineer find that the well will not result in injury to the vested water rights of others or any other existing well. Such wells are generally issued to withdraw water from nontributary aquifers; certain Denver Basin aquifers; or from tributary aquifers in areas of the state where the stream system is not considered to be over-appropriated.
- Pursuant to section 37-92-602(5) for the registration of existing wells that were put to beneficial use prior to May 8, 1972 for uses allowed under section 37-92-602(1).

The well uses listed in section 37-92-602, are exemptions from article 92 of title 37, C.R.S. This guideline describes how the State Engineer will apply the referenced well permitting statutes in a manner intended to be consistent with the Colorado Supreme Court's direction that "exceptions to the general laws should be narrowly construed."³

1.2 Small Capacity wells - inside Designated Basins

Section 37-90-105 authorizes the State Engineer to issue small capacity well permits within Designated Basins for uses identified in section 37-90-105(1) without regard to any other provisions in article 37-90. The descriptions of use specified in section 37-90-

²During the period from May 17, 1988 (effective date of House Bill 1111) to June 30, 1993 the "watering of the user's domestic animals not to be used for commercial purposes" was allowed for new permits approved under the presumption of non-injury for household use only wells in the exempt statutes. During that period the statute also allowed for amending existing permits issued between May 8, 1972 and May 17, 1988 to include those uses, upon request.

³See *City of Aurora ex rel. Util. Enter. v. Colorado State Eng'r*, 105 P.3d 595, 608 (Colo. 2005).

105(1) differ slightly from exempt wells as described in section 37-92-602(1). The uses identified in section 37-90-105(1) include: use for no more than three single-family dwellings, including the normal operations associated with such dwellings, but not including the irrigation of more than one acre of land; watering of livestock on range and pasture; use in one commercial business; monitoring and observation; and fire-fighting. Most small capacity well permits, regardless of parcel size, allow use in up to three dwellings, domestic animal watering, and no more than one acre of lawn and garden irrigation.⁴

Within Designated Basins, the Division of Water Resources' ("DWR's") historical practice has been on tracts of land of 35 acres or more to allow up to one small capacity well for each use type (for instance commercial and domestic) on the same tract of land, or on parcels of less than 35 acres to allow the combination of those uses into one well, subject to any subdivision approval letter requirements.⁵

In accordance with section 37-90-105(7)(a) the board of a ground water management district may adopt rules that further restrict the issuance of small capacity well permits. In addition, the board of a ground water management district may adopt rules that expand the acre-foot limitations for small capacity wells set forth in section 37-90-105.

2. Water for commercial uses

Exempt commercial well permits issued pursuant to section 37-92-602

An exempt well permit may be issued for water use to supply drinking and sanitary facilities inside an individual commercial business as described in section 37-92-602(1) (c), pursuant to 37-92-602(3)(b)(I). The process and requirements for permitting and registering wells for such uses is described in [Policy 1985-1](#), as amended on September 19, 2023, regarding the evaluation of well permit applications for exempt commercial

⁴Uses of water from the Denver Basin and nontributary sources may be limited to the quantity of available groundwater underlying the lot for both exempt and small capacity wells. The uses of small capacity wells may also be limited by Ground Water Management District Rules.

⁵The number of small capacity well permits per parcel may also be restricted by Ground Water Management District Rules.

uses and [Policy 1990-1](#) regarding registration of existing commercial wells that put water to beneficial use prior to May 8, 1972.

Small Capacity commercial well permits issued pursuant to section 37-90-105

Water from small capacity commercial wells may be “used in one commercial business” allowing for broader commercial water use than exempt wells. Only one small capacity commercial permit within the Designated Basins is allowed per entity (business, person, etc.) pursuant to section 37-90-105(1)(c)(I) and (II).

The well can only serve one business. An office building or shopping center containing multiple tenants may be considered one business. In addition, one business may have multiple buildings/structures supplied by the well.

For the purpose of permitting small capacity wells, DWR considers commercial use to refer to the use of water to facilitate the purchase, sale, lease or exchange of goods or services at the place of use of the water. This typically includes uses of water at offices, restaurants, gas stations, retail establishments, hotels, and other businesses involved in the purchase, sale, lease, or exchange of goods or services.

Small capacity commercial wells may allow outdoor uses, including the irrigation of up to one acre of landscaping, and water supply to animals in a commercial operation including Confined Animal Feeding Operations (CAFOs) as described in [Policy 1994-4](#).

2.1 Water use on property served by exempt and small capacity wells for which the permits do not list commercial use

The following uses have no inherent commercial purpose inasmuch as they support activities and needs of the home: ordinary household purposes, watering poultry, watering domestic animals, and the irrigation of home gardens and lawns. Water from a well permitted for those non-commercial uses may be used at a property where commercial activity occurs, so long as no additional water will be diverted or consumed as a result of the business being conducted on the property. Specifically, employees

(other than a party living in a single-family residence on the property) and customers cannot use water from the well, and the business cannot use water from the well for conducting business or to produce a product.⁶

Items 3 through 6 discuss individual types of exempt and small capacity well uses other than commercial. Where appropriate, additional clarification about commercial activity related to that type of use is provided.

3. Water for ordinary household purposes or normal operations associated with a single-family dwelling

The following applies to water use within a dwelling structure intended for occupation by not more than one family. A dwelling includes permanent provisions for living, sleeping, eating, cooking, and sanitation. The following occupancy situations all qualify as water use for ordinary household purposes inside one single-family dwelling:

- All or a part of the dwelling is occupied by owners, short- or long-term renters, or unrelated people with use equivalent to that of a single family. When a part of the dwelling is rented, such as only a bedroom and bathroom, and the renter is not allowed shared use of other parts of the home, such as the kitchen or living room, the dwelling use is not equivalent to that of a single family.
- Water may be used to supply a group home occupying a dwelling where the residents are children and/or adults and where caretakers or staff either live at the property or work at the property in shifts.
- Water may be used by nannies, health care workers, or other employees who provide services to residents of a dwelling and who may live in the dwelling or work there in shifts.⁷

⁶Employees such as caretakers and nannies who function as part of the single-family dwelling, as specifically described in Section 3, may use water from the well.

⁷The Colorado Supreme Court and statute support that use of a single-family dwelling by such groups, where residents make their home, although staff may be paid to supervise and assist the residents, is a residential use. See [Double D Manor v. Evergreen Meadows](#), [30-28-115\(2\)\(b.5\)](#), [31-23-303\(2\)\(b.5\)](#)

When the well provides water to an auxiliary living space such as an accessory dwelling unit (ADU), refer to [Guideline 2016-1](#) to determine if the auxiliary living space is considered a second single-family dwelling regardless of who is using the space. Generally, an auxiliary living space with a separate entry and kitchen facilities is considered a second single-family dwelling. Auxiliary living spaces rented on a short-term basis may qualify for small capacity or exempt permits (similar to a small hotel). If they are rented long-term, that is residential use subject to the limitations on the number of single family dwellings allowed by the well permit. For rental units that are intended to be used for commercial rental purposes and occupied on an intermittent or seasonal basis only, DWR will allow the main house and the rental unit to be served by a commercial exempt well permit.

DWR does not consider the following use/structure types to be ordinary household purposes or normal operations associated with single-family dwellings and these uses/structure types are not allowed to be served by an exempt well permit or a small capacity well permit:

- Venues for events such as parties and weddings;
- Bed and breakfasts⁸, hotels, motels, and hostels;
- Boarding houses, dormitories, and shelters;
- In-home daycares;
- Properties with use of water by employees or customers as a result of an on-site commercial business, or other non-residential activity (such as a church or non-profit organization).

DWR does not consider the following uses of water that may occur at a residential site to be ordinary household purposes or normal operations associated with a single-family dwelling and these uses are not allowed to be served by an exempt well permit or a small capacity well permit:

⁸For well permitting purposes, the Division of Water Resources relies on the statutory definition of a bed and breakfast in section 39-1-102(2.5).

- Filling or refilling a hot tub or swimming pool;
- Use as an ingredient in or to produce a product that is sold commercially (e.g. brewing beer, distilling spirits, manufacturing health or cosmetic products);
- Use of water outside of the dwelling structure including, but not limited to:
 - Growing plants that are not inside the dwelling, including those grown in a greenhouse;
 - Washing vehicles, windows, decks, or other outdoor features.

4. Water use for animals

Well permits may specifically state in the conditions of approval that they allow for the watering of domestic animals, poultry and/or livestock. For well permits that do not specifically include the watering of domestic animals, poultry and/or livestock, refer to Item 4.1.1 and Item 7 to determine if animal watering is an allowed use of the well.

Wells permitted for ordinary household purposes inside a single-family dwelling or for normal operations associated with a single-family dwelling may be used for the watering of pets living inside the dwelling regardless of whether or not domestic animal watering is specified on the permit.

The function of the animal (rather than the type of animal) determines the animal category. Animals commonly kept to support activities and needs of the home supplied by the well are domestic animals (see *Armstrong v. Larimer County Ditch Co*, Colo App 1891). In Colorado, horses for personal use are a common domestic animal, as are chickens raised to supply the owner with eggs or meat.⁹ A cow raised to supply the owner with milk or meat is a domestic animal, a cow raised on a farm or ranch for commercial sale is livestock.

⁹The use of water to supply chickens providing the owner with eggs or meat may be considered domestic animals when watering poultry is not a specific permitted use. Some Denver Basin permits have a limit on the number of domestic animals due to the volumetric limits of these permits, such numeric limits are based on larger domestic animals and generally would not limit the number of chickens (see discussion in Item 11.1).

4.1 Watering of poultry and domestic animals

If a well permit allows for the watering of poultry and/or domestic animals, such animals may only be used in a commercial endeavor as described in Item 2 according to the provisions enumerated below.

- A. The property has a home that is the primary single family residence for the party that owns the animals;
- B. The commercial endeavor is not the primary reason for owning the animals; and
- C. No water is used for commercial endeavors other than the watering of the animals.

Watering domestic animals or poultry residing on the property for a commercial purpose, rather than just to provide for the needs of the residents of the property, is commercial water use. The need for a special use or other permit from a local government for the activity can be an indication of a commercial activity. Examples of commercial animal watering include:

- Watering household pets or domestic animals that are kept for the purpose of a large-scale breeding operation;
- Watering household pets or domestic animals that are owned by others, but are watered at the property as part of a commercial operation, such as a training or boarding operation.

4.1.1 Determining if the watering of poultry and domestic animals is allowed by the well permit

Exempt Wells

The watering of poultry and domestic animals is not considered to be a part of the “ordinary household purposes” for exempt wells referenced in section 37-92-602(1)(a) because these uses are independently listed in sections 37-92-602(1)(b) and (e).

Therefore, wells limited to use for “ordinary household purposes” inside one or more

single-family dwelling(s), with no allowed outdoor uses, may not be used for the watering of poultry or domestic animals unless otherwise specified on the permit.

From May 17, 1988 (effective date of House Bill 1111) to June 30, 1993 (effective date of Senate Bill 241) the “watering of the user’s domestic animals not to be used for commercial purposes” was allowed for new permits approved under section 37-92-602(3)(b)(II)(A), based on the presumption of non-injury, for household use only inside one single family dwelling. During that period the statute also allowed for amending existing permits issued between May 8, 1972 and May 17, 1988 to include those uses, upon request.

Except for the situations stated below, if a well permit for an exempt well was issued on or after May 8, 1972, domestic animal watering is only allowed if specifically approved on the well permit, or approved through an amendment under the provisions of House Bill 1111, as evidenced by an amendment to the terms and conditions of the well permit or approval in the well permit file.¹⁰

If a well permit for an exempt domestic well allows domestic animal watering, DWR will allow watering of the user’s own poultry under the permit.

For subdivisions with an approved subdivision water supply plan that relies on wells constructed in a Denver Basin aquifer,¹¹ the following applies when determining if the watering of poultry and domestic animals is allowed:

- a. For those subdivisions that are approved for domestic or in-house use and the irrigation of up to one full acre of home gardens and lawns, DWR will allow the watering of domestic animals and poultry, even if such uses are not specifically referenced in the conditions of approval for the well permit. If the conditions of approval for a well permit in such a subdivision do not specifically allow the

¹⁰The terms and conditions of well permits amended under the House Bill 1111 were not generally amended to state that domestic animal watering was an allowed use, however a document was added to the well permit file that documented that the permit was amended to allow such use.

¹¹The Denver Basin aquifers are those aquifers defined by the Denver Basin Rules (2CCR-402-6).

watering of domestic animals and poultry, and the holder of the well permit desires to have those uses specifically referenced in the conditions of approval of the well permit, the holder of the permit may submit a written request to DWR to amend the permit to include this use. **No fee is required for a change of this type.** For new permits issued in these subdivisions, animal watering shall be included in the approved uses.

- b. For those subdivisions with water supply plans approved for in-house use and the irrigation of less than one full acre of home gardens and lawns, DWR will not allow animal watering unless specifically indicated in the subdivision water supply plan approval letter that was sent by DWR to the county, or the subdivision water supply plan on which that letter is based.

For valid Denver Basin exempt well permits that do not allow for the watering of poultry and domestic animals, and those uses are desired, the holder of the well permit can seek to re-permit the well to allow such use by filing a new well permit application and filing fee as described in Item 11.1 later in this document.

Small Capacity Wells

Under section 37-90-105(1)(a) the State Engineer can issue permits for wells that are used for no more than three single-family dwellings, including normal operations associated with such dwelling but not including the irrigation of more than one acre of land. Domestic animal and poultry watering are not specifically listed uses in the small capacity well statutes, but those uses are considered to be a typical use associated with households within the Designated Basins. Therefore, DWR considers the watering of domestic animals and poultry to be a component of the statutory use “normal operations associated with” single-family dwellings under section 37-90-105(1)(a). The allowed uses of small capacity domestic wells shall be interpreted, and new well permits shall be issued, consistent with the following:

If a valid well permit for a small capacity domestic well meets the following

requirements, then the watering of the user's own domestic animals and poultry shall be allowed even if such uses are not specifically referenced in the conditions of approval of the well permit. The requirements vary depending on whether the well permit is approved pursuant to a subdivision water supply plan letter.¹²

- If the well permit was issued pursuant to a subdivision water supply plan letter, which was dated prior to July 1, 2001¹³, and did not explicitly exclude animal watering as an approved use, the watering of the user's own domestic animals and poultry is an allowed use.
- If the well permit was issued prior to July 1, 2001, and was not issued pursuant to a subdivision water supply plan letter, the watering of the user's own domestic animals and poultry is an allowed use.

If the watering of the user's own domestic animals and poultry is an allowed use based on the conditions above, and the conditions of approval of the well permit do not specifically allow the watering of the user's own domestic animals and poultry, and the holder of the well permit desires to have those uses specifically referenced in the conditions of approval of the well permit, the holder of the well permit may submit a written request to DWR to amend the well permit to include those uses. **No fee is required for a change of this type.**

For well permits issued for small capacity domestic wells on or after July 1, 2001, the well permit conditions must specifically state if the watering of the user's own domestic animals is allowed. If a well permit allows domestic animal watering, DWR will also allow the watering of the user's own poultry.

Where a valid well permit exists that does not allow the watering of poultry and domestic animals, and such use is desired, the holder of the well permit can seek to re-

¹²For subdivisions, as defined in section 30-28-101(10), approved on or after June 1, 1972, section 30-28-136(1)(h)(l) requires that the counties refer the water supply plans to DWR for an opinion on whether the water supply plan is adequate and whether it will result in injury to vested water rights. The "subdivision water supply plan letter" is DWR's response to the county.

¹³As of this date staff of DWR added domestic animal watering as a specific use to well permits for situations where such use was allowed.

permit the well to allow such use by filing a new well permit application and filing fee. The ability to obtain the well permit will be determined at the time that the well permit application is submitted to and reviewed by DWR. For re-permitting of wells withdrawing water from a Denver Basin aquifer also see Item 11.1 later in this document.

4.2. Watering of livestock

Exempt permits may include the use “watering livestock on farms and ranches,” as described in section 37-92-602(1)(b). Small capacity permits may include the use “watering of livestock on range and pasture,” as described in section 37-90-105(1)(b). These sections do not identify a specific limit on the number of water tanks or the number of livestock that can be served from these types of wells to water livestock. DWR considers “watering livestock on farms and ranches” for exempt wells and, “on range and pasture” for small capacity wells, to mean that livestock suited to grazing, such as beef or dairy cattle, are substantially supported by grazing on vegetation growing in the area where the livestock roam or through feed grown on the farm or ranch, which imposes a limit on the number of livestock that may be supplied water through the well based on the number of animals that can be supported on range and pasture or on the farm or ranch. Considering the variability of Colorado’s climate, there may be temporary instances of limited duration where additional feed from external sources is necessary. Supplying water to confined animal feeding operations (CAFOs/feedlots) where the primary feed source is not grown on the farm or ranch does not qualify as “watering livestock on farms and ranches” or “watering livestock on range and pasture”. For exempt wells used for feedlot operations or dairy operations established prior to May 8, 1972 the limitations specified in [Policy 1993-2](#) apply.

Watering of livestock not meeting the criteria above is commercial water use.

Any owner of an existing small capacity well that was constructed prior to May 8, 1972, or has a well permit issued prior to January 1, 1996, and that was put to beneficial use for watering livestock in a confined animal-feeding operation had until December 31,

1999 to apply to permit the well as a small capacity commercial well. Such well is in addition to the one commercial business well allowed in section 37-90-105(1)(c).

Use of wells permitted for livestock watering is limited to the watering of livestock owned by the well owner, or the watering of livestock on land either owned or leased by the well owner (see also Item 9).

Livestock wells must be equipped and used in a manner that prevents unreasonable waste. Wasting water by diverting water when not needed for beneficial use, or running more water than is reasonably needed for application to beneficial use is “waste.”¹⁴ In order to prevent unreasonable waste livestock wells should only be pumped as needed to keep a reasonable amount of water in the vessel supplying livestock, while minimizing overflow (i.e. pumped to fill stock tanks).

Exempt livestock wells are typically used to fill a tank or other storage structure for the purposes of watering livestock. The tank must be sized appropriately for the number of livestock to be watered and the intended use of the tank or storage structure must be limited to livestock watering, and cannot be used for ancillary purposes such as a fish pond, swimming pool, etc.

5. Water for Irrigation

Exempt well permits may include the “irrigation of not over one acre of home gardens and lawn” pursuant to section 37-92-602(1)(b), but may be permitted for less than one acre in some instances (e.g. some well permits in Denver Basin).

Exempt well permits issued for the late registration of an existing well may include the “irrigation of not over one acre of gardens and lawn” as described in section 37-92-602(1)(e). DWR will limit this irrigation to irrigation of gardens and lawns associated with a single-family dwelling. For wells put to beneficial use prior to May 8, 1972 or late registered, DWR will limit the irrigated area to the area that was irrigated prior to May

¹⁴*Ready Mix Conc. CO. v. FRICO*, 115P.3d 638, 645 n. 4 (2005).

8, 1972 (see Item 8).

Small capacity permits may include the limitation “used for no more than three single-family dwellings, including the normal operations associated with such dwellings but not including the irrigation of more than one acre of land” as described in section 37-90-105(1)(a). DWR will limit the irrigated land to home gardens and lawns associated with the dwellings.

For exempt and small capacity well permits with irrigation use, DWR will consider a greenhouse as part of the permitted irrigated area, and will allow watering the plants outside of the normal irrigation season, so long as the plants are not sold.

The irrigation of home gardens and lawns may include irrigation of plants that are sold¹⁵ as long as:

- A. The property has a home that is the primary single family residence for the party growing the plants.
- B. The primary purpose of the irrigation is for personal use of the plants, recognizing that this may result in excess plants at certain times, which may be made available for sale. Irrigation of plants in quantities greater than is reasonable for personal use with the intent for sale is commercial irrigation use and not allowed under an exempt or small capacity well permit.
- C. The irrigation of the plants does not change the season of irrigation from the season for a typical home garden or lawn in that area (i.e., winter irrigation inside a greenhouse or building is prohibited).
- D. The plant to be cultivated, irrigated, or processed does not require a license or registration¹⁶ with any state or local licensing authority. The requirement of such

¹⁵As used hereafter, the term “sold” shall be understood to encompass trade, reimbursement, or other compensation resulting in consideration being received for plants or other plant products. The provisions of items 5.A - 5.D do not apply to the irrigation of plants that are donated. Such use is considered allowable as a part of the irrigation of home gardens and lawns.

¹⁶Examples of licenses include recreational or medical marijuana licenses issued through the Colorado Marijuana Enforcement Division. Registrations include commercial industrial hemp registrations issued

a license or registration is evidence of a commercial endeavor that will cause an increase in the diversion and consumption of water and is evidence that the primary purpose of the irrigation is beyond *personal*, non-commercial use of the same type of plants that will be sold. Registered medical marijuana primary caregivers¹⁷ are an exception and may water plants during the irrigation season so long as all of the provisions enumerated in 5.A-5.C are met. The constitution allows adults to grow no more than six marijuana plants per adult for personal use. The maximum number of marijuana plants allowed to be grown at a residential property is 12.¹⁸

Per section 37-90-105(1)(c) small capacity well use may specifically include use in one commercial business. DWR will allow this commercial use to include irrigation of up to one acre of landscaping around the business.

Wells with permits that allow for “irrigation of lawns and gardens” or that allow for “irrigation of home lawns and gardens”, may be used for the irrigation of community gardens, provided that the total area irrigated does not exceed the irrigated area allowed by the well permit. This is subject to the requirement that a community garden would be tended by the property owner and/or other neighbors/individuals with no requirement of a payment, providing a service, or other financial arrangement that benefits the property owner or others associated with the garden (such as requiring a paid membership or other “pay to grow” consideration). All products (vegetables, flowers, etc.) from the garden must be used by the garden owner, neighbors/individuals tending the garden, donated, or otherwise in compliance with items 5.A - 5.D above, with the exception the community garden does not need to be on the parcel referenced in 5.A above.

through the Colorado Department of Agriculture.

¹⁷Medical marijuana primary caregiver registrations are issued through the Colorado Department of Public Health and Environment. Registered caregivers are precluded from being licensed to operate medical or retail marijuana businesses or being employed by those businesses.

¹⁸or 24 plants total if allowed by the medical marijuana or primary caregiver exception in section 18-18-406(3)(a)(II)(B), C.R.S., which also requires an express allowance in local law for more than 12 plants in a residential property.

Permits that allow for lawn and garden irrigation do not allow for water to be used for washing vehicles or machinery, or filling or supplying water to landscape features such as pools, ponds, fountains, waterfalls, or other landscape structures.

For well permits that do not include use of water for lawn and garden irrigation (such as household use only well permits), watering of plants is strictly limited to growing personal plants indoors that will not be sold.

6. Water use for fire-fighting and fire protection

Exempt wells permitted for uses described in section 37-92-602(1)(b) and small capacity wells permitted for uses described in section 37-90-105(1) may include water use for fire-fighting and/or fire protection in combination with the domestic uses allowed under those sections. Wells used exclusively for fire fighting are permitted for those uses as described in section 37-92-602(1)(d) or section 37-90-105(1)(e), and must be capped, locked, and available for use only in fighting fires.¹⁹ Wells used for fire-fighting may fill a cistern or enclosed tank so long as the tank/cistern outlet is capped, locked and available only for use in fighting fires. Fire protection does not include the use of water from the well for the “greening up” of vegetation, or filling a pond or swimming pool. In the event of an emergency, DWR does not object to the use of water from any well for fire-fighting.

7. Well permits issued for “domestic use”

For well permits issued pursuant to applications filed prior to May 8, 1972 that list the beneficial use as “domestic” where there is no further description of the intended specific uses in the permit file, the specific uses are those uses intended at the time of application, not to exceed those listed in section 37-92-602(1) or section 37-90-105(1), as applicable. A well owner may provide evidence of intended use, such as plat maps or historical correspondence that indicates a particular number of dwellings, amount of

¹⁹For a fire station an exempt or small capacity well permit can be sought for both fire fighting and commercial drinking and sanitary use.

lawn and garden irrigation, and if domestic animals were intended. In the absence of specific evidence of intended uses, DWR will assume the historical use as of the date indicated below was the intended use:

- For stream systems that were over-appropriated as of May 8, 1972, the date is May 8, 1972, or the date the well was first put to use, whichever is later.
- For stream systems that were over-appropriated on or after May 8, 1972, the date of the over-appropriation determination.

For exempt well permits issued pursuant to applications filed on or after May 8, 1972 where the use is listed as “domestic”, and there is no further description of the intended specific uses in the permit file, and the well permit was not issued pursuant to section 37-92-602(3)(b)(II)(A), which specifies uses based on parcel size, the allowed uses may be determined according to specific uses described in a subdivision water supply plan or another document indicating the intended uses at the time of well permitting. If such information is not available the intended uses are inferred as follows:

- For wells constructed in a tributary aquifer the uses are inferred from the historical uses up until the date the basin is declared over-appropriated.
- For wells constructed in a nontributary or Denver Basin aquifer the uses are inferred from the historical uses that occurred when the well was first put to use.

For exempt well permits issued pursuant to section 37-92-602(3)(b)(II)(A), DWR will limit the use of the well to fire protection, ordinary household purposes inside up to three single-family dwellings, the irrigation of not more than one acre of home gardens and lawns, and the watering of poultry, domestic animals and livestock on a farm or ranch. Permits that do not explicitly state all of these uses may be amended in accordance with [Policy 1993-4](#).

8. Registration of certain wells not previously registered

Certain wells that were constructed and put to beneficial use prior to May 8, 1972 (or August 1, 1988 for monitoring wells), may be registered for their historical use in accordance with section 37-92-602(5) (exempt) or section 37-90-105(4) (small capacity), subject to the following requirements.

- Only the uses in place as of May 8, 1972 may be included on the permit (even in areas where the stream system became over-appropriated after May 8, 1972).
- In accordance with State Engineer [Policy 1995-4](#), uses that have not occurred for ten (10) or more continuous years are considered abandoned and are not eligible for registration.
- Wells outside of Designated Groundwater Basins that are used for drinking and sanitary purposes in a commercial business are subject to the registration requirements of State Engineer [Policy 1990-1](#).

9. Shared wells and use of water on other parcels

If a well permit issued pursuant to sections 37-92-602(5), 37-92-602(3), or 37-90-105(1) is used to supply water to a parcel other than where the well is located, or if use of the well is shared between two or more parcels, the operation of the well is subject to the following requirements:

- The total use of water cannot exceed the uses and amounts allowed by the well permit.
- Use of wells permitted for livestock watering is limited to serving livestock owned by the well owner (on land owned or leased by the well owner) or watering livestock owned by others (grazing on land owned by the well owner pursuant to a grazing agreement).
- The properties served by the exempt well may not be a part of a post-June 1, 1972 subdivision, unless the sharing of an exempt well was approved by the State

Engineer's Office as a part of the subdivision's water supply plan, or unless the well meets the requirements of section 37-92-602(3)(b)(IV) (note that section 37-92-602(3)(b)(IV) would limit the well to serving one parcel of the divided land, but would not limit the well to serving the parcel on which the well is located).

- If the property that the water is being shared with has another water supply available, as described in the State Engineer's [Guideline 2003-5 Regarding the Use of Wells Within Water Service Areas](#), a letter from the supplier/augmentation plan operator stating that they do not oppose the use of the shared well to serve the properties must be obtained from the water supplier and provided to DWR prior to the well being used to supply those properties.
- In order to verify that the total use of a well does not exceed the permitted uses of the well, all water must be supplied to shared properties by pipeline, unless the water use is for watering livestock on a farm or ranch (refer to Item 4.2 for further information on livestock watering).

If a well is shared between two or more properties, a well sharing agreement is recommended to document how the costs associated with operation/maintenance of the well, and water diverted from the well, will be split between the users sharing the well. Well sharing agreements provided to this office may be added to a well permit file for informational purposes; however, DWR does not enforce, administer, or resolve issues concerning well sharing agreements.

10. Return flow requirements

Exempt wells permitted on the condition that "the return flow from such uses shall be returned to the same stream system in which the well is located" are assumed to satisfy this requirement through onsite septic or piped wastewater treatment. When return flows are not returned onsite, such as when wastewater is captured in a vault and hauled to a wastewater treatment plant, DWR considers wells to be in compliance when that water is returned to any stream system within the same Water Division as the well.

11. Changing Permitted Uses

A well must only be used for those uses listed on the well permit. Prior to using the well for any uses not allowed by the well permit the well must first be re-permitted to allow for different uses. Permits issued pursuant to section 37-92-602(3)(b)(II)(A), as the only well on a tract of land of 35 acres or more that do not explicitly include all of the uses allowed under that section of statute (fire protection, ordinary household purposes inside up to three single-family dwellings, the irrigation of not more than one acre of home gardens and lawns, and the watering of poultry, domestic animals and livestock on a farm or ranch), may be amended in accordance with [Policy 1993-4](#) (refer also to Item 7 for further information).

11.1 Trading allowed uses for wells in Denver Basin aquifers

For small capacity well permits issued in accordance with section 37-90-105(1) and exempt well permits issued in accordance with section 37-92-602(3)(b)(I), to withdraw water from a Denver Basin aquifer, the allowed uses may be traded as long as the amount of water required to serve the modified uses does not exceed the amount of water required for the existing uses, based on the following water demands:

- Ordinary household purposes inside 1 single family dwelling - 0.3 acre-feet per year
- The watering of 4 of the user's own domestic animals - 0.05 acre-feet per year
- The irrigation of 1,000 square-feet of home lawn and garden - 0.05 acre-feet per year.
- Watering of the user's own poultry on residential land - 0 acre-feet per year²⁰

For example, the allowed irrigated area can be reduced by 1,000 square feet to allow the watering of 4 of the user's own domestic animals and poultry.

²⁰Due to the limited amount of water required to water the number of poultry that is typical for a residential property, no reduction in uses will be required to add the watering of the user's own poultry.

In order to modify the uses allowed by the well permit, the holder of the well permit must apply to re-permit the well by submitting a well permit application and filing fee. The ability to obtain a new well permit will be determined at the time that the well permit application is submitted to and reviewed by DWR.

11.2 Trading water uses and measuring water use by wells

Except as described in Item 11.1, the permitted uses of water from exempt and small capacity wells cannot be exchanged for different uses that may have a similar or lesser water use amount but that are not listed on the well permit or in the exempt and small capacity well statutes. Rather, water use is limited to only those types of water uses listed in the statutes.²¹ For instance, a water user may not obtain an exempt well permit that trades the irrigation of one acre of home gardens and lawns for the filling of a swimming pool, even if the swimming pool water use is measured to be less than the irrigation use.

11.3 Adding non-exempt or large capacity uses

When a well with a permit issued pursuant to the exempt or small capacity statutes will be used for additional uses not listed in 37-92-602(1) or 37-90-105(1), unless the structure is configured such that the exempt uses and non-exempt uses can be served by two separate “wells” as described below, the existing well permit must be canceled and the well must be re-permitted for all of the proposed uses through a non-exempt or large capacity well permit. A single “well” cannot partially operate under an exempt (or small capacity) well permit and partially under a non-exempt (or large capacity) well permit. In tributary aquifers in an over-appropriated area, a non-exempt well permit requires a plan for augmentation or other approval that considers all of the uses and prevents injury.²² Similarly, for large capacity wells that require a replacement plan

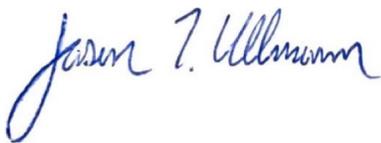
²¹When interpreting statutes, courts “must give effect to the intent of the General Assembly.” *Mosley v. People*, 392 P.3d 1198, 1202 (Colo. 2017). Courts “give the words their plain and ordinary meaning.” *Flakes v. People*, 153 P.3d 427, 434 (Colo. 2007), *as modified on denial of reh’g* (Mar. 19, 2007). Where the plain language of a statute is unambiguous, the language of the statute should be applied as written. *Nieto v. Clark’s Mkt., Inc.*, 488 P.3d 1140, 1143 (Colo. 2021).

²²The Colorado Supreme Court concluded in *Cache LaPoudre W.U. Ass’n v. Glacier View Meadows* (1976)

pursuant to the Designated Basin Rules, the replacement plan must consider all of the uses of the well and prevent material injury to existing water rights. In situations where separate pumps, piping, and plumbing are installed in the same borehole, each system used to obtain groundwater and put it to beneficial use may be considered a separate “well” that could allow for the issuance of a non-exempt or large-capacity permit for one “well” while retaining the exempt or small-capacity permit for the other “well”. The augmentation/replacement requirements would still apply to uses from the non-exempt or large-capacity well. There may be additional considerations within the Designated Basins, such as compact requirements or Ground Water Management District Rules, that could prevent or restrict the issuance of a small-capacity permit for a well in the same borehole as a large-capacity well, or decree terms and conditions may prevent the issuance of an exempt permit for a well in the same borehole as a non-exempt well. Therefore, each situation will be evaluated on a case-by case basis.

Approval

This document may only be modified or revoked in writing by the State Engineer. This guideline originally became effective on December 20, 2023. It was amended on August 18, 2025 to clarify that two “wells” may be permitted in the same borehole if certain requirements can be met.



Jason T. Ullmann, P.E.
State Engineer/Director

that all wells included in a plan for augmentation are non-exempt.

From: [Gary Walter](#)
To: [Melanie Estrada](#)
Subject: RE: Referral Response Request - DR2025-007 Douglas County Zoning Resolution Amendment Large Day-Care Home
Date: Tuesday, September 23, 2025 10:06:07 AM

No Comment

Gary Walter

Sr. Engineer/Project Manager

FAA Remote Pilot, Cert. # 4023763
Douglas County Department of Public Works Operations
303-660-7480 | 303-663-6232
P.O. Box 1390 | 3030 N. Industrial Way
Castle Rock, CO 80104

From: Melanie Estrada <mestrada@douglas.co.us>
Sent: Friday, September 19, 2025 3:39 PM
To: Gary Walter <GWalter@douglas.co.us>
Subject: Referral Response Request - DR2025-007 Douglas County Zoning Resolution Amendment Large Day-Care Home

Date: September 22, 2025

To: Interested Parties

From: Melanie Estrada

RE: Douglas County Zoning Resolution Amendment – Large Day-Care Homes, DR2025-007

Request for Review:

Please review the following proposed update to the Douglas County Zoning Resolution (Zoning Resolution) Large Day-Care Homes and forward any comments to me by **October 22, 2025**. The full text of this update can be obtained by contacting this office, or by accessing the Douglas County website at www.douglas.us/PRO and entering the project file number DR2025-007 in the search tool.

Synopsis of Regulation Change:

Douglas County is proposing revisions to the Use by Special Review requirement for Large Day-Care Homes to comply with Colorado Revised Statutes § 26-6-10.5. This requirement will be removed, and all Day-Care Homes will be a residential accessory use. The proposed revisions include a new definition of Day-Care Homes and revisions and minor technical corrections to various references. The following Sections are affected:

From: [Chuck Weiss](#)
To: [Melanie Estrada](#)
Subject: RE: [EXTERNAL]:Douglas County eReferral DR2025-007 Is Ready For Review
Date: Sunday, September 21, 2025 8:20:31 PM

No comments.

Thanks,
Chuck

-----Original Message-----

From: mestrada@douglas.co.us <mestrada@douglas.co.us>
Sent: Friday, September 19, 2025 3:43 PM
To: Chuck Weiss <cweiss@e-470.com>
Subject: [EXTERNAL]:Douglas County eReferral DR2025-007 Is Ready For Review

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There is an eReferral for your review. Please use the following link to log on to your account:
<https://apps.douglas.co.us/planning/projects/Login.aspx>

DR2025-007, Douglas County Zoning Resolution Large Day-Care Homes, Douglas County is proposing revisions to the Use by Special Review requirement for Large Day-Care Homes to comply with Colorado Revised Statutes 26-6-104.5

This referral will close on Wednesday, October, 22, 2025.

If you have any questions, please contact me.

Sincerely,

Melanie Estrada
Planning Services
100 Third Street
Castle Rock, CO 80104
303-660-7460 (main)

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From: [Maria Lancto](#)
To: [Melanie Estrada](#)
Subject: RE: Referral Response Request - DR2025-007 Douglas County Zoning Resolution Amendment Large Day-Care Home
Date: Monday, October 6, 2025 3:28:08 PM
Attachments: [image001.png](#)
[Review Comments Letter.pdf](#)

Hello,

Thank you for sending this to us for review. Our comments are attached.

	<p>Maria Lancto, AICP Senior Planner El Paso County Planning and Community Development (719) 520-6447 Office hours: Monday- Friday 7:30am-4:00pm https://planningdevelopment.elpasoco.com</p>
---	---



From: Melanie Estrada <mestrada@douglas.co.us>
Sent: Friday, September 19, 2025 3:32 PM
To: DSD-POD <DSD-POD@elpasoco.com>
Subject: Referral Response Request - DR2025-007 Douglas County Zoning Resolution Amendment Large Day-Care Home

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Date: September 22, 2025

To: Interested Parties

From: Melanie Estrada

RE: Douglas County Zoning Resolution Amendment – Large Day-Care Homes, DR2025-007

Request for Review:

MEGGAN HERINGTON, AICP, EXECUTIVE DIRECTOR

PLANNING AND COMMUNITY DEVELOPMENT

October 6, 2025

County File: OAR2523 – Douglas County Zoning Resolution Large Day-Care Homes; DR2025-007

To: Melanie Estrada, Douglas County;
mestrada@douglas.co.us

Planning Division

EPC Planning has no comments.

Reviewed by:

Maria Lancto, AICP, Senior Planner
marialancto@elpasoco.com

Engineering Division

El Paso County Development Services Engineering has no comments.

Reviewed by:

Charlene Durham, PE
charlenedurham@elpasoco.com

Stormwater Division

EPC DPW Stormwater has no comments on this zoning resolution. No re-review necessary.

Reviewed by:

Mikayla Hartford, P.E.

Engineer - Stormwater

719.339.5053

MikaylaHartford@elpasoco.com

County Engineer (Public Works)

Additional comments may be provided by the County Engineer.

Maria Lancot, AICP, Senior Planner

El Paso County Planning and Community Development

2880 International Circle, Colorado Springs, CO, 80910

(719) 520-6447

From: [Danny Klibaner](#)
To: [Melanie Estrada](#)
Cc: [CDS Department](#)
Subject: Douglas County eReferral DR2025-007 Is Ready For Review
Date: Monday, September 22, 2025 9:51:09 AM
Attachments: [image001.png](#)

Good morning,

Elbert County has no issues with Douglas County's proposed change that removes the requirement for a use by special review for Large Day-Care Homes.

Best,
Danny

Danny Klibaner, AICP
Elbert County Government
Land Use Planner
Community and Development Services
PO Box 7, 215 Comanche St, Kiowa, CO, 80117
Office (303) 621-3135
Cell (303) 435-1865
danny.klibaner@elbertcounty-co.gov

Please note County Offices are closed on Fridays.



GRAND VIEW ESTATES

HOMEOWNER'S ASSOCIATION

P.O. Box 2157

Parker, CO 80134-9443

Considerations for Zoning Resolution Changes Related to Senior and Adult Daycare Facilities

Overview of Referral DR2025-007

The referral DR2025-007 addresses a complex issue regarding zoning resolution changes required for statutory counties to comply with State regulation, specifically Colorado Revised Statute § 26-6-104.5. This statute prohibits government agencies from differentiating between small or large daycare centers, whether those centers serve children or adults.

Recommendations for County Zoning Resolutions

Several recommendations are provided below for the Board of County Commissioners (BOCC) to consider as future revisions to other sections of the County Zoning Resolutions, as well as one suggestion that will be forwarded to State representatives for potential legislative action due to a possible observed loophole. **(Although the lack of mention might also indicate it is not recognized as a type of facility in the State of Colorado.)**

Definitions and Oversight of Facilities

It is important for the County Zoning Resolutions to define the following terms accurately and in accordance with State regulations, including clear specifications regarding the age and number of individuals served at each type of facility:

- Assisted living
- Group homes
- In-home elder care
- Adult daycare
- **Senior daycare (a new and potentially undefined term)**
- Child daycare

Facilities such as assisted living, group homes, and in-home elder care are overseen by the Colorado Department of Public Health and Environment (CDPHE). These must be licensed by the State, and there is a distinction between "private pay" and facilities seeking Medicaid payments.

Adult daycare facilities are managed by both the Colorado Department of Health Care Policy and Financing (HCPF) and the CDPHE. HCPF authorizes and reimburses adult services via Medicaid and HCBS waivers when applicable, while CDPHE is responsible for licensing and ensuring compliance with health and safety standards.

Senior daycare is a relatively new type of facility in Douglas County. Currently, there is a loophole: no licensing or certification is required by the State of Colorado unless "special services" like dementia or Alzheimer's care are provided. During a recent open house at a senior daycare facility in Grand View

GRAND VIEW ESTATES

HOMEOWNER'S ASSOCIATION

P.O. Box 2157
Parker, CO 80134-9443

Estates, the owner claimed that Colorado does not require licensing or certification for such facilities, a statement that may not be fully accurate based on available research.

In other states, senior daycare facilities are defined as adult day care centers serving three or more adults, with specific operational standards and services focused on aging adults, such as bathing, grooming, and medication assistance. These definitions often exclude programs for individuals with developmental disabilities and clarify terms like "Aging Adults" and "Activities of Daily Living." Child daycare is regulated by the Colorado Department of Early Childhood (CDEC), and depending on facility type, the State may require a full-time equivalent certified nurse to be present onsite.

Compliance and Registration Recommendations

Given that oversight rests with the State rather than local agencies, it is recommended that BOCC update zoning resolutions to require operators of all facility types listed above to familiarize themselves with and comply with all State regulations.

Additionally, many existing facilities have undergone extensive interior renovations which may not have been properly permitted through the County, even adding bedrooms and bathrooms without expanding septic systems or determining whether well permitting through the CDWR allows for such use. All of which is an issue in the ER, RR, LR, and AG zoning areas.

A further recommendation is for all these facilities to register with the County Health Department to ensure issues affecting safety or welfare are addressed and to facilitate necessary expansion, such as for septic systems.

Facility Accessibility and Future Development

At the open house for the new senior daycare facility in Douglas County, a healthcare worker noted that the main floor bathroom was not ADA compliant, nor was the wheelchair ramp to the front porch. The facility owner mentioned plans to open additional locations in Castle Rock and Littleton. It was unclear who might reside in the onsite quarters or finished basement.

The owner also stated that Douglas County provides transportation to and from the Grand View Estates facility, though this information has not been confirmed.

Conclusion

The issues surrounding senior and adult daycare facilities are complex, particularly as the aging population in Douglas County and the State increases, heightening the demand for such services—including child daycare. Many individuals opening these facilities find them profitable, partly due to a tax benefit of \$1,200 per individual, raising concerns about the potential impact on semi-rural communities throughout unincorporated Douglas County that don't have other zoning resolutions/regulations.



October 20, 2025

Carolyn Washee-Freeland, AICP, Senior Planner
Douglas County Department of Community Development, Planning Services
100 Third Street
Castle Rock, CO 80104

Project name: Douglas County Zoning Resolution Amendment – Large Day-Care Homes

Project File #: DR2025-007

Review Date: October 20, 2025

Project Summary: Revisions to the Use by Special Review requirement for Large Day-Care comes to comply with Colorado Revised Statutes § 26-6-10.5. This requirement will be removed, and all Day-Care Homes will be a residential accessory use. The proposed revisions include a new definition of Day-Care Homes and revisions and minor technical corrections to various references.

The District appreciated the opportunity to review and comment on the proposed project. District staff have reviewed the proposed application and has no comments.



October 17, 2025

Carolyn Washee-Freeland, AICP, Senior Planner
Douglas County Department of Community Development, Planning Services
100 Third Street
Castle Rock, CO 80104

Project name: Douglas County Zoning Resolution Amendment – Large Day-Care Homes

Project File #: DR2025-007

Review Date: October 20, 2025

Project Summary: Revisions to the Use by Special Review requirement for Large Day-Care Homes to comply with Colorado Revised Statutes § 26-6-10.5. This requirement will be removed, and all Day-Care Homes will be a residential accessory use. The proposed revisions include a new definition of Day-Care Homes and revisions and minor technical corrections to various references.

The District appreciated the opportunity to review and comment on the proposed project. District staff have reviewed the proposed application and has no comments.

From: [Permitting](#)
To: [Melanie Estrada](#)
Subject: RE: Referral Response Request - DR2025-007 Douglas County Zoning Resolution Amendment Large Day-Care Home
Date: Thursday, October 16, 2025 8:25:49 AM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)
[image007.png](#)

Good morning,

Please see our comment for this project:

Mountain View Electric Association, Inc. (MVEA) has no objection to the proposed Zoning Resolution. Should electric service be required, please contact our office to initiate a service request.

Thank you,

Samantha Sherman
Engineering Administrative Supervisor
Mountain View Electric Association, Inc.
Falcon Office
11140 E. Woodmen Road, Falcon, CO 80831
Direct: (719) 494-2699
Cell: (719)715-3039
www.mvea.coop



This Association is an equal opportunity provider and employer.

From: Melanie Estrada <mestrada@douglas.co.us>
Sent: Wednesday, October 15, 2025 2:53 PM
To: Permitting <permitting@mvea.coop>
Subject: RE: Referral Response Request - DR2025-007 Douglas County Zoning Resolution Amendment Large Day-Care Home

CAUTION: This is an EXTERNAL email. Exercise caution. DO NOT open attachments or click links from unknown senders or unexpected email.

From: [Mike Marcum](#)
To: [Melanie Estrada](#)
Subject: RE: Douglas County eReferral DR2025-007 Is Ready For Review
Date: Monday, September 29, 2025 9:40:59 AM
Attachments: [image001.png](#)

Hi Melanie,

RWSD has no comments on this referral.

Thanks,



MIKE MARCUM
General Manager

303.979.7286
mike@roxwaterco.gov
8383 Waterton Rd | Littleton CO 80125
www.roxwaterco.gov

Roxborough Water & Sanitation District

-----Original Message-----

From: mestrada@douglas.co.us <mestrada@douglas.co.us>
Sent: Friday, September 19, 2025 3:44 PM
To: Mike Marcum <Mike@roxwaterco.gov>
Subject: Douglas County eReferral DR2025-007 Is Ready For Review

There is an eReferral for your review. Please use the following link to log on to your account:
<https://apps.douglas.co.us/planning/projects/Login.aspx>

DR2025-007, Douglas County Zoning Resolution Large Day-Care Homes, Douglas County is proposing revisions to the Use by Special Review requirement for Large Day-Care Homes to comply with Colorado Revised Statutes 26-6-104.5

This referral will close on Wednesday, October, 22, 2025.

If you have any questions, please contact me.

Sincerely,

Melanie Estrada
Planning Services
100 Third Street
Castle Rock, CO 80104
303-660-7460 (main)



4810 East County Line Road
Littleton, CO 80126
720.916.4003

October 22, 2025

Dear Melanie Estrada,

South Suburban staff reviewed the referral for DR2025-007, Douglas County Zoning Resolution Large Day-Care Homes, and have no comments at this time.

Thank you for the opportunity to review and comment. Let us know if additional information or coordination is needed from South Suburban.

Sincerely,

AnaClaudia Magalhaes
Planning Supervisor

From: [Matthews, Bryce](#)
To: [Melanie Estrada](#)
Subject: RE: Douglas County eReferral DR2025-007 Is Ready For Review
Date: Monday, September 22, 2025 5:22:17 PM
Attachments: [image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)
[image007.png](#)

Hi Melanie,

The Town has no comment on this change, however, we noticed that the change was reference a repealed State Statute (26-6-105).

Do you have an updated Statute reference? We are looking to update our code on this issue as well.

Thanks,

Bryce



Bryce Matthews, Assistant Director - Planning
20120 E. Mainstreet, Parker, CO 80138-7335
303.805.3174 www.parkerco.gov



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From: mestrada@douglas.co.us <mestrada@douglas.co.us>
Sent: Friday, September 19, 2025 3:44 PM
To: Matthews, Bryce <bmatthews@parkerco.gov>
Subject: Douglas County eReferral DR2025-007 Is Ready For Review

There is an eReferral for your review. Please use the following link to log on to your account: <https://apps.douglas.co.us/planning/projects/Login.aspx>