

Zoning Resolution Amendments Staff Report

Date: June 10, 2025

To: Douglas County Board of County Commissioners

Through: Douglas J. Debord, County Manager

From: Terence T. Quinn, AICP, Director of Community Development *SK for TQ*

CC: Marcco Higham, Planner
Lauren Pulver, Planning Supervisor
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Kati Carter, AICP, Assistant Director of Planning Resources
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Subject: **Douglas County Zoning Resolution Amendments to Regulate Natural Medicine Facilities**

Project File: DR2024-003

Planning Commission Hearing:	June 16, 2025 @ 6:00 p.m.
Board of County Commissioners Hearing:	June 24, 2025 @ 2:30 p.m.

I. EXECUTIVE SUMMARY

The request is for approval of proposed changes to Douglas County Zoning Resolution (DCZR) Sections 11, 12, 13, 14, and 21.

The intent of the proposed amendments is to regulate state licensed Natural Medicine Facilities specific to time, place, and manner of operation as allowed by State Statute. The proposed amendments limit the zone districts in which Natural Medicine businesses can operate; require a 1,500-foot separation from all residential zone districts, dwellings, schools, childcare facilities, libraries, churches, parks, and municipal boundaries; and require additional operational parameters through the Use by Special Review (USR) process.

The Planning Commission (PC) is scheduled to review the project at a public hearing on June 16, 2025.

II. REQUEST

A. Request

Approval of amendments to DCZR Sections 11, 12, 13, 14, and 21.

B. Process

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

C. Project Description

Senate Bill 23-290 and the subsequent rulemaking process limits the County's ability to prohibit Natural Medicine Facilities, but enables the County to regulate time, place, and manner of the operation of Natural Medicine related facilities. State licensing of Natural Medicine related businesses is subject to applicable zoning laws as directed by the Board. The proposed amendments would allow Healing Centers in the Business (B), Commercial (C), Light Industrial (LI), and General Industrial (GI) zone districts with a Use by Special Review (USR).

The Natural Medicine Cultivation Center, Products Manufacturing, and Testing Facility uses would require a USR and be allowed in only the LI and GI zone districts. All Natural Medicine facilities would be subject to hours of operation from 8:00 a.m. to 5:00 p.m., Monday through Friday. The proposed zoning amendment would establish a 1,500-foot separation requirement for Natural Medicine businesses from residential zone districts, dwellings, schools, childcare facilities, libraries, churches, parks, and municipal boundaries. The Board may consider a reduced separation requirement for a specific USR application.

Additionally, the proposed zoning amendment requires Healing Centers to be located no more than 5 miles from a hospital, emergency medical care center, urgent care center, or other such medical treatment facilities, unless such services are available at the Healing Center. The USR process would require notice to the Douglas County Health Department (DCHD), the Douglas County Sheriff's Office (DCSO), and emergency facilities within 5 miles of a Healing Center within 14 days of an approval.

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 and comments from the public are attached. Most referral agencies provided either a no comment or no objection response.

Staff contacted the Colorado Hospital Association and the Colorado American College of Emergency Physicians for feedback on the proposed amendment but neither organization provided a response. The Douglas County Sheriff's Office (DCSO) commented that should the Board require Crime Prevention Through Environmental Design (CPTED) concepts for these businesses, the DCSO would then reevaluate the proposed regulations. The DCSO

did not object to the zoning amendment. The Town of Larkspur requested a 3-mile distance requirement from municipal boundaries. During the Board work session held on May 6, 2025 it was determined that the proposed amendment would be restrictive enough to provide Larkspur with this buffer given the absence of applicable zoned areas in the vicinity.

The Franktown Citizens Coalition, Grandview Estates HOA, and Happy Canyon HOA commented with concerns for criminal activity, zoning compliance reporting, and unintended negative impacts from Natural Medicine businesses. Happy Canyon HOA and Pinery West HOA requested the most restrictive regulations possible, and Franktown Citizen’s Coalition requested that none of the uses be permitted in Franktown. A business owner provided concern for the potential of Natural Medicine businesses opening near their business.

Staff received interest from two potential investors seeking information on where Natural Medicine businesses would be allowed in the County with the proposed zoning and distance requirements. At a Board work session on May 6, 2025, the Board directed staff to proceed with the zoning amendment process with no further changes.

IV. PLANNING COMMISSION HEARING

The PC is scheduled to review the proposed amendments and make a recommendation to the Board of County Commissioners at a public hearing on June 16, 2025. At the time of the writing of this staff report, the PC has not yet reviewed the proposed amendments. Staff will provide the Board with a summary of the PC hearing in advance of the June 24, 2025 Board hearing.

V. PUBLIC NOTICE

Notice of the hearing before the PC and the Board was published in the Douglas County News Press on May 29, 2025.

VI. STAFF ASSESSMENT

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

ATTACHMENTS	PAGE
DCZR Resolution.....	4
DCZR Exhibit A.....	5
BCC Red-lined Draft.....	75
Referral Response Report	145
Referral Comments	151
Citizen Comments	172

RESOLUTION NO. R-025-____

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

A RESOLUTION ADOPTING AMENDMENTS TO DOUGLAS COUNTY ZONING
RESOLUTION SECTION 11 – BUSINESS DISTRICT, SECTION 12 – COMMERCIAL
DISTRICT, SECTION 13– LIGHT INDUSTRIAL DISTRICT, SECTION 14 – GENERAL
INDUSTRIAL DISTRICT, SECTION 21 – USE BY SPECIAL REVIEW (“AMENDMENTS”)

WHEREAS, the Department of Community Development has prepared Amendments to the Douglas County Zoning Resolution, which are attached hereto and incorporated herein as Exhibit A (Project No. DR2024-003); and

WHEREAS, said Amendments are scheduled to be reviewed by the Planning Commission on June 16, 2025; and

WHEREAS, the Board of County Commissioners considered said Amendments at a public hearing held on June 24, 2025; 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 June 24, 2025.

PASSED AND ADOPTED this 24th day of June 2025, in Castle Rock, Douglas County, Colorado.

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

BY: _____
Abe Laydon, Chair

ATTEST: _____
Clerk to the Board

SECTION 11 B – BUSINESS DISTRICT

Section Contents

1101	Intent	11-2
1102	Principal Uses.....	11-2
1103	Accessory Uses.....	11-4
1104	Uses Permitted by Special Review.....	11-4
1105	Minimum Lot Area	11-4
1106	Water and Sanitation Requirements.....	11-4
1107	Utilities.....	11-4
1108	Land Dedication.....	11-4
1109	Street Standards.....	11-5
1110	Parking Standards.....	11-5
1111	Landscape Requirements.....	11-5
1112	Minimum Setbacks	11-5
1113	Encroachments.....	11-5
1114	Building Height	11-6
1115	Fencing Standards	11-6
1116	Outdoor Storage	11-7
1117	Sign Standards	11-7
1118	Lighting Standards.....	11-7

1101 Intent *(Amended 8/11/09)*

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

Development within this district is encouraged in compact centers rather than in extended strips of development along roadways so as to provide for orderly development, minimized traffic congestion, and provide for safe pedestrian movement. Business centers shall be located so as to minimize conflicts with residential and agricultural uses, wildlife habitats/corridors, and environmentally and visually sensitive areas in accordance with the intent of the Douglas County Comprehensive Master Plan, as amended. Offices may serve as a transition between urban residential and major commercial or industrial areas.

The B zone district is characterized by retail business buildings situated in a landscaped setting with landscaped off-street parking areas. Site improvements including landscaping shall be provided and designed to minimize the impact on adjacent residential uses and maintain the appearance and visual quality of the County. A site improvement plan is required prior to the use of the lot for any purpose. Typical uses include drug stores, flower shops, book stores and other general merchandise stores, offices, banks, private clubs, and public recreational areas. Development or use of land in this district is permitted only in accordance with the provisions herein. Land disturbance activities may require permit(s).

1102 Principal Uses *(Amended 6/22/05)*

The following uses shall be allowed upon the approval of, and in accordance with, a Site Improvement Plan in accordance with Section 27 of this Resolution, and shall be conducted entirely within an enclosed building, unless exempted by the Director. The Director may determine other similar uses as appropriate.

- 1102.01 Automobile service station with gasoline pumps
- 1102.02 Bank/financial institution *(including drive-up facility)*
- 1102.03 Bar/lounge
- 1102.04 Club/country club

1102.05 Community uses:

- Church
- Cultural facility
- Fire station
- Library
- Open space/trails
- Park/playground
- Recreation facility – Indoor
- School – including college or university and related facilities
- Sheriff substation

1102.06 Day-care center – *(outdoor play area shall be enclosed by 6' fence)*1102.07 Event Center *(Amended 4/28/15)*

1102.08 Firing range – indoor

1102.09 Hospital *(helipad permitted as an accessory use)*

1102.10 Hotel/motel, including conference or convention facilities located within the principal building

1102.11 Nursing or convalescent home and other extended-care facilities

1102.12 Office

- general, medical, dental, professional, governmental
- temporary *(refer to Section 22)*

1102.13 Parking lot – public or private

1102.14 Restaurant/fast-food establishment

1102.15 Retail/service business – indoor

1102.16 Retirement home

1102.17 Seasonal use *(refer to Section 22A)*

1102.18 Theater – indoor

1102.19 Utility service facility

1102.20 Veterinary clinic or hospital – animals shall be confined in an enclosed building which is part of the principal structure

1103 Accessory Use

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

- 1103.01 Accessory uses and buildings *(Amended 5/27/14)*
- 1103.02 Satellite dish
- 1103.03 Single or multifamily residence for management or employees *(provided unit is incorporated into principal structure)*

1104 Uses Permitted by Special Review *(Amended 6/22/05)*

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

- 1104.01 Heliport
- 1104.02 Natural Medicine Business: Healing Center, as defined in Colorado Regulated Natural Medicine Rules 1 CCR 213-1 and Colorado Revised Statutes. Natural Medicine businesses are not a permitted use in the PD – Planned Development District.
- 1104.03 Residence
 - Group home *(Amended 5/10/16)*
 - Group home for registered sex offenders
 - Group Residential Facility
 - Multifamily – apartments, condominiums
- 1104.04 Utility – major facility

1105 Minimum Lot Area: none

1106 Water and Sanitation Requirement

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

1107 Utilities

All public utility distribution lines shall be placed underground.

1108 Land Dedication

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

1109 Street Standards

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

1110 Parking Standards

Parking shall be provided as shown on the approved USR Plan Exhibit or Site Improvement Plan prepared in accordance with Section 21, Use by Special Review, or Section 27, Site Improvement Plan; and 28 Parking Standards, of this Resolution. *(Amended 3/26/24)*

1111 Landscaping Requirement

Each lot shall be landscaped as shown on the approved landscape plan prepared in accordance with Section 21, Use by Special Review, or Section 27 Site Improvement Plan, of this Resolution. Areas to be landscaped include the lot area within the required setback from the street, parking areas, and other areas as required. *(Amended 3/26/24)*

1112 Minimum Setbacks

SETBACK FROM:			
Street	LSB/B/C	LI/GI	RES/AG/OS
Regional/major arterial: 75' minor arterial: 40' collector/local: 20'*	no setback	25'	60'

* No parking shall be located within this setback.

The setback is measured from the lot line to the wall of the structure horizontally and perpendicular to the lot line. *(See illustration in the Definition Section.)*

1113 Encroachments

- 1113.01 A cornice, canopy, eave, fireplace, wing wall or similar architectural feature may extend 3 feet into a required setback. Fire escapes may extend 6 feet into a required setback.
- 1113.02 A building permit shall not be issued for any structure which is to be located within an easement unless written approval by the easement holder(s) is provided.
- 1113.03 Utility distribution lines and related equipment commonly located along property lines may be located within a required setback. A neighborhood substation or gas regulator/meter station shall meet the required setbacks.

1114 Building Height

Maximum building height: 60 feet

- 1114.01 The maximum building height shall not apply to belfries, cupolas, penthouses or domes not used for human occupancy, roof-mounted church spires, chimneys, skylights, ventilators, water tanks, silos, parapet walls, cornices, antennas, utility poles and necessary mechanical appurtenances usually carried above the roof level.
- 1114.02 The maximum height of a roof-mounted church spire shall not exceed 1.62 times the height of the church. The church height shall be measured from the main level finished floor (*walk-out level excluded*) to the highest roof peak. The height of the roof-mounted spire shall be measured from the top of the spire to the finished floor of the lowest walkout level of the church. (*refer to Section 36 building height definition – spire height calculation*)
- 1114.03 The maximum height of a parapet wall shall be established on the approved USR Plan Exhibit or Site Improvement Plan based on overall mass and bulk and its compatibility with the surrounding area. (*Amended 3/26/24*)
- 1114.04 The height of a ham radio antenna shall be no greater than the distance to the nearest lot line, except, engineered structures which shall be in compliance with the minimum setbacks. (*refer to Section 27A for cell sites and Section 21 for telecommunication facilities*)
- 1114.05 All roof-mounted equipment (*mechanical, ventilating, antennas*) shall be properly screened, with the exception of solar collectors/heaters.

1115 Fencing Standards (*Amended 3/26/24*)

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

- 1115.01 Fences, walls, or hedges shall not be erected in the public right-of-way, but shall be allowed within a setback. A building permit is required for any retaining wall greater than 4 feet in height or for any fence or wall greater than 6 feet in height, or as required by the Building Code, as amended and adopted by Douglas County.
- 1115.02 Solid fences, walls, or hedges shall not exceed 4 feet in height when located in the required setback from a street.
- 1115.03 Fences, walls, or hedges shall be erected and maintained in a manner which does not obstruct the vision of automobile traffic on streets, rights-

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

- 1115.04 Fences, walls, or hedges shall be maintained in good structural or living condition. The landowner is responsible for the repair or removal of a fence, wall, or hedge, which constitutes a public safety hazard by reason of inadequate maintenance, dilapidation, obsolescence, or abandonment.
- 1115.05 Fences constructed of woven wire or ornamental iron which are a minimum of 80% open may be constructed with no height limitation; however, a building permit may be required by the Building Code, as amended and adopted by Douglas County.
- 1115.06 Barbed, electrically charged, concertina, or razor wire or other hazardous materials used for fencing shall be prohibited.
- 1115.07 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.

1116 Outdoor Storage

Outdoor storage shall be permitted only upon the approval of the Board or the Director, as shown on the approved USR Plan Exhibit or Site Improvement Plan, as applicable, in accordance with the outdoor storage standards set forth in the C – Commercial District of this Resolution. (Amended 3/26/24)

1117 Sign Standards – Refer to Section 29 of this Resolution

1118 Lighting Standards – Refer to Section 30 of this Resolution

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SECTION 12 C – COMMERCIAL DISTRICT

Section Contents

1201	Intent	12-2
1202	Principal Uses.....	12-2
1203	Accessory Uses.....	12-3
1204	Uses Permitted by Special Review.....	12-3
1205	Minimum Lot Area	12-3
1206	Water and Sanitation Requirements.....	12-4
1207	Utilities.....	12-4
1208	Land Dedication.....	12-4
1209	Street Standards.....	12-4
1210	Parking Standards.....	12-4
1211	Landscape Requirements.....	12-4
1212	Minimum Setbacks	12-4
1213	Encroachments.....	12-5
1214	Building Height	12-5
1215	Fencing Standards	12-6
1216	Outdoor Storage Standards.....	12-7
1217	Sign Standards.....	12-7
1218	Lighting Standards.....	12-7

1201 Intent *(Amended 8/11/09)*

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

Development within this district is encouraged in centers that are planned as a unit rather than in extended strips along roadways so as to provide for orderly development, minimize traffic congestion, and provide for safe pedestrian movement. Commercial centers shall be located so as to minimize conflicts with residential and agricultural uses, wildlife habitats/corridors, and environmentally and visually sensitive areas in accordance with the intent of the Douglas County Comprehensive Master Plan, as amended. Offices may serve as a transition between urban residential, and major commercial or industrial areas. Minimal assembly or manufacturing activities shall be allowed.

The C zone district is characterized by commercial buildings situated in a landscaped setting with landscaped off-street parking areas. Site improvements including landscaping shall be provided and designed to minimize the impact on adjacent residential uses. A site improvement plan is required prior to the use of the lot for any purpose. Typical uses include all the retail-oriented uses listed in the business zone district plus recreation, car sales, mini warehouses, small equipment rental and wholesale activities. Development or use of land in this district is permitted only in accordance with the provisions herein. Land disturbance activities may require permit(s).

1202 Principal Uses

The following uses shall be allowed upon the approval of, and in accordance with, a Site Improvement Plan in accordance with Section 27 of this Resolution. The Director may determine other similar uses as appropriate. *(Amended 10/14/02)*

- 1202.01 All principal uses in the B – Business District
- 1202.02 Equipment rental – small
- 1202.03 Mini warehouse – no storage of dangerous/flammable materials, and no sales or services from any unit
- 1202.04 Motorized vehicle/equipment – sales/service
- 1202.05 Motorsports Facility *(Amended 4/26/16)*

- 1202.06 Recreation facility – outdoor/community
- 1202.07 Retail/service business – including outdoor/wholesale activity
- 1202.08 Sexually oriented business – *Sexually oriented businesses are not permitted as a commercial use in the PD – Planned Development District and are not permitted in any zone district other than the C – Commercial District.*
- 1202.09 Theater – outdoor/indoor

1203 Accessory Uses

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

- 1203.01 Accessory uses and buildings *(Amended 5/27/14)*
- 1203.02 Commercial storage area *(Amended 3/26/24)*
- 1203.03 Satellite dish
- 1203.04 Single or multifamily residence for management or employees

1204 Uses Permitted by Special Review *(Amended 6/22/05)*

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

- 1204.01 Heliport
- 1204.02 Natural Medicine Business: Healing Center, as defined in Colorado Regulated Natural Medicine Rules 1 CCR 213-1 and Colorado Revised Statutes. Natural Medicine businesses are not a permitted use in the PD – Planned Development District.
- 1204.03 Residence
 - Group home *(Amended 5/10/16)*
 - Group home for registered sex offenders
 - Group Residential Facility
 - Multifamily – apartments, condominiums
- 1204.04 Utility – major facility
- 1204.05 Zoo

1205 Minimum Lot Area: none**1206 Water and Sanitation Requirement**

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

1207 Utilities

All public utility distribution lines shall be placed underground.

1208 Land Dedication

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

1209 Street Standards

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

1210 Parking Standards

Parking shall be provided as shown on the approved USR Plan Exhibit or Site Improvement Plan prepared in accordance with Section 21, Use by Special Review, or Section 27, Site Improvement Plan; and 28 Parking Standards, of this Resolution. *(Amended 3/26/24)*

1211 Landscaping Requirement

Each lot shall be landscaped as shown on the approved landscape plan prepared in accordance with Section 21, Use by Special Review, or Section 27 Site Improvement Plan, of this Resolution. Areas to be landscaped include the lot area within the required setback from the street, parking areas, and other areas as required. *(Amended 3/26/24)*

1212 Minimum Setbacks

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

* No parking shall be located within this setback.

The setback is measured from the lot line to the wall of the structure horizontally and perpendicular to the lot line. *(See illustration in the Definition Section.)*

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

- area zoned for residential use;
- single-family, two-family, or multifamily dwelling;
- church, park, or library
- state-licensed day-care facility (*child or adult*);
- school or educational facility, serving persons age 18 or younger, or
- any other sexually oriented business.

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

1213 Encroachments

- 1213.01 A cornice, canopy, eave, fireplace, wing wall, or similar architectural feature may extend 3 feet into a required setback. Fire escapes may extend 6 feet into a required setback.
- 1213.02 A building permit shall not be issued for any structure which is to be located within an easement unless written approval by the easement holder(s) is provided.
- 1213.03 Utility distribution lines and related equipment commonly located along property lines may be located within a required setback. A neighborhood substation or gas regulator/meter station shall meet the required setbacks.

1214 Building Height

Maximum building height: 60 feet

- 1214.01 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.
- 1214.02 The maximum height of a roof-mounted church spire shall not exceed 1.62 times the height of the church. The church height shall be measured from the main level finished floor (*walk-out level excluded*) to the highest roof

peak. The height of the roof-mounted spire shall be measured from the top of the spire to the finished floor of the lowest walkout level of the church. *(refer to Section 36 building height definition – spire height calculation)*

- 1214.03 The maximum height of a parapet wall shall be established on the approved USR Plan Exhibit or Site Improvement Plan based on overall mass and bulk and its compatibility with the surrounding area. *(Amended 3/26/24)*
- 1214.04 The height of a ham radio antenna shall be no greater than the distance to the nearest lot line except, engineered structures which shall be in compliance with the minimum setbacks. *(refer to Section 27A for cell sites and Section 21 for telecommunication facilities)*
- 1214.05 All roof-mounted equipment *(mechanical, ventilating, antennas)* shall be properly screened, with the exception of solar collectors/heaters.

1215 Fencing Standards *(Amended 3/26/24)*

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

- 1215.01 Fences, walls, or hedges shall not be erected in the public right-of-way, but shall be allowed within a setback. A building permit is required for any retaining wall greater than 4 feet in height or for any fence or wall greater than 6 feet in height, or as required by the Building Code, as amended and adopted by Douglas County.
- 1215.02 Solid fences, walls, or hedges shall not exceed 4 feet in height when located in the required setback from a street.
- 1215.03 Fences, walls, or hedges shall be erected and maintained in a manner which does not obstruct the vision of automobile traffic on streets, rights-of-way, or driveways in accordance with the Douglas County Roadway Design and Construction Standards manual.
- 1215.04 Fences, walls, or hedges shall be maintained in good structural or living condition. The landowner is responsible for the repair or removal of a fence, wall, or hedge, which constitutes a public safety hazard by reason of inadequate maintenance, dilapidation, obsolescence, or abandonment.
- 1215.05 Fences constructed of woven wire or ornamental iron which are a minimum of 80% open may be constructed with no height limitation; however, a building permit may be required by the Building Code, as amended and adopted by Douglas County.

- 1215.06 Barbed, electrically charged, concertina, or razor wire or other hazardous materials used for fencing shall be prohibited.
- 1215.07 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.

1216 Outdoor Storage Standards (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:

- 1216.01 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. Employee or customer parking or merchandise display areas shall not be considered outside storage.
- 1216.02 Operable vehicles, trailers, or other equipment designed to be towed or lifted as a single component may be visible above the height of a 6 foot tall fence, wall, or hedge without being additionally screened.
- 1216.03 Outdoor storage shall not be allowed within the required setback from a street.
- 1216.04 Outdoor storage shall not be allowed within any required landscaped area, detention or water quality facilities, or drainage ways.
- 1216.05 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.

1217 Sign Standards – Refer to Section 29 of this Resolution

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

1218 Lighting Standards – Refer to Section 30 of this Resolution

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SECTION 13 LI – LIGHT INDUSTRIAL DISTRICT

Section Contents

1301	Intent	13-2
1302	Principal Uses.....	13-2
1303	Accessory Uses.....	13-4
1304	Uses Permitted by Special Review.....	13-4
1305	Minimum Lot Area	13-5
1306	Water and Sanitation Requirements.....	13-5
1307	Utilities.....	13-5
1308	Land Dedication.....	13-5
1309	Street Standards.....	13-5
1310	Parking Standards	13-5
1311	Landscape Requirements.....	13-6
1312	Minimum Setbacks	13-6
1313	Encroachments.....	13-6
1314	Building Height	13-6
1315	Fencing Standards	13-7
1316	Outdoor Storage Standards.....	13-9
1317	Sign Standards	13-9
1318	Lighting Standards.....	13-9

1301 Intent *(Amended 8/11/09)*

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

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

The LI zone district is characterized by office, warehousing, assembly, and distribution. Uses allowed within this district shall operate with minimal dust, fumes, odors, refuse, smoke, vapor, noise, lights, and vibrations. Such impacts shall be mitigated in accordance with applicable County, State, and federal regulations. Any other impacts shall be mitigated to the maximum extent possible. Development or use of land in this district is permitted only in accordance with the provisions herein. Land disturbance activities may require permit(s).

1302 Principal Uses *(Amended 6/22/05)*

The following uses shall be allowed upon the approval of, and in accordance with, a Site Improvement Plan in accordance with Section 27 of this Resolution. The Director may determine other similar uses as appropriate.

1302.01 Automobile service station with gasoline pumps

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

1302.03 Bar/lounge

1302.04 Building materials – wholesale/retail

1302.05 Club/country club

1302.06 Commercial storage area *(Amended 3/26/24)*

1302.07 Community uses:

- Church
- Fire station

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

- 1302.24 Restaurant/fast food establishment
- 1302.25 Satellite earth station
- 1302.26 Seasonal use (*refer to Section 22A*)
- 1302.27 Telecommunication facility
- 1302.28 Utility service facility
- 1302.29 Veterinary clinic or hospital (*Amended 3/26/24*)
- 1302.30 Warehouse
- 1302.31 Wholesale business – sales/service

1303 Accessory Uses

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

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

1304 Uses Permitted by Special Review (*Amended 6/22/05*)

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

- 1304.01 Batch plant – concrete, mortar, or asphalt
- 1304.02 Heliport
- 1304.03 Natural Medicine Business: Healing Center, Cultivation Facility, Products Manufacturer, Testing Facility, or any other Natural Medicine Business licensed by the State Licensing Authority, as defined in Colorado Regulated Natural Medicine Rules 1 CCR 213-1 and Colorado Revised Statutes. Natural Medicine businesses are not a permitted use in the PD – Planned Development District.
- 1304.04 Recycle/trash transfer facility – indoor

1304.05 Residence

- Group home (*Amended 5/10/16*)
- Group home for registered sex offenders
- Group Residential Facility
- Single-family attached or multifamily

1304.06 Satellite earth station that exceeds the zone district height limitation or exceeds the minimum health standards.

1304.07 Telecommunication equipment (*excluding whip type antennas*) that exceed the zone district height limitation or exceed minimum health standards.

1304.08 Utility – major facility

1305 Minimum Lot Area: none

1306 Water and Sanitation Requirement

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

1307 Utilities

All public utility distribution lines shall be placed underground.

1308 Land Dedication

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

1309 Street Standards

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

1310 Parking Standards

Parking shall be provided as shown on the approved USR Plan Exhibit or Site Improvement Plan prepared in accordance with Section 21, Use by Special Review, or Section 27, Site Improvement Plan; and Section 28, Parking Standards, of this Resolution. (*Amended 3/26/24*)

1311 Landscaping Requirement

Each lot shall be landscaped as shown on the approved landscape plan prepared in accordance with Section 21, Use by Special Review, or Section 27, Site Improvement Plan, of this Resolution. Areas to be landscaped include the lot area within the required setback from the street, parking areas, and other areas as required. *(Amended 3/26/24)*

1312 Minimum Setbacks

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

* No parking shall be located within this setback.

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

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

The setback is measured from the lot line to the wall of the structure horizontally and perpendicular to the lot line. *(See illustration in the Definition Section.)*

1313 Encroachments

- 1313.01 A cornice, canopy, eave, fireplace, wing wall, or similar architectural feature may extend 3 feet into a required setback. Fire escapes may extend 6 feet into a required setback.
- 1313.02 A building permit shall not be issued for any structure which is to be located within an easement unless written approval by the easement holder(s) is provided.
- 1313.03 Utility distribution lines and related equipment commonly located along property lines may be located within a required setback. A neighborhood substation or gas regulator/meter station shall meet the required setbacks.

1314 Building Height

Maximum building height: 60 feet

- 1314.01 The maximum building height shall not apply to belfries, cupolas, penthouses, or domes not used for human occupancy, roof-mounted church spires, chimneys, skylights, ventilators, water tanks, silos, parapet walls, cornices without windows, antennas, utility poles, and necessary mechanical appurtenances usually carried above the roof level.

- 1314.02 The maximum height of a roof-mounted church spire shall not exceed 1.62 times the height of the church. The church height shall be measured from the main level finished floor (*walk-out level excluded*) to the highest roof peak. The height of the roof-mounted spire shall be measured from the top of the spire to the finished floor of the lowest walkout level of the church. (*refer to Section 36 building height definition – spire height calculation*)
- 1314.03 The maximum height of a parapet wall shall be established on the approved USR Plan Exhibit or Site Improvement Plan based on overall mass and bulk and its compatibility with the surrounding area. (*Amended 3/26/24*)
- 1314.04 The height of an antenna shall be no greater than the distance to the nearest lot line, except, engineered structures which shall be in compliance with the minimum setbacks. (*refer to Section 27A for cell sites and Section 21 for telecommunication facilities*)
- 1314.05 All roof-mounted equipment (*mechanical, ventilating, antennas*) shall be properly screened, with the exception of solar collectors/heaters.

1315 Fencing Standards (*Amended 3/26/24*)

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

- 1315.01 Fences, walls, or hedges shall not be erected in the public right-of-way, but shall be allowed within a setback. A building permit is required for any retaining wall greater than 4 feet in height or a fence greater than 6 feet in height, or as required by the Building Code, as amended and adopted by Douglas County.
- 1315.02 Solid fences, walls, or hedges shall not exceed 4 feet in height when located within the required setback from a street except when the fence, wall, or hedge is required in order to provide a screen for storage. Then the fence may exceed 4 feet in height for no more than 50% of the lineal frontage of the lot.
- 1315.03 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.
- 1315.04 Fences, walls, or hedges shall be maintained in good structural or living condition. The landowner is responsible for the repair or removal of a fence, wall, or hedge which constitutes a public safety hazard by reason of inadequate maintenance, dilapidation, obsolescence, or abandonment.

- 1315.05 Fences constructed of woven wire or ornamental iron which are a minimum of 80% open may be constructed with no height limitation; however, a building permit may be required by the Building Code, as amended and adopted by Douglas County.
- 1315.06 Electric fences that are part of a non-lethal alarm notification system may be permitted only upon the approval of, and in accordance with, a USR Plan Exhibit or Site Improvement Plan in compliance with the following standards: *(Amended 3/26/24)*
- 1315.06.1 A non-electric perimeter fence at least six (6) feet tall must surround the exterior of an electric fence. Except for gates, the perimeter fence shall be located not less than six (6) inches from the electric fence.
- 1315.06.2 Warning signs, notifying the public of the existence of the electric fence, shall be posted in a conspicuous manner on the property and at intervals of not less than 30 feet. Warning signs shall have a minimum letter size of two (2) inches and shall include the international symbol for high voltage.
- 1315.06.3 A key box or other approved method with a mechanism that allows emergency services personnel to disconnect the electrical current and gain entry be provided. The type and location of the disconnecting mechanism, key box, and other components shall be approved the fire department.
- 1315.06.4 No electric fence shall be installed or operated with a power source other than a storage battery not exceeding 12 volts direct current. Notwithstanding the foregoing, a backup system to maintain security in case of battery failure shall be permitted provided such system will not result in higher voltage being delivered upon contact with the fence.
- 1315.06.5 Information is required to be included on the USR Plan Exhibit or Site Improvement Plan that provides manufacturer information and demonstrates that the electric fence is part of a non-lethal alarm notification system.
- 1315.07 Barbed wire shall be permitted when located a minimum of 6' 6" in height measured from the ground level outside the fence; however, concertina or razor wire or other hazardous materials used for fencing shall be prohibited.
- 1315.08 Swimming pools shall be enclosed by a fence or wall that meets or exceeds the requirements of the Building Code, as amended and adopted by Douglas County.

1316 Outdoor Storage Standards *(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:

- 1316.01 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 six (6) feet in height. Employee or customer parking or merchandise display areas shall not be considered outdoor storage.
- 1316.02 Operable vehicles, 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.
- 1316.03 Outdoor storage shall be allowed within the required setback from a street provided that the storage area does not occupy more than 50% of the lineal frontage at the right-of-way.
- 1316.04 Outdoor storage shall not be allowed within any required landscaped area, detention or water quality facilities, or drainage ways.
- 1316.05 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.
- 1316.06 A solid fence, wall, or hedge shall not be required at a shared property line which merely separates outdoor storage areas.

1317 Sign Standards – Refer to Section 29 of this Resolution

1318 Lighting Standards – Refer to Section 30 of this Resolution

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SECTION 14 GI – GENERAL INDUSTRIAL DISTRICT

Section Contents

1401	Intent	14-2
1402	Principal Uses.....	14-2
1403	Accessory Use.....	14-2
1404	Uses Permitted by Special Review.....	14-3
1405	Minimum Lot Area	14-3
1406	Water and Sanitation Requirements.....	14-3
1407	Utilities.....	14-4
1408	Land Dedication.....	14-4
1409	Street Standards.....	14-4
1410	Parking Standards	14-4
1411	Landscape Requirements.....	14-4
1412	Minimum Setbacks	14-4
1413	Encroachments.....	14-5
1414	Building Height	14-5
1415	Fencing Standards	14-6
1416	Outdoor Storage Standards.....	14-7
1417	Sign Standards	14-8
1418	Lighting Standards.....	14-8

1401 Intent *(Amended 8/11/09)*

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

Development within this district is intended for use by the largest manufacturing operations, heavy equipment, construction and fuel yards, major transportation terminals and other basic industrial activities required in an urban economy, in accordance with the intent of the Douglas County Comprehensive Master Plan, as amended.

The GI zone district is characterized by office, warehousing, assembly, and distribution. By their very nature these uses may emit more noise, dust, fumes, odors, refuse, smoke, vapor, lights, and vibration and other environmental pollutants than permitted in the light industrial district; however, all 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. Traffic to and from the district may be intensive. Development or use of land in this district is permitted only in accordance with the provisions herein. Land disturbance activities may require permit(s).

1402 Principal Uses *(Amended 7/8/08)*

The following uses shall be allowed upon the approval of, and in accordance with, a Site Improvement Plan in accordance with Section 27 of this Resolution. The Director may determine other similar uses as appropriate.

1402.01 All principal uses in the LI district

1402.02 Utility – major facility

1403 Accessory Use *(Amended 7/8/08)*

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

1403.01 Accessory uses and buildings *(Amended 3/26/24)*

1403.02 Residence – single or multifamily for management or employee/s only

1403.03 Antenna

1404 Uses Permitted by Special Review *(Amended 4/28/15)*

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

- 1404.01 Batch Plant – concrete, asphalt, or mortar (not including temporary batch plants; see Douglas County's Grading, Erosion, and Sediment Control Manual, as amended, for processing details)
- 1404.02 Chemical and hazardous material storage/transfer/disposal facility
- 1404.03 Firing range – outdoor
- 1404.04 Heliport
- 1404.05 Jail/correctional facility
- 1404.06 Junk/scrap yard
- 1404.07 Landfill – private/public
- 1404.08 Mining, quarry, sand and gravel pit or similar extractive land use
- 1404.09 Natural Medicine Business: Healing Center, Cultivation Facility, Products Manufacturer, Testing Facility, or any other Natural Medicine Business licensed by the State Licensing Authority, as defined in Colorado Regulated Natural Medicine Rules 1 CCR 213-1 and Colorado Revised Statutes. Natural Medicine businesses are not a permitted use in the PD – Planned Development District.
- 1404.10 Propane distribution/storage facility
- 1404.11 Recycle/trash transfer facility
- 1404.12 Satellite earth station that exceeds the zone district height limitation or exceeds minimum health standards
- 1404.13 Telecommunication equipment *(excluding whip type antennas)* that exceed the zone district height limitation or exceed minimum health standards.

1405 Minimum Lot Area: none

1406 Water and Sanitation Requirement

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

Use of individual wells and individual septic systems may be permitted provided:

- the subject land is located within the boundaries of a special district providing water and sewer service;
- the district's water or sewer lines are not within 400' of the subject land [§32-1-1006(1)(a)(I) C.R.S.], or if within 400' 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; and
- the district authorizes the use of wells. *(Amended 4/12/00)*

1407 Utilities

All public utility distribution lines shall be placed underground.

1408 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.

1409 Street Standards and Stormwater Improvements *(Amended 7/8/08)*

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.

1410 Parking Standards

Parking shall be provided as shown on the approved USR Plan Exhibit or Site Improvement Plan prepared in accordance with Section 21, Use by Special Review, or Section 27, Site Improvement Plan; and Section 28, Parking Standards, of this Resolution. *(Amended 3/26/24)*

1411 Landscaping Requirement

Each lot shall be landscaped as shown on the approved landscape plan prepared in accordance with Section 21, Use by Special Review, or Section 27, Site Improvement Plan, of this Resolution. Areas to be landscaped include the lot area within the required setback from the street, parking areas, and other areas as required. *(Amended 3/26/24)*

1412 Minimum Setbacks

SETBACK FROM:				
Street	LSB/B/C	LI	GI	RES/AG/OS
Regional/major arterial: 75'	50'	25'	No setback	75'
Minor arterial: 40'				
Collector/local: 20'*				

* No parking shall be located within this setback.

The setback is measured from the lot line to the wall of the structure horizontally and perpendicular to the lot line. *(See illustration in the Definition Section.)*

1413 Encroachments

- 1413.01 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.
- 1413.02 A building permit shall not be issued for any structure which is to be located within an easement unless written approval by the easement holder(s) is provided.
- 1413.03 Utility distribution lines and related equipment commonly located along property lines may be located within a required setback. A neighborhood substation or gas regulator/meter station shall meet the required setbacks.

1414 Building Height

Maximum building height: 60 feet

- 1414.01 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.
- 1414.02 The maximum height of a roof-mounted church spire shall not exceed 1.62 times the height of the church. The church height shall be measured from the main level finished floor (*walk-out level excluded*) to the highest roof peak. The height of the roof-mounted spire shall be measured from the top of the spire to the finished floor of the lowest walkout level of the church. (*refer to Section 36 building height definition – spire height calculation*)
- 1414.03 The maximum height of a parapet wall shall be established on the approved USR Plan Exhibit or Site Improvement Plan based on overall mass and bulk and its compatibility with the surrounding area. (*Amended 3/26/24*)
- 1414.04 The height of an antenna shall be no greater than the distance to the nearest lot line except, engineered structures which shall be in compliance with the minimum setbacks. (*refer to Section 27A for cell sites and Section 21 for telecommunication facilities*)
- 1414.05 All roof-mounted equipment (*mechanical, ventilating, antennas*) shall be properly screened, with the exception of solar collectors/heaters.

1415 Fencing Standards *(Amended 3/26/24)*

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

- 1415.01 Fences, walls, or hedges shall not be erected in the public right-of-way, but shall be allowed within a setback. A building permit is required for any retaining wall greater than 4 feet including footer, in height or a fence greater than 6 feet in height, or as required by the Building Code, as amended and adopted by Douglas County.
- 1415.02 Solid fences, walls, or hedges shall not exceed 4 feet in height when located within the required setback from a street except when the fence, wall, or hedge is required in order to provide a screen for outdoor storage. Then the fence may exceed 4 feet in height for no more than 50% of the lineal frontage of the lot.
- 1415.03 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.
- 1415.04 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 public safety hazard by reason of inadequate maintenance, dilapidation, obsolescence, or abandonment.
- 1415.05 Fences constructed of woven wire or ornamental iron which are a minimum of 80% open may be constructed with no height limitation; however, a building permit may be required for any fence greater than 6 feet in height, or as required by the Building Code, as amended and adopted by Douglas County.
- 1415.06 Electric fences that are part of a non-lethal alarm notification system may be permitted only upon the approval of, and in accordance with, a USR Plan Exhibit or Site Improvement Plan in compliance with the following standards:
 - 1415.06.1 A non-electric perimeter fence at least six (6) feet tall must surround the exterior of an electric fence. Except for gates, the perimeter fence shall be located not less than six (6) inches from the electric fence.
 - 1415.06.2 Warning signs, notifying the public of the existence of the electric fence, shall be posted in a conspicuous manner on the property and at intervals of not less than 30 feet. Warning signs shall have a minimum letter size of two (2) inches and shall include the

international symbol for high voltage.

- 1415.06.3 A key box or other approved method with a mechanism that allows emergency services personnel to disconnect the electrical current and gain entry be provided. The type and location of the disconnecting mechanism, key box, and other components shall be approved the fire department.
- 1415.06.4 No electric fence shall be installed or operated with a power source other than a storage battery not exceeding 12 volts direct current. Notwithstanding the foregoing, a backup system to maintain security in case of battery failure shall be permitted provided such system will not result in higher voltage being delivered upon contact with the fence.
- 1415.06.5 Information is required to be included on the USR Plan Exhibit or Site Improvement Plan that provides manufacturer information and demonstrates that the electric fence is part of a non-lethal alarm notification system.
- 1415.07 Barbed wire shall be permitted when located a minimum of 6'6" in height measured from the ground level outside the fence; however, concertina, or razor wire or other hazardous materials used for fencing shall be prohibited.
- 1415.08 Swimming pools shall be enclosed by a fence or wall that meets or exceeds the requirements of the Building Code, as amended and adopted by Douglas County.

1416 Outdoor Storage Standards (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:

- 1416.01 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 six (6) feet in height. Employee or customer parking or merchandise display areas shall not be considered outdoor storage.
- 1416.02 Operable vehicles, trailers, or other equipment designed to be towed or lifted as a single component may be visible above the height of a 6 foot tall fence, wall, or hedge without being additionally screened.

- 1416.03 Outdoor storage shall be allowed within the required setback from a street provided that the storage area does not occupy more than 50% of the lineal frontage at the right-of-way.
- 1416.04 Outdoor storage shall not be allowed within any required landscaped area, detention or water quality facilities, or drainage ways.
- 1416.05 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.
- 1416.06 A solid fence, wall, or hedge shall not be required at a shared property line which merely separates outdoor storage areas.
- 1417 Sign Standards – Refer to Section 29 of this Resolution
- 1418 Lighting Standards – Refer to Section 30 of this Resolution

SECTION 21 USE BY SPECIAL REVIEW

Section Contents

GENERAL PROVISIONS

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

USES BY SPECIAL REVIEW

2107	Allowed Uses by Special Review and Additional Requirements.....	21-4
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SUBMITTAL PROCESS AND REQUIREMENTS

2108	Submittal Prerequisite	21-19
2109	Submittal Process.....	21-20
2110	Withdrawal of an Application	21-23
2111	Submittal Requirements	21-23
2112	Plan Exhibit	21-25
2113	Public Notice Requirements	21-28
2114	Termination of Use	21-30
2115	Inactive Files.....	21-31
2116	Post Denial Application.....	21-31
2117	Revocation.....	21-32
2118	Administrative Use by Special Review Amendment.....	21-32

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, 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 G1 zone districts, subject to the following:

2107.32.1 The use is judged by the twelve criteria for approval of a use by special review, and the goals and policies of the Douglas County Comprehensive Master Plan, as amended and its Mineral Extraction element, and may be approved with conditions derived from the extraction plan submittals listed herein.

2107.32.2 Exemptions from these regulations may be approved by the Director of Community Development in accordance with an approved grading permit, for any one of the following:

- (1) Earthwork performed within public rights-of-way
- (2) Earthwork performed which is consistent with an approved site plan or an approved and recorded final plat
- (3) Earthwork performed as part of construction per an approved building permit
- (4) Borrow site

2107.32.3 A narrative that addresses all items listed in Section 2111, herein, and the following:

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

2107.32.4 A plan exhibit prepared in accordance with Section 2112, herein, and shows the following:

- (1) The relationship of the mine site to other uses/structures in the area
- (2) The location of all buildings, equipment, on- and off-site haul roads, ancillary facilities, staging areas, and stockpiles
- (3) The limits of the mine site and the extent of areas to be disturbed
- (4) The location and dimension of buffers against noise and visual impact to be left in place or created
- (5) Identified aquifer recharge areas, wetland areas, lakes, rivers

- (6) Wildlife impact areas as designated in the Douglas County Comprehensive Master Plan, as amended, and areas considered significant by the Colorado Division of Wildlife
- (7) Areas identified, through independent assessment, as having historic, archaeological, or paleontological resources
- (8) All Douglas County Comprehensive Master Plan designations

2107.32.5 An operational plan shall be submitted that at a minimum addresses the following:

- (1) Start and end dates and the hours of operation
- (2) A program for initial air-quality measurements and an ongoing monitoring program, including dust from equipment and stockpiles
- (3) A program for initial water quality and quantity measurements, including well tests in the area, and an ongoing water-quality monitoring program
- (4) Sources and quantities of water needed on site
- (5) A drainage and erosion control plan in compliance with the Douglas County Storm Drainage Design and Technical Criteria manual
- (6) A program for initial noise measurement, an ongoing noise monitoring program, and a noise abatement program
- (7) Proposed methods and timing of site restoration and their relationship to visual and air-quality impacts
- (8) A phasing plan that:
 - designates areas to be disturbed and the proposed timing or extraction for each area;
 - illustrates the timing of site restoration for each area including revegetation, contouring, and grading;
 - limits the total land area to be disturbed at any one time; and
 - links the availability of adequate transportation facilities to the scope of the operation, specifically identifies off-site infrastructural improvements required for the project, and specifies the time frame for construction in relation to phases of on-site operation.
- (9) A transportation plan that:
 - designates transportation routes (*existing or proposed*) that avoid residential areas and limit the use of local roads;
 - gives traffic counts and the projected level of service along haul routes, at bridges and culverts, and at key intersections both at the start and at peak operation;
 - specifies the hours when material will be transported off site;
 - lists the improvements necessary for the transportation system to accommodate expected traffic;

- addresses the construction of needed transportation improvements; and
 - lists the actions to be taken at the staging area to allow only safe, clean, and covered trucks onto the transportation system.
- (10) A blasting plan that:
- Identifies noise and vibration-sensitive uses/structures/activities in the area;
 - includes a pre-blast inspection program for identified structures;
 - includes a program for initial seismic and noise monitoring during the first blast;
 - incorporates a method of reviewing data from the initial blast and provisions for amending the blasting program accordingly; and
 - specifies the times and the atmospheric conditions when blasting is permitted.
- (11) An end-state, land-use plan that shows:
- areas to be returned to a natural state;
 - areas to be restored for wildlife habitat, *if applicable*;
 - areas that are appropriate for open space, trails, parks and recreational uses, and are identified on the County's open space and recreational plans;
 - the site's final topography;
 - proposed post-mining land uses, consistent with the zoning of the land; and
 - site restoration phases.
- (12) A site evaluation including:
- wildlife impact analysis conducted in conjunction with the Colorado Division of Wildlife;
 - independent assessment of the historic, archaeological, or paleontological value of the site;
 - drainage studies as required by the Public Works Department, including an erosion and sedimentation control plan, a Phase I drainage report at initial submittal, and a Phase III drainage report prior to each phase;
 - a transportation study that identifies transportation routes, number of trips, critical intersections, traffic volumes, and transportation system improvements necessitated by the application;
 - a visual analysis that documents the visibility throughout the life of the operation; identifies visually sensitive areas and the expected impact at those locations; and lists visual impact mitigation measures; and

- a copy of all information submitted to the Division of Minerals and Geology, Colorado Department of Natural Resources.

2107.33 Motel: CMTY and D zone districts

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

2107.34.1 All components of the Private Motorsports Facility shall be located a minimum of 200 feet from all property lines. Additional setbacks may be required if necessary to mitigate noise impacts.

2107.34.2 Noise generated by the Private Motorsports Facility use shall comply with the limits established in Section 1703A of the Noise Overlay District ("noise standard").

2107.34.3 A noise study shall be submitted demonstrating that the proposed facility can be designed and operated in such a manner as to ensure ongoing compliance with the noise standard.

2107.34.4 Maximum land area devegetated, including devegetation resulting from the Private Motorsports Facility, shall comply with the limits established in Section 24, Animals.

2107.34.5 In addition to the management plan components specified in Section 2112, operational limitations for the Private Motorsports Facility shall address the following:

- (1) Maximum number of concurrent motorsports vehicles in use
- (2) Hours and days of use
- (3) Specific mitigation measures to limit visual impacts of the Private Motorsports Facility from public roadways and abutting properties; and
- (4) Specific limitations or mitigation measures to ensure compliance with the noise standard and recommendations of the noise study.

2107.35 Natural Medicine Business. A Natural Medicine Business shall be located a minimum of 1,500 feet from any:

- 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)

COUNTY OF _____) ss.

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

My commission expires: _____

Witness my hand and official seal.

Notary Public*(For Individual Owner)*

(signature of owner(s))

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

My commission expires: _____

Witness my hand and official seal.

Notary Public

An initial block is required on all subsequent exhibit sheets:

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

2118.06 Notice of Final Action

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

- 2118.06.1 The date considered to be the final action on the administrative use by special review amendment shall be the date on the Notice of Action – Final Status.
- 2118.06.2 Should a discrepancy exist between the dates on the administrative use by special review amendment and Notice of Action – Final Status, the date of the Notice of Action – Final Status shall control.

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

SECTION 11 B – BUSINESS DISTRICT

Section Contents

1101	Intent	11-2
1102	Principal Uses.....	11-2
1103	Accessory Uses.....	11-4
1104	Uses Permitted by Special Review.....	11-4
1105	Minimum Lot Area	11-4
1106	Water and Sanitation Requirements.....	11-4
1107	Utilities.....	11-4
1108	Land Dedication.....	11-4
1109	Street Standards.....	11-5
1110	Parking Standards.....	11-5
1111	Landscape Requirements.....	11-5
1112	Minimum Setbacks	11-5
1113	Encroachments.....	11-5
1114	Building Height	11-6
1115	Fencing Standards	11-6
1116	Outdoor Storage.....	11-7
1117	Sign Standards.....	11-7
1118	Lighting Standards.....	11-7

1101 Intent *(Amended 8/11/09)*

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

Development within this district is encouraged in compact centers rather than in extended strips of development along roadways so as to provide for orderly development, minimized traffic congestion, and provide for safe pedestrian movement. Business centers shall be located so as to minimize conflicts with residential and agricultural uses, wildlife habitats/corridors, and environmentally and visually sensitive areas in accordance with the intent of the Douglas County Comprehensive Master Plan, as amended. Offices may serve as a transition between urban residential and major commercial or industrial areas.

The B zone district is characterized by retail business buildings situated in a landscaped setting with landscaped off-street parking areas. Site improvements including landscaping shall be provided and designed to minimize the impact on adjacent residential uses and maintain the appearance and visual quality of the County. A site improvement plan is required prior to the use of the lot for any purpose. Typical uses include drug stores, flower shops, book stores and other general merchandise stores, offices, banks, private clubs, and public recreational areas. Development or use of land in this district is permitted only in accordance with the provisions herein. Land disturbance activities may require permit(s).

1102 Principal Uses *(Amended 6/22/05)*

The following uses shall be allowed upon the approval of, and in accordance with, a Site Improvement Plan in accordance with Section 27 of this Resolution, and shall be conducted entirely within an enclosed building, unless exempted by the Director. The Director may determine other similar uses as appropriate.

- 1102.01 Automobile service station with gasoline pumps
- 1102.02 Bank/financial institution *(including drive-up facility)*
- 1102.03 Bar/lounge
- 1102.04 Club/country club

1102.05 Community uses:

- Church
- Cultural facility
- Fire station
- Library
- Open space/trails
- Park/playground
- Recreation facility – Indoor
- School – including college or university and related facilities
- Sheriff substation

1102.06 Day-care center – *(outdoor play area shall be enclosed by 6' fence)*1102.07 Event Center *(Amended 4/28/15)*

1102.08 Firing range – indoor

1102.09 Hospital *(helipad permitted as an accessory use)*

1102.10 Hotel/motel, including conference or convention facilities located within the principal building

1102.11 Nursing or convalescent home and other extended-care facilities

1102.12 Office

- general, medical, dental, professional, governmental
- temporary *(refer to Section 22)*

1102.13 Parking lot – public or private

1102.14 Restaurant/fast-food establishment

1102.15 Retail/service business – indoor

1102.16 Retirement home

1102.17 Seasonal use *(refer to Section 22A)*

1102.18 Theater – indoor

1102.19 Utility service facility

1102.20 Veterinary clinic or hospital – animals shall be confined in an enclosed building which is part of the principal structure

1103 Accessory Use

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

- 1103.01 Accessory uses and buildings *(Amended 5/27/14)*
- 1103.02 Satellite dish
- 1103.03 Single or multifamily residence for management or employees *(provided unit is incorporated into principal structure)*

1104 Uses Permitted by Special Review *(Amended 6/22/05)*

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

1104.01 Heliport

1104.02 Natural Medicine Business: Healing Center, as defined in Colorado Regulated Natural Medicine Rules 1 CCR 213-1 and Colorado Revised Statutes. Natural Medicine businesses are not a permitted use in the PD – Planned Development District.

1104.0~~32~~ Residence

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

1104.0~~43~~ Utility – major facility1105 Minimum Lot Area: none1106 Water and Sanitation Requirement

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

1107 Utilities

All public utility distribution lines shall be placed underground.

1108 Land Dedication

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

1109 Street Standards

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

1110 Parking Standards

Parking shall be provided as shown on the approved USR Plan Exhibit or Site Improvement Plan prepared in accordance with Section 21, Use by Special Review, or Section 27, Site Improvement Plan; and 28 Parking Standards, of this Resolution. *(Amended 3/26/24)*

1111 Landscaping Requirement

Each lot shall be landscaped as shown on the approved landscape plan prepared in accordance with Section 21, Use by Special Review, or Section 27 Site Improvement Plan, of this Resolution. Areas to be landscaped include the lot area within the required setback from the street, parking areas, and other areas as required. *(Amended 3/26/24)*

1112 Minimum Setbacks

SETBACK FROM:			
Street	LSB/B/C	LI/GI	RES/AG/OS
Regional/major arterial: 75' minor arterial: 40' collector/local: 20'*	no setback	25'	60'

* No parking shall be located within this setback.

The setback is measured from the lot line to the wall of the structure horizontally and perpendicular to the lot line. *(See illustration in the Definition Section.)*

1113 Encroachments

- 1113.01 A cornice, canopy, eave, fireplace, wing wall or similar architectural feature may extend 3 feet into a required setback. Fire escapes may extend 6 feet into a required setback.
- 1113.02 A building permit shall not be issued for any structure which is to be located within an easement unless written approval by the easement holder(s) is provided.
- 1113.03 Utility distribution lines and related equipment commonly located along property lines may be located within a required setback. A neighborhood substation or gas regulator/meter station shall meet the required setbacks.

1114 Building Height

Maximum building height: 60 feet

- 1114.01 The maximum building height shall not apply to belfries, cupolas, penthouses or domes not used for human occupancy, roof-mounted church spires, chimneys, skylights, ventilators, water tanks, silos, parapet walls, cornices, antennas, utility poles and necessary mechanical appurtenances usually carried above the roof level.
- 1114.02 The maximum height of a roof-mounted church spire shall not exceed 1.62 times the height of the church. The church height shall be measured from the main level finished floor (*walk-out level excluded*) to the highest roof peak. The height of the roof-mounted spire shall be measured from the top of the spire to the finished floor of the lowest walkout level of the church. (*refer to Section 36 building height definition – spire height calculation*)
- 1114.03 The maximum height of a parapet wall shall be established on the approved USR Plan Exhibit or Site Improvement Plan based on overall mass and bulk and its compatibility with the surrounding area. (*Amended 3/26/24*)
- 1114.04 The height of a ham radio antenna shall be no greater than the distance to the nearest lot line, except, engineered structures which shall be in compliance with the minimum setbacks. (*refer to Section 27A for cell sites and Section 21 for telecommunication facilities*)
- 1114.05 All roof-mounted equipment (*mechanical, ventilating, antennas*) shall be properly screened, with the exception of solar collectors/heaters.

1115 Fencing Standards (*Amended 3/26/24*)

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

- 1115.01 Fences, walls, or hedges shall not be erected in the public right-of-way, but shall be allowed within a setback. A building permit is required for any retaining wall greater than 4 feet in height or for any fence or wall greater than 6 feet in height, or as required by the Building Code, as amended and adopted by Douglas County.
- 1115.02 Solid fences, walls, or hedges shall not exceed 4 feet in height when located in the required setback from a street.
- 1115.03 Fences, walls, or hedges shall be erected and maintained in a manner which does not obstruct the vision of automobile traffic on streets, rights-

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

- 1115.04 Fences, walls, or hedges shall be maintained in good structural or living condition. The landowner is responsible for the repair or removal of a fence, wall, or hedge, which constitutes a public safety hazard by reason of inadequate maintenance, dilapidation, obsolescence, or abandonment.
- 1115.05 Fences constructed of woven wire or ornamental iron which are a minimum of 80% open may be constructed with no height limitation; however, a building permit may be required by the Building Code, as amended and adopted by Douglas County.
- 1115.06 Barbed, electrically charged, concertina, or razor wire or other hazardous materials used for fencing shall be prohibited.
- 1115.07 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.

1116 Outdoor Storage

Outdoor storage shall be permitted only upon the approval of the Board or the Director, as shown on the approved USR Plan Exhibit or Site Improvement Plan, as applicable, in accordance with the outdoor storage standards set forth in the C – Commercial District of this Resolution. (Amended 3/26/24)

1117 Sign Standards – Refer to Section 29 of this Resolution

1118 Lighting Standards – Refer to Section 30 of this Resolution

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SECTION 12 C – COMMERCIAL DISTRICT

Section Contents

1201	Intent	12-2
1202	Principal Uses.....	12-2
1203	Accessory Uses.....	12-3
1204	Uses Permitted by Special Review.....	12-3
1205	Minimum Lot Area	12-3
1206	Water and Sanitation Requirements.....	12-43
1207	Utilities.....	12-4
1208	Land Dedication.....	12-4
1209	Street Standards.....	12-4
1210	Parking Standards	12-4
1211	Landscape Requirements.....	12-4
1212	Minimum Setbacks	12-4
1213	Encroachments.....	12-5
1214	Building Height	12-5
1215	Fencing Standards	12-6
1216	Outdoor Storage Standards.....	12-7
1217	Sign Standards	12-7
1218	Lighting Standards.....	12-7

1201 Intent (Amended 8/11/09)

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

Development within this district is encouraged in centers that are planned as a unit rather than in extended strips along roadways so as to provide for orderly development, minimize traffic congestion, and provide for safe pedestrian movement. Commercial centers shall be located so as to minimize conflicts with residential and agricultural uses, wildlife habitats/corridors, and environmentally and visually sensitive areas in accordance with the intent of the Douglas County Comprehensive Master Plan, as amended. Offices may serve as a transition between urban residential, and major commercial or industrial areas. Minimal assembly or manufacturing activities shall be allowed.

The C zone district is characterized by commercial buildings situated in a landscaped setting with landscaped off-street parking areas. Site improvements including landscaping shall be provided and designed to minimize the impact on adjacent residential uses. A site improvement plan is required prior to the use of the lot for any purpose. Typical uses include all the retail-oriented uses listed in the business zone district plus recreation, car sales, mini warehouses, small equipment rental and wholesale activities. Development or use of land in this district is permitted only in accordance with the provisions herein. Land disturbance activities may require permit(s).

1202 Principal Uses

The following uses shall be allowed upon the approval of, and in accordance with, a Site Improvement Plan in accordance with Section 27 of this Resolution. The Director may determine other similar uses as appropriate. (Amended 10/14/02)

- 1202.01 All principal uses in the B – Business District
- 1202.02 Equipment rental – small
- 1202.03 Mini warehouse – no storage of dangerous/flammable materials, and no sales or services from any unit
- 1202.04 Motorized vehicle/equipment – sales/service
- 1202.05 Motorsports Facility (Amended 4/26/16)

- 1202.06 Recreation facility – outdoor/community
- 1202.07 Retail/service business – including outdoor/wholesale activity
- 1202.08 Sexually oriented business – *Sexually oriented businesses are not permitted as a commercial use in the PD – Planned Development District and are not permitted in any zone district other than the C – Commercial District.*
- 1202.09 Theater – outdoor/indoor

1203 Accessory Uses

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

- 1203.01 Accessory uses and buildings (*Amended 5/27/14*)
- 1203.02 Commercial storage area (*Amended 3/26/24*)
- 1203.03 Satellite dish
- 1203.04 Single or multifamily residence for management or employees

1204 Uses Permitted by Special Review (*Amended 6/22/05*)

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

- 1204.01 Heliport

1204.02 Natural Medicine Business: Healing Center, as defined in Colorado Regulated Natural Medicine Rules 1 CCR 213-1 and Colorado Revised Statutes. Natural Medicine businesses are not a permitted use in the PD – Planned Development District.

- 1204.0~~23~~ Residence

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

- 1204.0~~34~~ Utility – major facility

- 1204.04~~5~~ Zoo

1205 Minimum Lot Area: none1206 Water and Sanitation Requirement

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

1207 Utilities

All public utility distribution lines shall be placed underground.

1208 Land Dedication

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

1209 Street Standards

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

1210 Parking Standards

Parking shall be provided as shown on the approved USR Plan Exhibit or Site Improvement Plan prepared in accordance with Section 21, Use by Special Review, or Section 27, Site Improvement Plan; and 28 Parking Standards, of this Resolution. (Amended 3/26/24)

1211 Landscaping Requirement

Each lot shall be landscaped as shown on the approved landscape plan prepared in accordance with Section 21, Use by Special Review, or Section 27 Site Improvement Plan, of this Resolution. Areas to be landscaped include the lot area within the required setback from the street, parking areas, and other areas as required. (Amended 3/26/24)

1212 Minimum Setbacks

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

* No parking shall be located within this setback.

The setback is measured from the lot line to the wall of the structure horizontally and perpendicular to the lot line. (See illustration in the Definition Section.)

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

- area zoned for residential use;
- single-family, two-family, or multifamily dwelling;
- church, park, or library
- state-licensed day-care facility (*child or adult*);
- school or educational facility, serving persons age 18 or younger, or
- any other sexually oriented business.

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

1213 Encroachments

- 1213.01 A cornice, canopy, eave, fireplace, wing wall, or similar architectural feature may extend 3 feet into a required setback. Fire escapes may extend 6 feet into a required setback.
- 1213.02 A building permit shall not be issued for any structure which is to be located within an easement unless written approval by the easement holder(s) is provided.
- 1213.03 Utility distribution lines and related equipment commonly located along property lines may be located within a required setback. A neighborhood substation or gas regulator/meter station shall meet the required setbacks.

1214 Building Height

Maximum building height: 60 feet

- 1214.01 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.
- 1214.02 The maximum height of a roof-mounted church spire shall not exceed 1.62 times the height of the church. The church height shall be measured from the main level finished floor (*walk-out level excluded*) to the highest roof

peak. The height of the roof-mounted spire shall be measured from the top of the spire to the finished floor of the lowest walkout level of the church. *(refer to Section 36 building height definition – spire height calculation)*

- 1214.03 The maximum height of a parapet wall shall be established on the approved USR Plan Exhibit or Site Improvement Plan based on overall mass and bulk and its compatibility with the surrounding area. *(Amended 3/26/24)*
- 1214.04 The height of a ham radio antenna shall be no greater than the distance to the nearest lot line except, engineered structures which shall be in compliance with the minimum setbacks. *(refer to Section 27A for cell sites and Section 21 for telecommunication facilities)*
- 1214.05 All roof-mounted equipment *(mechanical, ventilating, antennas)* shall be properly screened, with the exception of solar collectors/heaters.

1215 Fencing Standards *(Amended 3/26/24)*

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

- 1215.01 Fences, walls, or hedges shall not be erected in the public right-of-way, but shall be allowed within a setback. A building permit is required for any retaining wall greater than 4 feet in height or for any fence or wall greater than 6 feet in height, or as required by the Building Code, as amended and adopted by Douglas County.
- 1215.02 Solid fences, walls, or hedges shall not exceed 4 feet in height when located in the required setback from a street.
- 1215.03 Fences, walls, or hedges shall be erected and maintained in a manner which does not obstruct the vision of automobile traffic on streets, rights-of-way, or driveways in accordance with the Douglas County Roadway Design and Construction Standards manual.
- 1215.04 Fences, walls, or hedges shall be maintained in good structural or living condition. The landowner is responsible for the repair or removal of a fence, wall, or hedge, which constitutes a public safety hazard by reason of inadequate maintenance, dilapidation, obsolescence, or abandonment.
- 1215.05 Fences constructed of woven wire or ornamental iron which are a minimum of 80% open may be constructed with no height limitation; however, a building permit may be required by the Building Code, as amended and adopted by Douglas County.

- 1215.06 Barbed, electrically charged, concertina, or razor wire or other hazardous materials used for fencing shall be prohibited.
- 1215.07 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.

1216 Outdoor Storage Standards (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:

- 1216.01 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. Employee or customer parking or merchandise display areas shall not be considered outside storage.
- 1216.02 Operable vehicles, trailers, or other equipment designed to be towed or lifted as a single component may be visible above the height of a 6 foot tall fence, wall, or hedge without being additionally screened.
- 1216.03 Outdoor storage shall not be allowed within the required setback from a street.
- 1216.04 Outdoor storage shall not be allowed within any required landscaped area, detention or water quality facilities, or drainage ways.
- 1216.05 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.

1217 Sign Standards – Refer to Section 29 of this Resolution

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

1218 Lighting Standards – Refer to Section 30 of this Resolution

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SECTION 13 LI – LIGHT INDUSTRIAL DISTRICT

Section Contents

1301	Intent	13-2
1302	Principal Uses.....	13-2
1303	Accessory Uses.....	13-4
1304	Uses Permitted by Special Review.....	13-4
1305	Minimum Lot Area	13-5
1306	Water and Sanitation Requirements.....	13-5
1307	Utilities.....	13-5
1308	Land Dedication.....	13-5
1309	Street Standards.....	13-5
1310	Parking Standards	13-5
1311	Landscape Requirements.....	13- 6 ⁵
1312	Minimum Setbacks	13-6
1313	Encroachments.....	13-6
1314	Building Height	13-6
1315	Fencing Standards	13-7
1316	Outdoor Storage Standards.....	13-9
1317	Sign Standards	13-9
1318	Lighting Standards.....	13-9

1301 Intent *(Amended 8/11/09)*

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

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

The LI zone district is characterized by office, warehousing, assembly, and distribution. Uses allowed within this district shall operate with minimal dust, fumes, odors, refuse, smoke, vapor, noise, lights, and vibrations. Such impacts shall be mitigated in accordance with applicable County, State, and federal regulations. Any other impacts shall be mitigated to the maximum extent possible. Development or use of land in this district is permitted only in accordance with the provisions herein. Land disturbance activities may require permit(s).

1302 Principal Uses *(Amended 6/22/05)*

The following uses shall be allowed upon the approval of, and in accordance with, a Site Improvement Plan in accordance with Section 27 of this Resolution. The Director may determine other similar uses as appropriate.

1302.01 Automobile service station with gasoline pumps

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

1302.03 Bar/lounge

1302.04 Building materials – wholesale/retail

1302.05 Club/country club

1302.06 Commercial storage area *(Amended 3/26/24)*

1302.07 Community uses:

- Church
- Fire station

- Hospital
- Library
- Open space/trails
- Park/playground
- Recreation facility – indoor/outdoor
- School – including college, or university and related facilities
- Sheriff station

1302.08 Cultural facility

1302.09 Equipment rental

1302.10 Firing range – indoor

1302.11 Golf course

1302.12 Greenhouse/plant nursery – wholesale/retail

1302.13 Hotel, including conference or convention facilities located within the principal building

1302.14 Industrial/manufacturing operation which does not emit unusual or excessive amounts of dust, smoke, fumes, gas, noxious odors, or noise beyond the lot boundary

1302.15 Kennel (*Amended 5/27/14*)

1302.16 Mini warehouse – no storage of dangerous or flammable material and no sales or services from any unit

1302.17 Motorized vehicle/equipment – service/repair and incidental sales

1302.18 Motorsports Facility (*Amended 4/26/16*)

1302.19 Office

- general, medical, dental, professional, or governmental
- temporary (*refer to Section 22*)

1302.20 Parking lot – public/private

1302.21 Product distribution/storage – excluding hazardous materials

1302.22 Recreational vehicle storage lot

1302.23 Research and development facility

- 1302.24 Restaurant/fast food establishment
- 1302.25 Satellite earth station
- 1302.26 Seasonal use (*refer to Section 22A*)
- 1302.27 Telecommunication facility
- 1302.28 Utility service facility
- 1302.29 Veterinary clinic or hospital (*Amended 3/26/24*)
- 1302.30 Warehouse
- 1302.31 Wholesale business – sales/service

1303 Accessory Uses

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

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

1304 Uses Permitted by Special Review (*Amended 6/22/05*)

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

- 1304.01 Batch plant – concrete, mortar, or asphalt
- 1304.02 Heliport

1304.03 Natural Medicine Business: Healing Center, Cultivation Facility, Products Manufacturer, Testing Facility, or any other Natural Medicine Business licensed by the State Licensing Authority, as defined in Colorado Regulated Natural Medicine Rules 1 CCR 213-1 and Colorado Revised Statutes. Natural Medicine businesses are not a permitted use in the PD – Planned Development District.

- 1304.0~~4~~³ Recycle/trash transfer facility – indoor

1304.0~~54~~ Residence

- Group home (*Amended 5/10/16*)
- Group home for registered sex offenders
- Group Residential Facility
- Single-family attached or multifamily

1304.0~~65~~ Satellite earth station that exceeds the zone district height limitation or exceeds the minimum health standards.

1304.0~~76~~ Telecommunication equipment (*excluding whip type antennas*) that exceed the zone district height limitation or exceed minimum health standards.

1304.0~~87~~ Utility – major facility

1305 Minimum Lot Area: none

1306 Water and Sanitation Requirement

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

1307 Utilities

All public utility distribution lines shall be placed underground.

1308 Land Dedication

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

1309 Street Standards

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

1310 Parking Standards

Parking shall be provided as shown on the approved USR Plan Exhibit or Site Improvement Plan prepared in accordance with Section 21, Use by Special Review, or Section 27, Site Improvement Plan; and Section 28, Parking Standards, of this Resolution. (*Amended 3/26/24*)

1311 Landscaping Requirement

Each lot shall be landscaped as shown on the approved landscape plan prepared in accordance with Section 21, Use by Special Review, or Section 27, Site Improvement Plan, of this Resolution. Areas to be landscaped include the lot area within the required setback from the street, parking areas, and other areas as required. *(Amended 3/26/24)*

1312 Minimum Setbacks

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

* No parking shall be located within this setback.

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

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

The setback is measured from the lot line to the wall of the structure horizontally and perpendicular to the lot line. *(See illustration in the Definition Section.)*

1313 Encroachments

- 1313.01 A cornice, canopy, eave, fireplace, wing wall, or similar architectural feature may extend 3 feet into a required setback. Fire escapes may extend 6 feet into a required setback.
- 1313.02 A building permit shall not be issued for any structure which is to be located within an easement unless written approval by the easement holder(s) is provided.
- 1313.03 Utility distribution lines and related equipment commonly located along property lines may be located within a required setback. A neighborhood substation or gas regulator/meter station shall meet the required setbacks.

1314 Building Height

Maximum building height: 60 feet

- 1314.01 The maximum building height shall not apply to belfries, cupolas, penthouses, or domes not used for human occupancy, roof-mounted church spires, chimneys, skylights, ventilators, water tanks, silos, parapet walls, cornices without windows, antennas, utility poles, and necessary mechanical appurtenances usually carried above the roof level.

- 1314.02 The maximum height of a roof-mounted church spire shall not exceed 1.62 times the height of the church. The church height shall be measured from the main level finished floor (*walk-out level excluded*) to the highest roof peak. The height of the roof-mounted spire shall be measured from the top of the spire to the finished floor of the lowest walkout level of the church. (*refer to Section 36 building height definition – spire height calculation*)
- 1314.03 The maximum height of a parapet wall shall be established on the approved USR Plan Exhibit or Site Improvement Plan based on overall mass and bulk and its compatibility with the surrounding area. (*Amended 3/26/24*)
- 1314.04 The height of an antenna shall be no greater than the distance to the nearest lot line, except, engineered structures which shall be in compliance with the minimum setbacks. (*refer to Section 27A for cell sites and Section 21 for telecommunication facilities*)
- 1314.05 All roof-mounted equipment (*mechanical, ventilating, antennas*) shall be properly screened, with the exception of solar collectors/heaters.

1315 Fencing Standards (*Amended 3/26/24*)

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

- 1315.01 Fences, walls, or hedges shall not be erected in the public right-of-way, but shall be allowed within a setback. A building permit is required for any retaining wall greater than 4 feet in height or a fence greater than 6 feet in height, or as required by the Building Code, as amended and adopted by Douglas County.
- 1315.02 Solid fences, walls, or hedges shall not exceed 4 feet in height when located within the required setback from a street except when the fence, wall, or hedge is required in order to provide a screen for storage. Then the fence may exceed 4 feet in height for no more than 50% of the lineal frontage of the lot.
- 1315.03 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.
- 1315.04 Fences, walls, or hedges shall be maintained in good structural or living condition. The landowner is responsible for the repair or removal of a fence, wall, or hedge which constitutes a public safety hazard by reason of inadequate maintenance, dilapidation, obsolescence, or abandonment.

- 1315.05 Fences constructed of woven wire or ornamental iron which are a minimum of 80% open may be constructed with no height limitation; however, a building permit may be required by the Building Code, as amended and adopted by Douglas County.
- 1315.06 Electric fences that are part of a non-lethal alarm notification system may be permitted only upon the approval of, and in accordance with, a USR Plan Exhibit or Site Improvement Plan in compliance with the following standards: *(Amended 3/26/24)*
- 1315.06.1 A non-electric perimeter fence at least six (6) feet tall must surround the exterior of an electric fence. Except for gates, the perimeter fence shall be located not less than six (6) inches from the electric fence.
- 1315.06.2 Warning signs, notifying the public of the existence of the electric fence, shall be posted in a conspicuous manner on the property and at intervals of not less than 30 feet. Warning signs shall have a minimum letter size of two (2) inches and shall include the international symbol for high voltage.
- 1315.06.3 A key box or other approved method with a mechanism that allows emergency services personnel to disconnect the electrical current and gain entry be provided. The type and location of the disconnecting mechanism, key box, and other components shall be approved the fire department.
- 1315.06.4 No electric fence shall be installed or operated with a power source other than a storage battery not exceeding 12 volts direct current. Notwithstanding the foregoing, a backup system to maintain security in case of battery failure shall be permitted provided such system will not result in higher voltage being delivered upon contact with the fence.
- 1315.06.5 Information is required to be included on the USR Plan Exhibit or Site Improvement Plan that provides manufacturer information and demonstrates that the electric fence is part of a non-lethal alarm notification system.
- 1315.07 Barbed wire shall be permitted when located a minimum of 6' 6" in height measured from the ground level outside the fence; however, concertina or razor wire or other hazardous materials used for fencing shall be prohibited.
- 1315.08 Swimming pools shall be enclosed by a fence or wall that meets or exceeds the requirements of the Building Code, as amended and adopted by Douglas County.

1316 Outdoor Storage Standards *(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:

- 1316.01 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 six (6) feet in height. Employee or customer parking or merchandise display areas shall not be considered outdoor storage.
- 1316.02 Operable vehicles, 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.
- 1316.03 Outdoor storage shall be allowed within the required setback from a street provided that the storage area does not occupy more than 50% of the lineal frontage at the right-of-way.
- 1316.04 Outdoor storage shall not be allowed within any required landscaped area, detention or water quality facilities, or drainage ways.
- 1316.05 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.
- 1316.06 A solid fence, wall, or hedge shall not be required at a shared property line which merely separates outdoor storage areas.

1317 Sign Standards – Refer to Section 29 of this Resolution

1318 Lighting Standards – Refer to Section 30 of this Resolution

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SECTION 14 GI – GENERAL INDUSTRIAL DISTRICT

Section Contents

1401	Intent	14-2
1402	Principal Uses.....	14-2
1403	Accessory Use.....	14-2
1404	Uses Permitted by Special Review.....	14-3
1405	Minimum Lot Area	14-3
1406	Water and Sanitation Requirements.....	14-3
1407	Utilities.....	14-4
1408	Land Dedication.....	14-4
1409	Street Standards.....	14-4
1410	Parking Standards	14-4
1411	Landscape Requirements.....	14-4
1412	Minimum Setbacks	14-4
1413	Encroachments.....	14-5
1414	Building Height	14-5
1415	Fencing Standards	14- <u>65</u>
1416	Outdoor Storage Standards.....	14-7
1417	Sign Standards	14-8
1418	Lighting Standards.....	14-8

1401 Intent *(Amended 8/11/09)*

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

Development within this district is intended for use by the largest manufacturing operations, heavy equipment, construction and fuel yards, major transportation terminals and other basic industrial activities required in an urban economy, in accordance with the intent of the Douglas County Comprehensive Master Plan, as amended.

The GI zone district is characterized by office, warehousing, assembly, and distribution. By their very nature these uses may emit more noise, dust, fumes, odors, refuse, smoke, vapor, lights, and vibration and other environmental pollutants than permitted in the light industrial district; however, all 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. Traffic to and from the district may be intensive. Development or use of land in this district is permitted only in accordance with the provisions herein. Land disturbance activities may require permit(s).

1402 Principal Uses *(Amended 7/8/08)*

The following uses shall be allowed upon the approval of, and in accordance with, a Site Improvement Plan in accordance with Section 27 of this Resolution. The Director may determine other similar uses as appropriate.

1402.01 All principal uses in the LI district

1402.02 Utility – major facility

1403 Accessory Use *(Amended 7/8/08)*

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

1403.01 Accessory uses and buildings *(Amended 3/26/24)*

1403.02 Residence – single or multifamily for management or employee/s only

1403.03 Antenna

1404 Uses Permitted by Special Review *(Amended 4/28/15)*

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

- 1404.01 Batch Plant – concrete, asphalt, or mortar (not including temporary batch plants; see Douglas County's Grading, Erosion, and Sediment Control Manual, as amended, for processing details)
- 1404.02 Chemical and hazardous material storage/transfer/disposal facility
- 1404.03 Firing range – outdoor
- 1404.04 Heliport
- 1404.05 Jail/correctional facility
- 1404.06 Junk/scrap yard
- 1404.07 Landfill – private/public
- 1404.08 Mining, quarry, sand and gravel pit or similar extractive land use
- 1404.09 Natural Medicine Business: Healing Center, Cultivation Facility, Products Manufacturer, Testing Facility, or any other Natural Medicine Business licensed by the State Licensing Authority, as defined in Colorado Regulated Natural Medicine Rules 1 CCR 213-1 and Colorado Revised Statutes. Natural Medicine businesses are not a permitted use in the PD – Planned Development District.
- 1404.~~1009~~ Propane distribution/storage facility
- 1404.~~110~~ Recycle/trash transfer facility
- 1404.~~124~~ Satellite earth station that exceeds the zone district height limitation or exceeds minimum health standards
- 1404.~~132~~ Telecommunication equipment (*excluding whip type antennas*) that exceed the zone district height limitation or exceed minimum health standards.

1405 Minimum Lot Area: none

1406 Water and Sanitation Requirement

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

Use of individual wells and individual septic systems may be permitted provided:

- the subject land is located within the boundaries of a special district providing water and sewer service;
- the district's water or sewer lines are not within 400' of the subject land [§32-1-1006(1)(a)(I) C.R.S.], or if within 400' 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; and
- the district authorizes the use of wells. *(Amended 4/12/00)*

1407 Utilities

All public utility distribution lines shall be placed underground.

1408 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.

1409 Street Standards and Stormwater Improvements *(Amended 7/8/08)*

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.

1410 Parking Standards

Parking shall be provided as shown on the approved USR Plan Exhibit or Site Improvement Plan prepared in accordance with Section 21, Use by Special Review, or Section 27, Site Improvement Plan; and Section 28, Parking Standards, of this Resolution. *(Amended 3/26/24)*

1411 Landscaping Requirement

Each lot shall be landscaped as shown on the approved landscape plan prepared in accordance with Section 21, Use by Special Review, or Section 27, Site Improvement Plan, of this Resolution. Areas to be landscaped include the lot area within the required setback from the street, parking areas, and other areas as required. *(Amended 3/26/24)*

1412 Minimum Setbacks

SETBACK FROM:				
Street	LSB/B/C	LI	GI	RES/AG/OS
Regional/major arterial: 75'	50'	25'	No setback	75'
Minor arterial: 40'				
Collector/local: 20'*				

* No parking shall be located within this setback.

The setback is measured from the lot line to the wall of the structure horizontally and perpendicular to the lot line. *(See illustration in the Definition Section.)*

1413 Encroachments

- 1413.01 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.
- 1413.02 A building permit shall not be issued for any structure which is to be located within an easement unless written approval by the easement holder(s) is provided.
- 1413.03 Utility distribution lines and related equipment commonly located along property lines may be located within a required setback. A neighborhood substation or gas regulator/meter station shall meet the required setbacks.

1414 Building Height

Maximum building height: 60 feet

- 1414.01 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.
- 1414.02 The maximum height of a roof-mounted church spire shall not exceed 1.62 times the height of the church. The church height shall be measured from the main level finished floor (*walk-out level excluded*) to the highest roof peak. The height of the roof-mounted spire shall be measured from the top of the spire to the finished floor of the lowest walkout level of the church. (*refer to Section 36 building height definition – spire height calculation*)
- 1414.03 The maximum height of a parapet wall shall be established on the approved USR Plan Exhibit or Site Improvement Plan based on overall mass and bulk and its compatibility with the surrounding area. (*Amended 3/26/24*)
- 1414.04 The height of an antenna shall be no greater than the distance to the nearest lot line except, engineered structures which shall be in compliance with the minimum setbacks. (*refer to Section 27A for cell sites and Section 21 for telecommunication facilities*)
- 1414.05 All roof-mounted equipment (*mechanical, ventilating, antennas*) shall be properly screened, with the exception of solar collectors/heaters.

1415 Fencing Standards *(Amended 3/26/24)*

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

- 1415.01 Fences, walls, or hedges shall not be erected in the public right-of-way, but shall be allowed within a setback. A building permit is required for any retaining wall greater than 4 feet including footer, in height or a fence greater than 6 feet in height, or as required by the Building Code, as amended and adopted by Douglas County.
- 1415.02 Solid fences, walls, or hedges shall not exceed 4 feet in height when located within the required setback from a street except when the fence, wall, or hedge is required in order to provide a screen for outdoor storage. Then the fence may exceed 4 feet in height for no more than 50% of the lineal frontage of the lot.
- 1415.03 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.
- 1415.04 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 public safety hazard by reason of inadequate maintenance, dilapidation, obsolescence, or abandonment.
- 1415.05 Fences constructed of woven wire or ornamental iron which are a minimum of 80% open may be constructed with no height limitation; however, a building permit may be required for any fence greater than 6 feet in height, or as required by the Building Code, as amended and adopted by Douglas County.
- 1415.06 Electric fences that are part of a non-lethal alarm notification system may be permitted only upon the approval of, and in accordance with, a USR Plan Exhibit or Site Improvement Plan in compliance with the following standards:
 - 1415.06.1 A non-electric perimeter fence at least six (6) feet tall must surround the exterior of an electric fence. Except for gates, the perimeter fence shall be located not less than six (6) inches from the electric fence.
 - 1415.06.2 Warning signs, notifying the public of the existence of the electric fence, shall be posted in a conspicuous manner on the property and at intervals of not less than 30 feet. Warning signs shall have a minimum letter size of two (2) inches and shall include the

international symbol for high voltage.

- 1415.06.3 A key box or other approved method with a mechanism that allows emergency services personnel to disconnect the electrical current and gain entry be provided. The type and location of the disconnecting mechanism, key box, and other components shall be approved the fire department.
- 1415.06.4 No electric fence shall be installed or operated with a power source other than a storage battery not exceeding 12 volts direct current. Notwithstanding the foregoing, a backup system to maintain security in case of battery failure shall be permitted provided such system will not result in higher voltage being delivered upon contact with the fence.
- 1415.06.5 Information is required to be included on the USR Plan Exhibit or Site Improvement Plan that provides manufacturer information and demonstrates that the electric fence is part of a non-lethal alarm notification system.
- 1415.07 Barbed wire shall be permitted when located a minimum of 6'6" in height measured from the ground level outside the fence; however, concertina, or razor wire or other hazardous materials used for fencing shall be prohibited.
- 1415.08 Swimming pools shall be enclosed by a fence or wall that meets or exceeds the requirements of the Building Code, as amended and adopted by Douglas County.

1416 Outdoor Storage Standards (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:

- 1416.01 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 six (6) feet in height. Employee or customer parking or merchandise display areas shall not be considered outdoor storage.
- 1416.02 Operable vehicles, trailers, or other equipment designed to be towed or lifted as a single component may be visible above the height of a 6 foot tall fence, wall, or hedge without being additionally screened.

- 1416.03 Outdoor storage shall be allowed within the required setback from a street provided that the storage area does not occupy more than 50% of the lineal frontage at the right-of-way.
- 1416.04 Outdoor storage shall not be allowed within any required landscaped area, detention or water quality facilities, or drainage ways.
- 1416.05 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.
- 1416.06 A solid fence, wall, or hedge shall not be required at a shared property line which merely separates outdoor storage areas.
- 1417 Sign Standards – Refer to Section 29 of this Resolution
- 1418 Lighting Standards – Refer to Section 30 of this Resolution

SECTION 21 USE BY SPECIAL REVIEW

Section Contents

GENERAL PROVISIONS

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

USES BY SPECIAL REVIEW

2107	Allowed Uses by Special Review and Additional Requirements.....	21-4
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SUBMITTAL PROCESS AND REQUIREMENTS

2108	Submittal Prerequisite	21-1 98
2109	Submittal Process.....	21- 19 <u>20</u>
2110	Withdrawal of an Application	21-2 32 <u>4</u>
2111	Submittal Requirements	21-2 32 <u>3</u>
2112	Plan Exhibit	21-2 54 <u>3</u>
2113	Public Notice Requirements	21-2 87 <u>7</u>
2114	Termination of Use	21- 30 <u>29</u>
2115	Inactive Files.....	21-3 10 <u>1</u>
2116	Post Denial Application.....	21-3 10 <u>1</u>
2117	Revocation.....	21-3 24 <u>4</u>
2118	Administrative Use by Special Review Amendment.....	21-3 24 <u>4</u>

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, 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 G1 zone districts, subject to the following:

2107.32.1 The use is judged by the twelve criteria for approval of a use by special review, and the goals and policies of the Douglas County Comprehensive Master Plan, as amended and its Mineral Extraction element, and may be approved with conditions derived from the extraction plan submittals listed herein.

2107.32.2 Exemptions from these regulations may be approved by the Director of Community Development in accordance with an approved grading permit, for any one of the following:

- (1) Earthwork performed within public rights-of-way
- (2) Earthwork performed which is consistent with an approved site plan or an approved and recorded final plat
- (3) Earthwork performed as part of construction per an approved building permit
- (4) Borrow site

2107.32.3 A narrative that addresses all items listed in Section 2111, herein, and the following:

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

2107.32.4 A plan exhibit prepared in accordance with Section 2112, herein, and shows the following:

- (1) The relationship of the mine site to other uses/structures in the area
- (2) The location of all buildings, equipment, on- and off-site haul roads, ancillary facilities, staging areas, and stockpiles
- (3) The limits of the mine site and the extent of areas to be disturbed
- (4) The location and dimension of buffers against noise and visual impact to be left in place or created
- (5) Identified aquifer recharge areas, wetland areas, lakes, rivers

- (6) Wildlife impact areas as designated in the Douglas County Comprehensive Master Plan, as amended, and areas considered significant by the Colorado Division of Wildlife
- (7) Areas identified, through independent assessment, as having historic, archaeological, or paleontological resources
- (8) All Douglas County Comprehensive Master Plan designations

2107.32.5 An operational plan shall be submitted that at a minimum addresses the following:

- (1) Start and end dates and the hours of operation
- (2) A program for initial air-quality measurements and an ongoing monitoring program, including dust from equipment and stockpiles
- (3) A program for initial water quality and quantity measurements, including well tests in the area, and an ongoing water-quality monitoring program
- (4) Sources and quantities of water needed on site
- (5) A drainage and erosion control plan in compliance with the Douglas County Storm Drainage Design and Technical Criteria manual
- (6) A program for initial noise measurement, an ongoing noise monitoring program, and a noise abatement program
- (7) Proposed methods and timing of site restoration and their relationship to visual and air-quality impacts
- (8) A phasing plan that:
 - designates areas to be disturbed and the proposed timing or extraction for each area;
 - illustrates the timing of site restoration for each area including revegetation, contouring, and grading;
 - limits the total land area to be disturbed at any one time; and
 - links the availability of adequate transportation facilities to the scope of the operation, specifically identifies off-site infrastructural improvements required for the project, and specifies the time frame for construction in relation to phases of on-site operation.
- (19) 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.

(~~210~~) 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.

(~~311~~) 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.

(~~412~~) 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:

- 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

2107.3~~76~~ Propane distribution/storage: GI zone district

2107.3~~87~~ 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

2107.3~~98~~ Recreation facility – indoor: CMTY and D zone districts

2107.4~~039~~ Recreation facility – neighborhood: CMTY and D zone districts

2107.4~~19~~ Recreation facility – outdoor: CMTY and D zone districts

2107.4~~24~~ Recreation facility – private: CMTY and D zone districts

2107.4~~32~~ Recycle/trash transfer facility: LI and GI zone district provided all recycling or trash transfer activities are conducted within an enclosed structure.

2107.4~~43~~ Residence:

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

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

2107.4~~54~~ Religious retreat: A-1 zone district.

2107.4~~65~~ 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.

2107.4~~65~~.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

2107.4~~76~~ 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.

2107.4~~87~~ 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:

2107.4~~87~~.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.

2107.4~~87~~.2 More than 10 delivery vehicles would be transporting sludge to the site in any 24-hour period.

2107.4~~87~~.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.

2107.4~~87~~.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.

2107.4~~98~~ 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.

2107.4~~98~~.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

2107.4~~98~~.2 A Visual Impact Assessment (VIA) shall be prepared in accordance with the VIA process contained in Appendix D of this Zoning Resolution.

2107.4~~98~~.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.

2107.4~~98~~.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.

2107.5~~04~~9 Theater – indoor or outdoor: CMTY and D zone districts

2107.5~~10~~ 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.

2107.5~~24~~ Veterinary clinic or hospital: A-1, LRR, and RR zone districts, provided that such uses are located 100 feet from all lot lines

2107.5~~32~~ Wind energy conversion systems up to 100 kilowatts: A-1, LRR, and RR zone districts as follows:

2107.5~~32~~.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

2107.5~~32~~.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.

2107.5~~32~~.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.

2107.5~~32~~.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.

2107.5~~43~~ 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)

COUNTY OF _____) ss.

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

My commission expires: _____

Witness my hand and official seal.

Notary Public*(For Individual Owner)*

(signature of owner(s))

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

My commission expires: _____

Witness my hand and official seal.

Notary Public

An initial block is required on all subsequent exhibit sheets:

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

2118.06 Notice of Final Action

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

- 2118.06.1 The date considered to be the final action on the administrative use by special review amendment shall be the date on the Notice of Action – Final Status.
- 2118.06.2 Should a discrepancy exist between the dates on the administrative use by special review amendment and Notice of Action – Final Status, the date of the Notice of Action – Final Status shall control.

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

Referral Agency Response Report**Page 1 of 6****Project Name:** Natural Medicine Businesses, Douglas County Zoning Resolution Amendment, Sections 11, 12, 13, 14, and 21**Project File #:** DR2024-003**Date Sent:** 01/07/2025**Date Due:** 02/04/2025

Agency	Date Received	Agency Response	Response Resolution
Arapahoe County Planning Division	01/10/2025	See letter – Provided the Arapahoe County natural medicine regulations and discussed their approach to personal cultivation by defining it as a non-primary use permitted in the agricultural or residential zone districts.	No response required.
Arapahoe County Public Works Department	02/03/2025	See letter – No comments.	No response required.
Burning Tree Ranch HOA	01/21/2025	Received: No comment.	No response required.
Castle Rock Fire Protection District	01/08/2025	See letter – No objections.	No response required.
Castlewood Canyon State Park	01/07/2025	Received: No comment.	No response required.
CDPHE – Air Pollution Division	01/15/2025	See letter – No comment.	No response required.
Cherry Creek Basin Water Quality Authority	01/21/2025	Received: The Cherry Creek Basin Water Quality Authority (Authority) acknowledges notification from Douglas County that the proposed development plans for DR2024, Natural Medicine Regulations 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 Planning Division	01/23/2025	See letter – No comments.	No response required.
City of Centennial	01/13/2025	See letter – No comments. Provided the city's approved natural medicine regulations.	No response required.
Colorado Department of Transportation	01/08/2025	See letter – No comment	No response required.

Referral Agency Response Report**Page 2 of 6****Project Name:** Natural Medicine Businesses, Douglas County Zoning Resolution Amendment, Sections 11, 12, 13, 14, and 21**Project File #:** DR2024-003**Date Sent:** 01/07/2025**Date Due:** 02/04/2025

Agency	Date Received	Agency Response	Response Resolution
Colorado Division of Water Resources	01/03/2025	See letter – No objections to proposed amendments as there are no proposed changes to Section 18A.	No response required.
Colorado Geological Survey	01/13/2025	Received: No comment.	No response required.
Colorado Parks and Wildlife	01/08/2025	See letter – No objections.	No response required.
Colorado State Forest Service	01/08/2025	Received: No comment.	No response required.
CORE Electric Cooperative	01/08/2025	Received: No comment.	No response required.
Douglas County Addressing Analyst	01/08/2025	Received: No comment.	No response required.
Douglas County Assessor	01/21/2025	Received: No comment.	No response required.
Douglas County Building Services	01/10/2025	Received: No comment.	No response required.
Douglas County Engineering Services	01/08/2025	Received: No comment.	No response required.
Douglas County Health Department	01/31/2025	See letter – No comments.	No response required.
Douglas County Historic Preservation	01/14/2025	Received: No comment.	No response required.
Douglas County Open Space and Natural Resources	01/09/2025	Received: No comment.	No response required.
Douglas County Sheriff's Office	01/30/2025	Received: Currently, this project has no CEPTED (Crime Prevention Through Environmental Design) concepts that need to be addressed. If these projects move forward and CEPTED concepts are required, I will reevaluate this project. (verbatim)	No response required.
El Paso County Planning and Community Development Department	01/14/2025	See letter – Response included an attachment of the recorded Land Development Code amendment for El Paso County's Natural Medicine Ordinance.	No response required.

Referral Agency Response Report**Page 3 of 6****Project Name:** Natural Medicine Businesses, Douglas County Zoning Resolution Amendment, Sections 11, 12, 13, 14, and 21**Project File #:** DR2024-003**Date Sent:** 01/07/2025**Date Due:** 02/04/2025

Agency	Date Received	Agency Response	Response Resolution
Franktown Citizens Coalition II Inc	01/18/2025	<p>See letter – Provided concerns for Natural Medicine use in rural, non-commercial areas such as Franktown. Opposes sharing, selling, and use of Natural Medicine or other drug substances due to concern for increased crime and danger.</p> <p>Asks that the Board not permit these uses in Franktown.</p>	Comments are provided for the Board to review.
Grandview Estates HOA	01/21/2025	<p>See letter – States that it is unclear how personal cultivation is regulated by the State with Proposition 122 enabling psilocybin in-home cultivation. Cites the percentage of Douglas County voters voting against Proposition 122 as 65.82% per voter records.</p> <p>Requests that the County implements:</p> <ul style="list-style-type: none">• Proper disposal of medicine byproducts/waste to safeguard public and private water and wastewater systems.• Strong building security measures to prevent unauthorized access or theft.• Regulating the hours of operation of any approved business, including limiting the hours of operations to weekdays from 8 am to 5 pm as the Town of Castle Rock has done.• Implementing a policy of anonymous reporting of violators either business or personal which all surrounding counties allow.	Comments are provided for the Board to review.

Referral Agency Response Report**Page 4 of 6****Project Name:** Natural Medicine Businesses, Douglas County Zoning Resolution Amendment, Sections 11, 12, 13, 14, and 21**Project File #:** DR2024-003**Date Sent:** 01/07/2025**Date Due:** 02/04/2025

Agency	Date Received	Agency Response	Response Resolution
Happy Canyon HOA	01/13/2025	<p>See letter – Provided concerns for criminal activity, black markets, DUIs, DWIs, mental health crises, overdoses, violent behavior, and impacts to minors due to Natural Medicine businesses.</p> <p>Provided the following questions to the Board:</p> <ol style="list-style-type: none"> 1. Who will monitor, report, and/or enforce any violations of Douglas County's Zoning Resolution pertaining to operations, including mental health crises, overdoses, criminal activity, DUIs/DWIs, etc.? 2. What are the consequences that Douglas County can impose for violations? <p>Requests that the County creates strongest restrictions possible for distance requirement, day and hours of operation, specific zone districts, and other measures for public safety.</p>	Comments are provided for the Board to review.
Highlands Ranch Community Association	01/09/2025	<p>Received:</p> <p>The Highlands Ranch Community Association ("HRCA") appreciates the opportunity to review and opine on this Application. We take no exceptions to the modifications to the Douglas County Zoning Resolution as specified in the Application.</p>	No response required.
Highlands Ranch Metro District	02/03/2025	Received: No comment.	No response required.
Highlands Ranch Town Center Review Committee	02/03/2025	Received: No comment.	No response required.
Highlands Ranch Water and Sanitation District	02/03/2025	Received: No comment.	No response required.
Louviers Conservation Partnership	01/24/2025	<p>Received:</p> <p>Louviers Conservation Partnership (LCP) has reviewed DR2024-003 Natural Medicine Businesses, Douglas County Zoning Resolution Amendment, Sections 11, 12, 13, 14, and 21 updates and has no objection to the proposed updates. (verbatim)</p>	No response required.

Referral Agency Response Report**Page 5 of 6****Project Name:** Natural Medicine Businesses, Douglas County Zoning Resolution Amendment, Sections 11, 12, 13, 14, and 21**Project File #:** DR2024-003**Date Sent:** 01/07/2025**Date Due:** 02/04/2025

Agency	Date Received	Agency Response	Response Resolution
Meridian DCC, Meridian Village Metro District, Meridian Metro Districts	02/03/2025	Received: No comment.	No response required.
Meridian Village Metro Districts 1-2-3-4	02/03/2025	Received: No comment.	No response required.
Misty Pines HOA	01/13/2025	Received: No comment.	No response required.
Parker Water & Sanitation District	01/08/2025	Received: PWSD has no comment for Zoning on Natural Medicine Businesses. (verbatim)	No response required.
Pike National Forest-US Forest Service	01/07/2025	Received: No comment.	No response required.
Pinery Water and Wastewater District	01/10/2025	Received: No comment.	No response required.
Pinery West HOA	01/10/2025	Received: I agree with the proposed amendments for Natural Medicine Business Regulations to comply with State of Colorado Regulations. I would further state that the most restrictive course would be desirable for protection boundaries of schools. Vikki O'Donnell (verbatim)	No response required.
Plum Creek Water Reclamation Authority	01/10/2025	Received: No comment.	No response required.
South Metro Fire Rescue	01/14/2025	See letter – No objection.	No response required.
South Suburban Parks and Recreation	01/30/2025	See letter – No comments.	No response required.
Southeast Metro Stormwater Authority	01/08/2025	Received: No comment.	No response required.
Stonegate Village Metro District	01/20/2025	See letter – No comments.	No response required.
Teller County Community Development Services Department	01/08/2025	See letter – No comments or concerns with this proposal.	No response required.
The Pinery HOA	02/04/2025	Received: The Pinery HOA has no concerns with this amendment. (verbatim)	No response required.

Referral Agency Response Report**Page 6 of 6****Project Name:** Natural Medicine Businesses, Douglas County Zoning Resolution Amendment, Sections 11, 12, 13, 14, and 21**Project File #:** DR2024-003**Date Sent:** 01/07/2025**Date Due:** 02/04/2025

Agency	Date Received	Agency Response	Response Resolution
Town of Castle Rock	01/28/2025	Received: No comment.	No response required.
Town of Larkspur	01/09/2025	Received: Larkspur would like to see an increase to the proposed distance from any municipal boundary. (verbatim) Per staff's phone discussion with Mayor of Larkspur, the separation distance should be increased to 3 miles from a municipal boundary.	Comments are provided to the Board for review.
Town of Parker Public Works	01/15/2025	Received: No comment.	No response required.
West Douglas County FD	01/14/2025	Received: West Douglas County Fire supports the proposed regulations set forth by Douglas County in DR2024-003. (verbatim)	No response required.
West Metro Fire Protection District	01/08/2025	Received: No comment.	No response required.
Xcel Energy-Right of Way & Permits	01/28/2025	See letter – No apparent conflict.	No response required.

From: [Terri Maulik](#)
To: [Marcco Higham](#); [Referrals](#)
Subject: RE: AC CASE NO. 025-009 - DOUGCO REF / DR2024-003 / NATURAL MEDICINE REGULATIONS
Date: Friday, January 10, 2025 9:00:57 AM
Attachments: [image001.png](#)
[image002.png](#)
[image004.png](#)
[image005.png](#)
[Approved Natural Med Regulations 11-26-24.pdf](#)

Marcco,

Thank you for the opportunity to review and comment on this case. Colorado Revised Statutes Section 18-18-434(3) addresses personal cultivation; while those rules apply statewide, Arapahoe County included some personal cultivation provisions in our Land Development Code to clarify the local requirements. Arapahoe County's adopted regulations reiterated the state's 12-foot by 12-foot maximum cultivation area and specified that personal cultivation must be a non-primary use in agricultural or residential zones. Please see the attached Arapahoe County natural medicine regulations, which were adopted by our Board of County Commissioners on November 26, 2024.

Thank you,



ARAPAHOE COUNTY

Terri Maulik (she/her/hers)

Planning Technician

Planning Division

Department of Public Works and Development

6924 S Lima St., Centennial, CO 80112

O: 720-874-6840

tmaulik@arapahoegov.com

www.arapahoeco.gov



-----Original Message-----

From: mhigham@douglas.co.us <mhigham@douglas.co.us>

Sent: Tuesday, January 7, 2025 2:07 PM

To: Referrals <Referrals@arapahoegov.com>

Subject: Douglas County eReferral (DR2024-003) Is Ready For Review

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

From: [Joseph Boateng](#)
To: [Marcco Higham](#)
Subject: DOUGCO REF / DR2024-003 / NATURAL MEDICINE REGULATIONS
Date: Monday, February 3, 2025 11:41:09 AM

Marcco,
Arapahoe County Engineering Services Division of Public Works and Development have no comment at this time.

Thanks,

Joseph Boateng, PE
Engineer III
Arapahoe County Public Works & Development
6924 S Lima St, Centennial, CO 80112-3853
Direct: 7208746575 | Main: 720-874-6500
jboateng@arapahoegov.com <http://www.arapahoegov.com>

From: [FDPLANS](#)
To: [Marcco Higham](#)
Subject: RE: Douglas County eReferral (DR2024-003) Is Ready For Review
Date: Wednesday, January 8, 2025 1:13:50 PM
Attachments: [image002.png](#)

Marcco,

The Castle Rock Fire Department has reviewed this document and has no objections to the verbiage.

Respectfully,

Kevin “Sully” Sullivan
Assistant Fire Marshal

[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

This email and any files transmitted with it may contain PRIVILEGED or CONFIDENTIAL information and may be read or used only by the intended recipient. If you are not the intended recipient of the email or any of its attachments, please be advised that you have received this email in error and that any use, dissemination, distribution, forwarding, printing, or copying of this email or any attached files is strictly prohibited. If you have received this email in error, please immediately purge it and all attachments, and notify the sender by reply email or contact the sender at the number listed.

From: mhigham@douglas.co.us <mhigham@douglas.co.us>
Sent: Tuesday, January 7, 2025 2:07 PM
To: FPO <FPO@crgov.com>
Subject: Douglas County eReferral (DR2024-003) Is Ready For Review

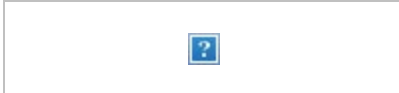
There is an eReferral for your review. Please use the following link to log on to your account:
<https://apps.douglas.co.us/planning/projects/Login.aspx>

From: [Cicione - CDPHE, Brendan](#)
To: [Marcco Higham](#)
Subject: Re: Douglas County Referral Response Request (DR2024-003)
Date: Wednesday, January 15, 2025 11:31:40 AM

Hi Marcco,

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, Jan 13, 2025 at 9:01 AM Localreferral - CDPHE, CDPHE
<cdphe_localreferral@state.co.us> wrote:

Hello,

Please see the email below. Please add comments by 1/21.

Thank you!

----- Forwarded message -----

From: Lauren Pulver <lpulver@douglas.co.us>
Date: Tue, Jan 7, 2025 at 2:24 PM
Subject: Douglas County Referral Response Request (DR2024-003)
To: cdphe_localreferral@state.co.us <cdphe_localreferral@state.co.us>

Date: January 7, 2025

To: Interested Parties

From: Marcco Higham

RE: Douglas County Zoning Resolution Amendment – DR2024-003



Planning Division
15151 E. Alameda Parkway, Ste. 2300
Aurora, Colorado 80012
303.739.7217

January 23, 2025

Marcco Higham
Douglas County – Planning Services
100 Third Street,
Castle Rock, CO 80104

Re: Planning Referral: Douglas County – Text Amendment – Natural Medicine Regulations
Jurisdiction Case Number: DR2024-003
Planning Referral Number: PR-2025-002

Dear Marcco Higham:

Thank you very much for reaching out to the City of Aurora's Planning Division to review application DR2024-003 for a Text Amendment within the jurisdiction of Douglas County. The property information is detailed below:

General Location: N/A

Physical Address: N/A

Property ID/ Folio Number: N/A

Property Size: N/A

Owner: N/A

Applicant: N/A

Development Proposal: Douglas County Text Amendment revolving around natural medicine businesses.

Douglas County Future Land Use: N/A

Douglas County Zoning: N/A

Applicable Aurora Place Type: N/A

Comments

The application has been reviewed, and it has been determined that there are no comments from the City of Aurora.

As always, if you have any comments or concerns, please let me know. I may be reached at (303) 739-7121 or cbailey1@auroragov.org.

Sincerely,

Connor Bailey, AICP, Senior Planner
City of Aurora Planning Department

cc: Connor Bailey, Case Manager
Aja Tibbs, Planning Supervisor
Filed:
Douglas County Zoning Resolution Amendments, Natural Medicine Facilities
Project File: DR2024-003
Board of County Commissioners Staff Report Page 155 of 172

From: [Michael Gradis](#)
To: [Marcco Higham](#)
Subject: Douglas County Zoning Resolution Amendment – DR2024-003 - Centennial Response
Date: Monday, January 13, 2025 3:27:31 PM

Marcco,

The City of Centennial Appreciates the opportunity to offer comments on Douglas County's proposed Natural Medicine Regulations. The City offers no formal comments at this time.

Please note the City of Centennial approved Natural Medicine Regulations (Municipal and Land Use Code) on January 7th, 2025.

Links to our meetings/documents may be found here:

<https://www.centennialco.gov/Government/Mayor-Council/City-Council-Meetings/Agendas-Minutes>

[Staff Report](#)

[Natural Medicine Overlay](#)

[Ordinance](#)



Michael Gradis, AICP (he, him, his)
Planning Manager | City of Centennial
13133 E. Arapahoe Rd. Centennial, CO 80112
Main: (303) 325-8000 | Direct: (303) 754-3356
mgradis@centennialco.gov
centennialco.gov

From: [Tripple - CDOT, Joseph](#)
To: [Marcco Higham](#)
Cc: [Loeffler - CDOT, Steven](#)
Subject: Douglas County eReferral (DR2024-003)
Date: Wednesday, January 8, 2025 12:55:54 PM

Marcco,

CDOT has no comment on the changes in Natural Medicine Regulations.

For any future development within CDOT ROW we would require Access, Utility or Special Use permits.

Working from or within CDOT ROW will require a utility/special use permit. This includes, but is not limited to survey, landscaping, signal or utility work.

Joey Tripple
Permits Unit- Region 1



P 303.656.8692
2829 W. Howard Pl. 2nd Floor, Denver, CO 80204
joseph.tripple@state.co.us | www.codot.gov | www.cotrip.org



January 23, 2025

Marcoco Higham
Douglas County Community Planning Services
100 Third Street
Castle Rock, CO 80104
Transmission via email: mhigham@douglas.co.us

Re: Natural Medicine Regulations proposed amendments
Case No. DR2024-003
Affected Location: All Douglas County
Water Division 1, Water District 8

Dear Marcoco Higham:

We have received your January 7, 2025 submittal concerning the proposed updates to the Douglas County Zoning Resolution related to the Natural Medicine Businesses.

This referral does not appear to qualify as a “subdivision” as defined in Section 30-28-101(10)(a), C.R.S. Therefore, pursuant to the State Engineer’s March 4, 2005 and March 11, 2011 memorandums to county planning directors, this office will only perform a cursory review of the referral information and provide informal comments. The comments do not address the adequacy of the water supply plan for this project or the ability of the water supply plan to satisfy any County regulations or requirements. In addition, the comments provided herein cannot be used to guarantee a viable water supply plan or infrastructure, the issuance of a well permit, or physical availability of water.



According to the submitted information, the proposed amendments limit natural medicine businesses to specific zone districts, including a 1,500 feet distance requirement from schools, state-licensed day-care facilities, churches, parks, libraries, residences and residential zoning, and municipal boundaries. In addition, the natural medicine businesses are not permitted within a Planned Development District.

Our office has no objections to the proposed amendments, since no changes to Section 18A Water Supply - Overlay District were identified in this referral. We note that, documentation of a sufficient water supply in accordance with Section 18A, Water Supply - Overlay District is still required to be provided with any Planned Development, Use by Special Review and Rezoning applications.

Should you have any questions, please contact me at 303-866-3581 x 8246 or ioana.comaniciu@state.co.us

Sincerely,



Ioana Comaniciu, P.E.

Water Resource Engineer

Ec: Referral No. 32650

From: [Doyle - DNR, Katie](#)
To: [Marco Higham](#)
Subject: Re: Douglas County eReferral (DR2024-003) Is Ready For Review
Date: Wednesday, January 8, 2025 11:53:07 AM

Mr. Higham,

Thank you for the opportunity to comment on the Natural Medicine Regulations, Proposed regulation amendments to regulate natural medicine businesses under Project # DR2024-003. Our goal in responding to land use proposals such as this is to provide complete, consistent, and timely information to all entities who request comment on matters within our statutory authority.

Upon review of the proposed referral request, Colorado Parks and Wildlife (CPW) has no objections to the application moving forward as planned for approval.

Please do not hesitate to contact me about ways to continue developing and managing your properties in order to maximize wildlife value while minimizing potential conflicts. If you have any further questions, please contact me at (720)930-8039.

Thank you,

Katie Doyle
District Wildlife Manager
Parker/Castle Rock East- Area 5



P 303.291.7139 | C 720.930.8039
6060 Broadway, Denver, CO 80216
katie.doyle@state.co.us | cpw.state.co.us



On Tue, Jan 7, 2025 at 2:08 PM <mhigham@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!fDGoQtwWMayGMXoQovuub_X67-bj0XcEzTjSCYuEPSFaldlQahVM6de1Lowm3ncL9M2uTr58ocyzy2aDILYvtXiX\\$](https://urldefense.com/v3/https://apps.douglas.co.us/planning/projects/Login.aspx?!!PUG2raq7KiCZwBk!fDGoQtwWMayGMXoQovuub_X67-bj0XcEzTjSCYuEPSFaldlQahVM6de1Lowm3ncL9M2uTr58ocyzy2aDILYvtXiX$)

DR2024-003, Natural Medicine Regulations, Proposed regulation amendments to regulate natural medicine businesses.

This referral will close on Tuesday, February, 4, 2025.

If you have any questions, please contact me.

Sincerely,

Marco Higham
100 Third Street
Castle Rock, CO 80104
303-660-7460 (main)

January 31, 2025

Marcco Higham
100 Third St.
Castle Rock, CO 80104

RE: DR2024-003

Dear Mr. Higham,

Thank you for the opportunity to review and comment on the proposed amendments for Natural Medicine Regulations. Douglas County Health Department (DCHD) staff have reviewed the application for compliance with pertinent environmental and public health regulations.

After reviewing the application, DCHD has no comments.

Please feel free to contact me at 720-907-4886 or bfreyer@douglas.co.us if you have any questions about our comments.

Sincerely,



Brent Freyer
Environmental Health Specialist II
Douglas County Health Department

From: [Miranda Benson](#)
To: [Lauren Pulver](#); [Marcco Higham](#)
Subject: RE: Douglas County eReferral (DR2024-003) -- El Paso County's Natural Medicine Ordinance
Date: Tuesday, January 14, 2025 8:57:37 AM
Attachments: [image001.png](#)
[LDC243 RECORDED BOCC RESOLUTION 24-511.pdf](#)

Hello,

I have returned your request for review in the Douglas County Planning app with an attachment of the recently adopted El Paso County Natural Medicine Ordinance. I have attached it to this email as well. The EDARP file for this project is linked here for all related El Paso County ordinance documents:

<https://epcdevplanreview.com/Public/ProjectDetails/202855>

Thank you,



Miranda Benson

Associate Planner
EPC Planning & Community Development
2880 International Circle, Ste. 110
(719) 520-7940
<https://planningdevelopment.elpasoco.com>

From: mhigham@douglas.co.us <mhigham@douglas.co.us>
Sent: Tuesday, January 7, 2025 2:07 PM
To: Ryan Howser <RyanHowser@elpasoco.com>
Subject: Douglas County eReferral (DR2024-003) Is Ready For Review

You don't often get email from mhigham@douglas.co.us. [Learn why this is important](#)

CAUTION: This email originated from outside the El Paso County technology network. Do not click links or open attachments unless you recognize the sender and know the content is safe. Please call IT Customer Support at 520-6355 if you are unsure of the integrity of this message.

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<https://apps.douglas.co.us/planning/projects/Login.aspx>

DR2024-003, Natural Medicine Regulations, Proposed regulation amendments to regulate natural medicine businesses.

This referral will close on Tuesday, February, 4, 2025.

If you have any questions, please contact me.

From: Diana Love <rllove1@msn.com>
Sent: Saturday, January 18, 2025 6:22 PM
To: Marcco Higham; Lauren Pulver
Cc: Dayton TROY; Debbie; Hyla Tryon Jenks
Subject: FCC II COMMENTS: Douglas County eReferral (DR2024-003) Is Ready For Review

Marcco and Lauren,

Thank you both for sending this referral to the Franktown Citizens' Coalition II (FCC II).

As you may be aware, I was a Deputy District Attorney in Los Angeles County for 10 years, and a Federal Solicitor for over 13 years. My husband, Richard Love, who is also a member of the FCC II Board of Directors, was a Deputy Sheriff in Los Angeles County for almost 30 years. We both have extensive experience in law enforcement. Because of his areas of work, my husband's experience in the field and in court dealing with drug enforcement is exceptional. He is a court recognized expert in the areas of drug enforcement, arson, hazardous materials and explosives.

In reviewing the materials you have referred to us for comment, our experience brings many concerns to the foreground for this regulation in any area, but especially for a rural, noncommercial area like Franktown. When sales establishments of this type of product are set up, it can and does attract criminal elements. While we are aware that medical science at this time seems to think there are positive uses for the listed products, this science is in its infancy. "How" this type of drug is allowed to be used is paramount. The establishments set up to "share," sell or use these products could be dangerous and disastrous in an area that is mostly homes and a small elementary school, as it will attract the criminal element, as well as the use of and potential harmful effects of these products.

Other states have tried the approach of decriminalizing dangerous drugs with certain classifications, including psilocybin, with disastrous results (increased deaths, increased crime, cartels moving in, increased use, etc.). An example is Oregon. Because the harm decriminalization caused there, towns in Oregon are now reversing those laws. I will forward an AP article on this to you separate from this email.

While we recognize Douglas County is, unfortunately, having to deal with the new Colorado laws on this substance, we respectfully ask that no establishments dealing with psilocybin mushrooms be permitted in Franktown.

Thank you.

Diana Love
President
FCC II

FCC II Board:
Troy Dayton, Vice President
Debra Bowman, Secretary
Hyla Jenks, Treasurer
Richard Love, Member-at-Large

GRAND VIEW ESTATES

HOMEOWNER'S ASSOCIATION

P.O. Box 2157

Parker, CO 80134-9443

AGENCY REFERRAL RESPONSE – NATURAL MEDICINE REGULATIONS – DR2024-003

Proposition 122 decriminalizes the possession, use and cultivation of psilocybin mushrooms (aka “magic mushrooms”). The State has already begun issuing licenses effective January 2025.

While Amendment 65 allowed retail marijuana in Colorado, it also allowed local jurisdictions such as Douglas County to ban medical and recreational marijuana dispensaries and production facilities. However, Proposition 122 does not allow local jurisdictions to ban natural medicine businesses, and the County must comply.

Proposition 122 regulations identify zone districts where businesses are allowed to provide services through state-licensed facilitators. Licensed centers are allowed to operate in areas zoned for office use and other natural medicine businesses can operate in most commercial and industrial zone districts.

While approved businesses are required to be at least 1,000’ away from schools (preschool through high school), and day care facilities, it is not clear how the regulations limit in-home cultivations of mushrooms by the State’s allowed maximum plot size of 12’x12’ that might be adjacent to schools (including in-home day care facilities) in order to prevent children from accessing.

While Colorado voters approved Prop 122 two years ago with a slight majority of 58.42%, voters in Douglas County voted **AGAINST** the proposition with a majority of 65.82% per State voter records.

Therefore, to the extent possible, the County needs to consider implementing strong regulations and enforcement of natural medicine businesses to ensure:

- proper disposal of medicine byproducts/waste to safeguard public and private water and wastewater systems.
- strong building security measures to prevent unauthorized access or theft.
- regulating the hours of operation of any approved business, including limiting the hours of operations to weekdays from 8 am to 5 pm as the Town of Castle Rock has done.
- implementing a policy of anonymous reporting of violators either business or personal which all surrounding counties allow.



HAPPY CANYON HOMEOWNERS' ASSOCIATION
558 Castle Pines Pkwy., B #4, Box 159 - Castle Pines, CO 80108

www.happycanyon.org
happycanyonhoa@gmail.com

January 13, 2025

Marcco Higham
Douglas County Community Development
100 Third Street
Castle Rock, CO 80104

RE: Douglas County eReferral (DR2024-003) Natural Medicine Business
SB23-290 Natural Medicine Regulation And Legalization
<https://www.leg.colorado.gov/bills/sb23-290>

Hello Marcco,

Thank you for sending the above-captioned e-Referral request to the Happy Canyon Homeowners' Association (HCHOA). We understand that Natural Medicine Business (NMB) is a new business category that was approved by Colorado voters this past year. Whether we approve of NMBs or not, we expect similar negative, unintended consequences that legalized marijuana has brought upon Colorado communities such as criminal activity, active black markets, DUIs and DWIs, mental health crises, overdose emergency room visits, violent behavior, and impacts to minors.

We note that Douglas County is considering the following proposed amendments to the Zoning Resolution:

January 13, 2025

Page Two

The proposed amendments limit natural medicine businesses to specific zone districts, include a 1,500 ft distance requirement from schools, state-licensed day-care facilities, churches, parks, libraries, residences and residential zoning, and municipal boundaries. The proposed amendments also limit the time and days a natural medicine business may operate to Monday-Friday, 8 a.m. to 5 p.m. The following Douglas County Zoning Resolution Sections are affected:

- *11 – Business District*
- *12 – Commercial District*
- *13 – Light Industrial*
- *14 – General Industrial*
- *21 – Use by Special Review*

The HCHOA has a few questions, below:

1. Who will monitor, report, and/or enforce any violations of Douglas County's Zoning Resolution pertaining to operations, including mental health crises, overdoses, criminal activity, DUIs/DWIs, etc.?
2. What are the consequences that Douglas County can impose for violations?

The HCHOA supports and encourages Douglas County officials to create the strongest restrictions possible for the distance requirement, days/hours of operation, specific zone locations, and anything else to ensure the highest level of public safety for Douglas County citizens.

Please let us know if you have any questions.

Best regards,

Rich West, President
Happy Canyon Homeowners' Association
Cc: HCHOA Board Members

SOUTH METRO FIRE RESCUE

FIRE MARSHAL'S OFFICE



Marco Higham, Planner
Douglas County Department of Community Development, Planning Resources
100 Third St
Castle Rock Co 80104
303.660.7460
303.660.9550 Fax

Project Name: Natural Medicine Regulations
Project File #: **DR2024-003**
S Metro Review #: REFOTH25-00007

Review date: January 13, 2025

Plan reviewer: Aaron Miller
720.989.2246
aaron.miller@southmetro.org

Project Summary: Proposed Douglas County Zoning Regulation Amendment to regulate natural medicine businesses per State of Colorado Senate Bill 23-290.

Code Reference: Douglas County Fire Code, 2018 International Fire Code, and 2021 International Building Code with amendments as adopted by Douglas County.

South Metro Fire Rescue (SMFR) has reviewed the provided documents and has no objection to the proposed Douglas County Zoning Amendment regulating natural medicine businesses.

From: [Lauren Pulver](#)
To: [Marcco Higham](#)
Subject: FW: Douglas County Referral Response Request (DR2024-003)
Date: Thursday, January 30, 2025 9:24:21 AM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)

From: Joe Ott <JOtt@ssprd.org>
Sent: Thursday, January 30, 2025 9:20 AM
To: Lauren Pulver <lpulver@douglas.co.us>
Subject: RE: Douglas County Referral Response Request (DR2024-003)

Hi Lauren,

We have no comments on this referral.

Thanks,



Joe Ott (he/him)
Planning Analyst
South Suburban Parks and Recreation
4810 E County Line Rd, Littleton, CO 80126
ssprd.org | 303.483.7026



How We Work: Professional, Active, Innovative & Inclusive

From: Lauren Pulver <lpulver@douglas.co.us>
Sent: Tuesday, January 7, 2025 2:22 PM
To: Joe Ott <JOtt@ssprd.org>
Subject: Douglas County Referral Response Request (DR2024-003)

Date: January 7, 2025

To: Interested Parties

From: Marcco Higham

RE: Douglas County Zoning Resolution Amendment – DR2024-003

Request for Review:

From: [Krystal Welp](#)
To: [Marcco Higham](#)
Cc: [Gary Welp](#); corpoffice@pcms.net
Subject: RE: Douglas County eReferral (DR2024-003) Is Ready For Review
Date: Monday, January 20, 2025 11:25:07 AM

Good Afternoon -

On behalf of Stonegate North Villages Metropolitan District, we have no comments.

Krystal Welp
Development Review Coordinator/Engineering and Planning Technician
303-293-8107

-----Original Message-----

From: mhigham@douglas.co.us <mhigham@douglas.co.us>
Sent: Tuesday, January 7, 2025 2:07 PM
To: Gary Welp <gwelp@rgengineers.com>
Subject: Douglas County eReferral (DR2024-003) Is Ready For Review

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<https://apps.douglas.co.us/planning/projects/Login.aspx>

DR2024-003, Natural Medicine Regulations, Proposed regulation amendments to regulate natural medicine businesses.

This referral will close on Tuesday, February, 4, 2025.

If you have any questions, please contact me.

Sincerely,

Marcco Higham
100 Third Street
Castle Rock, CO 80104
303-660-7460 (main)

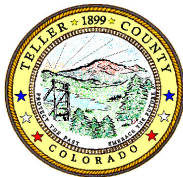
From: [Lauren Pulver](#)
To: [Marcco Higham](#)
Subject: FW: [EXTERNAL] Douglas County Referral Response Request (DR2024-003)
Date: Wednesday, January 8, 2025 9:55:24 AM

From: Daniel Swallow <Swallowd@tellercounty.gov>
Sent: Wednesday, January 8, 2025 8:27 AM
To: Lauren Pulver <lpulver@douglas.co.us>
Subject: RE: [EXTERNAL] Douglas County Referral Response Request (DR2024-003)

Lauren,

Thank you for the opportunity to comment on this Douglas County Zoning change. Teller County has no comments or concerns with this proposal.

Dan Swallow, MBA
Teller County Government
Community Development Director
800 Research Drive
Woodland Park, Colorado
swallowd@tellercounty.gov
(719)686-5406



From: Lauren Pulver <lpulver@douglas.co.us>
Sent: Tuesday, January 7, 2025 2:23 PM
To: Daniel Swallow <Swallowd@tellercounty.gov>
Subject: [EXTERNAL] Douglas County Referral Response Request (DR2024-003)

CAUTION: This email originated from outside the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Date: January 7, 2025

To: Interested Parties



Right of Way & Permits

1123 West 3rd Avenue
Denver, Colorado 80223
Telephone: 303.285.6612
violeta.ciocanu@xcelenergy.com

January 28, 2025

Douglas County Planning Services
100 Third Street
Castle Rock, CO 80104

Attn: Marcco Higham

Re: Natural Medicine Regulations, Case # DR2024-003

Public Service Company of Colorado's (PSCo) Right of Way & Permits Referral Desk has reviewed the amendment for **Natural Medicine Regulations** and currently has **no apparent conflict**.

Violeta Ciocanu (Chokanu)
Right of Way and Permits
Public Service Company of Colorado dba Xcel Energy
Office: 303-285-6612 – Email: violeta.ciocanu@xcelenergy.com

From: [J.J. Heim](#)
To: [Marcco Higham](#)
Subject: Proposed zoning amendment DR2024-003
Date: Thursday, January 16, 2025 2:10:04 PM

Hello Marcco,

Thank you for taking the lead on this. As a business owner in Douglas County, this proposed resolution makes me nervous. When I purchased my building 8 years ago, I intentionally looked for a building that was in an area not zoned for natural medicine sale or cultivation. I fear that if this resolution passes, some of my neighboring businesses may sell out to pot shops or worse yet, grow houses.

I understand that it's legal to have and use pot in Douglas county - that's fine with me. My issue is opening pandora's box to the dispensaries and grow houses in our beautiful county.

I would strongly oppose this resolution and hope that we can keep all of this in Denver and other surrounding areas. There's no reason to expand this business into Douglas county. Let's keep Douglas county clean.

Respectfully,



J.J. Heim
President
IMS Printing & Signs



■ 720-258-1959 x106
■ jjheim@imscolorado.com
■ www.imscolorado.com
■ 12425 Mead Way, Littleton, CO, 80125