

## 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  
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**Subject:** **Douglas County Zoning Resolution Amendments to Allow Accessory Dwelling Units**

**Project File:** DR2024-001

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|---|----------------------------------|
| <b>Planning Commission Hearing:</b>           | <b>June 16, 2025 @ 6:00 p.m.</b> |
| <b>Board of County Commissioners Hearing:</b> | <b>June 24, 2025 @ 2:30 p.m.</b> |

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### **I. EXECUTIVE SUMMARY**

The request is for approval of proposed changes to Douglas County Zoning Resolution (DCZR) Sections 3, 4, 5, 6, 7, and 36.

The proposed zoning resolution amendment would allow Accessory Dwelling Units (ADUs) in the Suburban Residential (SR), Estate Residential (ER), Rural Residential (RR), Large Rural Residential (LRR), and Agricultural One (A-1) zone districts, unless previously restricted as part of a Rural Site Plan, plat, or similar land use approval.

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 3, 4, 5, 6, 7, and 36.

#### **B. Process**

Per DCZR Section 109, the Board of County Commissioners (Board) shall evaluate the amendment proposal, referral agency comments, staff report, the 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**

The Board of County Commissioners (Board) initiated the zoning resolution amendment process to allow Accessory Dwelling Units (ADUs) in the County's single-family detached (SFD) residential zone districts to provide residents with additional use opportunities on their properties. While guest houses are currently allowed in the A-1, LRR, and RR zone districts, such units are not allowed to be rented as separate single family dwellings. The proposed regulations would allow for an ADU as accessory to a principal residential dwelling in all SFD residential zone districts. Such units may be rented as a single family residence by the property owner. The intent is not to establish a separate saleable lot for an ADU. Subdivision would generally not be allowed given zone district density limitations.

The proposed amendments include a definition for ADUs. ADUs may be attached to the principal dwelling unit as either a new addition or as the result of a conversion of existing space or detached from the principal dwelling unit on the same lot. The definition of Guest House will also be amended to indicate that these uses will be considered ADUs.

More specifically, ADUs are proposed in the SR, ER, RR, LRR, and A-1 zone districts, unless previously restricted as part of a Rural Site Plan, plat, or similar land use approval. Attached ADUs are allowed on all lots, while Detached ADUs are subject to specific minimum lot sizes based on the type of water supply (individual well or central system) available for properties within the A-1, LRR, RR, and ER zone districts. For lots in the ER, RR, LRR, and A-1 zone districts, a one-acre minimum lot area is required for a Detached ADU if served by central water, and a two-acre minimum lot area is required if served by individual groundwater well. In the SR zone district, the minimum lot size for a Detached ADU is greater than 0.5 acres, regardless of the source of water supply given that the SR zone district requires the provision of central water systems.

If the amendment is approved, ADUs will be subject to a building permit review process and must comply with existing building codes and other applicable codes for new residential construction by the Building Division. A review of well and septic permits will be required. If applicable, ADU applicants will be required to provide a will-serve letter from a water and sewer district.

A second ADU is permitted on A-1-zoned parcels of at least 35 acres in size following an additional review process and final approval by the Board of County Commissioners. All other proposed zone districts are limited to one ADU per lot.

### **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.

Arapahoe County's Planning Division suggested clarifying the ADU definition by referencing "single family detached dwelling" explicitly. Definitions for Attached and Detached ADUs are proposed based on Board direction. Centennial Water and Sanitation District (CWSD) requested that applicants in their service area submit an application to CWSD for review. The building permit process requires an applicant to provide a "will serve" letter from the applicable water provider stating the ability to serve the primary residence and an ADU. The Colorado Department of Transportation (CDOT) requested that ADU applicants address the requirement for new State Highway Access permits if traffic from a property is increased by more than twenty percent. If applicable, Douglas County Engineering manages State Highway Access permits for the County.

The Colorado Geological Survey (CGS) recommended not permitting ADUs in the Class 3 Hazard/Environmental Constraint areas identified in the 2040 Comprehensive Master Plan of Douglas County and requested to be included as an outside referral agency for ADUs proposed in the Class 2 areas. West Metro Fire Protection District also requested that fire departments be required to review applications for ADU's for access and water supply. During the building permit process, there will be a review of life safety, soil conditions, and water supply but there is not a review process for any referral agencies.

The Colorado Division of Water Resources (CDWR) provided guidance for "Auxiliary Living Spaces" concerning the availability of legal water supply and provided the state's criteria for these types of dwelling units. The proposed definition for ADUs may not meet the state's criteria and as a result will be treated as a second single-family dwelling required to show adequate water supply via a well permit or "will serve" letter from a water provider.

Five HOAs commented with concerns, with four HOAs requesting that the Board pause or discontinue the zoning amendment process based on the issues and concerns outlined in their referral response letters. Burning Tree Ranch HOA, Deerfield Community, Grandview Estates HOA, Happy Canyon HOA, and Parker View Estates HOA raised concerns of increased population density, impacts to rural character in these areas, zoning compliance enforcement, impacts to HOA covenants, and impacts to traffic and groundwater.

Thirteen people attended a public workshop held on December 13, 2024, representing the Deerfield Community, Franktown Citizens Coalition II, Parker View Estates, and other communities in the Franktown, Parker, and Roxborough areas. Attendees asked various clarifying questions and expressed concerns regarding the proposed amendments. Primary concerns included negative impacts to existing rural character, increased use of

limited groundwater supplies, increased risk of wildfires, conflicts with private HOA covenants and limited resources for HOA enforcement, and negative impacts associated with increased rental housing units within the rural areas. Attendees asked that the County engage in broader community outreach to the rural communities prior to finalizing the proposed ADU regulations and scheduling public hearings.

The Board directed staff to bring the proposed amendments forward to public hearings to allow for further review by referral agencies, the public, and PC.

**IV. PLANNING COMMISSION HEARING**

The PC is scheduled to review the item and make a recommendation to the Board 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 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.

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**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 3 – AGRICULTURAL ONE DISTRICT, SECTION 4 – LARGE  
RURAL RESIDENTIAL DISTRICT, SECTION 5– RURAL RESIDENTIAL DISTRICT,  
SECTION 6 – ESTATE RESIDENTIAL DISTRICT, SECTION 7 – SUBURBAN  
RESIDENTIAL DISTRICT, SECTION 36 – DEFINITIONS (“AMENDMENTS”)**

**WHEREAS**, the Department of Community Development has prepared Amendments to the Douglas County Zoning Resolution, which are attached hereto and incorporated herein as Exhibit A (Project No. DR2024-001); 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 3      A1 AGRICULTURAL ONE DISTRICT

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301 Intent (Amended 8/11/09)

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

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

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

302 Principal Uses

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

302.01 Agricultural recreational activities

302.02 Agriculture (Amended 1/28/14)

302.03 Animals – (refer to Section 24)

302.04 Community Uses:

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

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

302.05 Construction office – temporary

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

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

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

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

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

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

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

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

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

### 303 Accessory Uses

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

- 303.01 Accessory Dwelling Unit (ADU) – one per lot, except as restricted by a Rural Site Plan, subdivision plat, or other similar land use approval. A second ADU may be allowed subject to Section 325, Second Accessory Dwelling Unit Standards.
- 303.02 Accessory uses and buildings
- 303.03 Day-care home – small
- 303.04 Entertainment Event – *(refer to Section 22B) (Amended 1/28/14)*
- 303.05 Event Center on a parcel of 160 acres or greater with a principal agricultural use *(Amended 4/28/15)*
- 303.06 Farmers Market – *(refer to Section 22A) (Amended 1/28/14)*
- 303.07 Garage – private:
- For lots less than 1 acre in size – a maximum of one (1) detached garage of no more than 1,000 sq. ft. in area is permitted.
  - For lots 1 acre or greater in size – a maximum of two (2) detached garages is permitted. The total detached garage area shall not exceed 3,000 sq. ft. per lot.  
*(Amended 3/08/22)*
- 303.08 Home Occupation – Class 1 and Class 2 *(refer to Section 23)*
- 303.09 In-home elder care *(Amended 3/28/01)*
- 303.10 Sale of Agricultural Products and Value-added Agricultural Products produced or raised on site *(Amended 1/28/14)*
- 303.11 Satellite receiving dish accessory to a residence
- 303.12 Value-added Agricultural Processing – limited to a maximum of 1,500 square feet devoted to this use *(Amended 1/28/14)*

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

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

- 304.01 Animals – non domestic, exotic
- 304.02 Campground

- 304.03 Cemetery
- 304.04 Church – greater than 350 seating capacity
- 304.05 Cultural facility
- 304.06 Day-care center/preschool, or day-care home – large
- 304.07 Dude Ranch
- 304.08 Event Center on a parcel of less than 80 acres *(Amended 4/28/15)*
- 304.09 Feedlot/confinement center
- 304.10 Firing range
- 304.11 Golf course legally established as a Use by Special Review prior to June 22, 2005 *(Amended 2/12/19)*
- 304.12 Greenhouse – greater than 1 acre total area including warehouse and shipping facilities
- 304.13 Hunting/fishing club
- 304.14 Home occupation pursuant to Section 2310, herein. *(Amended 8/23/22)*
- 304.15 Horse boarding or training facility that exceeds the maximum number of horses permitted by right or by administrative review in Section 24. *Exempt from Section 18A: Water Supply Overlay District (Amended 10/14/02)*
- 304.16 Horse rental stable
- 304.17 Kennel
- 304.18 Landfill – public/private
- 304.19 Landing field – private
- 304.20 Mining, quarry, sand/gravel operation, or similar extractive land use
- 304.21 Motorsports Facility, Private *(Amended 4/26/16)*
- 304.22 Oil or gas drilling operation
- 304.23 Recreation facility – community

304.24 Religious retreat

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

- Bed and Breakfast
- Group home for registered sex offenders (*Amended 9/12/00*)
- Group Residential Facility
- Mobile Home – one (1) per lot when a principal single-family residential dwelling does not exist.

304.26 Satellite earth station (*Amended 4/24/02*)

304.27 Septic waste and domestic sludge application

304.28 Telecommunication facility

304.29 Utility – major facility

304.30 Veterinary clinic or hospital

304.31 Wind energy conversion system

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

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

305.01 Agricultural Worker Unit one (1) dwelling with one (1) to four (4) bedrooms, or one (1) to four (4) attached efficiency units/apartments in one (1) footprint) as follows:

305.01.1 Horse Ranch or Boarding/Training Facility provided the required narrative demonstrates a need based on the general criteria of one (1) worker per 25 horses.

305.01.2 Cattle ranch provided the required narrative demonstrates a need based on the general criteria of one (1) worker per 300 head of cattle.

305.01.3 Farm provided the required narrative demonstrates a need based on the general criteria of one (1) worker per 1200 acres of farmed land.

305.01.4 Combination farm/ranch activities provided the required narrative demonstrates a need based on the general criteria cited for each activity.

305.02 Applications for agricultural worker housing shall be reviewed in accordance with the thresholds contained in subsection 305, and the criteria and process set forth in subsections 316 through 323.

305.03 The Director shall determine threshold criteria for uses, or combinations of uses, not specifically listed.

### 306 Minimum Lot Area: 35 acres\*

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

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

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

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

### 307 Minimum Setbacks

| Parcel Size       | Setback from Street                        | Setback from Side Lot Line | Setback from Rear Lot Line | Setback from 115+ KV Power Line |
|-------------------|--|----------------------------|----------------------------|---------------------------------|
| Less than 2.3 ac. | regional/maj. arterial: 100'<br>other: 25' | 15'*                       | 25'*<br>accessory: 15'     | 100'                            |
| 2.3-4.49 ac.      | regional/maj. arterial: 100'<br>other: 25' | 25'*                       | 25'*                       | 100'                            |
| 4.5-8.9 ac.       | regional/maj. arterial: 100'<br>other: 50' | 25'*                       | 25'*                       | 100'                            |
| 9-34.9 ac.        | 100'                                       | 50'                        | 50'<br>accessory: 25'      | 100'                            |
| 35+ ac.           | 100'                                       | 100'<br>accessory: 50'     | 100'<br>accessory: 50'     | 100'                            |

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

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

### 308 Encroachments

- 308.01 A cornice, canopy, eave, fireplace, wing wall or similar architectural feature may extend 3 feet into a required setback.
- 308.02 A covered or uncovered deck or porch may extend 6 feet into a required setback, except for a side setback. *(Amended 3/8/22)*
- 308.03 Foundation anchoring and foundation repair systems may be located within a required setback. *(Amended 3/8/22)*
- 308.04 A building permit shall not be issued for any structure which is to be located within an easement unless written approval by the easement holder(s) is provided.
- 308.05 Utility distribution lines and related equipment commonly located along property lines may be located within a required setback. A neighborhood substation or gas regulator/meter station shall meet the required setbacks.

### 309 Building Height

Maximum building height: 35 feet

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

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

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

### 311 Street Standards

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

adopted by Douglas County, or the Douglas County Roadway Design and Construction Standards.

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

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

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

313 Fencing Standards

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

314 Sign Standards – Refer to Section 29 of this Resolution

315 Lighting Standards – Refer to Section 30 of this Resolution

### 316 Administrative Review – Prerequisite (Amended 4/24/02)

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

### 317 Administrative Review – Approval Criteria (Amended 4/24/02)

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

- 317.01 Whether the proposed use is in harmony and compatible with the character of the surrounding area;
- 317.02 Whether the proposed use will not result in an over-intensive use of the land;
- 317.03 Whether the proposed use will not require a level of community facilities and services greater than that which is available;
- 317.04 Whether the proposed use will not cause undue traffic congestion or traffic hazards;
- 317.05 Whether the proposed use will not cause significant air, water or noise pollution;
- 317.06 Whether the proposed use is adequately landscaped, buffered, or screened;
- 317.07 Whether the proposed use will not be otherwise detrimental to the health, safety or welfare of the neighboring landowners.

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

- 318.01 Following the pre-submittal meeting, the applicant shall submit to the Planning Division a copy of the documents required per subsection 321. The submittal shall be reviewed for completeness and the applicant notified of any inadequacies.
- 318.02 Once determined complete, staff will notify the applicant of the number of copies of the plan and narrative required to be submitted for distribution to referral agencies. Referral packets shall be provided by the applicant in unsealed manila envelopes, addressed to the appropriate referral agency. Staff shall mail the referral packets. Referral agencies shall comment within 21 days.
- 318.03 Written Notice

318.03.1 At least 10 days prior to the Director's decision, the applicant shall mail a written notice of the request by first-class mail to the address of each abutting landowner as such addresses are shown in the records of the Douglas County Assessor's Office and shall submit a certificate of mailing to Douglas County Planning Seven (7) days prior to the date of the Director's decision. The notice shall indicate:

- the proposed date of the Director's decision;
- the nature of the request;
- the location of the land that is the subject of the request (*distance and direction from nearest major intersection*);
- the file name and number; and
- a statement that comments and questions should be directed to Douglas County Planning, 100 Third Street, Castle Rock, CO 80104 (303) 660-7460.

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

|  |
|--|
| <p><b>CERTIFICATE OF MAILING</b></p> <p>I hereby certify that a true and correct copy of the attached written notice was placed in the U.S. mail, first-class, postage prepaid, this ____ day of _____, 20__, and addressed as follows:</p> <p>(list of addresses)</p> <p>(Signature of person completing the mailing)</p> |
|--|

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

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

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

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

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

- 319.02 Application fee (*fee schedule available from the Planning Office*)
- 319.03 Proof of ownership by copy of deed or title insurance commitment no more than 30 days old; or in the case of a lessee, a copy of the lease
- 319.04 A Narrative (*per Section 320 contained herein*)
- 319.05 A Plan Exhibit (*per Section 321 contained herein*)
- 319.06 A notarized letter or authorization from the landowner permitting a lessee or representative to process the application, when applicable

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

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

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

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

- 321.01 a vicinity map showing the site and the relationship to adjacent properties and major roads;
- 321.02 the total acreage owned or leased by the applicant;
- 321.03 the zoning and use of the contiguous parcels owned, and the zoning and use of adjacent land;
- 321.04 the location of the proposed agricultural worker unit with dimensions to the nearest property lines, and dimensions of the proposed unit;
- 321.05 a sketch of the floor plan for all units proposed, along with a notation restricting the residential use of the units to agricultural workers as defined and approved;
- 321.06 the location and dimensions of all property lines, existing and proposed structures, existing and proposed wells, septic systems, and leach fields noting separation distances as necessary;
- 321.07 access to proposed units – delineate public and private roads, dimensions, and note surface material, and;
- 321.08 all drainage ways affecting the site and designation of any 100-year floodplain on or adjacent to the site.

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

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

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

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

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

- 324.01 Where event centers are permitted with approval of a Use by Special review, the standards within Section 21 shall apply.

324.02 Where event centers are permitted with approval of a Site Improvement Plan, the following standards shall apply:

- 324.02.1 Structures, outdoor assembly areas, and parking lots shall be setback a minimum of 200 feet from all adjacent property lines.
- 324.02.2 Noise generated by the event center use shall not result in noise levels which exceed 40 dB(A) between 7:00 a.m. and 7:00 p.m., and 35 dB(A) between 7:00 p.m. and 7:00 a.m., measured in accordance with Section 1705A of the Noise Overlay District.
- 324.02.3 Maximum capacity shall not exceed 350 persons per event. Event centers that exceed this capacity shall be processed in accordance with Section 304.08.

324.03 Where event centers are permitted as accessory uses, the following standards shall apply:

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

### 325 Second Accessory Dwelling Unit (ADU)

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

#### 325.01 Review Process

- 325.01.1 Following a presubmittal meeting with the Planning Services Division, the applicant shall submit the information required in 325.02 to the Planning Services Division. The submittal shall be reviewed for completeness and the applicant notified of any inadequacies. Once the submittal is determined complete, staff will send referral response requests to other agencies for review and comment on the application.
- 325.01.2 Referral agencies may include but are not limited to Douglas County Engineering and Building Divisions, Douglas County Health Department, Douglas County Sheriff's Office, the affected fire district, utility providers, Colorado Division of Water Resources, and county-registered homeowners associations within a two (2)-mile radius. The applicant will be asked to address all comments received.
- 325.01.3 Staff shall send a courtesy notice of an application in process and applicable contact information to all abutting landowners and owners of land separated by 300 feet or less from the property by a platted tract. Staff shall also send a courtesy notice of an application in process to the entity or entities responsible for ownership and maintenance of a shared private access. The applicant shall reimburse the County for the cost of materials. Errors in the courtesy notice shall not negatively impact the determination of public notice compliance set forth herein.
- 325.01.4 At least 14 days prior to the public meeting before the Board, the applicant shall mail a written notice of the public meeting by first-class mail to the address of each abutting landowner as such address is shown in the records of the Douglas County Assessor's Office. The notice shall read:

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

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

File No. and Name: \_\_\_\_\_

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

- Alphabetical list of the landowners.
- A map showing their relationship to the site.
- A copy of the notice sent to the landowners.
- Certificate of mailing.

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

| <b>CERTIFICATE OF MAILING</b>   |
|---|
| <p>I hereby certify that a true and correct copy of the attached written notice was placed in the U.S. Mail, first-class, postage prepaid this ____ day of _____, 20____, and addressed as follows</p> <p>(list of addresses)</p><br><p>_____</p> <p>(signature of person completing the mailing)</p> |

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

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

## 325.02 Submittal Requirements

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

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

325.02.5 Plan exhibit to include the following:

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

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

### 325.03 Approval Standards

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

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

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

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

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

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

## SECTION 4 LRR – LARGE RURAL RESIDENTIAL DISTRICT

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

To provide areas for large-lot residential uses with limited farming, ranching, or tree farming activities and the preservation of such land as open rural area. The density range is from one dwelling per 34.9 acres to one (1) dwelling per 10 acres.

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

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

#### 402 Principal Uses

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

402.01 Agricultural recreational activities

402.02 Agriculture (Amended 1/28/14)

402.03 Animals - (refer to Section 24)

402.04 Community Uses:

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

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

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

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

402.07 Residence

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

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

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

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

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

#### 403 Accessory Uses

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

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

403.02 Accessory uses and buildings

403.03 Day-care home - small

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

403.05 Farmers Market - (*refer to Section 22A*) (*Amended 1/28/14*)

- 403.06 Garage - private:
- For lots less than 1 acre in size - a maximum of one (1) detached garage of no more than 1,000 sq. ft. in area is permitted.
  - For lots 1 acre or greater in size - a maximum of two (2) detached garages is permitted. The total detached garage area shall not exceed 3,000 sq. ft. per lot.  
(Amended 3/8/22)
- 403.07 Home occupation - Class 1 and Class 2 (*refer to Section 23*)
- 403.08 In-home elder care (*Amended 3/28/01*)
- 403.09 Sale of Agricultural Products and Value-added Agricultural Products produced or raised on site (*Amended 1/28/14*)
- 403.10 Satellite receiving dish
- 403.11 Value-added Agricultural Processing - limited to a maximum of 1,500 square feet devoted to this use (*Amended 1/28/14*)

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

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

- 404.01 Animals - nondomestic, exotic
- 404.02 Church - greater than 350 seating capacity in main worship area
- 404.03 Cultural facility
- 404.04 Day-care center/preschool, or day-care home - large
- 404.05 Golf course legally established as a Use by Special Review prior to June 22, 2005
- 404.06 Home occupation pursuant to Section 2310, herein. (*Amended 8/23/22*)
- 404.07 Horse boarding or training facility that exceeds the maximum number of horses permitted by right or by administrative review. *Exempt from Section 18A: Water Supply Overlay District* (*Amended 10/14/02*)
- 404.08 Horse rental stable
- 404.09 Kennel

404.10 Recreation facility - community

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

- Bed and Breakfast
- Caretaker - 1 per lot (may be a mobile home)
- Group Residential Facility

404.12 Septic waste and domestic sludge application

404.13 Utility - major facility

404.14 Veterinary clinic or hospital

404.15 Wind energy conversion system

#### 405 Land Dedication

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

#### 406 Lot Area

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

406.01 For lots served by an individual well and septic system, the allowable minimum lot area is 2 acres.

406.02 For lots served by a central water system, the allowable minimum lot area is 1 acre.

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

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

#### 407 Maximum Gross Density

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

#### 408 Minimum Setbacks

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

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

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

#### 409 Encroachments

- 409.01 A cornice, canopy, eave, fireplace, wing wall or similar architectural feature may extend 3 feet into a required setback.
- 409.02 A covered or uncovered deck or porch may extend 6 feet into a required setback, except for a side setback. *(Amended 3/8/22)*
- 409.03 Foundation anchoring and foundation repair systems may be located within a required setback. *(Amended 3/8/22)*
- 409.04 A building permit shall not be issued for any structure which is to be located within an easement unless written approval by the easement holder(s) is provided.
- 409.05 Utility distribution lines and related equipment commonly located along property lines may be located within a required setback. A neighborhood substation or gas regulator/meter station shall meet required setbacks.

#### 410 Building Height

Maximum building height: 35 feet

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

- 410.01 The maximum height of a roof-mounted church spire/steeple shall not exceed 1.62 times the height of the church measured from the lowest

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

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

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

412 Street Standards

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

413 Parking Standards

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

414 Fencing Standards

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

outside the fence that it is electrically charged. Concertina or razor wire is prohibited.

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

415 Signs Standards - Refer to Section 29 of this Resolution

416 Lighting Standards - Refer to Section 30 of this Resolution

## SECTION 5 RR - RURAL RESIDENTIAL DISTRICT

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### 501 Intent (Amended 8/11/09)

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

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

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

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

### 502 Principal Uses

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

#### 502.01 Community Uses:

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

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

502.02 Construction office - temporary

502.03 Residence

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

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

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

### 503 Accessory Uses

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

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

503.02 Accessory uses and buildings

503.03 Animals (*refer to Section 24*)

503.04 Day-care home - small

503.05 Garage - private:

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

- 503.06 Home Occupation - Class 1 and Class 2 *(refer to Section 23)*
- 503.07 In-home elder care *(Amended 3/28/01)*
- 503.08 Satellite receiving dish
- 503.09 Training of nonowned horses, or riders not related to the landowner or lessee, limited to 14 lessons per week
- 503.10 Youth-oriented agricultural activity *(Amended 6/14/06)*

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

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

- 504.01 Church - greater than 350 seating capacity in main worship area
- 504.02 Day-care center/preschool, or day-care home - large
- 504.03 Golf course legally established as a Use by Special Review prior to June 22, 2005 *(Amended 2/12/19)*
- 504.04 Home occupation pursuant to Section 2310, herein. *(Amended 8/23/22)*
- 504.05 Horse boarding or training facility that exceeds the maximum number or horses permitted by right
- 504.06 Recreation facility - community
- 504.07 Residence
  - Bed and Breakfast
- 504.08 Utility - major facility
- 504.09 Veterinary hospital/clinic
- 504.10 Wind energy conversion system

505 Land Dedication

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

**506 Lot Area**

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

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

**507 Maximum Gross Density**

The gross density shall not exceed 1 dwelling per 5 acres and may be less due to required infrastructure or dedication, or environmental constraints.

**508 Minimum Setbacks**

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

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

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

**509 Encroachments**

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

- 509.02 A covered or uncovered deck or porch may extend 6 feet into a required setback, except for a side setback. *(Amended 3/8/22)*
- 509.03 Foundation anchoring and foundation repair systems may be located within a required setback. *(Amended 3/8/22)*
- 509.04 A building permit shall not be issued for any structure which is to be located within an easement unless written approval by the easement holder(s) is provided.
- 509.05 Utility distribution lines and related equipment commonly located along property lines may be located within a required setback. A neighborhood substation, or gas regulator/meter station shall meet required setbacks.

## 510 Building Height

Maximum building height: 35 feet

- 510.01 The maximum building height shall not apply to belfries, cupolas, penthouses or domes not used for human occupancy, roof-mounted church spires, chimneys, skylights, ventilators, water tanks, silos, parapet walls, cornices, antennas, utility poles and necessary mechanical appurtenances usually carried above the roof level.
- 510.02 The maximum height of a roof-mounted church spire/steeple shall not exceed 1.62 times the height of the church measured from the lowest finished floor to the roof peak. The height of the roof-mounted spire shall be measured from the top of the spire to the finished floor of the lowest walkout level of the church. *(refer to Section 36 building height definition - spire height calculation)*
- 510.03 The height of an antenna shall be no greater than the distance to the nearest lot line. *(refer to Section 27A for cell sites and Section 21 for telecommunication facilities)*

## 511 Utilities

All public utility distribution lines shall be placed underground.

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

## 513 Street Standards

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

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

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

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

515 Fencing Standards

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

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

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

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

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

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

516 Sign Standards Refer to Section 29 of this Resolution

517 Lighting Standards Refer to Section 30 of this Resolution

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## SECTION 6      ER - ESTATE RESIDENTIAL DISTRICT

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### 601 Intent (Amended 8/11/09)

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

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

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

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

### 602 Principal Uses

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

#### 602.01 Community Uses:

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

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

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

602.03 Residence

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

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

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

602.06 Youth-oriented agricultural activity

### 603 Accessory Uses

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

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

603.02 Accessory uses and buildings

603.03 Animals (*refer to Section 24*)

603.04 Day-care home - small

603.05 Garage - private:

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

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

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

603.08 Satellite receiving dish

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

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

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

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

604.02 Day-care center/preschool, or day-care home - large

604.03 Horse boarding or training facility that exceeds the maximum number of horses permitted by right

604.04 Recreation facility - community

604.05 Residence

- Bed and Breakfast

604.06 Utility - major facility

605 Land Dedication

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

606 Lot Area

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

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

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

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

#### 607 Maximum Gross Density

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

#### 608 Minimum Setbacks

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

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

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

#### 609 Encroachments

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

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

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

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

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

## 610 Building Height

Maximum building height: 35 feet

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

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

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

## 611 Water and Sanitation

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

## 612 Utilities

All public utility distribution lines shall be placed underground.

## 613 Street Standards

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

614 Parking Standards - Refer to Section 28 for nonresidential parking standards  
*(Amended 4/24/02)*

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

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

## 615 Fencing Standards

615.01 Fences, walls, or hedges shall not be erected in the public right-of-way, but shall be allowed within the setbacks, on private land. A building permit is

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

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

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

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

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

616 Sign Standards - Refer to Section 29 of this Resolution

617 Lighting Standards - Refer to Section 30 of this Resolution

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## SECTION 7 SR - SUBURBAN RESIDENTIAL DISTRICT

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

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

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

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

## 702 Principal Uses

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

### 702.1 Community Uses:

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

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

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

702.03 Residence

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

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

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

### 703 Accessory Uses

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

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

703.02 Accessory uses and buildings

703.03 Animals (*refer to Section 24*)

703.04 Day-care home - small

703.05 Garage - private:

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

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

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

703.08 Satellite receiving dish

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

The following uses are permitted, upon the approval of the Board, in accordance with Section 21, Use by Special Review, of this Resolution.

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

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

704.03 Golf course legally established as a Use by Special Review prior to June 22, 2005 (Amended 2/12/19)

704.04 Recreation facility - community

704.05 Utility - major facility

#### 705 Maximum Gross Density

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

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

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

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

#### 707 Water and Sanitation

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

#### 708 Utilities

All public utility distribution lines shall be placed underground.

#### 709 Land Dedication

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

## 710 Street Standards

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

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

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

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

## 712 Minimum Setbacks (Amended 3/8/22)

| Lot Size                                      | Setback From:                                  |               |                         |                              |
|---|--|---------------|-------------------------|------------------------------|
|   | Street   | Side Lot Line | Rear Lot Line           | 115 KV or greater power line |
| 0.50 ac. or less                              | Regional or major arterial: 100'<br>Other: 20' | 5'*           | 15'*                    | 100'                         |
| Greater than 0.5 acres and less than 1.0 acre | Regional or major arterial: 100'<br>Other: 25' | 10'*          | 20'*<br>Accessory: 15'* | 100'                         |
| 1.0 acre or greater                           | Regional or major arterial: 100'<br>Other: 25' | 15'*          | 25'*<br>Accessory: 15'* | 100'                         |

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

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

## 713 Encroachments

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

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

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

- 713.04 A building permit shall not be issued for any structure which is to be located within an easement unless written approval by the easement holder(s) is provided.
- 713.05 Utility distribution lines and related equipment commonly located along property lines may be located within a required setback. A neighborhood substation or gas regulator/meter station shall meet the required setbacks.
- 713.06 Structures that do not require building permits may encroach into a rear setback. Any encroachment into an easement requires permission from the easement holder.
- 713.07 A garage directly accessed from an alley may encroach into a rear setback. Any encroachment into an easement requires permission from the easement holder. *(Amended 6/14/06)*

#### 714 Building Height

Maximum building height:

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

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

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

#### 715 Fencing Standards

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

- 715.02 Solid fences, walls, or hedges shall not exceed 6 feet in height and shall not exceed 4 feet in height when located in the required setback from a street.
- 715.03 Fences constructed of woven wire or ornamental iron which are a minimum of 80% open may be constructed with no height limitation; however, a building permit is required for any fence greater than 6 feet in height, or as required by the Building Code, as amended and adopted by Douglas County. *(Amended 12/18/12)*
- 715.04 Fences, walls, or hedges shall be erected and maintained in a manner which does not obstruct the vision of automobile traffic on the adjacent streets, rights-of-way, or driveways in accordance with the Douglas County Roadway Design and Construction Standards manual.
- 715.05 Fences, walls or hedges shall be maintained in good structural or living condition. The landowner is responsible for the repair or removal of a fence, wall or hedge, which constitutes a safety hazard, by reason of inadequate maintenance, dilapidation, obsolescence or abandonment, or which constitutes a zoning violation.
- 715.06 Swimming pools shall be enclosed by a fence or wall that meets or exceeds the requirements of the Building Code, as amended and adopted by Douglas County. *(Amended 12/18/12)*
- 715.07 Sound barrier walls, when constructed by a landowner other than the Colorado Department of Transportation adjacent to a street, shall be designed in accordance with the State Department of Transportation criteria and approved by the Site Improvement Plan Referral Board.
- 715.08 Barbed, electrically charged, concertina, or razor wire is prohibited.
- 716 Sign Standards - Refer to Section 29 of this Resolution
- 717 Lighting Standards - Refer to Section 30 of this Resolution

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### 3601 Rules of Construction

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

### 3602 Definitions

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

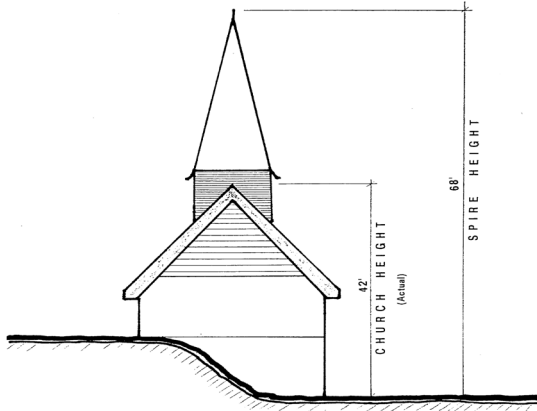
**Building Height:** The vertical distance above a reference datum measured to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the average height of the highest gable of a pitched or hipped roof. The reference datum shall be selected by either of the following,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

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

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

Spire Height Calculation *(see diagram)*

### Spire Height Calculation



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

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

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

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

**Carrier:** A company that provides personal wireless communication services.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

County: Douglas County, Colorado.

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

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

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

Day-Care Home:

- small - A residence in which care is provided for up to six (6) children or adults, including the provider's own children, plus two (2) additional children of school age either before or after school hours, and on days during the regular school year when school is not in session, such as conference days/in-service days and holidays, including summer vacations or off-track periods in year-round schools when the child does not attend classes. If the applicant has an experienced Child Care Provider License, a maximum of nine children may be permitted in accordance with Colorado Department of Human Services regulations for child care facilities.
- large - A residence in which care and training is provided for seven (7) to 12 children or adults, including the provider's own children, except as provided for above.

Day-Care Household Pets: A retail/service facility for the care of dogs or other household pets for periods of less than 24 consecutive hours. Overnight, indoor boarding may be

permitted as an accessory use only. Outdoor holding facilities are prohibited in connection with the accessory use.

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

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

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

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

Department: The Douglas County Community Development Department.

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

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

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

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

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

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

Dwelling: A building or portion thereof used exclusively for residential occupancy, including single-family, two-family and multi-family dwellings, but not including mobile homes, boarding houses, hotels, motels, recreational vehicles, or tents. Manufactured homes certified pursuant to the "National Manufactured Housing Construction and Safety

Standards Act of 1974", 42 U.S.C. 5401 et seq., as amended and Section 30-28-115 of the Colorado Revised Statutes shall be deemed a dwelling unit. *(Amended 5/10/16)*

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

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

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

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

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

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

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

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

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

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

Event Center: A facility consisting of structures or premises used to accommodate the assembly of persons for private meetings, parties, weddings, wedding receptions, reunions, birthday celebrations, charitable fundraisers, and other social engagement purposes, or similar such uses, in exchange for remuneration of any kind. Such use may

include the provision of food, beverages, and entertainment. Event Center shall not include any use component of a sexually oriented business, as defined herein. (Amended 4/28/15)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Garage:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Hospital: An institution providing health services primarily for human in-patient medical or surgical care for the sick or injured and including related facilities such as laboratories, out-patient departments, training facilities, central services facilities and staff offices that are an integral part of the facilities.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

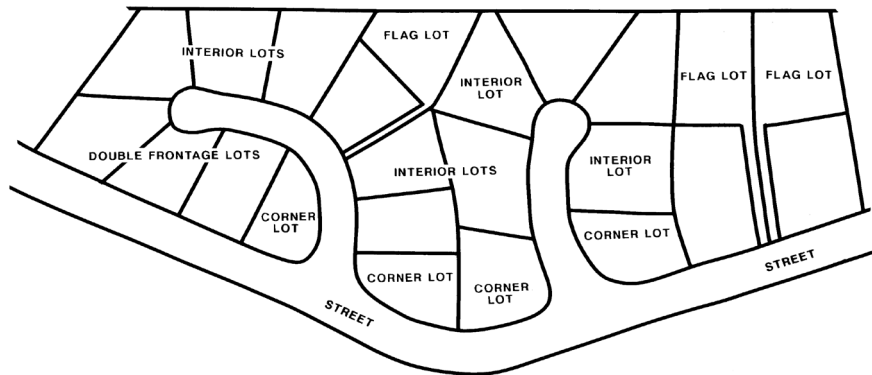
Lot: A parcel of land designated as a lot on a recorded plat or a parcel of land that has been recorded by a deed in the Office of the Douglas County Clerk and Recorder provided such lot was created in compliance with the State land-use laws and Douglas County subdivision and zoning regulations in effect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

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

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

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

Interior - A lot other than a corner lot.



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

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

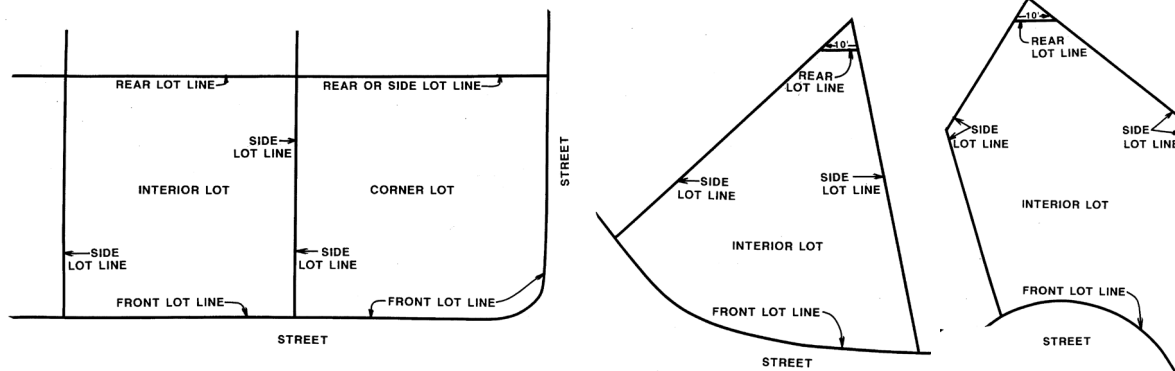
Lot, Nonconforming: A lot that has less than the required minimum area or width as established by the zone in which it is located.

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Motorsports:** The operation of Motorsport Vehicles for practice, education, recreation, or competition, excluding agricultural or property maintenance uses or the occasional,

incidental operation of Motorsports Vehicles on private property that does not result in the establishment of a track. *(Amended 8/9/16)*

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

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

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

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

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

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

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

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

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

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

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

include driveways, parking lots, or other surfaces designed or intended for vehicular travel.

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

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

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

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

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

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

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

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

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

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

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

Planning Commission: The Douglas County Planning Commission.

Planning Office: The Douglas County Planning Office.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Rezoning: A revision to the County Zone District Map.

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

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

Satellite Dish: (see Antenna)

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

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

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

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

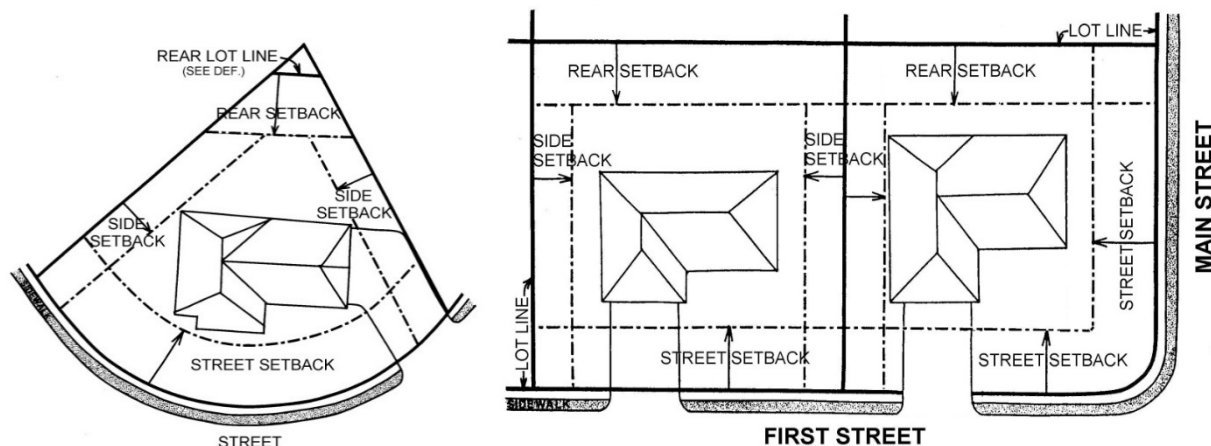
Front - a setback extending across the full width of the lot measured perpendicular to the front lot line.

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

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

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

*(see following setback diagrams)*



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

"Specified Anatomical Areas" include any of the following:

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

"Specified Sexual Activities" includes any of the following:

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

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

Adult Bookstore, Adult Novelty Store or Adult Video Store:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Utility - Major Facility:**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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## SECTION 3      A1 AGRICULTURAL ONE DISTRICT

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

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

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

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

### 302 Principal Uses

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

302.01 Agricultural recreational activities

302.02 Agriculture (Amended 1/28/14)

302.03 Animals – (refer to Section 24)

302.04 Community Uses:

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

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

302.05 Construction office – temporary

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

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

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

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

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

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

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

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

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

### 303 Accessory Uses

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



- 304.01 Animals – non domestic, exotic
- 304.02 Campground
- 304.03 Cemetery
- 304.04 Church – greater than 350 seating capacity
- 304.05 Cultural facility
- 304.06 Day-care center/preschool, or day-care home – large
- 304.07 Dude Ranch
- 304.08 Event Center on a parcel of less than 80 acres *(Amended 4/28/15)*
- 304.09 Feedlot/confinement center
- 304.10 Firing range
- 304.11 Golf course legally established as a Use by Special Review prior to June 22, 2005 *(Amended 2/12/19)*
- 304.12 Greenhouse – greater than 1 acre total area including warehouse and shipping facilities
- 304.13 Hunting/fishing club
- 304.14 Home occupation pursuant to Section 2310, herein. *(Amended 8/23/22)*
- 304.15 Horse boarding or training facility that exceeds the maximum number of horses permitted by right or by administrative review in Section 24. *Exempt from Section 18A: Water Supply Overlay District (Amended 10/14/02)*
- 304.16 Horse rental stable
- 304.17 Kennel
- 304.18 Landfill – public/private
- 304.19 Landing field – private
- 304.20 Mining, quarry, sand/gravel operation, or similar extractive land use
- 304.21 Motorsports Facility, Private *(Amended 4/26/16)*

- 304.22 Oil or gas drilling operation
- 304.23 Recreation facility – community
- 304.24 Religious retreat
- 304.25 Residence (*Amended 4/28/15*)
  - Bed and Breakfast
  - Group home for registered sex offenders (*Amended 9/12/00*)
  - Group Residential Facility
  - Mobile Home – one (1) per lot when a principal single-family residential dwelling does not exist.
- 304.26 Satellite earth station (*Amended 4/24/02*)
- 304.27 Septic waste and domestic sludge application
- 304.28 Telecommunication facility
- 304.29 Utility – major facility
- 304.30 Veterinary clinic or hospital
- 304.31 Wind energy conversion system

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

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

- 305.01 Agricultural Worker Unit one (1) dwelling with one (1) to four (4) bedrooms, or one (1) to four (4) attached efficiency units/apartments in one (1) footprint) as follows:
  - 305.01.1 Horse Ranch or Boarding/Training Facility provided the required narrative demonstrates a need based on the general criteria of one (1) worker per 25 horses.
  - 305.01.2 Cattle ranch provided the required narrative demonstrates a need based on the general criteria of one (1) worker per 300 head of cattle.

305.01.3 Farm provided the required narrative demonstrates a need based on the general criteria of one (1) worker per 1200 acres of farmed land.

305.01.4 Combination farm/ranch activities provided the required narrative demonstrates a need based on the general criteria cited for each activity.

305.02 Applications for agricultural worker housing shall be reviewed in accordance with the thresholds contained in subsection 305, and the criteria and process set forth in subsections 316 through 323.

305.03 The Director shall determine threshold criteria for uses, or combinations of uses, not specifically listed.

### 306 Minimum Lot Area: 35 acres\*

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

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

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

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

### 307 Minimum Setbacks

| Parcel Size       | Setback from Street                        | Setback from Side Lot Line | Setback from Rear Lot Line | Setback from 115+ KV Power Line |
|-------------------|--|----------------------------|----------------------------|---------------------------------|
| Less than 2.3 ac. | regional/maj. arterial: 100'<br>other: 25' | 15'*                       | 25'*<br>accessory: 15'     | 100'                            |
| 2.3-4.49 ac.      | regional/maj. arterial: 100'<br>other: 25' | 25'*                       | 25'*                       | 100'                            |
| 4.5-8.9 ac.       | regional/maj. arterial: 100'<br>other: 50' | 25'*                       | 25'*                       | 100'                            |
| 9-34.9 ac.        | 100'                                       | 50'                        | 50'<br>accessory: 25'      | 100'                            |
| 35+ ac.           | 100'                                       | 100'<br>accessory: 50'     | 100'<br>accessory: 50'     | 100'                            |

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

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

### 308 Encroachments

- 308.01 A cornice, canopy, eave, fireplace, wing wall or similar architectural feature may extend 3 feet into a required setback.
- 308.02 A covered or uncovered deck or porch may extend 6 feet into a required setback, except for a side setback. *(Amended 3/8/22)*
- 308.03 Foundation anchoring and foundation repair systems may be located within a required setback. *(Amended 3/8/22)*
- 308.04 A building permit shall not be issued for any structure which is to be located within an easement unless written approval by the easement holder(s) is provided.
- 308.05 Utility distribution lines and related equipment commonly located along property lines may be located within a required setback. A neighborhood substation or gas regulator/meter station shall meet the required setbacks.

### 309 Building Height

Maximum building height: 35 feet

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

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

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

### 311 Street Standards

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

adopted by Douglas County, or the Douglas County Roadway Design and Construction Standards.

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

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

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

313 Fencing Standards

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

314 Sign Standards – Refer to Section 29 of this Resolution

315 Lighting Standards – Refer to Section 30 of this Resolution

316 Administrative Review – Prerequisite (Amended 4/24/02)

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

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

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

- 317.01 Whether the proposed use is in harmony and compatible with the character of the surrounding area;
- 317.02 Whether the proposed use will not result in an over-intensive use of the land;
- 317.03 Whether the proposed use will not require a level of community facilities and services greater than that which is available;
- 317.04 Whether the proposed use will not cause undue traffic congestion or traffic hazards;
- 317.05 Whether the proposed use will not cause significant air, water or noise pollution;
- 317.06 Whether the proposed use is adequately landscaped, buffered, or screened;
- 317.07 Whether the proposed use will not be otherwise detrimental to the health, safety or welfare of the neighboring landowners.

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

- 318.01 Following the pre-submittal meeting, the applicant shall submit to the Planning Division a copy of the documents required per subsection 321. The submittal shall be reviewed for completeness and the applicant notified of any inadequacies.
- 318.02 Once determined complete, staff will notify the applicant of the number of copies of the plan and narrative required to be submitted for distribution to referral agencies. Referral packets shall be provided by the applicant in unsealed manila envelopes, addressed to the appropriate referral agency. Staff shall mail the referral packets. Referral agencies shall comment within 21 days.
- 318.03 Written Notice

318.03.1 At least 10 days prior to the Director's decision, the applicant shall mail a written notice of the request by first-class mail to the address of each abutting landowner as such addresses are shown in the records of the Douglas County Assessor's Office and shall submit a certificate of mailing to Douglas County Planning Seven (7) days prior to the date of the Director's decision. The notice shall indicate:

- the proposed date of the Director's decision;
- the nature of the request;
- the location of the land that is the subject of the request (*distance and direction from nearest major intersection*);
- the file name and number; and
- a statement that comments and questions should be directed to Douglas County Planning, 100 Third Street, Castle Rock, CO 80104 (303) 660-7460.

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

|   |
|---|
| <p>CERTIFICATE OF MAILING</p> <p>I hereby certify that a true and correct copy of the attached written notice was placed in the U.S. mail, first-class, postage prepaid, this ____ day of _____, 20__, and addressed as follows:</p> <p>(list of addresses)</p> <p>(Signature of person completing the mailing)</p> |
|---|

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

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

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

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

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

- 319.02 Application fee (*fee schedule available from the Planning Office*)
- 319.03 Proof of ownership by copy of deed or title insurance commitment no more than 30 days old; or in the case of a lessee, a copy of the lease
- 319.04 A Narrative (*per Section 320 contained herein*)
- 319.05 A Plan Exhibit (*per Section 321 contained herein*)
- 319.06 A notarized letter or authorization from the landowner permitting a lessee or representative to process the application, when applicable

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

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

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

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

- 321.01 a vicinity map showing the site and the relationship to adjacent properties and major roads;
- 321.02 the total acreage owned or leased by the applicant;
- 321.03 the zoning and use of the contiguous parcels owned, and the zoning and use of adjacent land;
- 321.04 the location of the proposed agricultural worker unit with dimensions to the nearest property lines, and dimensions of the proposed unit;
- 321.05 a sketch of the floor plan for all units proposed, along with a notation restricting the residential use of the units to agricultural workers as defined and approved;
- 321.06 the location and dimensions of all property lines, existing and proposed structures, existing and proposed wells, septic systems, and leach fields noting separation distances as necessary;
- 321.07 access to proposed units – delineate public and private roads, dimensions, and note surface material, and;
- 321.08 all drainage ways affecting the site and designation of any 100-year floodplain on or adjacent to the site.

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

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

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

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

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

- 324.01 Where event centers are permitted with approval of a Use by Special review, the standards within Section 21 shall apply.

324.02 Where event centers are permitted with approval of a Site Improvement Plan, the following standards shall apply:

- 324.02.1 Structures, outdoor assembly areas, and parking lots shall be setback a minimum of 200 feet from all adjacent property lines.
- 324.02.2 Noise generated by the event center use shall not result in noise levels which exceed 40 dB(A) between 7:00 a.m. and 7:00 p.m., and 35 dB(A) between 7:00 p.m. and 7:00 a.m., measured in accordance with Section 1705A of the Noise Overlay District.
- 324.02.3 Maximum capacity shall not exceed 350 persons per event. Event centers that exceed this capacity shall be processed in accordance with Section 304.08.

324.03 Where event centers are permitted as accessory uses, the following standards shall apply:

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

### 325 Second Accessory Dwelling Unit (ADU)

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

#### 325.01 Review Process

325.01.1 Following a presubmittal meeting with the Planning Services Division, the applicant shall submit the information required in 325.02 to the Planning Services Division. The submittal shall be reviewed for completeness and the applicant notified of any inadequacies. Once the submittal is determined complete, staff will send referral response requests to other agencies for review and comment on the application.

325.01.2 Referral agencies may include but are not limited to Douglas County Engineering and Building Divisions, Douglas County Health Department, Douglas County Sheriff's Office, the affected fire district, utility providers, Colorado Division of Water Resources, and county-registered homeowners associations within a two (2)-mile radius. The applicant will be asked to address all comments received.

325.01.3 Staff shall send a courtesy notice of an application in process and applicable contact information to all abutting landowners and owners of land separated by 300 feet or less from the property by a platted tract. Staff shall also send a courtesy notice of an application in process to the entity or entities responsible for ownership and maintenance of a shared private access. The applicant shall reimburse the County for the cost of materials. Errors in the courtesy notice shall not negatively impact the determination of public notice compliance set forth herein.

325.01.4 At least 14 days prior to the public meeting before the Board, the applicant shall mail a written notice of the public meeting by first-class mail to the address of each abutting landowner as such address is shown in the records of the Douglas County Assessor's Office. The notice shall read:

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

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

File No. and Name: \_\_\_\_\_

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

- Alphabetical list of the landowners.
- A map showing their relationship to the site.
- A copy of the notice sent to the landowners.
- Certificate of mailing.

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

**CERTIFICATE OF MAILING**

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

(list of addresses)

(signature of person completing the mailing)

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

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

## 325.02 Submittal Requirements

### 325.02.1 Land use application

325.02.2 Proof of current ownership within 30 days of application submittal such as a title commitment or other instrument acceptable to the County.

325.02.3 Narrative describing the request. Include information on the proposed size and other design features of the proposed ADU. Describe how water and sewer services will be provided to the ADU. Indicate how the ADU will be sited on the property to minimize site disturbance and impacts to adjacent properties.

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

325.02.5 Plan exhibit to include the following:

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

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

### 325.03 Approval Standards

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

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

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

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

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

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

## SECTION 4 LRR – LARGE RURAL RESIDENTIAL DISTRICT

## Section Contents

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

To provide areas for large-lot residential uses with limited farming, ranching, or tree farming activities and the preservation of such land as open rural area. The density range is from one dwelling per 34.9 acres to one (1) dwelling per 10 acres.

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

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

#### 402 Principal Uses

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

402.01 Agricultural recreational activities

402.02 Agriculture (Amended 1/28/14)

402.03 Animals - (refer to Section 24)

402.04 Community Uses:

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

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

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

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

402.07 Residence

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

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

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

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

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

#### 403 Accessory Uses

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

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

403.0~~2~~<sup>4</sup> Accessory uses and buildings

403.0~~3~~<sup>2</sup> Day-care home - small

403.0~~4~~<sup>3</sup> Entertainment Event - (*refer to Section 22B*) (*Amended 1/28/14*)

403.0~~5~~<sup>4</sup> Farmers Market - (*refer to Section 22A*) (*Amended 1/28/14*)

## 403.065 Garage - private:

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

*(Amended 3/8/22)*

## 403.06 Guest house

403.07 Home occupation - Class 1 and Class 2 *(refer to Section 23)*403.08 In-home elder care *(Amended 3/28/01)*403.09 Sale of Agricultural Products and Value-added Agricultural Products produced or raised on site *(Amended 1/28/14)*

## 403.10 Satellite receiving dish

403.11 Value-added Agricultural Processing - limited to a maximum of 1,500 square feet devoted to this use *(Amended 1/28/14)*404 Uses Permitted ~~B~~by Special Review *(Amended 6/22/05)*

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

## 404.01 Animals - nondomestic, exotic

## 404.02 Church - greater than 350 seating capacity in main worship area

## 404.03 Cultural facility

## 404.04 Day-care center/preschool, or day-care home - large

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

404.06 Home occupation pursuant to Section 2310, herein. *(Amended 8/23/22)*404.07 Horse boarding or training facility that exceeds the maximum number of horses permitted by right or by administrative review. *Exempt from Section 18A: Water Supply Overlay District (Amended 10/14/02)*

- 404.08 Horse rental stable
- 404.09 Kennel
- 404.10 Recreation facility - community
- 404.11 Residence (*Amended 4/28/15*)
  - Bed and Breakfast
  - Caretaker - 1 per lot (may be a mobile home)
  - Group Residential Facility
- 404.12 Septic waste and domestic sludge application
- 404.13 Utility - major facility
- 404.14 Veterinary clinic or hospital
- 404.15 Wind energy conversion system

#### 405 Land Dedication

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

#### 406 Lot Area

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

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

**407 Maximum Gross Density**

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

**408 Minimum Setbacks**

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

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

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

**409 Encroachments**

- 409.01 A cornice, canopy, eave, fireplace, wing wall or similar architectural feature may extend 3 feet into a required setback.
- 409.02 A covered or uncovered deck or porch may extend 6 feet into a required setback, except for a side setback. *(Amended 3/8/22)*
- 409.03 Foundation anchoring and foundation repair systems may be located within a required setback. *(Amended 3/8/22)*
- 409.04 A building permit shall not be issued for any structure which is to be located within an easement unless written approval by the easement holder(s) is provided.
- 409.05 Utility distribution lines and related equipment commonly located along property lines may be located within a required setback. A neighborhood substation or gas regulator/meter station shall meet required setbacks.

**410 Building Height**

Maximum building height: 35 feet

The maximum building height shall not apply to belfries, cupolas, penthouses or domes not used for human occupancy, roof-mounted church spires, chimneys, skylights,

ventilators, water tanks, silos, parapet walls, cornices, antennas, utility poles and necessary mechanical appurtenances usually carried above the roof level.

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

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

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

412 Street Standards

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

413 Parking Standards

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

414 Fencing Standards

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

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

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

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

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

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

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

415 Signs Standards - Refer to Section 29 of this Resolution

416 Lighting Standards - Refer to Section 30 of this Resolution

## SECTION 5 RR - RURAL RESIDENTIAL DISTRICT

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### 501 Intent (Amended 8/11/09)

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

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

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

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

### 502 Principal Uses

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

#### 502.01 Community Uses:

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

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

502.02 Construction office - temporary

502.03 Residence

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

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

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

### 503 Accessory Uses

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

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

503.0~~2~~<sup>24</sup> Accessory uses and buildings

503.0~~3~~<sup>32</sup> Animals (*refer to Section 24*)

503.0~~4~~<sup>43</sup> Day-care home - small

503.0~~5~~<sup>54</sup> Garage - private:

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

**503.05 Guest house**

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

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

503.08 Satellite receiving dish

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

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

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

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

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

504.02 Day-care center/preschool, or day-care home - large

504.03 Golf course legally established as a Use by Special Review prior to June 22, 2005 (*Amended 2/12/19*)

504.04 Home occupation pursuant to Section 2310, herein. (*Amended 8/23/22*)

504.05 Horse boarding or training facility that exceeds the maximum number or horses permitted by right

504.06 Recreation facility - community

504.07 Residence

- Bed and Breakfast

504.08 Utility - major facility

504.09 Veterinary hospital/clinic

504.10 Wind energy conversion system

**505    Land Dedication**

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

**506    Lot Area**

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

506.01    For lots served by an individual well and septic system, the allowable minimum lot area is 2 acres.

506.02    For lots served by a central water system, the allowable minimum lot area is 1 acre.

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

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

**507    Maximum Gross Density**

The gross density shall not exceed 1 dwelling per 5 acres and may be less due to required infrastructure or dedication, or environmental constraints.

**508    Minimum Setbacks**

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

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

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

## 509 Encroachments

- 509.01 A cornice, canopy, eave, fireplace, wing wall or similar architectural feature may extend 3 feet into a required setback.
- 509.02 A covered or uncovered deck or porch may extend 6 feet into a required setback, except for a side setback. *(Amended 3/8/22)*
- 509.03 Foundation anchoring and foundation repair systems may be located within a required setback. *(Amended 3/8/22)*
- 509.04 A building permit shall not be issued for any structure which is to be located within an easement unless written approval by the easement holder(s) is provided.
- 509.05 Utility distribution lines and related equipment commonly located along property lines may be located within a required setback. A neighborhood substation, or gas regulator/meter station shall meet required setbacks.

## 510 Building Height

Maximum building height: 35 feet

- 510.01 The maximum building height shall not apply to belfries, cupolas, penthouses or domes not used for human occupancy, roof-mounted church spires, chimneys, skylights, ventilators, water tanks, silos, parapet walls, cornices, antennas, utility poles and necessary mechanical appurtenances usually carried above the roof level.
- 510.02 The maximum height of a roof-mounted church spire/steeple shall not exceed 1.62 times the height of the church measured from the lowest finished floor to the roof peak. The height of the roof-mounted spire shall be measured from the top of the spire to the finished floor of the lowest walkout level of the church. *(refer to Section 36 building height definition - spire height calculation)*
- 510.03 The height of an antenna shall be no greater than the distance to the nearest lot line. *(refer to Section 27A for cell sites and Section 21 for telecommunication facilities)*

## 511 Utilities

All public utility distribution lines shall be placed underground.

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

### 513 Street Standards

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

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

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

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

### 515 Fencing Standards

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

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

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

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

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

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

### 516 Sign Standards Refer to Section 29 of this Resolution

### 517 Lighting Standards Refer to Section 30 of this Resolution

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## SECTION 6 ER - ESTATE RESIDENTIAL DISTRICT

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### 601 Intent (Amended 8/11/09)

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

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

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

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

### 602 Principal Uses

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

#### 602.01 Community Uses:

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

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

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

602.03 Residence

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

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

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

602.06 Youth-oriented agricultural activity

### 603 Accessory Uses

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

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

603.0~~2~~4 Accessory uses and buildings

603.0~~2~~3 Animals (*refer to Section 24*)

603.0~~3~~4 Day-care home - small

603.0~~4~~5 Garage - private:

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

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

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

603.078 Satellite receiving dish

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

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

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

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

604.02 Day-care center/preschool, or day-care home - large

604.03 Horse boarding or training facility that exceeds the maximum number of horses permitted by right

604.04 Recreation facility - community

604.05 Residence

- Bed and Breakfast

604.06 Utility - major facility

605 Land Dedication

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

606 Lot Area

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

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

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

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

## 607 Maximum Gross Density

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

## 608 Minimum Setbacks

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

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

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

## 609 Encroachments

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

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

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

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

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

## 610 Building Height

Maximum building height: 35 feet

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

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

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

## 611 Water and Sanitation

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

## 612 Utilities

All public utility distribution lines shall be placed underground.

## 613 Street Standards

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

614 Parking Standards - Refer to Section 28 for nonresidential parking standards  
*(Amended 4/24/02)*

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

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

## 615 Fencing Standards

615.01 Fences, walls, or hedges shall not be erected in the public right-of-way, but shall be allowed within the setbacks, on private land. A building permit is

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

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

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

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

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

616 Sign Standards - Refer to Section 29 of this Resolution

617 Lighting Standards - Refer to Section 30 of this Resolution

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## SECTION 7 SR - SUBURBAN RESIDENTIAL DISTRICT

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

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

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

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

## 702 Principal Uses

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

### 702.1 Community Uses:

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

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

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

702.03 Residence

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

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

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

### 703 Accessory Uses

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

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

703.0~~24~~ Accessory uses and buildings

703.0~~23~~ Animals (*refer to Section 24*)

703.0~~34~~ Day-care home - small

703.0~~45~~ Garage - private:

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

703.0~~56~~ Home occupation - Class 1 (*refer to Section 23*)

703.0~~67~~ In-home elder care (*Amended 3/28/01*)

703.0~~78~~ Satellite receiving dish

704 Uses Permitted ~~b~~By Special Review (Amended 6/22/05)

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

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

705 Maximum Gross Density

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

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

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

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

707 Water and Sanitation

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

708 Utilities

All public utility distribution lines shall be placed underground.

709 Land Dedication

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

710 Street Standards

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

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

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

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

712 Minimum Setbacks  
(Amended 3/8/22)

| Lot Size                                      | Setback From:                                  |               |                         |                              |
|---|--|---------------|-------------------------|------------------------------|
|   | Street   | Side Lot Line | Rear Lot Line           | 115 KV or greater power line |
| 0.50 ac. or less                              | Regional or major arterial: 100'<br>Other: 20' | 5'*           | 15'*                    | 100'                         |
| Greater than 0.5 acres and less than 1.0 acre | Regional or major arterial: 100'<br>Other: 25' | 10'*          | 20'*<br>Accessory: 15'* | 100'                         |
| 1.0 acre or greater                           | Regional or major arterial: 100'<br>Other: 25' | 15'*          | 25'*<br>Accessory: 15'* | 100'                         |

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

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

713 Encroachments

- 713.01 A cornice, canopy, eave, fireplace, wing wall or similar architectural feature may extend 3 feet into a required setback.
- 713.02 A covered or uncovered deck or porch may extend 6 feet into a required setback, except for a side setback. (Amended 3/8/22)
- 713.03 Foundation anchoring and foundation repair systems may be located within a required setback. (Amended 3/8/22)
- 713.04 A building permit shall not be issued for any structure which is to be located within an easement unless written approval by the easement holder(s) is provided.

- 713.05 Utility distribution lines and related equipment commonly located along property lines may be located within a required setback. A neighborhood substation or gas regulator/meter station shall meet the required setbacks.
- 713.06 Structures that do not require building permits may encroach into a rear setback. Any encroachment into an easement requires permission from the easement holder.
- 713.07 A garage directly accessed from an alley may encroach into a rear setback. Any encroachment into an easement requires permission from the easement holder. *(Amended 6/14/06)*

#### 714 Building Height

Maximum building height:

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

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

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

#### 715 Fencing Standards

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

- 715.03 Fences constructed of woven wire or ornamental iron which are a minimum of 80% open may be constructed with no height limitation; however, a building permit is required for any fence greater than 6 feet in height, or as required by the Building Code, as amended and adopted by Douglas County. *(Amended 12/18/12)*
- 715.04 Fences, walls, or hedges shall be erected and maintained in a manner which does not obstruct the vision of automobile traffic on the adjacent streets, rights-of-way, or driveways in accordance with the Douglas County Roadway Design and Construction Standards manual.
- 715.05 Fences, walls or hedges shall be maintained in good structural or living condition. The landowner is responsible for the repair or removal of a fence, wall or hedge, which constitutes a safety hazard, by reason of inadequate maintenance, dilapidation, obsolescence or abandonment, or which constitutes a zoning violation.
- 715.06 Swimming pools shall be enclosed by a fence or wall that meets or exceeds the requirements of the Building Code, as amended and adopted by Douglas County. *(Amended 12/18/12)*
- 715.07 Sound barrier walls, when constructed by a landowner other than the Colorado Department of Transportation adjacent to a street, shall be designed in accordance with the State Department of Transportation criteria and approved by the Site Improvement Plan Referral Board.
- 715.08 Barbed, electrically charged, concertina, or razor wire is prohibited.
- 716 Sign Standards - Refer to Section 29 of this Resolution
- 717 Lighting Standards - Refer to Section 30 of this Resolution

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### 3601 Rules of Construction

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

### 3602 Definitions

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

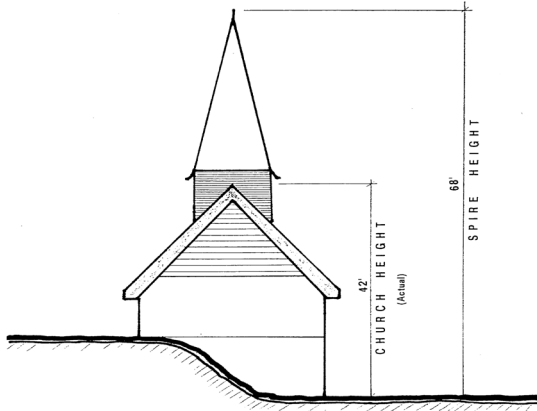
**Building Height:** The vertical distance above a reference datum measured to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the average height of the highest gable of a pitched or hipped roof. The reference datum shall be selected by either of the following,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

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

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

Spire Height Calculation *(see diagram)*

### Spire Height Calculation



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

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

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

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

**Carrier:** A company that provides personal wireless communication services.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Construction: Any and all activity incidental to the erection, demolition, assembling, altering, installing, or equipping of buildings, structures, roads, or appurtenances thereto, including land clearing, grading, excavating, and filling.

Convenience Store: A small retail or service commercial use, which provides limited food products, household items or other goods or services commonly associated with the same, which do not typically offer comparison shopping opportunities.

County: Douglas County, Colorado.

Cultural Facility: A building or area designed and intended for intellectual or artistic activities, including a museum, art gallery, outdoor amphitheater, fairground, sports stadium/arena, performing arts center, or similar facility.

dB(A): A sound level in decibels measured on the "A" scale of sound level having characteristics defined by the American National Standards Institute. [§25-12-102(2), C.R.S.]

Day-Care Center/Preschool: A commercial facility where care and training is provided for children or adults for periods of less than 24 consecutive hours.

Day-Care Home:

- small - A residence in which care is provided for up to six (6) children or adults, including the provider's own children, plus two (2) additional children of school age either before or after school hours, and on days during the regular school year when school is not in session, such as conference days/in-service days and holidays, including summer vacations or off-track periods in year-round schools when the child does not attend classes. If the applicant has an experienced Child Care Provider License, a maximum of nine children may be permitted in accordance with Colorado Department of Human Services regulations for child care facilities.
- large - A residence in which care and training is provided for seven (7) to 12 children or adults, including the provider's own children, except as provided for above.

Day-Care Household Pets: A retail/service facility for the care of dogs or other household pets for periods of less than 24 consecutive hours. Overnight, indoor boarding may be

permitted as an accessory use only. Outdoor holding facilities are prohibited in connection with the accessory use.

Decibel: A unit describing the relative amplitude of sound. A decibel is a unit of sound pressure level equal to 20 times the logarithm to the base 10 of the ratio of the sound pressure to the reference pressure of  $2 \times 10^{-5} \text{ N/m}^2$  (Newton's/meter squared.) [§25-12-102(3), C.R.S.]

Density: The number of units per area of measure. For example, the number of dwelling units per acre.

Density, Gross: The total number of units divided by the total land area within the boundary of the project including publicly dedicated streets, open space or other public facilities.

Density, Net: The number of units divided by the land area within the boundary of the project excluding publicly dedicated streets, open space or other public facilities.

Department: The Douglas County Community Development Department.

Designated Elevation: The elevation above sea level determined at each airport in accordance with the approved airport guidelines.

Development: Any change to improved or unimproved real estate, including but not limited to: buildings, structures, mining, dredging, filling, grading, paving, excavation or drilling operations or any alteration to land, buildings or structures which falls under the purview of this Resolution.

Development Plan: A specific set of regulations establishing lot size, land use, density, lot coverage, open space or other standards and a map depicting land uses within a Planned Development District approved by the Board and recorded in the Office of the Clerk and Recorder. The current and future owners and their assigns are required to develop their property in accordance with this plan.

Director: The Director shall be as designated by the County Manager.

Driveway: A private vehicular access abutting a street, for the exclusive use of the owners and occupants of the lot, lots or project and their invitees, not considered to be a street.

Dude Ranch: A functioning ranch that offers guests the opportunity to participate in activities commonly associated with its operation. The recreational component shall be accessory to the principal ranching operation.

Dwelling: A building or portion thereof used exclusively for residential occupancy, including single-family, two-family and multi-family dwellings, but not including mobile homes, boarding houses, hotels, motels, recreational vehicles, or tents. Manufactured homes certified pursuant to the "National Manufactured Housing Construction and Safety

Standards Act of 1974", 42 U.S.C. 5401 et seq., as amended and Section 30-28-115 of the Colorado Revised Statutes shall be deemed a dwelling unit. *(Amended 5/10/16)*

Dwelling, Multifamily: A dwelling situated on 1 lot and arranged, designed or intended for occupancy by two (2) or more families living independently of each other, including condominiums and duplexes, but excluding therefrom hotels and motels.

Dwelling, Single-Family: A dwelling situated on 1 lot and arranged, designed or intended for occupancy by not more than one (1) family in compliance with the County building code. The dwelling must function as a continuous enclosure without any impassable separation such as a wall or floor. Dwelling spaces joined by a garage or breezeway are considered to be a separate dwelling.

Dwelling, Single-Family, attached: A dwelling with primary ground floor access to the outside, which is attached to another unit by a party wall without openings, and is situated on one (1) lot. The term is intended primarily for such dwelling types as townhouses, cluster units, patio homes.

Easement: An acquired right of use, interest or privilege in land owned by another.

Enhanced Specialized Mobile Radio Service (ESMR): A type of communication technology that is used primarily by fleet-dispatched service providers and closed system mobile radio users.

Entertainment Event: A public presentation for which admission is made available to the general public, held on a one time or occasional basis that provides amusement for, or holds the attention of, those in attendance. *(Amended 4/28/15)*

Entertainment Event, Major: An Entertainment Event that exceeds the limitations placed on Minor Entertainment Events. *(Amended 1/28/14)*

Entertainment Event, Minor: An Entertainment Event that meets one of the following limitations:

- A one-day event, such as a concert, with a maximum daily attendance of 500 persons.
- A multi-day event, such as a festival, carnival, or revival, with a maximum daily attendance of 300 persons and duration of seven days or less. *(Amended 1/28/14)*

Equipment, Small: Vehicles/equipment not exceeding the following gross vehicle weights: Motorized - 18,000 lbs.; nonmotorized - 6,000 lbs.

Event Center: A facility consisting of structures or premises used to accommodate the assembly of persons for private meetings, parties, weddings, wedding receptions, reunions, birthday celebrations, charitable fundraisers, and other social engagement purposes, or similar such uses, in exchange for remuneration of any kind. Such use may

include the provision of food, beverages, and entertainment. Event Center shall not include any use component of a sexually oriented business, as defined herein. *(Amended 4/28/15)*

Family: An individual or a group of persons, whether related or not, that habitually reside in a single dwelling unit and form a single residential unit, who share common living areas (e.g. laundry, kitchen, living room, garage, etc.) and expenses, and are at least partially dependent upon each other for care of the residential unit.

A family shall not include more than one (1) registered sex offender over the age of 18, unless related by blood, marriage, or legal adoption to all other occupants. *(Amended 5/10/16)*

Farm and Commercial Garden Building: A building or structure used to shelter or enclose livestock, poultry, feed, flowers, field equipment or similar uses.

Farmers Market: An outdoor market open to the public and operated by a governmental agency, a nonprofit corporation, or one or more Agricultural Producers; where the products offered for sale are Agricultural Products, Value-added Agricultural Products, and incidental sale of other items. *(Amended 1/28/14)*

Feedlot: Any tract of land or structure, pen/corral wherein cattle, horses, sheep, goats, swine, or similar livestock are maintained in close quarters for the purpose of feeding such livestock in order to fatten them prior to final shipment to market.

Fence: Any structure used as a barrier or a boundary. *(Amended 3/26/24)*

Firearm: Any handgun, revolver, pistol, rifle, shotgun, or other instrument or device capable of or intended to discharge bullets, shot, or other projectile by means of gasses released by burning a solid propellant.

Fire Protection Facilities: Fire stations and major pieces of fire fighting apparatus, including, but not limited to pumpers, quick response vehicles, hook and ladder trucks, and similar equipment, owned and operated by county fire districts.

Firing Range: A facility used to provide, in exchange for remuneration of any kind, training in conjunction with, or for practice in, discharging firearms. *(Amended 4/28/15)*

Flag: A piece of fabric, cloth, or sturdy material usually oblong, rectangular, square, or triangular, typically attachable on one edge to a staff, pole, or cord. *(Amended 2/11/14)*

Flood, 100-year: The flood having a 1% chance of being equaled or exceeded in any given year. It is also known as a "base flood".

Floodplain: The area adjoining any river, stream, watercourse, lake or other body of standing water which is subject to inundation by a 100-year flood. Refer to the floodplain overlay district section for more information.

**Floor Area, Gross:** The sum of the horizontal area, measured in square feet, of all floors of a building measured from the exterior face of the wall including stairwells or elevator shafts and excluding unfinished basements or attics, garage space, or unenclosed porches.

**Floor Area, Net:** The sum of the horizontal floor area, measured in square feet, of all floors of a building measured from the interior face of the exterior wall excluding therefrom, stairwells, elevator shafts, covered malls, covered walkways, roof patio areas, covered entries, covered parking, covered driveways, covered loading areas, utility rooms and storage areas.

**Floor Area Ratio - F.A.R.:** Determined by dividing the gross floor area of all buildings on a lot by the total area of that lot.

**Frontage:** The length of a parcel/lot abutting a right-of-way.

**Garage:**

Private - A building, or portion thereof, including carports, in which only private or pleasure-type motor vehicles used by the owners or resident tenants of the land are stored or kept.

Public - A building, or portion thereof, other than a private garage, used for the parking of automobiles.

**Golf Course:** A recreational facility primarily used for the purpose of playing golf, including associated food service, retail sales areas, and staff offices, excluding residential and other non-golf recreational uses.

**Grade:** The elevation of the finished surface of the ground.

**Greenhouse:** A structure used for the propagation, cultivation or growing of nursery stock such as flowers, bulbs, plants, trees, shrubs or vines.

**Group Home:** A residence that provides non-institutional housing for persons living as a single housekeeping unit as follows: *[Per 30-28-115 CRS]*

- A group of no more than 8 persons with developmental disabilities living in a state-licensed group home or community residential home; or
- A group of not more than 8 persons with a mental illness living in a state-licensed group home; or
- A group of not more than 8 persons 60 years of age or older who do not need nursing facilities; or
- Any other type of home allowed under the provisions of the Fair Housing Act, as amended, for any type of protected class, or pursuant to any other applicable law

Group Homes that do not meet the conditions listed shall be considered Group Residential Facilities for purposes of this resolution. *(Amended 5/10/16)*

Group Residential Facility: A residence, not qualifying as a group home, that provides a community living environment for individuals requiring custodial care, medical treatment, or specialized social services. This term includes, but is not limited to: specialized group child care home, facility or center; residential child care facility; residential treatment facility; shelters for the homeless; shelters from domestic violence; residential facilities for those living together as a result of criminal offenses; and homes for individuals that are HIV positive or afflicted with the AIDS virus. *(Amended 5/10/16)*

Guest House: A dwelling attached or unattached to the principal dwelling, used to house guests of the occupants of the principal dwelling, and which shall not be rented or leased, or held in ownership by other than the owner of the principal dwelling. A Guest House is an ADU.

Hay: Grass or other herbaceous plant that has been cut, dried, and stored for use as animal fodder, particularly for grazing livestock such as cattle, horses, goats, and sheep. *(Amended 4/28/15)*

Hay Sales: The sale of imported hay for animal fodder as a principal commercial use of the property. No other bagged or baled animal feed, imported agricultural products, or other sales are allowed, except as otherwise permitted herein. *(Amended 4/28/15)*

Hedge: A row of shrubs or small trees which, at maturity, forms a barrier that cannot be easily seen through.

Heliport: Any area used by helicopters for commercial or business purposes, including landing and take-off, passenger and cargo loading, maintenance and fueling facilities.

Home Occupation: A business use conducted on the site, which is clearly incidental and secondary to the use of the land for residential or agricultural purposes; that does not change the character of the dwelling, lot, or neighborhood; and that allows the resident to work at home. Such uses as a motor vehicle repair or body shop, bed and breakfast establishment, medical clinic, hospital, kennel, animal clinic/hospital, retail business, warehousing and distribution, or any similar use generating more than occasional or minimal vehicular or pedestrian traffic shall not be allowed as a home occupation.

Homeowners' Association: An association of homeowners within a residential area created to govern the area with powers including but not limited to: the setting and collection of expense assessments from the members of the association, the control and maintenance of common areas, and the enforcement of protective covenants.

Horse, Boarded: A horse, not owned by the landowner or lessee, kept on the landowner or lessee's property for a period of 24 hours or more.

Horse, Nonowned: A horse not solely owned by the owner or lessee of the land. A horse leased for the exclusive use of the lessee shall be considered to be an owned horse.

Horse, Owned: A horse solely owned by the owner or lessee of the land. A horse leased for the exclusive use of the lessee shall be considered to be an owned horse.

Horse Rental Stable: A facility where horses, ponies, or mules are rented to the general public for recreational purposes.

Hospital: An institution providing health services primarily for human in-patient medical or surgical care for the sick or injured and including related facilities such as laboratories, out-patient departments, training facilities, central services facilities and staff offices that are an integral part of the facilities.

Hotel: Any building arranged, designed or intended as a temporary lodging place for human beings, with or without meals, in which there are six (6) or more guest rooms or suites, and in which only minimal provision may be made for cooking in any individual room or suite.

Hunting/Fishing Club: Individuals gathered for the express purpose of participating in recreational activities directly related to hunting, fishing and similar outdoor sportsman activities that typically take place on club-owned land.

Impact Area: The area within which a proposed development is presumed to create a demand for public facilities and services and which area, therefore, will be evaluated to determine whether the capacity of public facilities and services is adequate to accommodate the demand. The impact areas for specific public facilities and services are as follows:

- (1) Fire Protection: the boundaries of the district providing fire protection service to the proposed residential development.
- (2) Public Schools: High School Feeder Areas as designated by the Douglas County School District.
- (3) Streets: the area as defined in the Douglas County Roadway Design and Construction Standards. *(Amended 11/18/14)*

In-Home Elder Care: Providing 24-hr. in-home care for six (6) or fewer elderly persons (*60+ years old*), not related to the members of the household, who are ambulatory and are not mentally ill or developmentally disabled, who because of impaired capacity for independent living elect protective oversight, but do not require regular 24-hour medical or nursing care. The care provider shall reside at and maintain their primary place of residency in this home, be licensed by the State, and may have 1-2 nonresident helpers. The limitation contained in §30-28-115(2)(f), C.R.S., requiring that a group home for the aged not be located within 750' of another such group home, shall not apply to in-home elder care facilities.

Industrial Park: A tract of land with two or more separate industrial buildings or related uses planned, designed, constructed, or managed on an integrated and coordinated basis with special attention to on-site traffic patterns, parking, utilities, building design and orientation, and open space.

Junk Yard: A building, structure or parcel of land, or portion thereof, used for the collecting, storage or sale of waste paper, rags, scrap metal or discarded material; or, for the collecting, dismantling, storage, salvaging, or demolition of vehicles, machinery or other materials.

Kennel: Any site used to keep more household pets than permitted in Section 24 Animals or used for breeding, boarding, training with boarding or selling of household pets. This definition shall not include a veterinary clinic or hospital or pet shop. *(Amended 5/27/14)*

Landfill: A site used for the disposal of junk, garbage or other waste material including biodegradables imported from off-site. The burying of biodegradable material that originated on-site shall not be considered a landfill provided all applicable requirements are met and necessary permits obtained.

Landing Field - Private: An area of land or water designed for the landing or take-off of aircraft for the benefit of the landowner/lessee and not to be used for commercial purposes.

Landscape: Improvement to an area of land by the planting of a combination of trees, shrubs and ground covers.

Legal Description: A written metes and bounds description of the boundary of a parcel of real property by a Professional Land Surveyor (PLS), for the purpose of perpetuating location and title. The description must recite all ties and monuments, recorded or physical, which will determine the correct position of the boundary, all references to adjoining lands by name and record, and a full dimensional recital of the boundary courses in succession which shall be mathematically correct. The description must be accompanied by an exhibit or map showing all pertinent information as described in the narrative.

Level of Service (LOS): An indicator of the extent or degree of service provided by, or proposed to be provided by, a public facility based upon and related to the operational characteristics of the public facility; or the capacity per unit of demand for each public facility.

Level of Service (LOS), Adopted Roadway: Level of Service C for Nonurban areas and D for Urban areas. *(Amended 11/18/14)*

Level of Service (LOS), Roadway: A performance measure of quality of service measured on an A-F scale, with a LOS A representing the best operating conditions from the traveler's perspective and a LOS F representing the worst. *(Amended 11/18/14)*

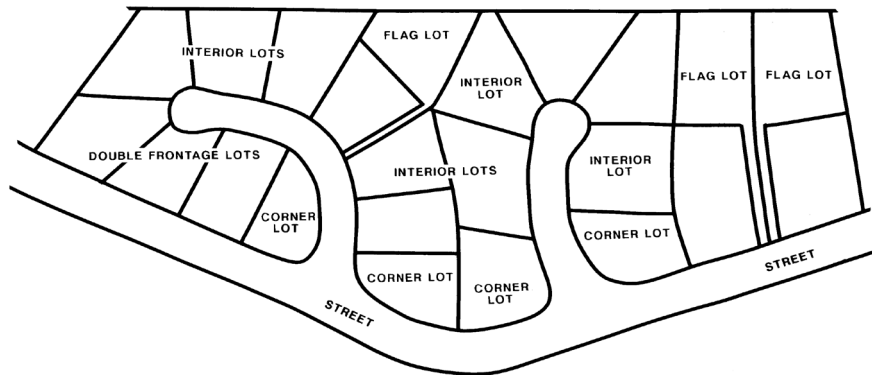
Lot: A parcel of land designated as a lot on a recorded plat or a parcel of land that has been recorded by a deed in the Office of the Douglas County Clerk and Recorder provided such lot was created in compliance with the State land-use laws and Douglas County subdivision and zoning regulations in effect at the time the lot/parcel was created. Also, lot of record. *(A tax parcel is not necessarily a lot of record)*

Corner - A lot abutting two or more adjacent streets which have an angle of intersection of not more than 135 degrees.

Double Frontage - A lot abutting two nonintersecting streets as distinguished from a corner lot.

Flag - A lot having access or an easement to a public or private street by a narrow, private right-of-way

Interior - A lot other than a corner lot.



Lot, Area of: The area of a lot exclusive of streets, County-dedicated land or open space.

Lot, Buildable: A lot of record that complies with all the requirements of the zoning district within which it is located, or a nonconforming lot provided such lot was created in compliance with the State land-use laws and the Douglas County subdivision and zoning regulations in effect at the time the lot was created. *(A tax parcel may or may not be a buildable lot.)*

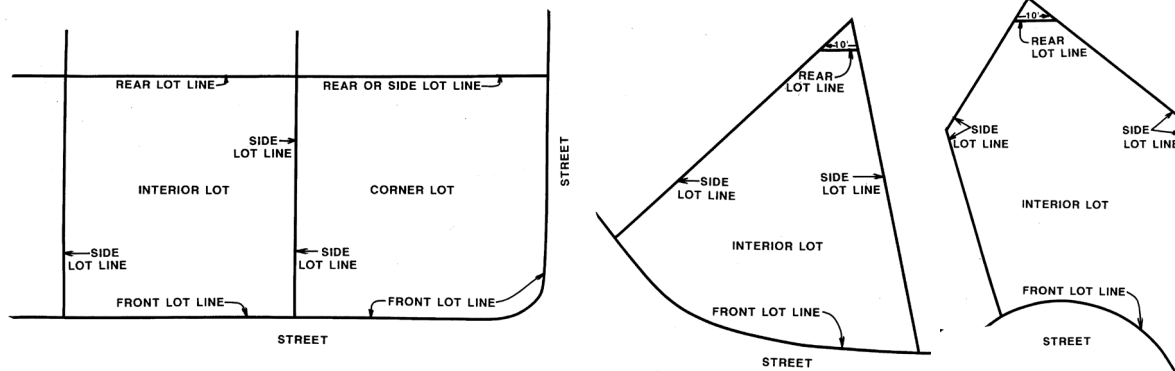
Lot, Nonconforming: A lot that has less than the required minimum area or width as established by the zone in which it is located.

Lot Line: Any boundary of a lot. The classifications of lot lines are:

Front: The lot line separating the lot from a street. On a corner lot or double frontage lot each lot line separating the lot from a street is considered a front lot line. Where a lot is not abutting a street, other than by its driveway, that lot line which faces the principal entrance of the main building is the front lot line.

**Rear:** The lot line opposite and most distant from the front lot line; however, for corner lots the rear lot line may be any lot line not abutting a street. For triangular, pie-shaped, or irregularly-shaped lots the rear lot line shall be deemed to be a line within the lot having a length of 10 feet, parallel to and most distant from the front lot line for the purpose of determining required setbacks.

**Side:** Any property boundary line which is neither a front lot line nor rear lot line.



**Major Reservoir(s):** Any body of water within the State of Colorado having a surface area at high water line in excess of 100 acres excepting livestock water tanks as defined in Article 49 of Title 35, C.R.S. 1973.

**Manufactured Housing:** A factory-built, single-family structure that is manufactured and certified under the authority of 42 U.S.C. Section 5401, the National Manufactured Home Construction and Safety Standards Act, in compliance with Section 30-28-115 of the Colorado Revised Statutes. Manufactured housing is different than a mobile home.

**Message:** A complete, static display message on an Electronic Message Sign. (Amended 2/11/14)

**Message Hold Time:** The time interval a static message shall remain on the display before transitioning to another message on an Electronic Message Sign. (Amended 2/11/14)

**Metes and Bounds:** A method of describing or locating real property; metes are measures of length and bounds are boundaries; this description starts with a well-marked point of beginning and follows the boundaries of the land until it returns once more to the point of beginning.

**Microwave Dish:** A device for receiving or transmitting radio frequency/electromagnetic waves.

**Mineral:** An inanimate constituent of the earth, in either solid, liquid or gaseous state that, when extracted from the earth, is usable in its natural form or is capable of conversion into usable form as a metal, a metallic compound, a chemical, an energy source, a raw material for manufacturing or construction material.

**Mineral Resource Area:** An area in which minerals are located in sufficient concentration in veins, deposits, bodies, beds, seams, fields, pools or otherwise, as to be capable of economic recovery. The term includes but is not limited to any area in which there has been significant mining activity in the past, there is significant mining activity in the present, mining development is planned or in progress, or mineral rights are held by mineral patent or valid mining claim with the intention of mining.

**Mining:** The withdrawal or refinement of materials including but not limited to: minerals (either solid, liquid, or gas which are usable in their natural form or converted to a usable form when extracted from the earth), sand, gravel, quarry aggregate, oil, natural gas, coal, dimension or landscape stone, peat and metals. Mining does not include surface or groundwater found in Douglas County.

**Mobile Home:** A portable structure used or designed to be used for living or sleeping purposes, transportable on its own wheels and requiring only minor work after arrival on its site to become suitable for occupancy. A mobile home is allowed as a dwelling only in the MH zone district or as specified in the A-1 and LRR zone districts. A mobile home shall also mean any factory built home pre-dating the Housing and Urban Development Department's manufactured housing regulations adopted in 1976. (*Refer to Manufactured Housing and Modular Home*) (Amended 4/28/15)

**Mobile Home, Converted:** A mobile home that has been placed on a permanent foundation and taxed as real estate. Converted mobile homes shall be permitted only in MH zone district, or as a specified within the A-1 and LRR zone districts. A mobile home shall also mean any factory built home pre-dating the 1976 Housing and Urban Development Department's manufactured housing regulations adopted in 1976. (Amended 4/28/15)

**Mobile Home Park:** A parcel of land under single or unified ownership or control within which spaces are rented for occupancy by mobile homes.

**Mobile Home Subdivision:** An area of land subdivided for occupancy by mobile homes exclusively, and containing lots in divided or separate ownership.

**Modular Home:** A prefabricated living unit, designed to become a permanent building, which meets the building standards of the Douglas County Building Code.

**Motel:** A building or group of detached or connected buildings designed or used primarily for providing sleeping accommodations for automobile travelers and having a parking area adjacent to each unit.

**Motorcycle:** A self-propelled vehicle with not more than three (3) wheels in contact with the ground that is designed primarily for use on the public highways. [§25-12-102(5.2), C.R.S.]

**Motorsports:** The operation of Motorsport Vehicles for practice, education, recreation, or competition, excluding agricultural or property maintenance uses or the occasional,

incidental operation of Motorsports Vehicles on private property that does not result in the establishment of a track. *(Amended 8/9/16)*

Motorsports Facility: A track for Motorsports *(Amended 4/26/16)*

Motorsports Facility, Private: A Motorsports Facility for personal use that requires the movement of a cumulative total of 50 cubic yards or more of dirt or other material for such use, when a principal residence has been established on the property. *(Amended 4/26/16)*

Motorsports Vehicle: A self-propelled vehicle including Motor Vehicles, Motorcycles, Off-Highway Vehicles, and Snowmobiles used primarily off road. *(Amended 4/26/16)*

Motor Vehicle: A self-propelled vehicle with at least four (4) wheels in contact with the ground that is designed primarily for use on the public highways. *[§25-12-102(5.4), C.R.S.]*

Nonconforming Building: A building that does not meet the bulk requirements of the zoning district in which it is located, but which complied with applicable regulations at the time the building was constructed.

Nonconforming Use: A use of land that does not comply with the use regulations for its zoning district but which complied with applicable regulations at the time the use was established.

Nonurban Areas: Nonurban Areas as designated on the Douglas County Master Plan Land Use Map and as defined in the Douglas County Master Plan.

Nursing Home: A 24-hour residential care facility, licensed by the state, providing some level of skilled nursing or medical service.

Off-Highway Vehicle: A self-propelled vehicle with wheels or tracks in contact with the ground that is designed primarily for use off the public highways, excluding military vehicles, golf carts, snowmobiles, vehicles designed and used to carry persons with disabilities, and vehicles designed and used specifically for agricultural, logging, firefighting, or mining purposes. *[§25-12-102(5.6), C.R.S.]*

Office, Professional: A place of business for predominantly administrative, professional, or clerical operations, i.e., accountant; architect; attorney; bookkeeper; broker; doctor; dentist; chiropractor; psychologist; drafter; bank; savings and loan; insurance company; credit union; credit-reporting agency; developer; contractor; engineer; surveyor; planner; insurance agency; interior design; landscape architect; pharmacy; notary; stenographer; clerical services.

Open Space: Public or private land and aquatic areas that are regulated or managed to protect the natural environment and significant cultural resources; provide recreation and agricultural opportunities; shape the pattern of urban development, or any combination thereof, including yards and common areas and including a limited number of buildings and accessory uses compatible with intended use. Open space shall be deemed not to

include driveways, parking lots, or other surfaces designed or intended for vehicular travel.

Parcel: All contiguous land held under one deed irrespective of the method of legal description used.

Park: A tract of land identified for public use by zoning or subdivision action, or designated by an authorized public entity, for recreational, educational, or cultural purposes.

Parking Lot: An area other than a street or alley that is permanently reserved and maintained for the parking of motor vehicles on a temporary basis - daily or overnight.

Parking, Off-Street: See Parking Lot. *(Amended 2/11/14)*

Person Aggrieved: An applicant, an abutting property owner, or a person with an interest in real estate located within 1,000 feet of the subject property where such person can show his/her property interest has been damaged by a final administrative decision and such damage is different in kind, not merely in degree, from that experienced by the public generally. *(Amended 8/12/14)*

Personal Communication Service (PCS): A type of wireless communication technology capable of transmitting voice, data and paging that utilizes small geographic areas on a tight grid of interconnected sites.

Personal Use: Exclusively for use in relation to Motorsports, a use for which no remuneration, either direct or indirect, of any kind is provided. *(Amended 4/26/16)*

Personal Wireless Communication Facility: Any unstaffed facility for the transmission and/or reception of voice, data and paging signals consisting of one or more of the following elements: antennas, support towers, or accessory equipment buildings or structures.

Personal Wireless Communication Services: The term used to collectively describe low-powered, unmanned facilities providing wireless telecommunication services including, but not limited to, paging, enhanced specialized mobile radio (ESMR), personal communication service (PCS), commercial mobile radio service (CMRS), cellular telephone and similar technologies, to a small geographic area within a network of interconnected sites. The power density at the property line or lease area shall not exceed the radio frequency emission standards set by the FCC.

Planned Development: A zoning district for an area of land controlled by one or more landowners, which is developed under a single development guide for mixed use.

Planning Area: An area of land within a Planned Development defined by acreage, use, density, etc., and whose boundaries are defined by the alignment of arterials or collectors or as otherwise depicted on the Development Guide.

Planning Commission: The Douglas County Planning Commission.

Planning Office: The Douglas County Planning Office.

Plant Nursery: An area of land used to raise trees, shrubs, vines or other plants, for transplanting or sale.

Plat: A map and supporting materials of certain described land prepared in accordance with the Douglas County Subdivision Resolution as an instrument for recording of real estate interests with the County Clerk and Recorder.

Primary Urban Area (PUA): The Primary Urban Area as designated on the Douglas County Comprehensive Master Plan Land Use Map and as defined in the Douglas County Comprehensive Master Plan. *(Amended 11/18/14)*

Principal Building: A building in which the primary use of the lot/parcel on which the building is located is conducted.

Principal Use: The main use of land or structures, as distinguished from an accessory use.

Public Facilities: Infrastructure and associated improvements including water facilities, wastewater facilities, fire protection facilities, public schools, regional parks and streets. *(Amended 11/18/14)*

Public Schools: Elementary schools, middle schools, or high schools and charter schools, capital equipment provided therein and the land needed for public schools, which are owned and operated by the Douglas County School District.

Recreation Facility, Indoor: An establishment providing recreational activities, completely enclosed by a structure, such as bowling alley, gymnasium, roller skating or ice skating, billiards, pool, theater, swimming pool or related amusements. This does not include adult entertainment establishments.

Recreation Facility, Outdoor: An area used primarily for outdoor recreational activity, i.e., swimming pool, tennis court, basketball court, soccer field, baseball diamond, park, playground or other similar uses not specifically addressed, and may include structures for restrooms, locker rooms, maintenance equipment storage.

Recreation Facility, Community: An indoor/outdoor area or other facility used for social or recreational purposes, generally open to the public, including active play fields, swimming pools, tennis or basketball courts, play apparatus, or picnic areas and generally serves residents within a 5 to 7 mile radius.

Recreation Facility, Neighborhood: An indoor/outdoor area or other facility used for social or recreational purposes, generally open to the public, including active play fields, swimming pools, tennis or basketball courts, play apparatus, or picnic areas and generally serves residents within a 2 mile radius.

Recreation Facility, Private: An indoor/outdoor area or other facility used for social or recreational purposes, owned and operated by a Homeowners' Association or similar entity, for the exclusive use of the residents and their invitees within a residential development. These facilities may include but are not limited to: meeting rooms, game rooms, kitchen/bar, lounge areas, restrooms, and indoor/outdoor recreation facilities. These facilities may also include ancillary offices for the Homeowners' Association or similar entity. Structures and site amenities should be of similar design, scale, and materials as the residential development it serves.

Recreational Vehicle: A motor home, travel or camping trailer, van or truck camper, with or without self-motive power, boat, jet ski, motorcycle or all-terrain vehicle.

Recreational Vehicle Storage Yard: An area of land and associated structures arranged, designed or intended to accommodate the temporary parking or storage of unoccupied recreational vehicles.

Referral Agency, Advisory: A public or private organization which is interested in providing advisory comments to Douglas County on a land use proposal or proposed legislative action.

Referral Agency, Regulatory: An entity which is responsible for providing referral comments to Douglas County on a land use proposal or proposed legislative action, and which: (1) provides facilities and/or services for the proposed land use; and/or (2) provides regulatory control over some aspect of the subject property or proposed land use; and/or (3) is a referral agency under state or federal law.

Regional Parks: Park land and related facilities thereon which support both passive and active recreational activities for all Douglas County residents, which is owned by Douglas County, or which may be owned by another local governmental entity within unincorporated Douglas County which is at least 50 acres in size.

Registered Sex Offender: Any person who is required to register their place of residence with the Sheriff's Department or other local law enforcement agency in accordance with §18-3-412.5 C.R.S., as amended.

Religious Retreat: A building or site designed and designated for religious teaching, reflection, or contemplative activities, maintained and controlled by a religious organization to sustain worship or other religious practice, and may include overnight guest accommodations. This use is distinct from that of a church, which is separately defined herein. *(Amended 4/28/15)*

Residence, Caretaker: A dwelling or mobile home designed or intended for occupancy by a person(s) owning, employed in or dealing with, and responsible for the security and maintenance of the land on which it is situated. A caretaker's residence shall meet the principal use setbacks.

Residential Rezoning: A rezoning from a zoning district that does not permit residential uses to a zoning district that permits residential uses, unless within a planned development maintaining the dwelling unit cap, or a rezoning from a zoning district that permits residential uses to a zoning district that permits an increased number of dwelling units.

Retail/Service Business: A commercial use characterized by the selling of tangible goods/merchandise or services/intangibles directly to the consumer.

Retirement Home: One or more buildings containing dwellings where the occupancy is restricted to persons at least 55 years of age, or couples where either spouse is at least 55 years old. This may contain special support services, *i.e., convalescent or nursing facilities, and central dining facilities.*

Rezoning: A revision to the County Zone District Map.

Right-of-way: Land acquired by reservation, dedication, prescription or condemnation and intended to be occupied by a road, trail, water line, sanitary sewer or other public use.

Runway (Landing Strip): An area of land used for aircraft landing or take-off.

Satellite Dish: (see Antenna)

Satellite Earth Station: A telecommunication facility consisting of multiple satellite dishes for transmitting and receiving signals from orbiting satellites.

Screen: A barrier that cannot be easily seen through. To obscure the view of something so that it cannot be easily seen. *(Amended 3/26/24)*

Separated Urban Area (SUA): Separated Urban Areas as designated on the Douglas County Master Plan Land Use Map and as defined in the Douglas County Master Plan. *(Amended 11/18/14)*

Setback: The required minimum horizontal distance between the location of structures or uses and the related front, side, or rear lot line measured perpendicular to such lot line.

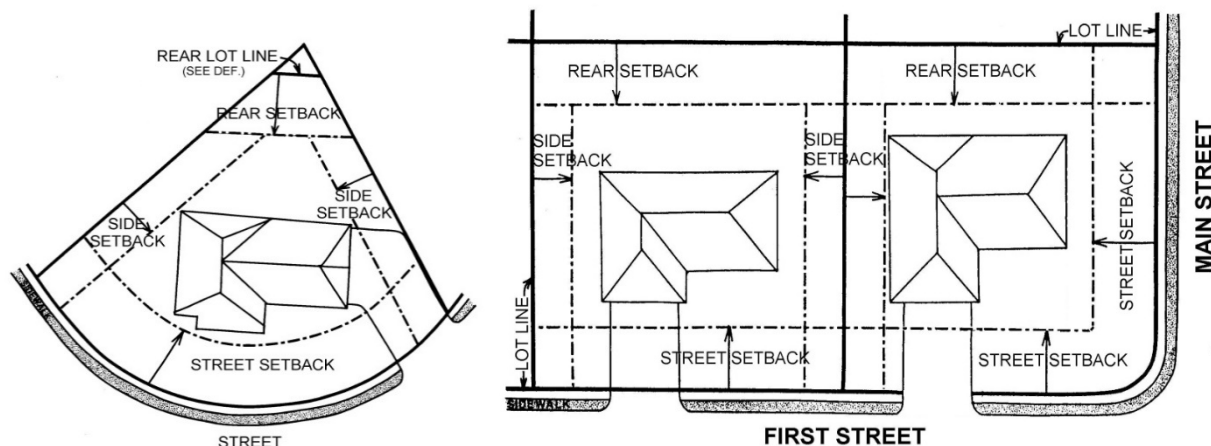
Front - a setback extending across the full width of the lot measured perpendicular to the front lot line.

Rear - a setback extending across the full width of the lot measured perpendicular to the rear lot line.

Side - a setback extending from the front lot line to the rear setback measured perpendicular to the side lot line.

Street - a setback extending across the full width of the lot measured perpendicular to the front lot line.

*(see following setback diagrams)*



**Sexually Oriented Business:** An adult arcade, adult bookstore, adult novelty shop, adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, sexual encounter establishment, or nude model studio. The definition of sexually oriented businesses shall not include an establishment where a medical practitioner, psychologist, psychiatrist, or similar professional person licensed by the state engages in medically approved and recognized sexual therapy.

"Specified Anatomical Areas" include any of the following:

- (1) Less than completely and opaquely covered human genitals, pubic region, buttocks, anus, or female breasts below a point immediately above the top of the areola; or
- (2) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

"Specified Sexual Activities" includes any of the following:

- (1) The fondling or other intentional touching of human genitals, pubic region, buttocks, anus, or female breasts
- (2) Sex acts, normal or perverted, actual or simulated, including, but not limited to, intercourse, oral copulation, sodomy, sadomasochism or bestiality;
- (3) Masturbation, actual or simulated; or
- (4) Human genitals in a state of sexual stimulation, arousal or tumescence;
- (5) Excretory functions as part of or in connection with any of the activities set forth in subsections (a) thru (d) of this subsection.

**Adult Arcade:** An establishment where, for any form of consideration, one or more still or motion picture projectors, slide projectors, or similar machines or other image producing machines, for viewing by five or fewer persons each, are used to show films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas".

Adult Bookstore, Adult Novelty Store or Adult Video Store:

- (1) A commercial establishment which:
  - (a) devotes a significant or substantial portion of its stock-in-trade or interior floor space to;
  - (b) receives a significant or substantial portion of its revenues from; or
  - (c) devotes a significant or substantial portion of its advertising expenditures to the promotion of the sale, rental or viewing (for any form of consideration) of books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, slides or other visual representations which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas";
- (2) An establishment may have other principal business purposes that do not involve the offering for sale, rental or viewing of materials depicting or describing "specified sexual activities" or "specified anatomical areas", and still be categorized as an adult bookstore, adult novelty store, or adult video store. Such other business purposes will not serve to exempt such establishment from being categorized as an adult bookstore, adult novelty store or adult video store so long as the provisions of sub-section (1) are otherwise met.

Adult Cabaret: A nightclub, bar, restaurant or other commercial establishment, which regularly features:

- (1) persons who appear nude or in a state of nudity; or
- (2) live performances, which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities."

Adult Motel: A motel, hotel or similar commercial establishment which:

- (1) offers public accommodations, for any form of consideration, and provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas" and which advertises the availability of this sexually oriented type of material by means of a sign visible from the public right-of-way, or by magazines, pamphlets or leaflets, radio or television, or
- (2) offers a sleeping room for rent for a period of time less than 10 hours, or
- (3) allows a tenant or occupant to sub-rent a sleeping room for a time period of less than 10 hours.

Adult Motion Picture Theater: A theater, concert hall, auditorium or similar commercial establishment which, for any form of consideration, regularly features persons who appear in a state of nudity or live performances which are characterized by exposure of "specified anatomical areas" or by "specified sexual activities."

Nudity or State of Nudity: (1) the appearance of the human bare buttock, anus, male genitals, female genitals, or the areola or nipple of the female breast; or (2) a state of dress which fails to opaquely and fully cover a human buttock, anus, male or female genitals, pubic region or areola or nipple of the female breast.

Nude Model Studio: Any place where a person, who appears in a state of nudity or displays "specified anatomical areas" is provided for money or any form of consideration to be observed, sketched, drawn, painted, sculpted, photographed, or similarly depicted by other means. The definition of "nude model studio" does not apply to:

- (1) a college, junior college or university supported entirely or partly by taxation;
- (2) a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college or university supported entirely or partly by taxation; or
- (3) a business located in a structure which has no sign visible from the exterior of the structure and no other advertising that indicates a nude person is available for viewing; and where, in order to participate in a class a student must enroll at least 3 days in advance of the class; and where no more than one nude model is on the premises at any one time.

Sexual Encounter establishment: A business or commercial establishment, that as one of its primary business purposes offers, for any form of consideration, a place where two or more persons may congregate, associate or consort for the purpose of "specified sexual activities" or the exposure of "specified anatomical areas" or activities when one or more of the persons is in a state of nudity. An adult motel will not be classified as a sexual encounter establishment by virtue of the fact that it offers private rooms to rent.

Shopping Center: A grouping of retail business or service uses on a single site with common parking facilities and open space.

Sign: Any display or object regardless of form or material used to identify or display information about or direct or attract attention to a person, institution, organization, business, product, event, location, idea, or otherwise by any means. *(Amended 2/11/14)*

Sign, Billboard: Any sign, whether standalone or attached to another thing or structure, of more than one square foot, which is displayed in a manner to attract, at least in part, the attention of pedestrian, bicycle, and/or motor vehicle traffic to something which does not pertain to the premises upon which the sign is located. *(Amended 11/19/19)*

Sign, Canopy: Any sign painted, permanently attached to, or constructed underneath a canopy. *(Amended 2/11/14)*

Sign, Directory: Any sign identifying the locations of businesses on the property. *(Amended 11/19/19)*

Sign, Electronic Message: Any sign with a fixed or changing message composed of a series of lights that may be changed through electronic means. *(Amended 2/11/14)*

**Sign, Freestanding:** Any sign which is permanently affixed in or upon the ground, supported by one (1) or more structural members and not attached to or dependent for support from any building. *(Amended 2/11/14)*

**Sign, Temporary:** Any sign generally intended and designed for installation in a simple and non-permanent manner and constructed of cloth, canvas, fabric, metal, plywood, or other material and displayed for a purpose of a non-recurring nature. *(Amended 11/19/19)*

**Sign, Vehicle:** Any sign permanently or temporarily attached to or placed on an operable vehicle actively used for conducting a business operation or service. *(Amended 2/11/14)*

**Sign, Wall:** Any sign attached to or painted on the wall or surface of a building or structure in such a manner that the wall is the supporting structure for or forms the background surface of the sign. *(Amended 2/11/14)*

**Sign, Way-finding:** Any sign that directs vehicular or pedestrian traffic onto the property or towards parking or other identified locations on the site in a manner that improves site safety. *(Amended 11/19/19)*

**Sign, Window:** Any sign posted, painted, placed, or affixed in or on a window exposed to public view. An interior sign that faces a window exposed to public view and located within 3 feet of the window is considered a window sign, but excludes merchandise in a window display. *(Amended 2/11/14)*

**Sign Height:** The vertical distance from the lowest adjacent grade to the highest point of the sign or sign structure. *(Amended 11/19/19)*

**Site Improvement Plan:** The plans and supplemental materials, including a grading and drainage plan, a landscape plan and other detailed information, drawn and submitted in accordance with this Resolution.

**Snowmobile:** A self-propelled vehicle primarily designed or altered for travel on snow or ice when supported in part by skis, belts, or cleats and designed primarily for use off the public highways, excluding machinery used strictly for the grooming of snowmobile trails or ski slopes. [§25-12-102(9), C.R.S.]

**Staff:** Douglas County employees with a role in reviewing or administering the provisions contained herein.

**Stealth or Faux Design:** A personal wireless communication facility or element thereof, that is disguised, camouflaged, hidden or incorporated into an existing or proposed structure or placed within an existing or proposed structure so as to minimize or eliminate its visibility from off site.

**Street:** Land intended primarily for vehicular traffic and providing the principal means of access to property, including a roadway, road, lane, drive, avenue, highway, boulevard, or any other thoroughfare other than a driveway.

**Regional/Major Arterial** - A street or highway significant to the region serving the major centers of activity which carries the major portion of the trips entering and leaving an urban area, as well as, the majority of through movements desiring to bypass towns or neighborhoods.

**Minor Arterial** - A street, that interconnects with and augments the regional arterial system, which distributes travel to geographic areas smaller than those identified with the regional/major arterial system and provides intracommunity continuity, but ideally should not penetrate identifiable neighborhoods.

**Collector** - A street which distributes trips from the arterial to the ultimate destination. The collector system provides both land access service and local traffic movement within residential neighborhoods, commercial areas and industrial areas.

**Local** - A street which provides direct access to abutting land and access to the arterial and collector road network. Service to through traffic movement usually is deliberately discouraged.

**NOTE:** For identification of these types of roads within the County refer to the Douglas County Transportation Master Plan. *(Amended 11/18/14)*

**Street, Private:** A privately owned access way generally constructed to County specifications and not maintained by the County.

**Street, Public:** All public property reserved or dedicated for vehicular traffic constructed in compliance with the Douglas County Roadway Design and Construction Standards and the Douglas County Storm Drainage Design and Technical Criteria manual.

**Structure:** Anything constructed or erected in, under, over or upon the land, or attached to something in, under, over, or upon the land, but excluding therefrom walks, patios, off-street parking areas, fences and walls, and electrical distribution, natural gas or water and sewer lines.

**Permanent -** That which is built in such a manner, that it would reasonably be expected to last and remain useful for more than 5 years.

**Temporary -** A structure that is not a permanent structure, or one that is constructed for a special purpose in contemplation of removal upon accomplishment of such. Temporary shall mean a period of 6 months.

**Subject Land:** Real property which is the subject of the regulations set forth in this Resolution.

**Support Tower:** A vertical, ground-mounted structure designed and engineered for the purpose of supporting antennas for the transmission and/or reception of radio signals.

**Lattice Tower:** A self-supporting tower with multiple legs and cross bracing designed to support antennas.

**Monopole:** A self-supporting tower consisting of a single support of wood, metal or concrete designed to support antennas.

**Guyed Tower:** A tower designed to support antennas and requiring guy wires for stability.

**Swimming Pool:** Any structure intended for swimming or recreational bathing capable of containing water greater than 24 inches in depth. This includes in-ground, above-ground, and on-ground swimming pools, hot tubs, and spas. Any fencing required in association with such structure shall be permanently affixed to the ground. *(Amended 12/18/12)*

**Telecommunications Facility:** A facility and all elements thereof, including but not limited to support towers, antennas, and accessory equipment buildings, that together facilitate communication by the electronic transmission of telephone, radio, television, internet, wireless, or microwave impulses of an FCC licensed carrier, but excluding those used exclusively for private radio and television reception, private citizen's band, amateur radio communications.

Personal wireless communication facilities that exceed the height requirements provided for by this Zoning Resolution shall be considered telecommunication facilities and therefore subject to all applicable provisions.

**Temporary Emergency Shelter:** A facility used on a temporary basis for the purpose of housing individuals or families affected by disasters or emergency situations.

**Townhome:** An individual dwelling unit situated on 1 lot but attached to 1 or more similar dwelling units by a common wall or party wall. Where such a unit is attached to another, the property line shall be the center of the common wall or party wall. The owner of a townhome unit may have an undivided interest in common areas and elements appurtenant to such units.

**Training:** To coach or instruct an individual in a specific general area of equine expertise, or to physically condition a horse to be ridden, handled, or to perform upon command.

**Urban:** Urban areas as defined in the Douglas County Comprehensive Master Plan.

**Utility - Major Facility:**

- Pipelines and storage areas of utilities providing natural gas or petroleum derivatives;
- Appurtenance: A use or structure which is incidental and subordinate to, and devoted to the Utility-Major Facility;

- **Power Plant:** Any electrical energy generating facility with an energy generation capacity of 50 megawatts or more, and Appurtenance(s);
- **Substation:** Any facility designed to provide switching, voltage, transformation, or voltage control required for the transmission of electricity exceeding 115 kilovolts (kV);
- **Transmission Lines:** Any electric transmission line and Appurtenance(s) which emanate from a power plant or a substation and terminate at a substation and which are designed for or capable of, the transmission of electricity exceeding 115 kV;
- **Wastewater Treatment Facility:** A facility or system for treating, neutralizing, stabilizing, or disposing of domestic wastewater, which facility or system has a designed capacity to receive more than two thousand (2,000) gallons per day of domestic wastewater. The term Wastewater Treatment Facility also includes Appurtenance(s) to such system or facility, such as outfall sewers and equipment related to such Appurtenances;
- **Water Storage/Treatment Facility:** A facility used for water storage with a designed capacity of 300,000 gallons or more and/or treatment, except wellhead disinfection, of 10,000 gallons per day or more; and/or a Major Reservoir; and/or facilities and/or structures for the export of water outside the County; including, but not limited to, water diversion structures, headgates, forebays; and all associated Appurtenances. Water storage tanks must be buried, unless this requirement is waived by the Director due to geological/topographical conditions that would prevent burial.

**Utility Service Facility:** Any Neighborhood Substation, Personal Wireless Communication Facility, Water Storage/Treatment Facility:

- **Neighborhood Substation:** Any facility used for the purpose of reducing voltages to levels of 115 kV, or less, for distribution to individual users;
- **Personal Wireless Communication Facility:** Any unstaffed facility for the transmission and/or reception of voice, data and paging signals consisting of one or more of the following elements: antennas, support towers, or accessory equipment buildings or structures;
- **Water Storage/Treatment Facility:** A facility used for water storage with a designed capacity of less than 300,000 gallons and/or treatment of less than 10,000 gallons per day. Water storage tanks must be buried, unless this requirement is waived by the Director due to geological/topographical conditions that would prevent burial.

**Value-Added Agricultural Processing:** The processing and/or packaging of Agricultural Products, for which the primary ingredient is raised or grown on the site. Value-added Processing may include the sales of Value-Added Agricultural Products produced on the site. Value-added Agricultural Processing does not include processing Agricultural Products into fuels, lubricants, paints, varnishes, or the like. (*Amended 1/28/14*)

Value-Added Agricultural Product: A product processed by an Agricultural Producer from an Agricultural Product, such as baked goods, jams, jellies, and leather or woolen goods. (Amended 1/28/14)

Variance: A grant of relief from certain provisions of this Resolution, as provided in and limited by the Variance section of this Resolution.

Veterinary Clinic or Hospital: A structure where animals are brought for medical or surgical treatment and may be held during the time of treatment and recuperation. Overnight, indoor boarding may be permitted as an accessory use only. Outdoor holding facilities are prohibited in connection with the accessory use.

Veterinary Clinic or Hospital, Equine and Livestock: A facility which provides preventative and medical or surgical treatment to horses and livestock. Animals may be held during the time of treatment and recuperation including overnight stays. Outdoor holding facilities are allowed in connection with the clinic or hospital. An Equine and Livestock Veterinary Clinic or Hospital shall not have more than 12 stalls or bays. (Amended 2/21/23)

Warehouse: A building, or portion thereof, for storing goods, wares and merchandise for the owner or for others.

Wastewater Facilities: Structures or systems designed for the collection, transmission, treatment or disposal of sewage and includes trunk mains, interceptors, and treatment plants, including package treatment plant and disposal system and on-site septic systems.

Water Facilities: Systems or structures designed to collect, treat, or distribute potable water, and includes water wells, treatment plants, and storage facilities.

Water and Sewer Facilities - Public: Facilities of a municipality, public utility, nonprofit corporation, sanitation or water or other special district, that are constructed, operated or maintained to provide water or sewer service.

Watercourse: A channel, natural depression, slough, artificial channel, gulch, arroyo, stream, creek, pond, reservoir or lake in which storm runoff and flood water flows either regularly or intermittently, including major drainageways for carrying urban storm runoff.

Wholesale Business: A business use characterized by the selling of tangible goods/merchandise or intangibles/services directly to the retailer or contractor or the assembly or manufacturing of products.

Wind Energy Conversion System: Any mechanism including blades, rotors or other moving surfaces designed for the purpose of converting wind energy into mechanical or electrical power. Towers, tower bases, guy wires and any other structures necessary for the installation of small wind energy conversion systems are also included. A large-scale system designed for the generation of commercial power shall be considered a major utility facility for purposes of this Resolution.

Yard: In this Resolution the term yard is not used, as such term represents a distance that is established in a like manner as that of a setback.

Zero Lot Line: The location of a structure on a lot in such a manner that one or more of the structure's sides rest directly on a lot line with no easement or setback requirement including two adjoining structures on separate lots sharing a common wall.

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**Referral Agency Response Report****Page 1 of 6****Project Name:** Accessory Dwelling Unit, Douglas County Zoning Resolution Amendment, Sections 3, 4, 5, 6, 7, and 36**Project File #:** DR2024-001**Date Sent:** 11/12/2024**Date Due:** 12/13/2024

| <b>Agency</b>                                       | <b>Date Received</b> | <b>Agency Response</b>  | <b>Response Resolution</b>   |
|---|----------------------|---|--|
| Arapahoe County Engineering Services Division       | 12/13/2024           | See letter – No comments.   | No response required.  |
| Arapahoe County Public Airport Authority-Centennial | 11/21/2024           | See letter – No objections.   | No response required.  |
| Arapahoe County PWD/ Planning                       | 12/4/2024            | See letter – Planning staff suggests clarifying the ADU definition by referencing single family detached dwellings for this proposed accessory residential use.   | Staff has prepared the draft redlines to allow for attached and detached ADUs based on direction from the Board of County Commissioners. |
| Black Hills Energy                                  | 11/14/2024           | No Comment.   | No response required.  |
| Burning Tree Ranch HOA                              | 12/12/2024           | See letter – Requests the Board discontinues the amendment process. Provided concerns related to increased housing density, aquifer and septic system constraints, changes to neighborhood character, no limit for ADU size, and impacts to HOA covenants.<br><br>Recommends only allowing ADUs on properties with municipal water and sewer service. | These comments are attached for the Board to review.   |
| Castle Rock Fire and Rescue Department              | 11/12/2024           | See letter – No comments.   | No response required.  |
| Castlewood Canyon State Park                        | 11/13/2024           | No Comment.   | No response required.  |
| CDPHE – Air Pollution Control Division              | 11/25/2024           | See letter – No comments.   | No response required.  |

**Referral Agency Response Report****Page 2 of 6****Project Name:** Accessory Dwelling Unit, Douglas County Zoning Resolution Amendment, Sections 3, 4, 5, 6, 7, and 36**Project File #:** DR2024-001**Date Sent:** 11/12/2024**Date Due:** 12/13/2024

| <b>Agency</b>                              | <b>Date Received</b> | <b>Agency Response</b>   | <b>Response Resolution</b>  |
|--|----------------------|--|---|
| Centennial Water and Sanitation District   | 12/10/2024           | <p>See letter - CWSD requests that the County ADU application process clearly defines the applicant's responsibility to coordinate with, and submit to, CWSD for review and approval of all ADU requests, whether for attached or detached units.</p> <p>Informational Comments</p> <ol style="list-style-type: none"> <li>1. CWSD is currently evaluating the potential impacts the proposed updates to the Douglas County Zoning Regulations will have on our existing infrastructure system and Rules and Regulations for water and sewer service to residential customers.</li> <li>2. The number of ADUs that CWSD can accommodate will be controlled with the number of water taps available.</li> <li>3. CWSD is assessing financial costs and recovery through fees (tap, review &amp; permitting, and inspection).</li> </ol>   | Through the building permit process, a property owner must submit a "will serve" letter from the applicable water district to serve an ADU or a well permit with adequate water for 2 single family residences. Staff is working with CWSD, separately from this proposed amendment, to understand the impacts of HB24-1152 on the Highlands Ranch Census Designated Place. |
| Cherry Creek Basin Water Quality Authority | 11/18/2024           | <p>Received:</p> <p>The Cherry Creek Basin Water Quality Authority (Authority) acknowledges notification from Douglas County that the proposed development plans for DR2024-001, Zoning Resolution Amendment - Accessory Dwelling Units (ADUs) 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.</p> <p>If a technical review of the proposed development plan is needed, please contact <a href="mailto:LandUseReferral@ccbwwqa.org">LandUseReferral@ccbwwqa.org</a>. 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).</p> | No response required.   |
| City of Aurora                             | 12/13/2024           | See letter – No comments.  | No response required.   |
| City of Centennial                         | 11/22/2024           | No Comment.  | No response required.   |
| City of Lone Tree                          | 12/02/2024           | No Comment.  | No response required.   |

**Referral Agency Response Report****Page 3 of 6****Project Name:** Accessory Dwelling Unit, Douglas County Zoning Resolution Amendment, Sections 3, 4, 5, 6, 7, and 36**Project File #:** DR2024-001**Date Sent:** 11/12/2024**Date Due:** 12/13/2024

| <b>Agency</b>   | <b>Date Received</b> | <b>Agency Response</b>  | <b>Response Resolution</b>   |
|---|----------------------|---|--|
| Colorado Department of Transportation                     | 11/13/2024           | See letter – Provided no objection to the proposed changes. Concern for increased traffic from properties with an ADU. Asked that ADU applicants address a requirement for new State Highway Access permits when a property increases vehicular volumes by 20 percent or greater.   | If applicable, Douglas County Engineering manages State Highway Access permits for the County.   |
| Colorado Division of Water Resources                      | 12/02/2024           | See letter – Provided guidelines for water supply for properties with a CWDR defined “Auxiliary Living Space”. Provided guidance detailing the criteria that must be met for an Auxiliary Living Space to be considered an extension of the main residence when serviced by a well. If each criterion is not met, then the Auxiliary Living Space is considered to be its own single-family dwelling and a well permit is required for the use of two (or more) single-family dwellings. Such as one for the main residence and one for each Auxiliary Living Space.  | The County's proposed definition for ADUs may not meet the state's criteria for an Auxiliary Living Space, therefore, the ADU will be treated as a second single-family dwelling in regards to evaluation of water supply. |
| Colorado Geological Survey                                | 12/03/2024           | Received:<br>The Colorado Geological Survey recommends against approval of ADUs in Class 3 Hazard/Environmental Constraint areas as delineated on Map 8.1 of Douglas County's 2040 Comprehensive Master Plan. CGS recommends that the county require a site-specific evaluation and, if necessary, mitigation or avoidance of geologic hazards within Class 2 constraint areas and the steeply dipping bedrock area (Map 8.2 of the 2040 CMP). CGS would like to be included as an outside referral agency for ADUs proposed within Class 2 and steeply dipping bedrock areas.<br>Jill Carlson / carlson@mines.edu / 303-384-2643 (verbatim). | During the building permit process, there will be a review of life safety, soil conditions, and water supply. The current proposed process does not provide a separate or additional review for any referral agencies.     |
| Colorado Parks and Wildlife (Littleton District – Area 5) | 12/02/2024           | See letter – No concerns.   | No response required.  |
| CORE Electric Cooperative                                 | 12/06/2024           | Received:<br>CORE Electric Cooperative will require on site plan showing all existing utilities and utility easements (verbatim).   | No response required.  |
| Deerfield HOA   | 12/13/2024           | See letter – Requested that the County review long-term impacts before continuing amendment process, provided concerns relating to the commercialization of residential areas, and requested that the County review neighboring jurisdictions’ ADU regulations to inform its own.   | These comments are attached for the Board to review.   |

**Referral Agency Response Report****Page 4 of 6****Project Name:** Accessory Dwelling Unit, Douglas County Zoning Resolution Amendment, Sections 3, 4, 5, 6, 7, and 36**Project File #:** DR2024-001**Date Sent:** 11/12/2024**Date Due:** 12/13/2024

| <b>Agency</b>  | <b>Date Received</b> | <b>Agency Response</b>   | <b>Response Resolution</b>   |
|--|----------------------|--|--|
| Douglas County Addressing Analyst                            | 11/13/2024           | Received:<br>The current guidelines in the DC Addressing and Street Naming Manual apply to ADUs. All residences will receive a unique address per Section 6.3.c.1. Contact DCAddressing@douglas.co.us or 303.660.7411 with questions (verbatim).   | No response required.  |
| Douglas County Assessor                                      | 11/19/2024           | No Comment.  | No response required.  |
| Douglas County Building Services                             | 11/22/2024           | No Comment.  | No response required.  |
| Douglas County Health Department                             | 12/11/2024           | See letter – Requested that new ADUs obtain an OWTS system by requiring a permit for installation and final approval of the system if not part of the original OWTS system for the primary dwelling. Minimum horizontal setback regulations must be met for a new OWTS system. DCHD also stated that the application packet for a short-term rental license involving an ADU would include a Use Permit issued by DCHD.  | During the building permit process, the applicant will be required to provide a copy of the permit application and septic permit obtained from the Douglas County Health Department either for a new OWTS or to provide information that the current system is adequate. |
| Douglas County Wildfire Mitigation                           | 12/06/2024           | No Comment.  | No response required.  |
| El Paso County Planning and Community Development Department | 11/27/2024           | See letter – No comments.  | No response required.  |
| Grandview Estates HOA  | 12/13/2024           | See letter – Provided concerns related to the building permit review process and zoning enforcement. Asked the Board to consider allowing anonymous reporting for zoning enforcement related complaints and pause the amendment process to evaluate the regulations of neighboring jurisdictions. Recommended that new ADU regulations provide greater oversight and inspections, and to provide other regulations such as requiring letters from a water and sanitation district if applicable, maximum square footage for ADUs, occupancy limits, and review by the Water Commission for impacts of ADU expansion in the County. | These comments are attached for the Board to review.   |

**Referral Agency Response Report****Page 5 of 6****Project Name:** Accessory Dwelling Unit, Douglas County Zoning Resolution Amendment, Sections 3, 4, 5, 6, 7, and 36**Project File #:** DR2024-001**Date Sent:** 11/12/2024**Date Due:** 12/13/2024

| <b>Agency</b>   | <b>Date Received</b>     | <b>Agency Response</b>   | <b>Response Resolution</b>                           |
|---|--------------------------|--|--|
| Happy Canyon HOA  | 12/09/2024               | See letter – Concerns related to undermining rural character, an increase in urban density, impacts to property tax, and specific questions about implementation of the regulations.   | These comments are attached for the Board to review. |
| Highlands Ranch Community Association                                   | 12/13/2024               | Received:<br>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 (verbatim).  | No response required.                                |
| Highlands Ranch Metro District  | 12/10/2024               | Received:<br>HRMD supports the comments issued by the Centennial Water and Sanitation District, and would like to be kept informed about pending and future changes the County may make in regards to ADUs (verbatim).   | No response required.                                |
| Highlands Ranch Town Center Review Committee                            | 12/12/2024               | No Comment.  | No response required.                                |
| Louviers Conservation Partnership                                       | 12/06/2024               | See Letter:<br>Louviers Conservation Partnership (LCP) has reviewed the DR2024-001 Accessory Dwelling Unit, Douglas County Zoning Resolution Amendment, Sections 3, 4, 5, 6, 7, and 36 and has no objection to the proposed updates.   | No response required.                                |
| Meridian DCC, Meridian Village Metro District, Meridian Metro Districts | 12/12/2024               | No Comment.  | No response required.                                |
| Meridian Village Metro Districts 1-2-3-4                                | 12/12/2024               | No Comment.  | No response required.                                |
| Parker View Estates HOA   | 11/26/2024<br>12/10/2024 | See letters – Concerns related to impacts on surrounding areas, property values, and well and septic constraints. Parker View Estates HOA emphasized the intent of the Rural Residential (RR) zone district designation and preserving the lifestyle, standard density, and compatibility of existing uses. Additionally raised other concerns such as an increase in rental properties, crime, and undesirable impacts to property values, HOA covenants, and groundwater resulting from ADUs.<br><br>Requested that the Board discontinue the amendment process to allow ADUs. | These comments are attached for the Board to review. |
| Plum Creek Water Reclamation Authority                                  | 11/20/2024               | No Comment.  | No response required.                                |

**Referral Agency Response Report****Page 6 of 6****Project Name:** Accessory Dwelling Unit, Douglas County Zoning Resolution Amendment, Sections 3, 4, 5, 6, 7, and 36**Project File #:** DR2024-001**Date Sent:** 11/12/2024**Date Due:** 12/13/2024

| <b>Agency</b>                            | <b>Date Received</b> | <b>Agency Response</b>   | <b>Response Resolution</b>   |
|--|----------------------|--|--|
| Roxborough Water and Sanitation District | 12/11/2024           | See Letter: No Comment.  | No response required.  |
| South Metro Fire Rescue                  | 11/15/2024           | Received:<br>South Metro Fire Rescue (SMFR) has reviewed the provided documents and has no objection to the proposed updates to the Douglas County Zoning Resolution. Any ADU's constructed are expected to comply with all adopted codes and standards applicable to residential construction (verbatim). | No response required.  |
| Southeast Metro Stormwater Authority     | 11/13/2024           | No Comment.  | No response required.  |
| Town of Castle Rock                      | 12/05/2024           | No Comment.  | No response required.  |
| Town of Parker Development Review        | 11/21/2024           | No Comment.  | No response required.  |
| West Metro Fire Protection District      | 12/12/2024           | Received:<br>West Metro Fire Rescue has reviewed the documents for DR2024-001. West Metro Fire Rescue would have the following comments:<br>- Fire Department review for ADU's should be required to determine fire department access and firefighting water supply are addressed (verbatim).              | During the building permit process, there will be a review of life safety, soil conditions, and water supply. The current proposed process does not provide a separate or additional review for any referral agencies. |
| Xcel Energy-Right of Way & Permits       | 12/05/2024           | See letter – No apparent conflict.   | No response required.  |



## **Engineering Services Division Referral Comments**

December 13, 2024

Douglas County

Attn: Marco Higham

DOUGLAS REF / DR2024-001 / ACCESSORY DWELLING UNITS ZONING AMD

Engineering Services Division of Arapahoe County Public Works and Development (Staff) thanks you for the opportunity to review the outside referral. Staff has no comments regarding the referral at this time based on the information submitted.

Please know that other Divisions in the Arapahoe County Public Works Department may submit comments as well.

If you have any questions, please feel free to contact our offices at 720-874-6500.

Thank you,

Joseph Boateng, PE

Arapahoe County Public Works & Development

Engineering Services Division



CENTENNIAL AIRPORT  
ARAPAHOE COUNTY AIRPORT AUTHORITY

7565 South Peoria Street, Unit D9  
Englewood, Colorado 80112  
main: 303-790-0598 | fax: 303-790-2129  
[www.centennialairport.com](http://www.centennialairport.com)

November 13<sup>th</sup>, 2024

Marcco Higham  
Douglas County Community Development Department  
100 Third St. Ste. 220  
Castle Rock, CO 80104

Re: DR2024-001 ADU Zoning Resolution

Dear Mr. Higham,

Thank you for the opportunity to review the proposed ADU zoning changes. The Arapahoe County Public Airport Authority has reviewed the documents and has no objections to the current code amendments. However, as with any residential development, each case will be evaluated individually. Depending on its proximity to the airport, the Authority may have concerns or additional comments regarding specific developments as they are referred.

Please feel free to call me if you have any questions.

Sincerely,

Zachary Gabehart  
Planning Specialist - Noise & Environmental

**From:** [Terri Maulik](#)  
**To:** [Marcco Higham](#)  
**Cc:** [Referrals](#)  
**Subject:** FW: AC CASE NO 024-221 RE: DOUGLAS REF / DR2024-001 / ACCESSORY DWELLING UNITS ZONING AMD  
**Date:** Wednesday, December 4, 2024 12:57:01 PM  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image004.png](#)  
[image005.png](#)

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Hello Marcco,

Thank you for the opportunity to comment on the proposed ADU regulations. Arapahoe County Public Works and Development, Planning Staff, suggests clarifying the ADU definition in Section 36, as we believe the intent is for the ADU to be associated with a single family *detached* dwelling.

Reach out with any questions and best of luck with your project.



## 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](mailto:tmaulik@arapahoegov.com)

[www.arapahoegov.com](http://www.arapahoegov.com)



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**From:** Marcco Higham <[mhigham@douglas.co.us](mailto:mhigham@douglas.co.us)>  
**Sent:** Tuesday, November 12, 2024 2:41 PM  
**To:** Referrals <[Referrals@arapahoegov.com](mailto:Referrals@arapahoegov.com)>  
**Subject:** Douglas County eReferral (DR2024-001) 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.

**Date:** November 12, 2024

**From:** Marcco Higham

**RE: Douglas County Zoning Resolution Amendment –Accessory Dwelling Units (ADUs),  
DR2024-001**

-

BTRHOA does not support the proposed DC Planning Department proposal regarding zoning amendments to allow ADUs, and request that the Planning Department be directed to discontinue the amendment process for the following reasons:

1. Adopting the DC ADU zoning amendment will fundamentally change DC by increasing population and housing density and significantly and negatively transform the current status of Douglas County as a highly desirable place to live. The reason people have moved to rural communities is for lower home density, less people and traffic, less noise, and to enjoy the natural beauty. This proposal would have an adverse effect on all these factors.
2. Outcomes associated with the proposed ADU zoning amendments include increased traffic, more pressure on already stressed aquifers, increased demand on septic systems with additional potential for groundwater contamination (recommend ADUs only be considered on properties serviced by city water/sewer). Other consequences include, less privacy, more noise, more vehicles on lots (cars, RVs, trailers, ...), changing the character of communities through rentals, increased crime, increased concerns for public safety.
3. DC worked hard over the years to develop the County Master Plan, to serve as a guide for development in DC, while retaining the rural nature of the County. This zoning amendment throws the Master Plan in the trash.
4. The State law allows ADUs to be used as rentals, which will negatively impact the character of each community. If one is not an owner and has no skin in the game, the rented properties will over time negatively change the community, and drag property values down.
5. In DC, there is no limit on ADU size, so for example, there could be two 5,000 sq. ft. houses on one lot.
6. A covenant is a legal, binding agreement that community owners have voluntarily entered into and agreed to abide by. For the State to explicitly modify that covenant, or for the County to de facto neuter that covenant, without the formal approval of the parties subject to the covenant agreement, is a vast and egregious overreach by government entities.
7. If the ADU zoning amendment is approved, there is no going back. Why would DC implement this? It seems like an effort to keep up with zoning changes in high-density areas that are specifically subject to the State ADU law.
8. The proposed DC zoning amendment would not override community covenants if implemented. However, it may be that in the future the County could adopt the strict stance of the State, and choose to override the covenants. The Planning Dept. personnel stated in response to questions, that if a lot owner sought a permit to build an ADU, the Building Dept., as is now the procedure, would evaluate and approve the permit request strictly on zoning criteria (e.g., setbacks, etc.), and that approval could be granted in as little as 5 days. In a call to the DC Building Dept., BTRHOA Board was told community covenants are not considered in the permit request evaluation. Also, the HOA would not be notified of the permit application. In that case, the only recourse is for the HOA to file suit to stop the construction. While the DC proposed ADU amendment does not override community covenants, it in effect does so, since many rural community HOAs will not have funds to file suit to protect their covenants and stop construction of an ADU not allowed by covenants.

**From:** [FDPLANS](#)  
**To:** [Marcco Higham](#)  
**Subject:** RE: Douglas County eReferral (DR2024-001) Is Ready For Review  
**Date:** Tuesday, November 12, 2024 3:27:06 PM  
**Attachments:** [image002.png](#)

---

Fire has no comments or concerns.

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](mailto: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:** Marcco Higham <mhigham@douglas.co.us>  
**Sent:** Tuesday, November 12, 2024 2:41 PM  
**To:** FPO <FPO@crgov.com>  
**Subject:** Douglas County eReferral (DR2024-001) Is Ready For Review

**Date:** November 12, 2024

**From:** Marcco Higham

**RE: Douglas County Zoning Resolution Amendment –Accessory Dwelling Units (ADUs),**

**From:** [Cicione - CDPHE, Brendan](#)  
**To:** [Marcco Higham](#)  
**Subject:** Re: Douglas County eReferral (DR2024-001) Is Ready For Review  
**Date:** Monday, November 25, 2024 7:04:02 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](mailto:brendan.cicione@state.co.us)  
| <https://cdphe.colorado.gov/>

On Mon, Nov 18, 2024 at 8:21 AM Localreferral - CDPHE, CDPHE  
<[cdphe\\_localreferral@state.co.us](mailto:cdphe_localreferral@state.co.us)> wrote:

Hello,

Please see the email below. Please add comments by 12/1.

Thank you!

----- Forwarded message -----

From: **Marcco Higham** <[mhigham@douglas.co.us](mailto:mhigham@douglas.co.us)>

Date: Tue, Nov 12, 2024 at 2:43 PM

Subject: Douglas County eReferral (DR2024-001) Is Ready For Review

To: [cdphe\\_localreferral@state.co.us](mailto:cdphe_localreferral@state.co.us) <[cdphe\\_localreferral@state.co.us](mailto:cdphe_localreferral@state.co.us)>

**Date:** November 12, 2024

**From:** Marcco Higham

**RE:** Douglas County Zoning Resolution Amendment –Accessory Dwelling Units (ADUs), DR2024-001

## **DOUGLAS COUNTY PLANNING REFERRALS**

REFERRAL NUMBER: DR2024-001

DATE RECEIVED: Nov. 12, 2024

PROJECT NAME: Proposed amendments to allow for ADU's

PLANNER: Marcco Higham

DUE DATE: Dec. 11, 2024

---

### CWSD Director of Engineering & Public Works Comments

Ryan Edwards

#### Comments

1. CWSD requests that the County ADU application process clearly defines the applicant's responsibility to coordinate with, and submit to, CWSD for review and approval of all ADU requests, whether for attached or detached units.

#### Informational Comments

1. CWSD is currently evaluating the potential impacts the proposed updates to the Douglas County Zoning Regulations will have on our existing infrastructure system and Rules and Regulations for water and sewer service to residential customers.
2. The number of ADUs that CWSD can accommodate will be controlled with the number of water taps available.
3. CWSD is assessing financial costs and recovery through fees (tap, review & permitting, and inspection).



Planning Division  
15151 E. Alameda Parkway, Ste. 2300  
Aurora, Colorado 80012  
303.739.7217

*AuroraGov.org*

December 13, 2024

Marcco Higham  
Douglas County Department of Community Development  
100 Third Street,  
Castle Rock, Colorado 80104

**Re: Planning Referral:** Douglas County – Zoning Resolution for Accessory Dwelling Units (ADUs)  
**Jurisdiction Case Number:** DR-2024-001  
**Planning Referral Number:** PR-24-005

Dear Marcco Higham:

Thank you very much for reaching out to the City of Aurora's Planning Department to review Douglas County's Zoning Resolution Amendment – Accessory Dwelling Units (ADUs), DR2024-00, for a Zoning 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: N/A

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, ADUs  
Project File: DR2024-001  
Board of County Commissioners Staff Report Page 181 of 211

**From:** Loeffler - CDOT, Steven  
**To:** Marco Higham  
**Cc:** Aaron Eyt, Joseph Tripple - CDOT  
**Subject:** Re: Douglas County eReferral (DR2024-001) Is Ready For Review  
**Date:** Wednesday, November 13, 2024 1:52:32 PM

Marco,

I have reviewed the referral for the Douglas County Zoning Resolution Amendment for Accessory Dwelling Units (ADUs) and have the following comments:

- We have no objections to the proposed changes to allow ADUs in the Zoning Resolution.
- Our concern will be with the increase in traffic for properties that add an ADU. Per the state highway access code a property that increases vehicular volumes by 20 percent of greater requires a new State Highway Access permit. We do ask that property owners adding an ADU address this requirement. Please note that Douglas County has retained issuing authority for State Highway Access permits within their jurisdiction. This means that the access permitting process will start with Douglas County. Point of contact is Chris Martin, [cmartin@douglas.co.us](mailto:cmartin@douglas.co.us)

Thank you for the opportunity to review this referral.

Steve Loeffler  
Permits Unit- Region 1



P 303.757.9891 | F 303.757.9053  
2829 W. Howard Pl. 2nd Floor, Denver, CO 80204  
[steven.loeffler@state.co.us](mailto:steven.loeffler@state.co.us) | [www.codot.gov](http://www.codot.gov) | [www.cotrip.org](http://www.cotrip.org)



On Wed, Nov 13, 2024 at 10:14 AM <[mhigham@douglas.co.us](mailto: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!b9EVAkfkzTwX6lnckjCcpp2kzB7kf3g5yEGyEsXy3njWjIQIUmd83k4FyMvOHwd6wMvbRQofoeqShoM-uHWGEuZNI24\\$](https://urldefense.com/v3/_https://apps.douglas.co.us/planning/projects/Login.aspx_!!PUG2raq7KiCZwBk!b9EVAkfkzTwX6lnckjCcpp2kzB7kf3g5yEGyEsXy3njWjIQIUmd83k4FyMvOHwd6wMvbRQofoeqShoM-uHWGEuZNI24$)

Request for Review:

Please review the following proposed updates to the Douglas County Zoning Resolution (Zoning Resolution) allowing for Accessory Dwelling Units (ADUs) and forward any comments to me by December 13, 2024.

The full text of this update can be obtained by contacting this office, or by accessing the Douglas County website at

[https://urldefense.com/v3/\\_http://www.douglas.co.us/PRO\\_!!PUG2raq7KiCZwBk!b9EVAkfkzTwX6lnckjCcpp2kzB7kf3g5yEGyEsXy3njWjIQIUmd83k4FyMvOHwd6wMvbRQofoeqShoM-uHWGZucwa8g\\$](https://urldefense.com/v3/_http://www.douglas.co.us/PRO_!!PUG2raq7KiCZwBk!b9EVAkfkzTwX6lnckjCcpp2kzB7kf3g5yEGyEsXy3njWjIQIUmd83k4FyMvOHwd6wMvbRQofoeqShoM-uHWGZucwa8g$) and entering the project file number DR2024-001 in the search tool.

Synopsis of Regulation Change:

Douglas County is proposing changes to allow ADUs in the Zoning Resolution. The proposed amendments would allow ADUs as an accessory residential use on lots with an established principal residence in five residential and/or rural zone districts. The amendments also include a new definition for ADUs, revisions, and minor technical corrections to various references. The following Sections are affected:

- 3 – Agricultural One
- 4 – Large Rural Residential
- 5 – Rural Residential
- 6 – Estate Residential
- 7 – Suburban Residential
- 36 – Definitions

Amendment Process

Douglas County Staff will conduct a public workshop regarding this proposal on Tuesday, December 3, 2024, at 4p.m. at the Board of County Commissioners Conference Rooms A&B located at 100 Third St. Castle Rock, CO 80104. Once comments from this referral process have been received, a work session will be scheduled with the Board of County Commissioners (Board) to review the comments.

Final consideration of the proposed regulations will occur at a public hearing with the Board, following a Planning Commission recommendation. Future hearings dates may be obtained by calling 303-660-7460 or by accessing the project information at

[https://urldefense.com/v3/\\_http://www.douglas.co.us/PRO\\_!!PUG2raq7KiCZwBk!b9EVAkfkzTwX6lnckjCcpp2kzB7kf3g5yEGyEsXy3njWjIQIUmd83k4FyMvOHwd6wMvbRQofoeqShoM-uHWGZucwa8g\\$](https://urldefense.com/v3/_http://www.douglas.co.us/PRO_!!PUG2raq7KiCZwBk!b9EVAkfkzTwX6lnckjCcpp2kzB7kf3g5yEGyEsXy3njWjIQIUmd83k4FyMvOHwd6wMvbRQofoeqShoM-uHWGZucwa8g$).

Please feel free to reach out to me with any questions you may have.

Marco Higham | Planner  
[mhigham@douglas.co.us](mailto:mhigham@douglas.co.us)  
(303)-814-4313



## Guideline 2016-1

### CONCERNING WATER SUPPLIES FOR AUXILIARY LIVING SPACES (AMENDED)

#### Purpose:

This document provides guidance regarding the availability of a legal water supply for attached or detached auxiliary living spaces, which may include anything from a bathroom inside a garage or barn to a fully independent dwelling, and whether the auxiliary living space may be considered part of the main single-family residence for the purposes of well permitting. Colorado counties have varying names for auxiliary living spaces, including accessory buildings, accessory structures, accessory dwelling units (“ADUs”), secondary dwelling units (“SDUs”), guest houses, and more. This document is intended to encompass and provide guidance regarding all of these types of buildings, or portions of the main building, which will collectively be referred to in this document as “Auxiliary Living Spaces”.

#### Guideline:

##### Water Supply from a Water District

For those cases where the water supply is provided by a municipal or quasi-municipal water district, as long as the water provider operates within the terms and conditions of its water rights and decrees, the State Engineer’s Office would have no objection to the water provider servicing the subject property, including the Auxiliary Living Space.

##### Water Supply from a Well

Generally, well permits are issued with a limit on the number of single-family dwellings that can be served by the well. Therefore, the State Engineer’s Office must consider if the Auxiliary Living Space is a separate single-family dwelling or an extension of the main single-family dwelling.

##### State Engineer’s Office Determination of what Constitutes a Single-Family Dwelling

The State Engineer’s Office will consider the Auxiliary Living Space to be an extension of the main residence if it is able to meet all of the following criteria:

- The Auxiliary Living Space will not be rented, leased, or otherwise occupied by a party other than a guest or member of the family that would otherwise reside in the main single-family dwelling, or by nannies, health care workers, or other employees who provide supervision or care to residents of the main single-family dwelling and who would otherwise reside in the main single-family dwelling.



- The Auxiliary Living Space will not use water for non-residential purposes such as businesses, manufacturing, or a facility providing restrooms for customer or public access, etc. (Please refer to item 2.1 of State Engineer Guideline 2023-1 for information regarding commercial activities that may be conducted on the property including allowances and limitations for home offices.)
- For Auxiliary Living Spaces that are separated from the main living area and that have an independent entry, the space does not contain kitchen facilities, which the State Engineer's Office considers enabling an independent living area. Based upon the Division of Water Resources review of current Colorado county zoning regulations, the State Engineer's Office will consider an Auxiliary Living Space to have kitchen facilities if it has either:
  - a stove or oven or a 240-V electric hookup or equivalent gas piping for cooking facilities; or
  - a refrigerator more than 6 cubic feet in size. A wet bar with a sink and a refrigerator no more than 6 cubic feet in size is acceptable.

If the Auxiliary Living Space meets all the criteria above it would be considered by the State Engineer's Office to be an extension of the main residence and a well permitted to serve only one single-family dwelling may legally supply both the main residence and the Auxiliary Living Space. No changes or amendments to the permit are required.

If the Auxiliary Living Space does not meet all of the criteria above it would be considered by the State Engineer's Office to constitute a single-family dwelling and a well permit must allow for use in two (or more) single-family dwellings, one for the main residence and one for each Auxiliary Living Space.

When only a part of the dwelling is rented, such as a bedroom and bathroom, and the renter is not allowed shared use of other parts of the home, such as the kitchen or living room, the dwelling use is not equivalent to that of a single family regardless of whether the space otherwise meets the above criteria. Such use would need to be served by a well permitted for commercial use.

Please note that some counties have regulations that require an Auxiliary Living Space to meet certain requirements that result in the Auxiliary Living Space not meeting the above criteria. For example, if a county definition of an Accessory Dwelling Unit requires that the space be able to be rented out or to have kitchen facilities, all Accessory Dwelling Units in that county will be considered a single-family dwelling, and a well permit must allow for use in two (or more) single-family dwellings, one for the main residence and one for each Auxiliary Living Space, regardless of whether or not the owner intends to rent the Accessory Dwelling Unit.

#### **Additional Information:**

A well permitted pursuant to section 37-92-602 (3)(b)(II)(A), C.R.S., as the only well on a parcel of 35 acres or more may be permitted for uses that include ordinary household purposes inside up to three single-family dwellings, one of which could be the Auxiliary Living Space, which is considered by the State Engineer to constitute a single-family dwelling. If the permit is issued as the only well on a 35+ acre parcel, but the permit conditions do not specifically identify the number of dwellings that can be served, it may be

possible to amend this type of permit to specify that up to three single-family dwellings can be served pursuant to State Engineer [Policy 1993-4](#).

A well on a parcel of less than 35 acres, which is permitted for ordinary household use inside one single-family dwelling, could typically only be re-permitted for use inside two single-family dwellings pursuant to a decreed plan for augmentation. Similarly, a well first put to use prior to May 8, 1972 for “domestic” purposes that historically (before May 8, 1972) only served one single-family dwelling could typically only be expanded to allow for use inside two single-family dwellings pursuant to a decreed plan for augmentation.

For a residential well located within a Designated Ground Water Basin that is permitted pursuant to section 37-90-105, C.R.S., if the well is on a parcel of land that qualifies for a well permit that may supply more than one single-family dwelling, one of the dwellings could be the Auxiliary Living Space. If the well is on a parcel that only qualifies for a permit to serve one single-family dwelling, the well could typically only be re-permitted for use inside two single-family dwellings pursuant to a replacement plan approved by the Ground Water Commission. Questions regarding whether a specific parcel would qualify for a well permit that allows for more than one single-family dwelling should be referred to Ground Water Commission staff. For a well first put to use prior to May 8, 1972 for “domestic” purposes that historically (before May 8, 1972) only served one single-family dwelling, this well could typically only be expanded to allow for use inside two single-family dwellings pursuant to a replacement plan approved by the Ground Water Commission.

If the well is located within the Denver Basin or a river basin that is not over-appropriated, it *may* be possible to obtain a permit allowing for the use of the well in an additional single-family dwelling.

If the existing well is permitted for “ordinary household use inside one single-family dwelling” and is already included in a plan for augmentation decreed by the water court or replacement plan approved by the Ground Water Commission, the terms and conditions of the decree or replacement plan will determine if a new permit could be issued allowing for use in an additional single-family dwelling. If the decree or replacement plan explicitly states that the use of each well permitted pursuant to the augmentation plan is limited to serving one single-family dwelling, then a new or amended augmentation plan or replacement plan would need to be obtained to allow for use in a second single-family dwelling.

For an Auxiliary Living Space that is intended to be used for commercial rental purposes and occupied on an intermittent or seasonal basis only, the Division of Water Resources will allow the main house and the rental unit to be served by a well permitted for use in commercial drinking and sanitary facilities as described in section 37-92-602(1)(c). The use of water from a commercial exempt well will be limited to indoor drinking and sanitary use, and the total amount of water that could be withdrawn from the well for use in both spaces will be limited to 1/3 acre-foot (108,600 gallons) per year. A totalizing flow meter will be required to be installed on the well, with monthly or annual meter readings reported to this office to ensure water use does not exceed this amount. Refer to [Policy 1985-1](#) for additional information regarding the use of wells permitted for exempt commercial uses. Note again that counties may have regulations that require Auxiliary Living Spaces to be rented on a long-term basis or that prohibit the use of these spaces for commercial short-term rental purposes, which conflict with the allowances in this guideline.

If the State Engineer's Office has previously provided written comments regarding a specific proposal that conflict with the positions taken in this Guideline, the written comments will be honored.

Customers should contact the Division of Water Resources at 303-866-3581 or through the [AskDWR Form](#) on our website if they have any questions.

**Approval:**

This guideline originally became effective December 7, 2016. It was amended on December 20, 2023 to be consistent with State Engineer Guideline 2023-1 and to incorporate additional guidance for permit evaluators and water users.

A handwritten signature in black ink, reading "Kevin G. Rein". The signature is written in a cursive style and is positioned above a horizontal line.

Kevin G. Rein, P.E  
State Engineer/Director

**From:** [Olson - DNR, Justin](#)  
**To:** [Marco Higham](#)  
**Subject:** Re: Douglas County eReferral (DR2024-001) Is Ready For Review  
**Date:** Monday, December 2, 2024 12:12:24 PM

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Mr. Higham,

Thank you for including Colorado Parks and Wildlife in the referral request process for the proposed updates to the Douglas County Zoning Resolution under Project Number DR2024-001. I have reviewed the documents and referral request, and I wanted to inform you that CPW has no concerns with this project as it pertains to any wildlife issues. If you have any further questions or need more information, do not hesitate to let me know. Thank you for your time.

**Justin Olson**  
**District Wildlife Manager**  
**Littleton District - Area 5**



P 303.291.7131 | F 303.291.7114  
6060 Broadway, Denver, CO 80216  
[justin.olson@state.co.us](mailto:justin.olson@state.co.us) | [cpw.state.co.us](http://cpw.state.co.us)

On Wed, Nov 13, 2024 at 10:14 AM <[mhigham@douglas.co.us](mailto: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!YLPm0QRYwQ7KwDzeDRURN6wF6N6tj8O-TLSfOJHO6MWxU-2TwwEWwThA28PHKPEZGrWnRnkJuA6XtzmbSfjtdQec5>

**Request for Review:**

Please review the following proposed updates to the Douglas County Zoning Resolution (Zoning Resolution) allowing for Accessory Dwelling Units (ADUs) and forward any comments to me by December 13, 2024. The full text of this update can be obtained by contacting this office, or by accessing the Douglas County website at <https://urldefense.com/v3/http://www.douglas.co.us/PRO;!!PUG2raq7KiCZwBk!YLPm0QRYwQ7KwDzeDRURN6wF6N6tj8O-TLSfOJHO6MWxU-2TwwEWwThA28PHKPEZGrWnRnkJuA6XtzmbSALeRquYS> and entering the project file number DR2024-001 in the search tool.

**Synopsis of Regulation Change:**

Douglas County is proposing changes to allow ADUs in the Zoning Resolution. The proposed amendments would allow ADUs as an accessory residential use on lots with an established principal residence in five residential and/or rural zone districts. The amendments also include a new definition for ADUs, revisions, and minor technical corrections to various references. The following Sections are affected:

- 3 – Agricultural One
- 4 – Large Rural Residential
- 5 – Rural Residential
- 6 – Estate Residential
- 7 – Suburban Residential
- 36 – Definitions

**Amendment Process**

Douglas County Staff will conduct a public workshop regarding this proposal on Tuesday, December 3, 2024, at 4p.m. at the Board of County Commissioners Conference Rooms A&B located at 100 Third St. Castle Rock, CO 80104. Once comments from this referral process have been received, a work session will be scheduled with the Board of County Commissioners (Board) to review the comments.

Final consideration of the proposed regulations will occur at a public hearing with the Board, following a Planning Commission recommendation. Future hearings dates may be obtained by calling 303-660-7460 or by accessing the project information at <https://urldefense.com/v3/http://www.douglas.co.us/PRO;!!PUG2raq7KiCZwBk!YLPm0QRYwQ7KwDzeDRURN6wF6N6tj8O-TLSfOJHO6MWxU-2TwwEWwThA28PHKPEZGrWnRnkJuA6XtzmbSALeRquYS>. Please feel free to reach out to me with any questions you may have.

Marco Higham | Planner  
[mhigham@douglas.co.us](mailto:mhigham@douglas.co.us)  
(303)-814-4313

**From:** [Tom Bowles](#)  
**To:** [Marcco Higham](#)  
**Subject:** DC Planning Dept. - Post ADU Workshop - Feedback & Recommendation Input  
**Date:** Friday, December 13, 2024 9:25:37 AM

---

Marcco Higham  
Planner – DC Dept of Community Development

RE: Douglas County Zoning Resolution  
Draft DR2024-001  
Accessory Dwelling Units (ADU's)  
Post Dec. 3<sup>rd</sup> Workshop Feedback & Recommendations to DC Commissioners

Marco,

Thank you and co-staff for hosting the December 3<sup>rd</sup>, 2024 Workshop regarding draft proposals on Accessory Dwelling Units (ADU's) potential revisions / amendments to existing DC Zoning Resolutions.

Current Colorado State, House Bill 24-1152 regarding ADU's legislation mandate, directly applies to Douglas County's Highlands Ranch Municipal District, and not to surrounding DC areas to this time.

Following your meeting discussions with other public attendees and review of Referral Draft document, please consider the below recommendations/comments on behalf of fellow Deerfield Community residents located southeast of Franktown.

1. No immediate DC Zoning Resolution Draft pro-active document generation is deemed required until such time as Douglas County Planning Dept. can evaluate long-term impacts to the Greater Douglas County Area.
  - a. DC Water Commission must conduct an impact review of potential water resources usage and existing/future depletion study.
  - b. Colorado State Water Resources Dept. shall be consulted, and a joint evaluation must be generated for DC Commissioner and Public review prior to any future ADU's zoning resolution generation.
2. ADU's introduction within Douglas County is a "commercialization" of existing residential zoned areas. This shall not be allowed in any existing developments zoned as residential or single family, nor considered until such increased population impacts can be evaluated. These include, but not limited to DC:
  - a. Traffic and Roadway Usage evaluation for all Douglas County outside of Highlands Ranch areas.
  - b. Douglas County School District
  - c. Water Usage of non-city or town centralized water supplies & sewage treatment systems
  - d. Rural water well aquifer usage impacts and density limits

- e. Air and Noise pollution with an environmental impact study for increased population higher density growth.
- f. Identification of all potential ADU's with conflicts to existing community developments covenants, HOA restrictions, etc.

3. Recommend Douglas County Planning Dept. contact adjacent counties to coordinate and/or impact study efforts on ADU's introduction to existing all residents.

The rights of current property owners and maintenance of Douglas County's rural area must be preserved and protected from continued pressure for higher density populations or conversion of our area from rural to suburban living environments. Under no circumstances shall the rights of existing DC resident property owners be allowed compromised from ADU's commercialization by Colorado State mandates....

Please advise should you have any questions.

Regards,

Tom Bowles  
138 S. White Tail Dr.  
Franktown, CO 80116  
Deerfield Community – Franktown Region

Mobile Phone: +1\_303-913-4512  
Email: [thecolorado.tom@gmail.com](mailto:thecolorado.tom@gmail.com)

November 15th, 2024

Marcco Higham  
100 Third St.  
Castle Rock, CO 80104

RE: DR2024-001

Thank you for the opportunity to review and comment on the Accessory Dwelling Unit, Douglas County Zoning Resolution Amendment, Sections 3, 4, 5, 6, 7 and 36. 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 the following comment(s).

**On-Site Wastewater Treatment System (OWTS) – New or Expanded**

Proper wastewater management promotes effective and responsible water use, protects potable water from contaminants, and provides appropriate collection, treatment, and disposal of waste, which protects public health and the environment. DCHD has no objection to the properties being served by an OWTS provided that the system is permitted, inspected, and operated in accordance with DCHD's current OWTS Regulation. If Accessory Dwelling Unit is not a part of the original OWTS system for the house, then the ADU will have to have its own OWTS system. This new OWTS system would then need a permit for installation and final approval of the system after it has been installed.

- DCHD has minimum horizontal setback regulations for OWTS systems that will have to met during the design of a new OWTS system

**Short-Term Rentals**

Douglas County Ordinance No. O-023-003 allows for ADUs to be used as Short-Term Rentals. The property owner must submit an application to the Department of Community Development for a Short-Term Rental License. This application packet would include a Use Permit issued by Douglas County Health Department.

Sincerely,

Caden Thompson  
Environmental Health Specialist I  
Douglas County Health Department

**Meggan Herington, AICP, Executive Director**  
**El Paso County Planning & Community Development**  
O: 719-520-6300  
MegganHerington@elpasoco.com  
2880 International Circle, Suite 110  
Colorado Springs, CO 80910

**Board of County Commissioners**  
Holly Williams, District 1  
Carrie Geitner, District 2  
Stan VanderWerf, District 3  
Longinos Gonzalez, Jr., District 4  
Cami Bremer, District 5

November 27, 2024

Douglas County File: DR2024-001  
El Paso County File: OAR2437

RE: Douglas County ADU Resolution

To: Marcco Higham

**DEPARTMENT OF PUBLIC WORKS ENGINEERING AND STORMWATER DIVISIONS**

Review No. 1: El Paso County Engineering staff does not have comments.

Reviewed by:  
Charlene Durham, PE  
Senior Engineer  
charlenedurham@elpasoco.com

**PLANNING AND COMMUNITY DEVELOPMENT DIVISION**

Review No. 1: El Paso County Planning and Community Development staff has no comments.

Reviewed by:  
Lisa Elgin  
Planner  
[LisaElgin@elpasoco.com](mailto:LisaElgin@elpasoco.com)

# GRAND VIEW ESTATES

## HOMEOWNER'S ASSOCIATION

P.O. Box 2157

Parker, CO 80134-9443

### AGENCY REFERRAL RESPONSE – DR2024-001

#### OVERVIEW

After a BOCC work session on 8/12/24 [Accessory Dwelling Unit (ADU) Regulatory Approach], the Grand View Estates HOA reached out to the three primary bill sponsors of HB24-1152 (effective 6/30/2025) for clarification on whether as alluded to in the work session, the new bill required that the County changed its zoning resolutions in all unincorporated areas of Douglas County in order to comply with a regulatory requirement of the bill.

Below is the response from bill sponsor Judy Amabile, State Representative House District 49.

**From:** Judy Amabile <judy@judyamabile.com>

**Sent:** Monday, August 12, 2024 7:46 PM

**To:** Karen Hickman <mkhickman@msn.com>

**Cc:** Robin Noble <aide@judyamabile.com>; ron.weinberg.house@coleg.gov <ron.weinberg.house@coleg.gov>; tony.exum.senate@coleg.gov <tony.exum.senate@coleg.gov>

**Subject:** Re: HB24-1152

Thanks for reaching out. The bill does not apply to unincorporated county properties. It only applies to cities with at least 1,000 people in Metropolitan Planning Organizations. It also applies to census designated places with a population of 40,000 people or more in MPO's. Douglas County can allow or not allow ADU's in unincorporated areas.

I am happy to talk further.

Judy Amabile

State Representative House District 49

303.517.4698

Further research has indicated that surrounding adjacent counties (Arapahoe, Elbert, El Paso, and Jefferson) already have allowed ADU's in their unincorporated areas in order to address the growing issue of housing availability/affordability in the unincorporated areas and to respond to requests from urban and rural homeowners desiring small, independent living spaces for a family member, an aging parent, or caregiver; or simply for earning extra income from a tenant to help offset a mortgage payment or other expenses.

But the difference between these adjacent counties and Douglas County is how they handle building/permitting and zoning violations.

HB2024-001 doesn't go into effect until 6/30/2025. Douglas County should take the next few months and implement actual resolutions that would ensure proper compliance and oversight. Even consider reaching out to other adjacent counties to review their existing regulations and understand their possible issues to date with their current policies.

#### ISSUES

##### Lack of Anonymous Reporting

# GRAND VIEW ESTATES

## HOMEOWNER'S ASSOCIATION

P.O. Box 2157

Parker, CO 80134-9443

All of the above-mentioned counties allow for anonymous reporting of zoning and other types of violations. Douglas County does not have anonymous reporting which limits the number of violation reports for fear of retaliation, which is a real and recognized issue.

The reporting of violations anonymously assists to ensure compliance not only with existing zoning resolutions, but also other regulations pertaining to grading, drainage and erosion control, International Building Codes, and even those followed by the Douglas County Health Department to comply with State statutory regulations.

Lack of anonymous reporting would not only affect ADU compliance, it continues to affect the lack of oversight for Short-Term Rentals and even Class 2 HO's located throughout the county, but primarily in unincorporated areas without HOA's or other municipal oversight. (Class 2 HO's are businesses that are conducted outside of the main dwelling and are not allowed in the Estate Residential zoning designation.)

For example. Implementation of more stringent Class 2 HO resolutions in 2022 did not increase the number of property owners who applied for this type of permit in the RR, LRR, or AG zoning designations. The number still stands at 35 today but there are literally hundreds throughout the County.

While the County needed a Short-Term Rental policy due to the hundreds of existing unlicensed rentals at the time, implementing a policy didn't result in a significant increase in requested licenses and many today remain unpermitted or licensed.

Lack of anonymous reporting not only affects in some cases building permitting fees, but also property tax assessments when their office isn't aware of an unpermitted accessory building for example.

### **The "Slow Sip"**

The Colorado Supreme Court in a recent ruling upheld a "slow sip" approach to managing groundwater all along the Front Range. The ruling upholds tougher limits on how much nonrenewable groundwater can be pumped from wells over the life of a state permit.

Has the new DougCo Water Commission weighed in on the expansion of ADU's throughout unincorporated Douglas County on property owners and other entities dependent on ground water vs. renewable sources?

### **Ongoing Oversight**

After the shell of an accessory building is completed and the final inspection certificate awarded, the actual use or further build-out is not confirmed. Barns are used to store vehicles or accessory structures even become Short-Term Rental or ADU quarters.

In some instances, the building permit has not been finalized within the required timeframe and a final inspection issued before additional extensive buildout is completed.

If the County isn't going to allow anonymous reporting, they should consider implementing a policy to reinspect the accessory building or proposed ADU six to twelve months later.

The City and County of Denver assigns inspectors to a specific area who periodically inspect the areas for zoning or building violations. The County could consider doing the same for unincorporated areas or as inspectors are in the community or on-site looking for other violations or unpermitted structures.

# GRAND VIEW ESTATES

## HOMEOWNER'S ASSOCIATION

P.O. Box 2157

Parker, CO 80134-9443

### OTHER CONSIDERATIONS

Based on research of adjacent county regulations some of which may already be considered by the County.

- **Lot Size**
  - Elbert County doesn't allow a non-integrated ADU on lots < 1 acre. On 1 to 5 acre lots a non-integrated ADU is only permitted by the Minor Special Use by Review process.
- **Maximum Square Footage**
  - Limit square footage of the ADU based on lot size.
    - Arapahoe County limits the size to not more than 40% of the square footage of the existing dwelling or based on specific lot sizes.
- **Design**
  - The ADU should be consistent with the design of the existing home by incorporating similar architectural elements such as roof form, window and door style, and exterior building materials/color.
- **Utilities**
  - The ADU should be connected to the same utilities of the existing home and meet all requirements for water and sanitation.
    - **Water**
      - If Public: Letter from the Water District stating that they approve of two (2) dwelling units on the property.
      - If Well: Well Permit explicitly states that it can be used for two or more dwellings, and a letter from the Colorado Division of Water Resources that states the existing well is not already in use for multiple dwellings and can accommodate a second dwelling unit and if "commercial" (rental), the permit approves such use.
    - **Sanitation**
      - If Public: Letter from the Sanitation District stating that they approve of two (2) dwelling units on the property.
      - If Septic: Active On-site Wastewater Permit approved by the Douglas County Health Department for the total number of bedrooms on the property (both primary and accessory dwelling units).
- **# of Occupants**
  - Consider limiting to no more than three people who shall occupy the ADU with no more than two unrelated individuals on the property.
    - Unclear how the "occupancy limits ban" signed into law by Governor Polis on 4/15/24 would affect this type of cap unless specific restrictions, such as for health or fire safety, could be adopted and also proven before a limit is enacted.

# GRAND VIEW ESTATES

## HOMEOWNER'S ASSOCIATION

P.O. Box 2157

Parker, CO 80134-9443

- **Bedrooms**
  - El Paso County limits the number of bedrooms allowed to 1.
  - Other counties limit the number to 2 or based on water well permits or the capacity of the existing or expanded septic system.
- **Primary Property Owner Occupancy**
  - The property owner of the ADU should be required to reside in either the existing home or in the ADU. Owner residency should be secured through a signed and recorded deed restriction agreement.
- **Height**
  - Detached ADU's could be up to 22' in height but should be limited by building/permitting determined by the zoning designation and would be similar to any other addition to the main dwelling.
- **Other**
  - Use the same driveway as the primary dwelling to ensure proper culvert/flooding controls especially in unincorporated areas of the County.
  - To ensure property taxes are adjusted, a document will be recorded with the DC Assessor's Office that indicates a second dwelling on the property was permitted through the Accessory
  - Consider requiring that ADU's should be within 100' of the primary structure (on all lots > than 1 acre).
  - Not undermine existing HOA covenants. Letter stating an ADU is allowed in covenant-controlled communities. Consider notification of adjacent neighbors and the HOA.
  - Not more than one ADU constructed on any given property, and the ADU shall be accessory to a permitted single-family dwelling unit.
  - Sufficient off-street parking.
  - Tiny Homes on wheels and any type of RV should be explicitly excluded.
  - Review Process – ADU applications should be reviewed by County staff and even partner agencies such as the local fire districts, water and sanitation districts.
  - The following links should be included in the revised zoning regulations to encourage compliance with the Colorado Division of Water Resources and the Douglas County Health Department:
    - [dwr.colorado.gov/service/well-permitting](http://dwr.colorado.gov/service/well-permitting)
    - [douglascountyhealth.com](http://douglascountyhealth.com)

Finally, who is responsible for noise or other types of violations if the ADU is used as a rental property?



**HAPPY CANYON HOMEOWNERS' ASSOCIATION**  
**558 Castle Pines Pkwy., B #4, Box 159 - Castle Pines, CO 80108**

[www.happycanyon.org](http://www.happycanyon.org)  
[happycanyonhoa@gmail.com](mailto:happycanyonhoa@gmail.com)

December 9, 2024  
Marcco Higham, Planner  
Douglas County Planning Services  
100 Third St., Castle Rock, CO 80104

RE: Douglas County e-Referral (DR2024-001) Accessory Dwelling Units

Hello Marcco,

Thank you for sending the request for referral comment regarding Accessory Dwelling Units (ADUs) to the Happy Canyon Homeowners' Association (HCHOA).

<https://apps.douglas.co.us/planning/projects/download.aspx?PosseObjectId=95617020&hash=64DA680E17DED380365972E906C4D19E2FC99A23>

The ADU concept **sounds** good as a way for people to accommodate additional family members to live on their property. However, we believe there will likely be unintended consequences and possible abuses unless Douglas County provides comprehensive details and policies, along with strict enforcement. In reviewing the file documents, we have several comments/questions, shown below:

1. HCHOA is concerned that by allowing ADUs in unincorporated rural communities, Douglas County will undermine and inadvertently bypass decades of sound community planning and zoning efforts that were designed to preserve and protect our increasingly threatened "country lifestyle."

Furthermore, we believe that as ADUs creep into existing rural communities, the result will be de facto higher residential densities and unintended impacts to public safety and other resources, water, traffic, noise, loss of views, disrupted wildlife corridors/habitats, and more – without any rezoning or public hearing processes.

2. How will the addition of having an ADU impact one's property tax?

3. Happy Canyon is zoned Estate Residential; all lots are served by private wells and septic systems. Most lots are two acres or less, and a few are larger. Just to confirm, lots smaller than 2.3 acres are NOT allowed to have ADUs, correct?
4. Are ADUs for family members only and/or can they become short term/long term rentals? What are the details and how will this be enforced?
5. What are the size minimums/maximums for ADUs?
6. Just to confirm, only one ADU is allowed per lot for Estate Residential and other rural zoned properties?
7. The suggested height limit for ADUs is 35 feet (which is about three stories). We ask that this be reduced to twenty feet maximum height.
8. What is the occupancy limit for an ADU?
9. The ADU zoning resolution states that the Douglas County Building Department will oversee the **construction** of ADUs so that they comply with county codes. What about enforcement in the event of inevitable **usage** violations? Douglas County already has numerous existing zoning violations and not enough staff to enforce the rules. This results in pitting neighbors against neighbors, diminished quality of life and property values, and a deteriorating public trust in Douglas County's ability to manage the zoning changes they approve.

We would appreciate getting answers to our questions and ask that Douglas County will take our concerns and suggestions into account regarding approving ADUs in our community.

Best regards,

Rich West, President  
Happy Canyon Homeowners' Association

**From:** [Randy Johnson](#)  
**To:** [Marcco Higham](#)  
**Cc:** [Valerie Hays](#)  
**Subject:** LCP DR2024-001 ADU Referral Response  
**Date:** Friday, December 6, 2024 11:23:51 AM

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Marcco,

Louviers Conservation Partnership (LCP) has reviewed the DR2024-001 Accessory Dwelling Unit, Douglas County Zoning Resolution Amendment, Sections 3, 4, 5, 6, 7, and 36 and has no objection to the proposed updates.

Randy Johnson

Valerie Hays

**From:** [caskey540@cs.com](mailto:caskey540@cs.com)  
**To:** [Marcco Higham](#)  
**Cc:** [John & Cherie Solomon](#); [Scott Ripple and Mary Dunn](#); [Scott and Cheryl Zimmerman](#); [Linda S. Humphrey](#)  
**Subject:** Douglas County Zoning Amendment - ADUs - DR2024-001  
**Date:** Tuesday, November 26, 2024 1:31:17 PM

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Douglas County Planning Commission  
Attn: Marcco Higham, Planner

Re: Douglas County Zoning Resolution Amendment  
Accessory Dwelling Units (ADUs) - DR2024-001

Mr. Higham:

Reference is made to our telephone conversation of November 25, 2024 during which I expressed several concerns Parker View Estates Homeowners Association has regarding the captioned proposed amendment to the Douglas County regulations. First, maybe a little background might be helpful. Parker View Estates (filings 1, 2 and 3) (PVE) was established as a rural residential, platted and covenant controlled community on January 14, 1972. This neighborhood has been continuously controlled by approved and recorded Covenants and/or By Laws since its inception. One of the most important tenants of our Covenants is that there shall be no more than one single family dwelling on each approximate five acre lot. The covenants further state that there shall be not more than one outbuilding in addition to the primary dwelling on any lot. These Covenants have been a major reason for the home values in Parker View Estates remaining high and competitive all these years. Parker View Estates, its HOA and its residents, have never wanted our neighborhood to look like so many other non-covenant controlled areas in Douglas County that have had all sorts of small poorly constructed and often no-compliant structures built all over a given lot. The residents of Parker View Estates are concerned that these proposed changes regarding ADUs will adversely impact housing values, increase traffic in our secluded neighborhood and make our neighborhood less safe. An outline of our concerns is as follows:

1. Page 5-2, 501 Intent - first paragraph: This statement largely speaks to the aesthetic values of living in a quasi-rural environment and specifically states that "The density range is from one dwelling per 9.9 acres to one dwelling per 5 acres". This is the density all residents in PVE expected when their properties were acquired and what is expected in the future. For the County to change the regulations to potentially allow a doubling of the allowed dwellings and the population within our neighborhood is unacceptable.
2. Page 5-3, 502.03 - Residence: This statement, again makes it clear that there shall be not more than "1 single-family dwelling" per lot. This begs the same argument as stated above.

3. Page 5-3, 503 - Accessory Uses: "(Lots smaller than 4.5 acre are limited to the accessory uses allowed in the residential zone district to which the lot conforms in size)". PVE, as stated above, is comprised of 40 residential lots having a gross size of 5 acres or slightly more. Once easements are considered, these lot sizes drop to slightly less than 5 acres on a net basis. Which size, net or gross acreage, is the County going to base its decisions on?

4. Page 5-3, 503.01: this proposed addition would specifically allow the addition of an ADU to each lot within PVE "except as restricted by a rural site plan, subdivision plat or other similar approval". Since PVE is a platted community and is controlled by approved Protective Covenants, does this negate the proposed changes as would possibly apply to PVE?

5. Page 5-5, 506.03 and 506.04: These proposed changes would not apply to PVE since all lots are approximately 5 acres. However, if ADUs were to be allowed, could or should there be and additional well allowed to be drilled on each lot? If this were to be the case our already diminished underground water resources could, again, be doubly impacted.

6. Page 5-5, 507 - Maximum Gross Density: this statement again speaks to there being only "1 dwelling per 5 acres and may be less" allowed. It also alluded to 501 Intent where peaceful enjoyment of one's property is a priority. The intent, in all cases for 5 acre lots, is that there shall clearly not be a density greater than one dwelling per lot. How much clearer can it be stated?

In closing, the above is simply an outline of the concerns PVE residents have regarding the County's proposed zoning changes. It is certainly not a list of all the issues or questions we may have, now or in the future. It is one thing to allow ADUs in an urban setting where the infrastructure, community water, sewer and other such amenities are available, but here in PVE we do not desire the "one size fits all" approach to governance in our neighborhood.

This discussion has been reviewed and approved by the Parker View Estates Board of Directors and submitted by Michael C. Caskey, its President. I can be reached at the above email address or my cell: 303-992-4964.

**From:** [caskey540@cs.com](mailto:caskey540@cs.com)  
**To:** [Marcco Higham](#)  
**Cc:** [John & Cherie Solomon](#); [Scott and Cheryl Zimmerman](#); [Linda S. Humphrey](#); [Scott Ripple and Mary Dunn](#)  
**Subject:** Re: ADU supplemental comments and concerns  
**Date:** Tuesday, December 10, 2024 1:20:11 PM

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## Douglas County Planning Commission

Attn: Marrco Higham, Planner

Re: Douglas County Zoning Resolution Amendment

### Douglas County Zoning Resolution Amendment Accessory Dwelling Units (ADUs) - DR2024-001

Mr. Higham:

The Board of Directors of the Parker View Estates HOA was in attendance at the meeting held on December 3, 2024 at 4pm regarding the referenced proposal. At that meeting the Planning staff answered questions and to the best of their ability and attempted to explain the rationale behind our elected County Commissioners deciding to suggest ADUs be allowed in our Rural Residential (RR) neighborhoods. Unfortunately, their answers seemed to create more issues and bring out more questions than were answered. Consequently, this BOD wishes to make its concerns, again, clear. This discussion is in addition to our original comment letter dated November 12, 2024.

The Commissioners should first and foremost consider "Article 501: Intent" in the current rules and regulations concerning dwelling densities on RR lots in Douglas County. For the Staff's and the Commissioners' convenience it is quoted from the regulations as follows: "To provide for large-lot residential homesites, on land that has minimal farming or ranching value, that create country living in a rural atmosphere while preserving the vegetation, significant geologic features, wildlife habitat/corridors, views and privacy, and provide an appropriate transition from urban development to agricultural areas. The density range is from one dwelling per 9.9 acres to one dwelling per 5 acres". This is the long standing "mission statement" for all the rules and regulations that follow. The proposed Amendment to the rules would, in every case, at least detract from if not ruin the RR environment this statement was and is meant to protect and which all RR residents bought into when they purchased their properties.

Some, but certainly not all of the possible and maybe probable, outcomes of a decision to implement the very poorly thought-out proposed changes are as follows:

1. Additional water wells would have to be drilled, or existing wells improved to pump double the quantities from already depleting aquifers.
2. Additional septic systems would have to be installed thereby

increasing sewage fouling of the surface and shallow water table waters.

3. Current views would be disrupted, if not destroyed for neighboring properties.

4. Traffic would be increased, bringing more air pollution and cause the need for increased road maintenance.

5. Additional light pollution at night would certainly occur.

6. Unfortunately, rental properties often are not maintained to the standards that most owners favor. Therefore, there could easily be weed and junk ridden properties next door to owners who value a well landscaped and maintained property which would again, create issues in the neighborhood. Two rental properties on one 5 acre lot could become a norm.

7. Also when rental properties are outside incorporated areas there is a stronger likelihood that crime will increase in those areas. For example, Illegal drug manufacturers seek out properties that are isolated so that their activities are less likely to be realized. This would increase the need for more law enforcement and further contribute to a less than desirable environment for the nearby residents.

8. The added population will increase the danger of catastrophic wildfires happening, claiming more victims and increasing property damage resulting from such fires.

All of the above issues would certainly serve to decrease property values for any nearby properties and create disputes between neighbors where only attorneys would profit. This does not "create country living in a rural atmosphere" as called for in Article 501.

Parker View Estates is a Covenant Controlled Community and as such has very specific language in its By-Laws, Covenants and Policies and Procedures that limit dwelling densities in the same manner as the un-amended County rules do to one residential dwelling per 5-acre lot. In fact, our Covenants go on to specify that in addition to the one dwelling there can be only one detached outbuilding (garage, barn, chicken coop, etc.). In the past, the County has been very supportive of HOAs and their enforcement of covenants. Should the Commissioners elect to approve the ADU proposed changes, HOAs would be essentially "thrown under

the bus" and have to litigate issues associated with those changes with their neighbors. This is totally unacceptable and shows an amazing lack of understanding of the lifestyle we RR residents cherish.

It is beyond us why the Commissioners, which we were told, addressed these proposed changes to the regulations on their own volition. Please answer the question to your constituents why you, the Commissioners, would desire or even propose to make these changes. Is it to get perceived increased taxes from more housing density or is it an attempt conform to the Denver/Boulder model for "affordable housing" and/or "one size fits all" governance? These proposed modifications would certainly not make for affordable housing and the Denver/Boulder model would not be in Douglas County's residents' best interest. In any event, the changes to possibly double the population density in RR areas of Douglas and create an associated disruption of the Rural Residential lifestyle is unacceptable and therefore, DR2024-001 needs to be abandoned immediately.

Again, this discussion has been reviewed and approved by the Parker View Estates Board of Directors and submitted by Michael C. Caskey, its President. Should you, the Staff or the Commissioners have questions, please feel free to contact me at my email address or my cell phone 303-882-4964.

**From:** [Mike Marcum](#)  
**To:** [Marcco Higham](#)  
**Subject:** RE: Douglas County eReferral (DR2024-001) Is Ready For Review  
**Date:** Wednesday, December 11, 2024 7:39:10 AM

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Marcco,

RWSD has no comments.

Sincerely,



-----Original Message-----

From: mhigham@douglas.co.us <mhigham@douglas.co.us>  
Sent: Wednesday, November 13, 2024 10:13 AM  
To: Mike Marcum <Mike@ROXWATER.ORG>  
Subject: Douglas County eReferral (DR2024-001) 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>

Request for Review:

Please review the following proposed updates to the Douglas County Zoning Resolution (Zoning Resolution) allowing for Accessory Dwelling Units (ADUs) and forward any comments to me by December 13, 2024. The full text of this update can be obtained by contacting this office, or by accessing the Douglas County website at [www.douglas.co.us/PRO](http://www.douglas.co.us/PRO) and entering the project file number DR2024-001 in the search tool.

Synopsis of Regulation Change:

Douglas County is proposing changes to allow ADUs in the Zoning Resolution. The proposed amendments would allow ADUs as an accessory residential use on lots with an established principal residence in five residential and/or rural zone districts. The amendments also include a new definition for ADUs, revisions, and minor technical corrections to various references. The following Sections are affected:

- 3 – Agricultural One
- 4 – Large Rural Residential
- 5 – Rural Residential
- 6 – Estate Residential
- 7 – Suburban Residential



**Right of Way & Permits**

1123 West 3<sup>rd</sup> Avenue  
Denver, Colorado 80223  
Telephone: 303.285.6612  
[violeta.ciocanu@xcelenergy.com](mailto:violeta.ciocanu@xcelenergy.com)

December 5, 2024

Douglas County Planning Services  
100 Third Street  
Castle Rock, CO 80104

Attn: Marcco Higham

**Re: Accessory Dwelling Units (ADUs), Case # DR2024-001**

Public Service Company of Colorado's (PSCo) Right of Way & Permits Referral Desk has reviewed the proposed updates to the Douglas County Zoning Resolution (Zoning Resolution) allowing for Accessory Dwelling Units (ADUs) and currently has no apparent conflict contingent upon PSCo's ability to maintain all existing rights and this amendment should not hinder our ability for future expansion, including all present and any future accommodations for natural gas transmission and electric transmission related facilities, and that our current use/enjoyment of the area would continue to be an accepted use on the property and that it be "grandfathered" into these changes.

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](mailto:violeta.ciocanu@xcelenergy.com)

**From:** [BOCC](#)  
**To:** [Marcco Higham](#)  
**Subject:** FW: ADU Letter  
**Date:** Monday, March 10, 2025 1:29:00 PM

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To add to your "referral" docs...

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**From:** Kim Darnall <kimmiedarnall@gmail.com>  
**Sent:** Saturday, March 8, 2025 4:14 PM  
**To:** BOCC <BOCC@douglas.co.us>  
**Subject:** ADU Letter

March 8, 2025

Christopher and Kimberly Darnall  
12020 Antelope Trail  
Parker, CO 80138

Douglas County Commissioners  
100 Third Street  
Castle Rock, CO 80104

Dear Douglas County Commissioners:

We are writing to request that Douglas County Commissioners consider its policies on Accessory Dwelling Units (ADUs) and allow ADUs to be built on Unincorporated Estate Residential lots of less than three acres and rezoned to comply with the new state ADU law that goes into effect June 2025. ADUs that were not approved already exist in our Subdivision of Ponderosa Hills masquerading as storage/garages/man caves and they are not what Douglas County would approve. By allowing ADUs in Highlands Ranch, which is more densely developed, the county is already showing its commitment to providing diverse housing solutions. Extending this allowance to Estate Residential lots under three acres would create consistency and equitable opportunities for homeowners across Douglas County.

Allowing ADUs on Estate Residential lots under three acres would provide numerous benefits to individual homeowners, family members, and the community. Some key reasons include:

### **1. Multi-Generational Living**

- **Care for Aging Parents:** Many people build ADUs to provide a private living space for elderly parents or relatives. This arrangement allows family members to live close together while maintaining a sense of independence.
- **Support for Adult Children:** ADUs also provide a space for adult children who may be saving for their own homes or who have returned home due to economic conditions.
- 

### **2. Increasing Affordable Housing Options:**

- As the cost of housing continues to rise in Douglas County, ADUs offer a potential solution to increase affordable housing options in a way that doesn't require new infrastructure or large-scale development. Homeowners who build ADUs could help ease the affordability crisis, benefiting both the homeowners, family members, and potential tenants.

### **3. Flexibility and Independence**

- **Home Office or Studio:** ADUs can serve as a quiet, separate workspace for those working from home.

In short, ADUs provide flexible and affordable housing options while promoting efficient land use and offering a variety of benefits to homeowners, renters, and communities alike.

We believe that allowing ADUs on Estate Residential lots is in line with Douglas county's goals of encouraging responsible growth while addressing important community needs. We urge you to consider this proposal and look forward to hearing your thoughts on the matter.

We are happy to provide any additional information or discuss this issue further.

Sincerely,

Christopher Sean and Kimberly Darnall  
970-779-0215 or 720-454-0747  
Kimmenseangmail.com

# ADU Public Workshop

Tuesday, December 3, 2024

3:55 PM

## Public Comments:

Who brought up the idea for bringing ADUs to areas outside of state bill?

If this is adopted, what does that mean?

Isn't it true that if you have covenants, they override?

My area is single family only so we can't have areas that allow for rental properties?

Opposed to Guest Houses as ADU's.

Covenants take precedence over county rules?

Covenants have to be amended if you are in Highlands Ranch CDP to allow for ADUs.

Concern about contradictory language in HOA covenants with County regulations and how to resolve that.

Not enabling short term rentals - that is a separate ordinance process.

Would like to see clarification that as soon as it becomes commercial, that is different than the well permit issued for single family.

Allowing ADUs for rent is commercializing the property and should not be allowed.

Concern about pressure on aquifer - ADU's should only be allowed on city sewer/ water.

Intent of zoning regulations is to preserve rural character, and these changes do exactly the opposite.

Questions about how amendments are written and the process.

Effectively taking areas of the Master Plan that are supposed to remain rural and commercializing and now HOAs have to deal with covenant enforcement.

Nonprofit associations and HOAs don't have the funds to fight legal battles for covenant enforcement.

Concerns about contamination of groundwater from septic.

Concerns about traffic impacts.

One consideration - if ADUs are allowed in rural area and the principal residence is also rented along with an ADU then you have two rental properties.

Concerns over rental units and public safety.

Straining neighborhood resources and quality of life.

Let other jurisdictions allow ADUs and learn from their unintended consequences before allowing in DougCo.

It doesn't say that only 1 ADU is allowed in 35 acres -- staff will check on this.

Do you have to rezone if you have 35 acres?

In a 5 acre rural residential zone district, does this apply?

Propose that building permit department approves permits based on covenant allowances for each community.

How is Highlands Ranch area different? State able to overrule covenants and local regulations.

Consensus to remove ability for 2nd ADU.

Concern that we can't undue this, but we can always decide to do this later and it will forever change the character of the County and deserves the time for public input and have discussion with public - additional emphasis on this point to put a pause on this process.

Questions about what the "code" is that the ADU will have to meet.

Are there size requirements?

Is there a maximum size?

The proposed regulation could cause a doubling of the existing density in rural DougCo.

Have there been any letters of support?

Concern over increasing risk of fire/wildfire.

Would existing built out structure be grandfathered in as an ADU if it didn't have permitting to begin with?

Why did we not hear about this if the County has been talking about this for 2-3 years? Shouldn't a letter be sent out to notify everyone?

Ambiguous phrases, conflicts of what exists in reality.

Douglas County has gotten awards for how they've handled rural areas.

Any idea why the Commissioners are bringing this forward now? Have they indicated this to staff?

Misleading to allow Guest Houses as an ADU and will cause issues amongst neighbors.

What will happen to property taxes if neighbor puts up an ADU? Will it affect valuation of neighboring property that does not have an ADU.

Concerns about this being in conflict with section 501.