



**DOUGLAS COUNTY COMMISSIONERS  
WORK SESSION  
Monday, January 12, 2026**

**A G E N D A**

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3:30 p.m.	<b>Community Development Department Work Session</b>
	<ul style="list-style-type: none"><li>• Single-Family Attached Zoning Amendments</li><li>• Large Day-Care Homes Regulations Post-Referral Comments</li><li>• Compliance with Statutory Requirements for Review of EV Charging Stations</li></ul>

## Agenda Item

**Date:**

**To:** Douglas County Board of County Commissioners

**Through:** Douglas J. DeBord, County Manager

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

**CC:** Steven E. Koster, AICP, Assistant Director of Planning Services

**Subject:** **Proposed Zoning Resolution Amendments to Streamline Review of Single-Family Attached Residential Developments**

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At a work session on April 21, 2025, the Board of County Commissioners directed staff to draft amendments to the Zoning Resolution to eliminate the site improvement plan review requirement for single-family attached dwellings when the necessary infrastructure and improvement agreements can be reviewed and approved through the subdivision process. Proposed amendments to Section 27, Site Improvement Plan, of the Zoning Resolution that would implement this streamlining initiative are attached. Staff is prepared to discuss the proposed amendments and, if directed to do so, commence the regulatory amendment process.

**2701 Intent (Amended 04/13/10)**

The Site Improvement Plan (SIP) process is required to ensure development will be consistent with the Comprehensive Master Plan, Subdivision Resolution, and Zoning Resolution, and all applicable federal, State, and local standards.

The process encourages sustainable design through water conservation, passive energy benefits through appropriate site design, and supports multimodal transportation options and the use of alternative energy sources, when appropriate.

**2702 Applicability (Amended 8/12/14)**

~~A SIP shall be required for any use or change in use for any multifamily dwelling; mobile home park; business, commercial, or industrial development; a library; a Utility Major Facility; a Utility Service Facility; or for similar uses contained within a Planned Development (PD), including single family attached dwellings.~~ (Amended 4/28/15)

2702.01 An SIP shall be required for any use or change in use for which a Site Improvement Plan, Site Development Plan, or similar site approval is required pursuant to the applicable zone district or Planned Development (PD). Such uses include, but are not limited to, multifamily dwellings; single-family attached dwellings; mobile home parks; business, commercial, or industrial development; a Major Utility Facility; a Service Utility Facility; or similar uses contained within a PD.

2702.02 An SIP shall not be required for development of single-family attached dwellings that are subject to a subdivision plat when the provisions of the plat and related construction documents, plans, and permits are sufficient to encompass all applicable:

- Parking standards.
- Roadway design and construction standards.
- Grading, erosion, and sediment control standards.
- Stormwater management standards.
- Building codes.
- Fire codes.

2702.03 Proposed changes to an approved SIP shall be processed as either a Revision or Modification to an Approved SIP, as described herein.

2702.04 Building permits shall not be issued for any development that does not have an approved SIP or is not in conformance with the approved SIP.

2702.05 Uses and structures legally established prior to February 1, 1994, shall be considered compliant with the requirement for a SIP.

**2702.06** Personal Wireless Communication Sites: SIPs specific to personal wireless communication sites shall be subject to the Personal Wireless Communication Facility Design Standards section herein. The format and required process will be detailed at the required presubmittal meeting.

**2702.07** Meridian: Review of proposed improvements within the boundaries of the Meridian International Business Center PD shall follow the specified requirements and procedures of the Meridian International Business Center PD.

**2702.08** Major Electrical or Natural Gas Facilities: The final action on a SIP for the location, construction, or improvement of major electrical or natural gas facilities must occur within ninety (90) days after the submittal date, unless the provider and the County reach agreement on an amended time period. ~~[(§29-20-108, C.R.S.)]~~ Major electrical or natural gas facilities include:

- Electrical generating facilities
- Substations used for switching, regulating, transforming, or otherwise modifying the characteristics of electricity
- Transmission lines operated at or above a voltage of 69,000 volts
- Structures and equipment associated with such electrical generating facilities, substations, or transmission lines
- Structures and equipment utilized for the local distribution of natural gas service; such as compressors, gas mains, and gas laterals

**2703 Approval Standards (Amended 12/07/10)**

2703.01 The SIP shall be consistent with the following:

- Douglas County Comprehensive Master Plan
- Douglas County Subdivision Resolution
- Douglas County Zoning Resolution
- Planned Development, as applicable
- Douglas County Roadway Design & Construction Standards Manual
- Douglas County Storm Drainage Design & Technical Criteria Manual
- Douglas County Grading, Erosion and Sediment Control (GESC) Manual

2703.02 All required easements shall be submitted for review prior to approval of the SIP.

2703.03 All SIPs and any revisions or modifications shall comply with this Resolution.

2703.04 Use and development of the site shall conform to the approved SIP.

## Agenda Item

**Date:**

**To:** Douglas County Board of County Commissioners

**Through:** Douglas J. DeBord, County Manager

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

**CC:** Melanie Estrada, Planning Technician

Lauren Pulver, Planning Supervisor

Kati Carter, AICP, Assistant Director of Planning Resources

Steven E. Koster, AICP, Assistant Director of Planning Services

**Subject:** **Douglas County Zoning Resolution Proposed Large Day-Care Homes  
Regulations Post-Referral Comments**

**Project File:** DR2025-007

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### **SUMMARY**

Based on direction from the Board of County Commissioners (Board), staff sent the proposed amendments to the Douglas County Zoning Resolution (DCZR) for Large Day-Care Homes on referral from September 22, 2025, through October 22, 2025. The proposed amendments remove the Use by Special Review (USR) requirement for Large Day-Care Homes to comply with Colorado Revised Statutes § 26.5-5-310, which prohibits local governments from applying additional regulatory requirements to large or small family child care homes that do not also apply to other residential uses.

### **DISCUSSION**

With the proposed amendments, all Day-Care Homes will be a residential accessory use for the zone districts in which they are allowed. The proposed amendments update the definition of Day-Care Home in Section 36 to remove the distinction between small and large Day-Care Homes. The definition was also expanded to apply to adult Day-Care Homes. In the proposed amendments, a Day-Care Home is now defined as a residence in which care is provided for up to 12 children or adults for periods of less than 24 consecutive hours.

### **PUBLIC INPUT**

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

Louviers Conservation Partnership and Grandview Estates HOA provided comments expressing concerns with the amendments. Louviers Conservation Partnership commented with concerns that the removal of theUSR requirement will prevent residents from providing input regarding Large Day-Care Homes that could impact surrounding neighbors. Grandview Estates HOA recommended that language be included in the DCZR requiring operators of Day-Care Homes to familiarize themselves with and comply with all State Regulations. The HOA also provided suggestions and recommendations for the County to consider regarding updating other elements of the Zoning Resolution related to services provided in a residential setting.

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

### **NEXT STEPS**

Staff is prepared to discuss the referral comments received and possible next steps with the Board.

### **ATTACHMENTS**

Referral Comments Summary Report

Referral Response Letters

DCZR Sections 3, 4, 5, 6, 7, 8, 9, 14B, 14D, 21, 36

**Referral Agency Response Report****Page 1 of 5****Project Name:** Large Day-Care Homes, Douglas County Zoning Resolution Amendment, Section 21**Project File #:** DR2025-007**Date Sent:** 09/22/2025**Date Due:** 10/22/2025

Agency	Date Received	Agency Response	Response Resolution
Arapahoe County Public Airport Authority-Centennial	09/19/2025	See attached letter: No objection	No response required.
Black Hills Energy	09/25/2025	Received: No Comment (verbatim).	No response required.
Castle Rock Fire and Rescue Department	10/10/2025	See attached letter: CRFD has no objections.	No response required.
Castlewood Canyon State Park	09/22/2025	Received: No Comment (verbatim).	No response required.
CDPHE - All Referrals	10/24/2025	See attached letter: No Comments	No response required.
Cherry Creek Basin Water Quality Authority	09/24/2025	Received: The Cherry Creek Basin Water Quality Authority (Authority) acknowledges notification from Douglas County that the proposed development plans for DR2025-007, Zoning Resolution Large Day-Care Homes have been or will be reviewed by Douglas County for compliance with the applicable Regulation 72 construction and post-construction requirements. Based on the Authority's current policy, the Authority will no longer routinely conduct a technical review and instead the Authority will defer to Douglas County's review and ultimate determination that the proposed development plans comply with Regulation 72. If a technical review of the proposed development plan is needed, please contact LandUseReferral@ccbwa.org. The review may include consultation with the Authority's Technical Manager to address specific questions or to conduct a more detailed Land Use Review, if warranted (verbatim).	No response required.
City of Aurora	09/30/2025	Received: No Comment (verbatim).	No response required.
City of Centennial	09/23/2025	Received: No Comment (verbatim).	No response required.
City of Littleton	10/20/25	See attached letter: No Comments	No response required.
Colorado Department of Transportation CDOT-Region # 1	09/24/2025	See attached letter: No Comment	No response required.
Colorado Geological Survey	10/10/2025	Received: No Comment (verbatim).	No response required.
Colorado Parks and Wildlife (Northcentral DC - Dist 541)	10/02/2025	See attached letter: No concerns	No response required.
Colorado State Forest Service	09/22/2025	Received: No Comment (verbatim).	No response required.

**Referral Agency Response Report****Page 2 of 5****Project Name:** Large Day-Care Homes, Douglas County Zoning Resolution Amendment, Section 21**Project File #:** DR2025-007**Date Sent:** 09/22/2025**Date Due:** 10/22/2025

Agency	Date Received	Agency Response	Response Resolution
CORE Electric Cooperative	09/22/2025	Received: No Comment (verbatim).	No response required.
Division of Water Resources	10/02/2025	See attached letter: DWR does not consider use to be ordinary household purpose. A commercial well permit may be required.	No response required.
Dominion Water and Sanitation District	09/29/2025	Received: No Comment (verbatim).	No response required.
Douglas County Addressing Analyst	09/22/2025	Received: No Comment (verbatim).	No response required.
Douglas County Building Services	10/14/2025	Received: No Comment (verbatim).	No response required.
Douglas County Engineering Services	10/02/2025	Received: No Comment (verbatim).	No response required.
Douglas County Office of Emergency Management	09/24/2025	Received: No Comment (verbatim).	No response required.
Douglas County Open Space and Natural Resources	09/23/2025	Received: No Comment (verbatim).	No response required.
Douglas County Parks and Trails	10/02/2025	Received: No Comment (verbatim).	No response required.
Douglas County Public Works Operations	09/23/2025	See attached letter: No Comment:	No response required.
Douglas County Wildfire Mitigation	10/21/2025	Received: Wildfire Mitigation staff have reviewed the submitted documents and have no objections at this time. The proposed change to the zoning resolution will not alter how wildfire risk is evaluated. Any future development or permitting within the affected area will continue to follow the existing wildfire review and mitigation requirements currently in place (verbatim).	No response required.
E-470 Public Highway Authority	09/21/2025	See attached letter: No comments	No response required.
El Paso County Planning and Community Development Department	10/06/2025	See attached letter: No comments	No response required.
Elbert County Community & Development Services	09/22/2025	See attached letter: No issues.	No response required.

**Referral Agency Response Report****Page 3 of 5****Project Name:** Large Day-Care Homes, Douglas County Zoning Resolution Amendment, Section 21**Project File #:** DR2025-007**Date Sent:** 09/22/2025**Date Due:** 10/22/2025

Agency	Date Received	Agency Response	Response Resolution
Grandview Estates HOA	10/21/25	See attached letter: Grandview Estates HOA recommends that the County update its regulations to require operators of day-care homes to familiarize themselves with and comply with all State regulations. The HOA also provided suggestions and recommendations for the County to consider regarding updating other elements of the Zoning Resolution related to services provided in a residential setting.	These comments have been provided to the Board for review.
Highlands Ranch Community Association	09/22/2025	Received: The Highlands Ranch Community Association ("HRCA") appreciates the opportunity to review and provide comments on this Application.  Upon review, the Highlands Ranch Planned Development Guide (HRPDG)—which governs land use within Highlands Ranch and takes precedence over the Douglas County Zoning Resolution—does not reference "Day-Care Homes" or "Large Day-Care Homes." The only relevant provision is the definition of "Child Care Center," which is a distinct commercial use.  Accordingly, the HRCA finds no conflict between the proposed amendment and the HRPDG and takes no exceptions to the proposed language (verbatim).	No response required.
Highlands Ranch Metro District	10/20/2025	See attached letter: No Comments	No response required.
Highlands Ranch Town Center Review Committee	10/14/2025	Received: No Comment (verbatim).	No response required.
Highlands Ranch Water and Sanitation District	10/17/2025	See attached letter: No Comments	No response required.

**Referral Agency Response Report****Page 4 of 5****Project Name:** Large Day-Care Homes, Douglas County Zoning Resolution Amendment, Section 21**Project File #:** DR2025-007**Date Sent:** 09/22/2025**Date Due:** 10/22/2025

Agency	Date Received	Agency Response	Response Resolution
Louviers Conservation Partnership	10/20/2025	<p>Received: Louviers Conservation Partnership (LCP) has reviewed the documents for the Proposed amendments to the Douglas County Zoning Resolution (DCZR) for Large Day-Care Homes, Douglas County Zoning Resolution Amendment, Section 21 and has the following comment:</p> <p>The county commissioners state they and the county are/want to be transparent. All of the proposed changes/updates remove the Use by Special Review (USR) for Large Day-Care Homes and therefore removes public &amp; local residents from getting notifications and being able to provide comments/input. The changes allow for double the number of residents at each day-care home which would greatly impact surrounding neighbors without their knowledge.</p> <p>Randy Johnson Louviers Conservation Partnership (verbatim).</p>	State statute prohibits the County from applying the USR process to Large Day-Care Homes for children. This amendment brings the County's regulations into alignment with State statute.
Meridian DCC, Meridian Village Metro District, Meridian Metro Districts	10/14/2025	Received: No Comment (verbatim).	No response required.
Meridian Village Metro Districts 1-2-3-4	10/14/2025	Received: No Comment (verbatim).	No response required.
Misty Pines HOA	10/04/2025	Received: No Comment (verbatim).	No response required.
Mountain View Electric Association	10/21/2025	See attached letter: No objection	No response required.
Parker Water & Sanitation District	09/22/2025	Received: No Comment (verbatim).	No response required.
Pinery Water and Wastewater District	10/22/2025	Received: The Pinery Water District takes no exceptions (verbatim).	No response required.
Plum Creek Water Reclamation Authority	09/23/2025	Received: No Comment (verbatim).	No response required.
Pueblo County Planning & Development	09/22/2025	Received: No comment (verbatim).	No response required.
Roxborough Water & Sanitation District	09/29/2025	See attached letter: No comments	No response required.

**Referral Agency Response Report****Page 5 of 5****Project Name:** Large Day-Care Homes, Douglas County Zoning Resolution Amendment, Section 21**Project File #:** DR2025-007**Date Sent:** 09/22/2025**Date Due:** 10/22/2025

Agency	Date Received	Agency Response	Response Resolution
Sedalia Water & Sanitation District	10/02/2025	Received: No comment. As each individual project moves forward, they would need to reach out to SWSD to evaluate the water demands (verbatim).	No response required.
South Metro Fire Rescue	10/01/2025	Received: South Metro Fire Rescue (SMFR) has reviewed the provided documents and has no objection to the proposed zoning resolution update (verbatim).	No response required.
South Platte Renew	09/29/2025	Received: No Comment (verbatim).	No response required.
South Suburban Park & Recreation District	10/22/2025	See attached letter: No comments	No response required.
Town of Castle Rock	10/03/2025	Received: Town of Castle Rock has no comments (verbatim).	No response required.
Town of Larkspur	09/29/2025	Received: No Comment (verbatim).	No response required.
Town of Parker Development Review	09/22/2025	See attached letter: No Comment	No response required.
Town of Parker Public Works	09/23/2025	Received: No Comment (verbatim).	No response required.
West Douglas County FD	09/24/2025	Received: No Comment (verbatim).	No response required.
West Metro Fire Protection District	10/20/2025	Received: No Comment (verbatim).	No response required.
Xcel Energy-Right of Way & Permits	10/15/2025	Received: No apparent conflict (verbatim).	No response required.



CENTENNIAL AIRPORT  
ARAPAHOE COUNTY AIRPORT AUTHORITY

7565 South Peoria Street, Unit D9  
Englewood, Colorado 80112  
main: 303-790-0598 | fax: 303-790-2129  
[www.centennialairport.com](http://www.centennialairport.com)

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September 19, 2025

Melanie Estrada  
Douglas County Community Development Department  
100 3rd St.  
Castle Rock, CO 80104

Re: DR2025-007 – DCZR Amendment Large Day-Care Homes

Dear Ms. Estrada,

Thank you for the opportunity to review the proposed amendments to the Douglas County Zoning Resolution.. The Arapahoe County Public Airport Authority has reviewed the documents and has no objection to the proposed development.

Please feel free to call me if you have any questions.

Sincerely,

Zachary Gabehart  
Planning Specialist - Noise & Environmental

**From:** [Alayna Moore](#)  
**To:** [Melanie Estrada](#)  
**Subject:** RE: Douglas County eReferral DR2025-007 Is Ready For Review  
**Date:** Friday, October 10, 2025 3:06:05 PM  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image004.png](#)

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CRFD has no objections to this proposal.

Respectfully,

Alayna Moore, CFM, FA  
Fire Prevention Officer



[Form Center • Request a Construction Inspection or Reinspect \(crgov.com\)](#)



Life Safety Division  
Castle Rock Fire and Rescue Department  
300 Perry Street  
Castle Rock, CO 80104  
303.663.3120 Office  
e-mail [FPO@crgov.com](mailto:FPO@crgov.com)



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**From:** [Cicione - CDPHE, Brendan](#)  
**To:** [Melanie Estrada](#)  
**Subject:** Re: Referral Response Request - DR2025-007 Douglas County Zoning Resolution Amendment Large Day-Care Home  
**Date:** Monday, September 22, 2025 4:41:07 PM

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Hi Melanie,

Thank you for your email. There are no comments from the Air Pollution Control Division. Please do not hesitate to contact me with any questions.

Thanks,  
Brendan Cicione (*he/him*)  
Air Quality and Transportation Planner



4300 Cherry Creek Drive S. | Denver, CO 80246-1530 [brendan.cicione@state.co.us](mailto:brendan.cicione@state.co.us)  
<https://cdphe.colorado.gov/>

On Mon, Sep 22, 2025 at 9:08 AM Localreferral - CDPHE, CDPHE <[cdphe\\_localreferral@state.co.us](mailto:cdphe_localreferral@state.co.us)> wrote:

Hello,

Please see the email below. Please add comments by 10/20.

Thank you!

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

From: **Melanie Estrada** <[mestrada@douglas.co.us](mailto:mestrada@douglas.co.us)>  
Date: Fri, Sep 19, 2025 at 3:33 PM  
Subject: Referral Response Request - DR2025-007 Douglas County Zoning Resolution Amendment Large Day-Care Home  
To: [cdphe\\_localreferral@state.co.us](mailto:cdphe_localreferral@state.co.us) <[cdphe\\_localreferral@state.co.us](mailto:cdphe_localreferral@state.co.us)>

**Date:** September 22, 2025

**To:** Interested Parties

**From:** Melanie Estrada

**From:** [Rachel Vigil](#)  
**To:** [Melanie Estrada](#)  
**Subject:** Referral for Douglas County Zoning Resolution Amendment – Large Day-Care Homes, DR2025-007  
**Date:** Monday, October 20, 2025 10:12:40 AM  
**Attachments:** [image001.png](#)  
[REF25-0018 Response Letter.docx](#)

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Good morning, Melanie,

The city of Littleton Planners have reviewed the following referral request and have **no comments**. I have also attached a letter to this effect.

Thank you,  
Rachel

**Rachel Vigil**  
Planner 1  
Community Development Dept.  
City of Littleton  
2255 W. Berry Ave.  
Littleton, Colorado 80120  
(303) 795-3721

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\* Sender and receiver should be mindful that all incoming and outgoing emails may be subject to the Colorado Open Records Act, S 24-72-200.1, et seq.

**From:** [Varner - CDOT, Jessica](#)  
**To:** [Melanie Estrada](#)  
**Cc:** [Steven Loeffler - CDOT](#)  
**Subject:** Douglas County eReferral DR2025-007  
**Date:** Wednesday, September 24, 2025 10:48:03 AM

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Hi Melanie,

I have reviewed the referral for Douglas County Zoning Resolution Large Day-Care Homes and have No Comment.

Thank you for the opportunity to review this referral.

Thank you,

**Jessica Varner**  
Permits Unit- Region 1



P [720.541.0441](tel:720.541.0441) | F [303.757.9053](tel:303.757.9053)  
2829 W. Howard Pl. 2nd Floor, Denver, CO 80204  
[Jessica.varner@state.co.us](mailto:Jessica.varner@state.co.us) | [www.codot.gov](http://www.codot.gov) | [www.cotrip.org](http://www.cotrip.org)

**From:** Olson - DNR, Justin  
**To:** Melanie Estrada  
**Subject:** Re: Douglas County eReferral DR2025-007 Is Ready For Review  
**Date:** Thursday, October 2, 2025 3:22:56 PM

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Good afternoon Ms. Estrada,

Thank you for including Colorado Parks and Wildlife in the referral request process for the zoning resolution for the project listed above. I have reviewed the documents and referral request, and I wanted to inform you that I have no concerns with this development as it pertains to any wildlife concerns. If you have any further questions or need more information, do not hesitate to let me know. Thank you for your time.

Justin Olson  
District Wildlife Manager  
Littleton District - Area 5



P 303.291.7131 | F 303.291.7114  
6060 Broadway, Denver, CO 80216  
[justin.olson@state.co.us](mailto:justin.olson@state.co.us) | [cpw.state.co.us](http://cpw.state.co.us)



On Fri, Sep 19, 2025 at 3:44 PM <[mestrada@douglas.co.us](mailto:mestrada@douglas.co.us)> wrote:

There is an eReferral for your review. Please use the following link to log on to your account:

[https://urldefense.com/v3/\\_https://apps.douglas.co.us/planning/projects/Login.aspx\\_!!PUG2raq7KiCZwBk!ZpKmJfXMaV7SegXy\\_5QquTiBhmjaFF-cWbPVo9nR5mqfIol6Wa6yHqnL\\_VgY44x7R1spswb8znDHD3MsFE\\_v4kWAS](https://urldefense.com/v3/_https://apps.douglas.co.us/planning/projects/Login.aspx_!!PUG2raq7KiCZwBk!ZpKmJfXMaV7SegXy_5QquTiBhmjaFF-cWbPVo9nR5mqfIol6Wa6yHqnL_VgY44x7R1spswb8znDHD3MsFE_v4kWAS)

DR2025-007, Douglas County Zoning Resolution Large Day-Care Homes, Douglas County is proposing revisions to the Use by Special Review requirement for Large Day-Care Homes to comply with Colorado Revised Statutes 26-6-104.5

This referral will close on Wednesday, October, 22, 2025.

If you have any questions, please contact me.

Sincerely,

Melanie Estrada  
Planning Services  
100 Third Street  
Castle Rock, CO 80104  
303-660-7460 (main)



October 2, 2025

Melanie Estrada, Planner

Douglas County Department of Community Development

Transmitted via email: [mestrada@douglas.co.us](mailto:mestrada@douglas.co.us)

**Re: Douglas County Zoning Resolution Amendment - Large Day-Care Homes  
Project File #: DR2025-007**

Water Division 1, Water District 8, Douglas County

CDWR Assigned Referral No. 34420

Dear Melanie Estrada:

We have reviewed the referral for the Douglas County proposed revision to the Use by Special Review requirement for Large Day-Care Homes to comply with Colorado Revised Statutes § 26-6-10.5. The requirement to the Use by Special Review permit for Large Day-Care Homes will be removed, and all Day-Care Homes will be residential accessory use.

#### **Guideline 2023-1**

The county should be aware that according to [Guideline 2023-1](#) DWR does not consider the following use/structure types to be ordinary household purposes or normal operations associated with single-family dwellings and these uses/structure types are not allowed to be served by an exempt well permit or a small capacity well permit:

- Venues for events such as parties and weddings;
- Bed and breakfasts, hotels, motels, and hostels;
- Boarding houses, dormitories, and shelters;
- In-home day cares;



- Properties with use of water by employees or customers as a result of an on-site commercial business, or other non-residential activity (such as a church or nonprofit organization).

Based on the above a commercial well permit may be required for Day-Care Homes. Therefore, well owners may [contact DWR](#) directly if they need clarification as to whether a permit is valid or clarification on the allowed use of the well. If the well cannot be used as permitted for the Day-Care Home, the applicant must re-permit the well, and obtain a court-approved augmentation plan in some cases. Please note that for wells constructed in a Denver Basin Aquifer, the lot size may be used to determine the quantity of water available for a well and some smaller lots may not have sufficient water underlying the parcel to permit the well for residential use and commercial use associated with Day-Care Homes. The ability to re-permit a well depends on many factors.

While DWR does not have any objections to the proposed amendments, the county may want to consider the provision of the 2023-1 Guideline.

Please contact me 303-866-3581 x8246 with any questions or [ioana.comaniciu@state.co.us](mailto:ioana.comaniciu@state.co.us)

Sincerely,



Ioana Comaniciu, P.E.  
Water Resources Engineer

Attachments: Guideline 2023-1



## Guideline 2023-1

### Uses of Water From Exempt and Small Capacity Wells

#### Purpose

Provide guidance regarding the allowed uses of exempt and small capacity wells, in situations where the statutes may not provide explicit direction. This guideline revokes and supersedes the following guidance:

- Policy 2011-3 titled “Concerning Commercial Activities on Property Served by Residential Exempt and Small Capacity Wells”
- The June 23, 1993 memorandum titled “Watering of domestic animals in post SB 35 subdivisions with State Engineer Approved Water Supply Plans”
- The June 20, 2001 memorandum titled “Watering of Domestic Animals with Small Capacity Domestic Well Permits Issued within the Designated Basins Pursuant to Section 37-90-105”.

This guidance does not apply to non-exempt or large capacity wells. The information in this document is to be used as a guide for administrative decisions regarding exempt and small capacity well permits. If the guidance in this document conflicts with county, local, or any other applicable land use regulations, this guidance is not to be construed as authorizing any use of property or water in a manner that does not comply with county, local, or any other applicable land use regulations.

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## 1. Background

Exempt wells and small capacity wells are similar but they are issued pursuant to different statutes that apply outside and inside of Designated Ground Water Basins, respectively.

## 1.1 Exempt wells - outside Designated Basins

Section 37-92-602 of the Colorado Revised Statutes (C.R.S.)<sup>1</sup> provides an exemption from administration in the water right priority system for wells located outside of Designated Groundwater Basins with uses limited to those in section 37-92-602(1). Those uses are specifically identified as ordinary household purposes, fire protection and fire-fighting, the watering of poultry, domestic animals, and livestock on farms and ranches, the irrigation of not over one acre of home gardens and lawns, monitoring and observation purposes, and drinking and sanitary facilities in individual commercial businesses.

The rationale for issuing exempt permits is described in section 37-92-602(6):

“It is hereby declared to be the policy of the state of Colorado that the exemptions set forth in this section are intended to allow citizens to obtain a water supply in less densely populated areas for in-house and domestic animal uses where other water supplies are not available. It is not the intent that these wells be used to cause material injury to prior vested water rights, and, wherever possible, persons seeking the use of such individual wells may be required to develop plans for augmentation pursuant to section 37-92-302 or to develop other replacement plans acceptable to the state engineer.”

Exempt well permits are currently issued under one of the following statutes:

- Pursuant to section 37-92-602(3)(b)(II)(A) based on a rebuttable presumption that there will not be material injury to the vested water rights of others or to any other existing well resulting from such well. The majority of exempt wells are issued under this statute; which prescribes allowed uses for three types of parcels: those less than 35 acres, those equal to or greater than 35 acres, and those that are located in cluster developments as defined in section 30-28-403. Exempt well permits issued pursuant to section 37-92-602(3)(b)(II)(A) on parcels less than 35 acres, which are not on parcels created through a cluster

<sup>1</sup>All statutory references are for the Colorado Revised Statutes (2023).

development, are limited to ordinary household purposes inside one single-family dwelling, with no allowed outdoor uses.<sup>2</sup> Only one exempt well permit issued pursuant to section 37-92-602(3)(b)(II)(A) for production purposes (not including exempt well permits issued exclusively for monitoring and observation or fire-fighting purposes) may be issued per legal parcel, cluster development lot, or tract of land of 35 acres or more.

- Pursuant to section 37-92-602(3)(b)(I) which requires that the State Engineer find that the well will not result in injury to the vested water rights of others or any other existing well. Such wells are generally issued to withdraw water from nontributary aquifers; certain Denver Basin aquifers; or from tributary aquifers in areas of the state where the stream system is not considered to be overappropriated.
- Pursuant to section 37-92-602(5) for the registration of existing wells that were put to beneficial use prior to May 8, 1972 for uses allowed under section 37-92-602(1).

The well uses listed in section 37-92-602, are exemptions from article 92 of title 37, C.R.S. This guideline describes how the State Engineer will apply the referenced well permitting statutes in a manner intended to be consistent with the Colorado Supreme Court's direction that "exceptions to the general laws should be narrowly construed."<sup>3</sup>

## 1.2 Small Capacity wells - inside Designated Basins

Section 37-90-105 authorizes the State Engineer to issue small capacity well permits within Designated Basins for uses identified in section 37-90-105(1) without regard to any other provisions in article 37-90. The descriptions of use specified in section 37-90-

<sup>2</sup>During the period from May 17, 1988 (effective date of House Bill 1111) to June 30, 1993 the "watering of the user's domestic animals not to be used for commercial purposes" was allowed for new permits approved under the presumption of non-injury for household use only wells in the exempt statutes. During that period the statute also allowed for amending existing permits issued between May 8, 1972 and May 17, 1988 to include those uses, upon request.

<sup>3</sup>See *City of Aurora ex rel. Util. Enter. v. Colorado State Eng'r*, 105 P.3d 595, 608 (Colo. 2005).

105(1) differ slightly from exempt wells as described in section 37-92-602(1). The uses identified in section 37-90-105(1) include: use for no more than three single-family dwellings, including the normal operations associated with such dwellings, but not including the irrigation of more than one acre of land; watering of livestock on range and pasture; use in one commercial business; monitoring and observation; and fire-fighting. Most small capacity well permits, regardless of parcel size, allow use in up to three dwellings, domestic animal watering, and no more than one acre of lawn and garden irrigation.<sup>4</sup>

Within Designated Basins, the Division of Water Resources' ("DWR's") historical practice has been on tracts of land of 35 acres or more to allow up to one small capacity well for each use type (for instance commercial and domestic) on the same tract of land, or on parcels of less than 35 acres to allow the combination of those uses into one well, subject to any subdivision approval letter requirements.<sup>5</sup>

In accordance with section 37-90-105(7)(a) the board of a ground water management district may adopt rules that further restrict the issuance of small capacity well permits. In addition, the board of a ground water management district may adopt rules that expand the acre-foot limitations for small capacity wells set forth in section 37-90-105.

## **2. Water for commercial uses**

### **Exempt commercial well permits issued pursuant to section 37-92-602**

An exempt well permit may be issued for water use to supply drinking and sanitary facilities inside an individual commercial business as described in section 37-92-602(1)(c), pursuant to 37-92-602(3)(b)(I). The process and requirements for permitting and registering wells for such uses is described in [Policy 1985-1](#), as amended on September 19, 2023, regarding the evaluation of well permit applications for exempt commercial

<sup>4</sup>Uses of water from the Denver Basin and nontributary sources may be limited to the quantity of available groundwater underlying the lot for both exempt and small capacity wells. The uses of small capacity wells may also be limited by Ground Water Management District Rules.

<sup>5</sup>The number of small capacity well permits per parcel may also be restricted by Ground Water Management District Rules.

uses and [Policy 1990-1](#) regarding registration of existing commercial wells that put water to beneficial use prior to May 8, 1972.

### **Small Capacity commercial well permits issued pursuant to section 37-90-105**

Water from small capacity commercial wells may be “used in one commercial business” allowing for broader commercial water use than exempt wells. Only one small capacity commercial permit within the Designated Basins is allowed per entity (business, person, etc.) pursuant to section 37-90-105(1)(c)(I) and (II).

The well can only serve one business. An office building or shopping center containing multiple tenants may be considered one business. In addition, one business may have multiple buildings/structures supplied by the well.

For the purpose of permitting small capacity wells, DWR considers commercial use to refer to the use of water to facilitate the purchase, sale, lease or exchange of goods or services at the place of use of the water. This typically includes uses of water at offices, restaurants, gas stations, retail establishments, hotels, and other businesses involved in the purchase, sale, lease, or exchange of goods or services.

Small capacity commercial wells may allow outdoor uses, including the irrigation of up to one acre of landscaping, and water supply to animals in a commercial operation including Confined Animal Feeding Operations (CAFOs) as described in [Policy 1994-4](#).

#### **2.1 Water use on property served by exempt and small capacity wells for which the permits do not list commercial use**

The following uses have no inherent commercial purpose inasmuch as they support activities and needs of the home: ordinary household purposes, watering poultry, watering domestic animals, and the irrigation of home gardens and lawns. Water from a well permitted for those non-commercial uses may be used at a property where commercial activity occurs, so long as no additional water will be diverted or consumed as a result of the business being conducted on the property. Specifically, employees

(other than a party living in a single-family residence on the property) and customers cannot use water from the well, and the business cannot use water from the well for conducting business or to produce a product.<sup>6</sup>

Items 3 through 6 discuss individual types of exempt and small capacity well uses other than commercial. Where appropriate, additional clarification about commercial activity related to that type of use is provided.

### **3. Water for ordinary household purposes or normal operations associated with a single-family dwelling**

The following applies to water use within a dwelling structure intended for occupation by not more than one family. A dwelling includes permanent provisions for living, sleeping, eating, cooking, and sanitation. The following occupancy situations all qualify as water use for ordinary household purposes inside one single-family dwelling:

- All or a part of the dwelling is occupied by owners, short- or long-term renters, or unrelated people with use equivalent to that of a single family. When a part of the dwelling is rented, such as only a bedroom and bathroom, and the renter is not allowed shared use of other parts of the home, such as the kitchen or living room, the dwelling use is not equivalent to that of a single family.
- Water may be used to supply a group home occupying a dwelling where the residents are children and/or adults and where caretakers or staff either live at the property or work at the property in shifts.
- Water may be used by nannies, health care workers, or other employees who provide services to residents of a dwelling and who may live in the dwelling or work there in shifts.<sup>7</sup>

<sup>6</sup>Employees such as caretakers and nannies who function as part of the single-family dwelling, as specifically described in Section 3, may use water from the well.

<sup>7</sup>The Colorado Supreme Court and statute support that use of a single-family dwelling by such groups, where residents make their home, although staff may be paid to supervise and assist the residents, is a residential use. See *Double D Manor v. Evergreen Meadows*, 30-28-115(2)(b.5), 31-23-303(2)(b.5)

When the well provides water to an auxiliary living space such as an accessory dwelling unit (ADU), refer to [Guideline 2016-1](#) to determine if the auxiliary living space is considered a second single-family dwelling regardless of who is using the space. Generally, an auxiliary living space with a separate entry and kitchen facilities is considered a second single-family dwelling. Auxiliary living spaces rented on a short-term basis may qualify for small capacity or exempt permits (similar to a small hotel). If they are rented long-term, that is residential use subject to the limitations on the number of single family dwellings allowed by the well permit. For rental units that are intended to be used for commercial rental purposes and occupied on an intermittent or seasonal basis only, DWR will allow the main house and the rental unit to be served by a commercial exempt well permit.

DWR does not consider the following use/structure types to be ordinary household purposes or normal operations associated with single-family dwellings and these uses/structure types are not allowed to be served by an exempt well permit or a small capacity well permit:

- Venues for events such as parties and weddings;
- Bed and breakfasts<sup>8</sup>, hotels, motels, and hostels;
- Boarding houses, dormitories, and shelters;
- In-home daycares;
- Properties with use of water by employees or customers as a result of an on-site commercial business, or other non-residential activity (such as a church or non-profit organization).

DWR does not consider the following uses of water that may occur at a residential site to be ordinary household purposes or normal operations associated with a single-family dwelling and these uses are not allowed to be served by an exempt well permit or a small capacity well permit:

<sup>8</sup>For well permitting purposes, the Division of Water Resources relies on the statutory definition of a bed and breakfast in section 39-1-102(2.5).

- Filling or refilling a hot tub or swimming pool;
- Use as an ingredient in or to produce a product that is sold commercially (e.g. brewing beer, distilling spirits, manufacturing health or cosmetic products);
- Use of water outside of the dwelling structure including, but not limited to:
  - Growing plants that are not inside the dwelling, including those grown in a greenhouse;
  - Washing vehicles, windows, decks, or other outdoor features.

#### 4. Water use for animals

Well permits may specifically state in the conditions of approval that they allow for the watering of domestic animals, poultry and/or livestock. For well permits that do not specifically include the watering of domestic animals, poultry and/or livestock, refer to Item 4.1.1 and Item 7 to determine if animal watering is an allowed use of the well.

Wells permitted for ordinary household purposes inside a single-family dwelling or for normal operations associated with a single-family dwelling may be used for the watering of pets living inside the dwelling regardless of whether or not domestic animal watering is specified on the permit.

The function of the animal (rather than the type of animal) determines the animal category. Animals commonly kept to support activities and needs of the home supplied by the well are domestic animals (see *Armstrong v. Larimer County Ditch Co*, Colo App 1891). In Colorado, horses for personal use are a common domestic animal, as are chickens raised to supply the owner with eggs or meat.<sup>9</sup> A cow raised to supply the owner with milk or meat is a domestic animal, a cow raised on a farm or ranch for commercial sale is livestock.

<sup>9</sup>The use of water to supply chickens providing the owner with eggs or meat may be considered domestic animals when watering poultry is not a specific permitted use. Some Denver Basin permits have a limit on the number of domestic animals due to the volumetric limits of these permits, such numeric limits are based on larger domestic animals and generally would not limit the number of chickens (see discussion in Item 11.1).

#### **4.1 Watering of poultry and domestic animals**

If a well permit allows for the watering of poultry and/or domestic animals, such animals may only be used in a commercial endeavor as described in Item 2 according to the provisions enumerated below.

- A. The property has a home that is the primary single family residence for the party that owns the animals;
- B. The commercial endeavor is not the primary reason for owning the animals; and
- C. No water is used for commercial endeavors other than the watering of the animals.

Watering domestic animals or poultry residing on the property for a commercial purpose, rather than just to provide for the needs of the residents of the property, is commercial water use. The need for a special use or other permit from a local government for the activity can be an indication of a commercial activity. Examples of commercial animal watering include:

- Watering household pets or domestic animals that are kept for the purpose of a large-scale breeding operation;
- Watering household pets or domestic animals that are owned by others, but are watered at the property as part of a commercial operation, such as a training or boarding operation.

##### **4.1.1 Determining if the watering of poultry and domestic animals is allowed by the well permit**

###### **Exempt Wells**

The watering of poultry and domestic animals is not considered to be a part of the “ordinary household purposes” for exempt wells referenced in section 37-92-602(1)(a) because these uses are independently listed in sections 37-92-602(1)(b) and (e).

Therefore, wells limited to use for “ordinary household purposes” inside one or more

single-family dwelling(s), with no allowed outdoor uses, may not be used for the watering of poultry or domestic animals unless otherwise specified on the permit.

From May 17, 1988 (effective date of House Bill 1111) to June 30, 1993 (effective date of Senate Bill 241) the “watering of the user’s domestic animals not to be used for commercial purposes” was allowed for new permits approved under section 37-92-602(3) (b)(II)(A), based on the presumption of non-injury, for household use only inside one single family dwelling. During that period the statute also allowed for amending existing permits issued between May 8, 1972 and May 17, 1988 to include those uses, upon request.

Except for the situations stated below, if a well permit for an exempt well was issued on or after May 8, 1972, domestic animal watering is only allowed if specifically approved on the well permit, or approved through an amendment under the provisions of House Bill 1111, as evidenced by an amendment to the terms and conditions of the well permit or approval in the well permit file.<sup>10</sup>

If a well permit for an exempt domestic well allows domestic animal watering, DWR will allow watering of the user’s own poultry under the permit.

For subdivisions with an approved subdivision water supply plan that relies on wells constructed in a Denver Basin aquifer,<sup>11</sup> the following applies when determining if the watering of poultry and domestic animals is allowed:

- a. For those subdivisions that are approved for domestic or in-house use and the irrigation of up to one full acre of home gardens and lawns, DWR will allow the watering of domestic animals and poultry, even if such uses are not specifically referenced in the conditions of approval for the well permit. If the conditions of approval for a well permit in such a subdivision do not specifically allow the

<sup>10</sup>The terms and conditions of well permits amended under the House Bill 1111 were not generally amended to state that domestic animal watering was an allowed use, however a document was added to the well permit file that documented that the permit was amended to allow such use.

<sup>11</sup>The Denver Basin aquifers are those aquifers defined by the Denver Basin Rules (2CCR-402-6).

watering of domestic animals and poultry, and the holder of the well permit desires to have those uses specifically referenced in the conditions of approval of the well permit, the holder of the permit may submit a written request to DWR to amend the permit to include this use. **No fee is required for a change of this type.** For new permits issued in these subdivisions, animal watering shall be included in the approved uses.

- b. For those subdivisions with water supply plans approved for in-house use and the irrigation of less than one full acre of home gardens and lawns, DWR will not allow animal watering unless specifically indicated in the subdivision water supply plan approval letter that was sent by DWR to the county, or the subdivision water supply plan on which that letter is based.

For valid Denver Basin exempt well permits that do not allow for the watering of poultry and domestic animals, and those uses are desired, the holder of the well permit can seek to re-permit the well to allow such use by filing a new well permit application and filing fee as described in Item 11.1 later in this document.

### **Small Capacity Wells**

Under section 37-90-105(1)(a) the State Engineer can issue permits for wells that are used for no more than three single-family dwellings, including normal operations associated with such dwelling but not including the irrigation of more than one acre of land. Domestic animal and poultry watering are not specifically listed uses in the small capacity well statutes, but those uses are considered to be a typical use associated with households within the Designated Basins. Therefore, DWR considers the watering of domestic animals and poultry to be a component of the statutory use “normal operations associated with” single-family dwellings under section 37-90-105(1)(a). The allowed uses of small capacity domestic wells shall be interpreted, and new well permits shall be issued, consistent with the following:

If a valid well permit for a small capacity domestic well meets the following

requirements, then the watering of the user's own domestic animals and poultry shall be allowed even if such uses are not specifically referenced in the conditions of approval of the well permit. The requirements vary depending on whether the well permit is approved pursuant to a subdivision water supply plan letter.<sup>12</sup>

- If the well permit was issued pursuant to a subdivision water supply plan letter, which was dated prior to July 1, 2001<sup>13</sup>, and did not explicitly exclude animal watering as an approved use, the watering of the user's own domestic animals and poultry is an allowed use.
- If the well permit was issued prior to July 1, 2001, and was not issued pursuant to a subdivision water supply plan letter, the watering of the user's own domestic animals and poultry is an allowed use.

If the watering of the user's own domestic animals and poultry is an allowed use based on the conditions above, and the conditions of approval of the well permit do not specifically allow the watering of the user's own domestic animals and poultry, and the holder of the well permit desires to have those uses specifically referenced in the conditions of approval of the well permit, the holder of the well permit may submit a written request to DWR to amend the well permit to include those uses. **No fee is required for a change of this type.**

For well permits issued for small capacity domestic wells on or after July 1, 2001, the well permit conditions must specifically state if the watering of the user's own domestic animals is allowed. If a well permit allows domestic animal watering, DWR will also allow the watering of the user's own poultry.

Where a valid well permit exists that does not allow the watering of poultry and domestic animals, and such use is desired, the holder of the well permit can seek to re-

12For subdivisions, as defined in section 30-28-101(10), approved on or after June 1, 1972, section 30-28-136(1)(h)(l) requires that the counties refer the water supply plans to DWR for an opinion on whether the water supply plan is adequate and whether it will result in injury to vested water rights. The "subdivision water supply plan letter" is DWR's response to the county.

13As of this date staff of DWR added domestic animal watering as a specific use to well permits for situations where such use was allowed.

permit the well to allow such use by filing a new well permit application and filing fee. The ability to obtain the well permit will be determined at the time that the well permit application is submitted to and reviewed by DWR. For re-permitting of wells withdrawing water from a Denver Basin aquifer also see Item 11.1 later in this document.

#### **4.2. Watering of livestock**

Exempt permits may include the use “watering livestock on farms and ranches,” as described in section 37-92-602(1)(b). Small capacity permits may include the use “watering of livestock on range and pasture,” as described in section 37-90-105(1)(b). These sections do not identify a specific limit on the number of water tanks or the number of livestock that can be served from these types of wells to water livestock. DWR considers “watering livestock on farms and ranches” for exempt wells and, “on range and pasture” for small capacity wells, to mean that livestock suited to grazing, such as beef or dairy cattle, are substantially supported by grazing on vegetation growing in the area where the livestock roam or through feed grown on the farm or ranch, which imposes a limit on the number of livestock that may be supplied water through the well based on the number of animals that can be supported on range and pasture or on the farm or ranch. Considering the variability of Colorado’s climate, there may be temporary instances of limited duration where additional feed from external sources is necessary. Supplying water to confined animal feeding operations (CAFOs/feedlots) where the primary feed source is not grown on the farm or ranch does not qualify as “watering livestock on farms and ranches” or “watering livestock on range and pasture”. For exempt wells used for feedlot operations or dairy operations established prior to May 8, 1972 the limitations specified in [Policy 1993-2](#) apply.

Watering of livestock not meeting the criteria above is commercial water use.

Any owner of an existing small capacity well that was constructed prior to May 8, 1972, or has a well permit issued prior to January 1, 1996, and that was put to beneficial use for watering livestock in a confined animal-feeding operation had until December 31,

1999 to apply to permit the well as a small capacity commercial well. Such well is in addition to the one commercial business well allowed in section 37-90-105(1)(c).

Use of wells permitted for livestock watering is limited to the watering of livestock owned by the well owner, or the watering of livestock on land either owned or leased by the well owner (see also Item 9).

Livestock wells must be equipped and used in a manner that prevents unreasonable waste. Wasting water by diverting water when not needed for beneficial use, or running more water than is reasonably needed for application to beneficial use is “waste.”<sup>14</sup> In order to prevent unreasonable waste livestock wells should only be pumped as needed to keep a reasonable amount of water in the vessel supplying livestock, while minimizing overflow (i.e. pumped to fill stock tanks).

Exempt livestock wells are typically used to fill a tank or other storage structure for the purposes of watering livestock. The tank must be sized appropriately for the number of livestock to be watered and the intended use of the tank or storage structure must be limited to livestock watering, and cannot be used for ancillary purposes such as a fish pond, swimming pool, etc.

## **5. Water for Irrigation**

Exempt well permits may include the “irrigation of not over one acre of home gardens and lawn” pursuant to section 37-92-602(1)(b), but may be permitted for less than one acre in some instances (e.g. some well permits in Denver Basin).

Exempt well permits issued for the late registration of an existing well may include the “irrigation of not over one acre of gardens and lawn” as described in section 37-92-602(1)(e). DWR will limit this irrigation to irrigation of gardens and lawns associated with a single-family dwelling. For wells put to beneficial use prior to May 8, 1972 or late registered, DWR will limit the irrigated area to the area that was irrigated prior to May

<sup>14</sup>Ready Mix Conc. CO. v. FRICO, 115P.3d 638, 645 n. 4 (2005).

8, 1972 (see Item 8).

Small capacity permits may include the limitation “used for no more than three single-family dwellings, including the normal operations associated with such dwellings but not including the irrigation of more than one acre of land” as described in section 37-90-105(1)(a). DWR will limit the irrigated land to home gardens and lawns associated with the dwellings.

For exempt and small capacity well permits with irrigation use, DWR will consider a greenhouse as part of the permitted irrigated area, and will allow watering the plants outside of the normal irrigation season, so long as the plants are not sold.

The irrigation of home gardens and lawns may include irrigation of plants that are sold<sup>15</sup> as long as:

- A. The property has a home that is the primary single family residence for the party growing the plants.
- B. The primary purpose of the irrigation is for personal use of the plants, recognizing that this may result in excess plants at certain times, which may be made available for sale. Irrigation of plants in quantities greater than is reasonable for personal use with the intent for sale is commercial irrigation use and not allowed under an exempt or small capacity well permit.
- C. The irrigation of the plants does not change the season of irrigation from the season for a typical home garden or lawn in that area (i.e., winter irrigation inside a greenhouse or building is prohibited).
- D. The plant to be cultivated, irrigated, or processed does not require a license or registration<sup>16</sup> with any state or local licensing authority. The requirement of such

<sup>15</sup>As used hereafter, the term “sold” shall be understood to encompass trade, reimbursement, or other compensation resulting in consideration being received for plants or other plant products. The provisions of items 5.A - 5.D do not apply to the irrigation of plants that are donated. Such use is considered allowable as a part of the irrigation of home gardens and lawns.

<sup>16</sup>Examples of licenses include recreational or medical marijuana licenses issued through the Colorado Marijuana Enforcement Division. Registrations include commercial industrial hemp registrations issued

a license or registration is evidence of a commercial endeavor that will cause an increase in the diversion and consumption of water and is evidence that the primary purpose of the irrigation is beyond *personal*, non-commercial use of the same type of plants that will be sold. Registered medical marijuana primary caregivers<sup>17</sup> are an exception and may water plants during the irrigation season so long as all of the provisions enumerated in 5.A-5.C are met. The constitution allows adults to grow no more than six marijuana plants per adult for personal use. The maximum number of marijuana plants allowed to be grown at a residential property is 12.<sup>18</sup>

Per section 37-90-105(1)(c) small capacity well use may specifically include use in one commercial business. DWR will allow this commercial use to include irrigation of up to one acre of landscaping around the business.

Wells with permits that allow for “irrigation of lawns and gardens” or that allow for “irrigation of home lawns and gardens”, may be used for the irrigation of community gardens, provided that the total area irrigated does not exceed the irrigated area allowed by the well permit. This is subject to the requirement that a community garden would be tended by the property owner and/or other neighbors/individuals with no requirement of a payment, providing a service, or other financial arrangement that benefits the property owner or others associated with the garden (such as requiring a paid membership or other “pay to grow” consideration). All products (vegetables, flowers, etc.) from the garden must be used by the garden owner, neighbors/individuals tending the garden, donated, or otherwise in compliance with items 5.A - 5.D above, with the exception the community garden does not need to be on the parcel referenced in 5.A above.

through the Colorado Department of Agriculture.

<sup>17</sup>Medical marijuana primary caregiver registrations are issued through the Colorado Department of Public Health and Environment. Registered caregivers are precluded from being licensed to operate medical or retail marijuana businesses or being employed by those businesses.

<sup>18</sup>or 24 plants total if allowed by the medical marijuana or primary caregiver exception in section 18-18-406(3)(a)(II)(B), C.R.S., which also requires an express allowance in local law for more than 12 plants in a residential property.

Permits that allow for lawn and garden irrigation do not allow for water to be used for washing vehicles or machinery, or filling or supplying water to landscape features such as pools, ponds, fountains, waterfalls, or other landscape structures.

For well permits that do not include use of water for lawn and garden irrigation (such as household use only well permits), watering of plants is strictly limited to growing personal plants indoors that will not be sold.

## **6. Water use for fire-fighting and fire protection**

Exempt wells permitted for uses described in section 37-92-602(1)(b) and small capacity wells permitted for uses described in section 37-90-105(1) may include water use for fire-fighting and/or fire protection in combination with the domestic uses allowed under those sections. Wells used exclusively for fire fighting are permitted for those uses as described in section 37-92-602(1)(d) or section 37-90-105(1)(e), and must be capped, locked, and available for use only in fighting fires.<sup>19</sup> Wells used for fire-fighting may fill a cistern or enclosed tank so long as the tank/cistern outlet is capped, locked and available only for use in fighting fires. Fire protection does not include the use of water from the well for the “greening up” of vegetation, or filling a pond or swimming pool. In the event of an emergency, DWR does not object to the use of water from any well for fire-fighting.

## **7. Well permits issued for “domestic use”**

For well permits issued pursuant to applications filed prior to May 8, 1972 that list the beneficial use as “domestic” where there is no further description of the intended specific uses in the permit file, the specific uses are those uses intended at the time of application, not to exceed those listed in section 37-92-602(1) or section 37-90-105(1), as applicable. A well owner may provide evidence of intended use, such as plat maps or historical correspondence that indicates a particular number of dwellings, amount of

<sup>19</sup>For a fire station an exempt or small capacity well permit can be sought for both fire fighting and commercial drinking and sanitary use.

lawn and garden irrigation, and if domestic animals were intended. In the absence of specific evidence of intended uses, DWR will assume the historical use as of the date indicated below was the intended use:

- For stream systems that were over-appropriated as of May 8, 1972, the date is May 8, 1972, or the date the well was first put to use, whichever is later.
- For stream systems that were over-appropriated on or after May 8, 1972, the date of the over-appropriation determination.

For exempt well permits issued pursuant to applications filed on or after May 8, 1972 where the use is listed as “domestic”, and there is no further description of the intended specific uses in the permit file, and the well permit was not issued pursuant to section 37-92-602(3)(b)(II)(A), which specifies uses based on parcel size, the allowed uses may be determined according to specific uses described in a subdivision water supply plan or another document indicating the intended uses at the time of well permitting. If such information is not available the intended uses are inferred as follows:

- For wells constructed in a tributary aquifer the uses are inferred from the historical uses up until the date the basin is declared over-appropriated.
- For wells constructed in a nontributary or Denver Basin aquifer the uses are inferred from the historical uses that occurred when the well was first put to use.

For exempt well permits issued pursuant to section 37-92-602(3)(b)(II)(A), DWR will limit the use of the well to fire protection, ordinary household purposes inside up to three single-family dwellings, the irrigation of not more than one acre of home gardens and lawns, and the watering of poultry, domestic animals and livestock on a farm or ranch. Permits that do not explicitly state all of these uses may be amended in accordance with [Policy 1993-4](#).

## 8. Registration of certain wells not previously registered

Certain wells that were constructed and put to beneficial use prior to May 8, 1972 (or August 1, 1988 for monitoring wells), may be registered for their historical use in accordance with section 37-92-602(5) (exempt) or section 37-90-105(4) (small capacity), subject to the following requirements.

- Only the uses in place as of May 8, 1972 may be included on the permit (even in areas where the stream system became over-appropriated after May 8, 1972).
- In accordance with State Engineer [Policy 1995-4](#), uses that have not occurred for ten (10) or more continuous years are considered abandoned and are not eligible for registration.
- Wells outside of Designated Groundwater Basins that are used for drinking and sanitary purposes in a commercial business are subject to the registration requirements of State Engineer [Policy 1990-1](#).

## 9. Shared wells and use of water on other parcels

If a well permit issued pursuant to sections 37-92-602(5), 37-92-602(3), or 37-90-105(1) is used to supply water to a parcel other than where the well is located, or if use of the well is shared between two or more parcels, the operation of the well is subject to the following requirements:

- The total use of water cannot exceed the uses and amounts allowed by the well permit.
- Use of wells permitted for livestock watering is limited to serving livestock owned by the well owner (on land owned or leased by the well owner) or watering livestock owned by others (grazing on land owned by the well owner pursuant to a grazing agreement).
- The properties served by the exempt well may not be a part of a post-June 1, 1972 subdivision, unless the sharing of an exempt well was approved by the State

Engineer's Office as a part of the subdivision's water supply plan, or unless the well meets the requirements of section 37-92-602(3)(b)(IV) (note that section 37-92-602(3)(b)(IV) would limit the well to serving one parcel of the divided land, but would not limit the well to serving the parcel on which the well is located).

- If the property that the water is being shared with has another water supply available, as described in the State Engineer's [Guideline 2003-5 Regarding the Use of Wells Within Water Service Areas](#), a letter from the supplier/augmentation plan operator stating that they do not oppose the use of the shared well to serve the properties must be obtained from the water supplier and provided to DWR prior to the well being used to supply those properties.
- In order to verify that the total use of a well does not exceed the permitted uses of the well, all water must be supplied to shared properties by pipeline, unless the water use is for watering livestock on a farm or ranch (refer to Item 4.2 for further information on livestock watering).

If a well is shared between two or more properties, a well sharing agreement is recommended to document how the costs associated with operation/maintenance of the well, and water diverted from the well, will be split between the users sharing the well. Well sharing agreements provided to this office may be added to a well permit file for informational purposes; however, DWR does not enforce, administer, or resolve issues concerning well sharing agreements.

## **10. Return flow requirements**

Exempt wells permitted on the condition that "the return flow from such uses shall be returned to the same stream system in which the well is located" are assumed to satisfy this requirement through onsite septic or piped wastewater treatment. When return flows are not returned onsite, such as when wastewater is captured in a vault and hauled to a wastewater treatment plant, DWR considers wells to be in compliance when that water is returned to any stream system within the same Water Division as the well.

## 11. Changing Permitted Uses

A well must only be used for those uses listed on the well permit. Prior to using the well for any uses not allowed by the well permit the well must first be re-permitted to allow for different uses. Permits issued pursuant to section 37-92-602(3)(b)(II)(A), as the only well on a tract of land of 35 acres or more that do not explicitly include all of the uses allowed under that section of statute (fire protection, ordinary household purposes inside up to three single-family dwellings, the irrigation of not more than one acre of home gardens and lawns, and the watering of poultry, domestic animals and livestock on a farm or ranch), may be amended in accordance with [Policy 1993-4](#) (refer also to Item 7 for further information).

### 11.1 Trading allowed uses for wells in Denver Basin aquifers

For small capacity well permits issued in accordance with section 37-90-105(1) and exempt well permits issued in accordance with section 37-92-602(3)(b)(I), to withdraw water from a Denver Basin aquifer, the allowed uses may be traded as long as the amount of water required to serve the modified uses does not exceed the amount of water required for the existing uses, based on the following water demands:

- Ordinary household purposes inside 1 single family dwelling - 0.3 acre-feet per year
- The watering of 4 of the user's own domestic animals - 0.05 acre-feet per year
- The irrigation of 1,000 square-feet of home lawn and garden - 0.05 acre-feet per year.
- Watering of the user's own poultry on residential land - 0 acre-feet per year<sup>20</sup>

For example, the allowed irrigated area can be reduced by 1,000 square feet to allow the watering of 4 of the user's own domestic animals and poultry.

<sup>20</sup>Due to the limited amount of water required to water the number of poultry that is typical for a residential property, no reduction in uses will be required to add the watering of the user's own poultry.

In order to modify the uses allowed by the well permit, the holder of the well permit must apply to re-permit the well by submitting a well permit application and filing fee. The ability to obtain a new well permit will be determined at the time that the well permit application is submitted to and reviewed by DWR.

### **11.2 Trading water uses and measuring water use by wells**

Except as described in Item 11.1, the permitted uses of water from exempt and small capacity wells cannot be exchanged for different uses that may have a similar or lesser water use amount but that are not listed on the well permit or in the exempt and small capacity well statutes. Rather, water use is limited to only those types of water uses listed in the statutes.<sup>21</sup> For instance, a water user may not obtain an exempt well permit that trades the irrigation of one acre of home gardens and lawns for the filling of a swimming pool, even if the swimming pool water use is measured to be less than the irrigation use.

### **11.3 Adding non-exempt or large capacity uses**

When a well with a permit issued pursuant to the exempt or small capacity statutes will be used for additional uses not listed in 37-92-602(1) or 37-90-105(1), unless the structure is configured such that the exempt uses and non-exempt uses can be served by two separate “wells” as described below, the existing well permit must be canceled and the well must be re-permitted for all of the proposed uses through a non-exempt or large capacity well permit. A single “well” cannot partially operate under an exempt (or small capacity) well permit and partially under a non-exempt (or large capacity) well permit. In tributary aquifers in an over-appropriated area, a non-exempt well permit requires a plan for augmentation or other approval that considers all of the uses and prevents injury.<sup>22</sup> Similarly, for large capacity wells that require a replacement plan

<sup>21</sup>When interpreting statutes, courts “must give effect to the intent of the General Assembly.” *Mosley v. People*, 392 P.3d 1198, 1202 (Colo. 2017). Courts “give the words their plain and ordinary meaning.” *Flakes v. People*, 153 P.3d 427, 434 (Colo. 2007), *as modified on denial of reh’g* (Mar. 19, 2007). Where the plain language of a statute is unambiguous, the language of the statute should be applied as written. *Nieto v. Clark’s Mkt., Inc.*, 488 P.3d 1140, 1143 (Colo. 2021).

<sup>22</sup>The Colorado Supreme Court concluded in *Cache LaPoudre W.U. Ass’n v. Glacier View Meadows* (1976)

pursuant to the Designated Basin Rules, the replacement plan must consider all of the uses of the well and prevent material injury to existing water rights. In situations where separate pumps, piping, and plumbing are installed in the same borehole, each system used to obtain groundwater and put it to beneficial use may be considered a separate “well” that could allow for the issuance of a non-exempt or large-capacity permit for one “well” while retaining the exempt or small-capacity permit for the other “well”. The augmentation/replacement requirements would still apply to uses from the non-exempt or large-capacity well. There may be additional considerations within the Designated Basins, such as compact requirements or Ground Water Management District Rules, that could prevent or restrict the issuance of a small-capacity permit for a well in the same borehole as a large-capacity well, or decree terms and conditions may prevent the issuance of an exempt permit for a well in the same borehole as a non-exempt well. Therefore, each situation will be evaluated on a case-by case basis.

### Approval

This document may only be modified or revoked in writing by the State Engineer. This guideline originally became effective on December 20, 2023. It was amended on August 18, 2025 to clarify that two “wells” may be permitted in the same borehole if certain requirements can be met.



---

Jason T. Ullmann, P.E.  
State Engineer/Director

that all wells included in a plan for augmentation are non-exempt.

**From:** [Gary Walter](#)  
**To:** [Melanie Estrada](#)  
**Subject:** RE: Referral Response Request - DR2025-007 Douglas County Zoning Resolution Amendment Large Day-Care Home  
**Date:** Tuesday, September 23, 2025 10:06:07 AM

---

No Comment

*Gary Walter*

**Sr. Engineer/Project Manager**

FAA Remote Pilot, Cert. # 4023763

Douglas County Department of Public Works Operations

303-660-7480 | 303-663-6232

P.O. Box 1390 | 3030 N. Industrial Way

Castle Rock, CO 80104

---

**From:** Melanie Estrada <mestrada@douglas.co.us>

**Sent:** Friday, September 19, 2025 3:39 PM

**To:** Gary Walter <GWalter@douglas.co.us>

**Subject:** Referral Response Request - DR2025-007 Douglas County Zoning Resolution Amendment  
Large Day-Care Home

**Date: September 22, 2025**

**To:** Interested Parties

**From:** Melanie Estrada

**RE: Douglas County Zoning Resolution Amendment – Large Day-Care Homes, DR2025-007**

**Request for Review:**

Please review the following proposed update to the Douglas County Zoning Resolution (Zoning Resolution) Large Day-Care Homes and forward any comments to me by **October 22, 2025**. The full text of this update can be obtained by contacting this office, or by accessing the Douglas County website at [www.douglas.us/PRO](http://www.douglas.us/PRO) and entering the project file number DR2025-007 in the search tool.

**Synopsis of Regulation Change:**

Douglas County is proposing revisions to the Use by Special Review requirement for Large Day-Care Homes to comply with Colorado Revised Statutes § 26-6-10.5. This requirement will be removed, and all Day-Care Homes will be a residential accessory use. The proposed revisions include a new definition of Day-Care Homes and revisions and minor technical corrections to various references. The following Sections are affected:

**From:** [Chuck Weiss](#)  
**To:** [Melanie Estrada](#)  
**Subject:** RE: [EXTERNAL]:Douglas County eReferral DR2025-007 Is Ready For Review  
**Date:** Sunday, September 21, 2025 8:20:31 PM

---

No comments.

Thanks,  
Chuck

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

From: mestrada@douglas.co.us <mestrada@douglas.co.us>  
Sent: Friday, September 19, 2025 3:43 PM  
To: Chuck Weiss <cweiss@e-470.com>  
Subject: [EXTERNAL]:Douglas County eReferral DR2025-007 Is Ready For Review

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DR2025-007, Douglas County Zoning Resolution Large Day-Care Homes, Douglas County is proposing revisions to the Use by Special Review requirement for Large Day-Care Homes to comply with Colorado Revised Statutes 26-6-104.5

This referral will close on Wednesday, October 22, 2025.

If you have any questions, please contact me.

Sincerely,

Melanie Estrada  
Planning Services  
100 Third Street  
Castle Rock, CO 80104  
303-660-7460 (main)

---

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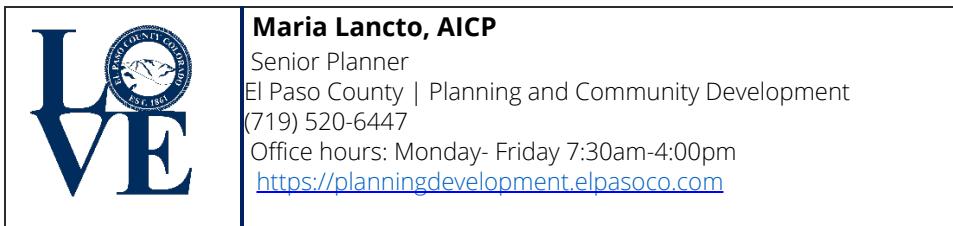
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**From:** [Maria Lancto](#)  
**To:** [Melanie Estrada](#)  
**Subject:** RE: Referral Response Request - DR2025-007 Douglas County Zoning Resolution Amendment Large Day-Care Home  
**Date:** Monday, October 6, 2025 3:28:08 PM  
**Attachments:** [image001.png](#)  
[Review Comments Letter.pdf](#)

---

Hello,

Thank you for sending this to us for review. Our comments are attached.



---

**From:** Melanie Estrada <mestrada@douglas.co.us>  
**Sent:** Friday, September 19, 2025 3:32 PM  
**To:** DSD-POD <DSD-POD@elpasoco.com>  
**Subject:** Referral Response Request - DR2025-007 Douglas County Zoning Resolution Amendment Large Day-Care Home

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---

**Date:** September 22, 2025

**To:** Interested Parties

**From:** Melanie Estrada

**RE: Douglas County Zoning Resolution Amendment – Large Day-Care Homes, DR2025-007**

**Request for Review:**



MEGGAN HERINGTON, AICP, EXECUTIVE DIRECTOR

PLANNING AND COMMUNITY DEVELOPMENT

---

October 6, 2025

County File: OAR2523 – Douglas County Zoning Resolution Large Day-Care Homes; DR2025-007

To: Melanie Estrada, Douglas County;  
[mestrada@douglas.co.us](mailto:mestrada@douglas.co.us)

### **Planning Division**

EPC Planning has no comments.

Reviewed by:

Maria Lancto, AICP, Senior Planner  
[marialancto@elpasoco.com](mailto:marialancto@elpasoco.com)

### **Engineering Division**

El Paso County Development Services Engineering has no comments.

Reviewed by:

Charlene Durham, PE  
[charlenedurham@elpasoco.com](mailto:charlenedurham@elpasoco.com)

## **Stormwater Division**

EPC DPW Stormwater has no comments on this zoning resolution. No re-review necessary.

Reviewed by:

Mikayla Hartford, P.E.

Engineer - Stormwater

719.339.5053

[MikaylaHartford@elpasoco.com](mailto:MikaylaHartford@elpasoco.com)

## **County Engineer (Public Works)**

Additional comments may be provided by the County Engineer.

Maria Lancot, AICP, Senior Planner

El Paso County Planning and Community Development

2880 International Circle, Colorado Springs, CO, 80910

(719) 520-6447

**From:** [Danny Klibaner](#)  
**To:** [Melanie Estrada](#)  
**Cc:** [CDS Department](#)  
**Subject:** Douglas County eReferral DR2025-007 Is Ready For Review  
**Date:** Monday, September 22, 2025 9:51:09 AM  
**Attachments:** [image001.png](#)

---

Good morning,

Elbert County has no issues with Douglas County's proposed change that removes the requirement for a use by special review for Large Day-Care Homes.

Best,  
Danny

**Danny Klibaner, AICP**  
**Elbert County Government**  
**Land Use Planner**  
**Community and Development Services**  
PO Box 7, 215 Comanche St, Kiowa, CO, 80117  
Office (303) 621-3135  
Cell (303) 435-1865  
[danny.klibaner@elbertcounty-co.gov](mailto:danny.klibaner@elbertcounty-co.gov)

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# GRAND VIEW ESTATES

## HOMEOWNER'S ASSOCIATION

P.O. Box 2157

Parker, CO 80134-9443

## Considerations for Zoning Resolution Changes Related to Senior and Adult Daycare Facilities

### Overview of Referral DR2025-007

The referral DR2025-007 addresses a complex issue regarding zoning resolution changes required for statutory counties to comply with State regulation, specifically Colorado Revised Statute § 26-6-104.5. This statute prohibits government agencies from differentiating between small or large daycare centers, whether those centers serve children or adults.

### Recommendations for County Zoning Resolutions

Several recommendations are provided below for the Board of County Commissioners (BOCC) to consider as future revisions to other sections of the County Zoning Resolutions, as well as one suggestion that will be forwarded to State representatives for potential legislative action due to a possible observed loophole. **(Although the lack of mention might also indicate it is not recognized as a type of facility in the State of Colorado.)**

### Definitions and Oversight of Facilities

It is important for the County Zoning Resolutions to define the following terms accurately and in accordance with State regulations, including clear specifications regarding the age and number of individuals served at each type of facility:

- Assisted living
- Group homes
- In-home elder care
- Adult daycare
- **Senior daycare (a new and potentially undefined term)**
- Child daycare

Facilities such as assisted living, group homes, and in-home elder care are overseen by the Colorado Department of Public Health and Environment (CDPHE). These must be licensed by the State, and there is a distinction between "private pay" and facilities seeking Medicaid payments.

Adult daycare facilities are managed by both the Colorado Department of Health Care Policy and Financing (HCPF) and the CDPHE. HCPF authorizes and reimburses adult services via Medicaid and HCBS waivers when applicable, while CDPHE is responsible for licensing and ensuring compliance with health and safety standards.

Senior daycare is a relatively new type of facility in Douglas County. Currently, there is a loophole: no licensing or certification is required by the State of Colorado unless "special services" like dementia or Alzheimer's care are provided. During a recent open house at a senior daycare facility in Grand View

# GRAND VIEW ESTATES

## HOMEOWNER'S ASSOCIATION

P.O. Box 2157  
Parker, CO 80134-9443

Estates, the owner claimed that Colorado does not require licensing or certification for such facilities, a statement that may not be fully accurate based on available research.

In other states, senior daycare facilities are defined as adult day care centers serving three or more adults, with specific operational standards and services focused on aging adults, such as bathing, grooming, and medication assistance. These definitions often exclude programs for individuals with developmental disabilities and clarify terms like "Aging Adults" and "Activities of Daily Living." Child daycare is regulated by the Colorado Department of Early Childhood (CDEC), and depending on facility type, the State may require a full-time equivalent certified nurse to be present onsite.

### Compliance and Registration Recommendations

Given that oversight rests with the State rather than local agencies, it is recommended that BOCC update zoning resolutions to require operators of all facility types listed above to familiarize themselves with and comply with all State regulations.

Additionally, many existing facilities have undergone extensive interior renovations which may not have been properly permitted through the County, even adding bedrooms and bathrooms without expanding septic systems or determining whether well permitting through the CDWR allows for such use. All of which is an issue in the ER, RR, LR, and AG zoning areas.

A further recommendation is for all these facilities to register with the County Health Department to ensure issues affecting safety or welfare are addressed and to facilitate necessary expansion, such as for septic systems.

### Facility Accessibility and Future Development

At the open house for the new senior daycare facility in Douglas County, a healthcare worker noted that the main floor bathroom was not ADA compliant, nor was the wheelchair ramp to the front porch. The facility owner mentioned plans to open additional locations in Castle Rock and Littleton. It was unclear who might reside in the onsite quarters or finished basement.

The owner also stated that Douglas County provides transportation to and from the Grand View Estates facility, though this information has not been confirmed.

### Conclusion

The issues surrounding senior and adult daycare facilities are complex, particularly as the aging population in Douglas County and the State increases, heightening the demand for such services—including child daycare. Many individuals opening these facilities find them profitable, partly due to a tax benefit of \$1,200 per individual, raising concerns about the potential impact on semi-rural communities throughout unincorporated Douglas County that don't have other zoning resolutions/regulations.



October 20, 2025

Carolyn Washee-Freeland, AICP, Senior Planner  
Douglas County Department of Community Development, Planning Services  
100 Third Street  
Castle Rock, CO 80104

Project name: Douglas County Zoning Resolution Amendment – Large Day-Care Homes

Project File #: DR2025-007

Review Date: October 20, 2025

Project Summary: Revisions to the Use by Special Review requirement for Large Day-Care comes to comply with Colorado Revised Statutes § 26-6-10.5. This requirement will be removed, and all Day-Care Homes will be a residential accessory use. The proposed revisions include a new definition of Day-Care Homes and revisions and minor technical corrections to various references.

The District appreciated the opportunity to review and comment on the proposed project. District staff have reviewed the proposed application and has no comments.



October 17, 2025

Carolyn Washee-Freeland, AICP, Senior Planner  
Douglas County Department of Community Development, Planning Services  
100 Third Street  
Castle Rock, CO 80104

Project name: Douglas County Zoning Resolution Amendment – Large Day-Care Homes

Project File #: DR2025-007

Review Date: October 20, 2025

Project Summary: Revisions to the Use by Special Review requirement for Large Day-Care Homes to comply with Colorado Revised Statutes § 26-6-10.5. This requirement will be removed, and all Day-Care Homes will be a residential accessory use. The proposed revisions include a new definition of Day-Care Homes and revisions and minor technical corrections to various references.

The District appreciated the opportunity to review and comment on the proposed project. District staff have reviewed the proposed application and has no comments.

**From:** [Permitting](#)  
**To:** [Melanie Estrada](#)  
**Subject:** RE: Referral Response Request - DR2025-007 Douglas County Zoning Resolution Amendment Large Day-Care Home  
**Date:** Thursday, October 16, 2025 8:25:49 AM  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image003.png](#)  
[image004.png](#)  
[image005.png](#)  
[image006.png](#)  
[image007.png](#)

---

Good morning,

Please see our comment for this project:

*Mountain View Electric Association, Inc. (MVEA) has no objection to the proposed Zoning Resolution. Should electric service be required, please contact our office to initiate a service request.*

Thank you,

**Samantha Sherman**  
*Engineering Administrative Supervisor*  
Mountain View Electric Association, Inc.  
Falcon Office  
11140 E. Woodmen Road, Falcon, CO 80831  
Direct: (719) 494-2699  
Cell: (719)715-3039  
[www.mvea.coop](http://www.mvea.coop)



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**From:** Melanie Estrada <mestrada@douglas.co.us>  
**Sent:** Wednesday, October 15, 2025 2:53 PM  
**To:** Permitting <permitting@mvea.coop>  
**Subject:** RE: Referral Response Request - DR2025-007 Douglas County Zoning Resolution Amendment Large Day-Care Home

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**From:** [Mike Marcum](#)  
**To:** [Melanie Estrada](#)  
**Subject:** RE: Douglas County eReferral DR2025-007 Is Ready For Review  
**Date:** Monday, September 29, 2025 9:40:59 AM  
**Attachments:** [image001.png](#)

---

Hi Melanie,

RWSD has no comments on this referral.

Thanks,



**MIKE MARCUM**

*General Manager*

303.979.7286  
[mike@roxwaterco.gov](mailto:mike@roxwaterco.gov)  
8383 Waterton Rd | Littleton CO 80125  
[www.roxwaterco.gov](http://www.roxwaterco.gov)

**Roxborough** Water & Sanitation District

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

From: [mestrada@douglas.co.us](mailto:mestrada@douglas.co.us) <[mestrada@douglas.co.us](mailto:mestrada@douglas.co.us)>  
Sent: Friday, September 19, 2025 3:44 PM  
To: Mike Marcum <[Mike@roxwaterco.gov](mailto:Mike@roxwaterco.gov)>  
Subject: Douglas County eReferral DR2025-007 Is Ready For Review

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DR2025-007, Douglas County Zoning Resolution Large Day-Care Homes, Douglas County is proposing revisions to the Use by Special Review requirement for Large Day-Care Homes to comply with Colorado Revised Statutes 26-6-104.5

This referral will close on Wednesday, October, 22, 2025.

If you have any questions, please contact me.

Sincerely,

Melanie Estrada  
Planning Services  
100 Third Street  
Castle Rock, CO 80104  
303-660-7460 (main)



**Administration**

---

4810 East County Line Road  
Littleton, CO 80126  
720.916.4003

October 22, 2025

Dear Melanie Estrada,

South Suburban staff reviewed the referral for DR2025-007, Douglas County Zoning Resolution Large Day-Care Homes, and have no comments at this time.

Thank you for the opportunity to review and comment. Let us know if additional information or coordination is needed from South Suburban.

Sincerely,

AnaClaudia Magalhaes  
Planning Supervisor

**From:** [Matthews, Bryce](#)  
**To:** [Melanie Estrada](#)  
**Subject:** RE: Douglas County eReferral DR2025-007 Is Ready For Review  
**Date:** Monday, September 22, 2025 5:22:17 PM  
**Attachments:** [image002.png](#)  
[image003.png](#)  
[image004.png](#)  
[image005.png](#)  
[image006.png](#)  
[image007.png](#)

---

Hi Melanie,

The Town has no comment on this change, however, we noticed that the change was reference a repealed State Statute (26-6-105).

Do you have an updated Statute reference? We are looking to update our code on this issue as well.

Thanks,

Bryce



Bryce Matthews, Assistant Director - Planning  
20120 E. Mainstreet, Parker, CO 80138-7335  
303.805.3174 [www.parkerco.gov](http://www.parkerco.gov)



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**From:** [mestrada@douglas.co.us](mailto:mestrada@douglas.co.us) <[mestrada@douglas.co.us](mailto:mestrada@douglas.co.us)>  
**Sent:** Friday, September 19, 2025 3:44 PM  
**To:** Matthews, Bryce <[bmatthews@parkerco.gov](mailto:bmatthews@parkerco.gov)>  
**Subject:** Douglas County eReferral DR2025-007 Is Ready For Review

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**SECTION 3 A1 AGRICULTURAL ONE DISTRICT****Section Contents**

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301 Intent (Amended 8/11/09)

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

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

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

302 Principal Uses

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

302.01 Agricultural recreational activities

302.02 Agriculture (Amended 1/28/14)

302.03 Animals – (*refer to Section 24*)

302.04 Community Uses:

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

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

302.05 Construction office – temporary

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

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

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

302.09 Residence (Amended 4/28/15)

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

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

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

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

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

303 Accessory Uses (Amended 6/24/25)

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

303.01 Accessory Dwelling Unit (ADU) – one per lot, except as restricted by a Rural Site Plan, subdivision plat, or other similar land use approval. A second ADU may be allowed subject to Section 325, Second Accessory Dwelling Unit Standards.

303.02 Accessory uses and buildings

303.03 Day-care home—~~small~~

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

303.05 Event Center on a parcel of 160 acres or greater with a principal agricultural use (Amended 4/28/15)

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

303.07 Garage – private:

- For lots less than 1 acre in size – a maximum of one (1) detached garage of no more than 1,000 sq. ft. in area is permitted.
- For lots 1 acre or greater in size – a maximum of two (2) detached garages is permitted. The total detached garage area shall not exceed 3,000 sq. ft. per lot.  
(Amended 3/08/22)

303.08 Home Occupation – Class 1 and Class 2 (*refer to Section 23*)

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

303.10 Sale of Agricultural Products and Value-added Agricultural Products produced or raised on site (Amended 1/28/14)

303.11 Satellite receiving dish accessory to a residence

303.12 Value-added Agricultural Processing – limited to a maximum of 1,500 square feet devoted to this use (Amended 1/28/14)

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

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

304.01 Animals – non domestic, exotic

304.02 Campground

304.03 Cemetery

304.04 Church – greater than 350 seating capacity

304.05 Cultural facility

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

304.07 Dude Ranch

304.08 Event Center on a parcel of less than 80 acres *(Amended 4/28/15)*

304.09 Feedlot/confinement center

304.10 Firing range

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

304.12 Greenhouse – greater than 1 acre total area including warehouse and shipping facilities

304.13 Hunting/fishing club

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

304.15 Horse boarding or training facility that exceeds the maximum number of horses permitted by right or by administrative review in Section 24. *Exempt from Section 18A: Water Supply Overlay District* *(Amended 10/14/02)*

304.16 Horse rental stable

304.17 Kennel

304.18 Landfill – public/private

304.19 Landing field – private

304.20 Mining, quarry, sand/gravel operation, or similar extractive land use

304.21 Motorsports Facility, Private *(Amended 4/26/16)*

304.22 Oil or gas drilling operation

304.23 Recreation facility – community

304.24 Religious retreat

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

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

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

304.27 Septic waste and domestic sludge application

304.28 Telecommunication facility

304.29 Utility – major facility

304.30 Veterinary clinic or hospital

304.31 Wind energy conversion system

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

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

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

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

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

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

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

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

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

306 Minimum Lot Area: 35 acres\* (Amended 6/24/25)

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

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

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

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

307 Minimum Setbacks

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

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

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

### 308 Encroachments

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

### 309 Building Height

Maximum building height: 35 feet

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

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

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

### 311 Street Standards

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

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

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

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

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

**313 Fencing Standards**

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

**314 Sign Standards** – Refer to Section 29 of this Resolution

**315 Lighting Standards** – Refer to Section 30 of this Resolution

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

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

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

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

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

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

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

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

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

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

**CERTIFICATE OF MAILING**

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

(list of addresses)

(Signature of person completing the mailing)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

324.02.1 Structures, outdoor assembly areas, and parking lots shall be setback a minimum of 200 feet from all adjacent property lines.

324.02.2 Noise generated by the event center use shall not result in noise levels which exceed 40 dB(A) between 7:00 a.m. and 7:00 p.m., and 35 dB(A) between 7:00 p.m. and 7:00 a.m., measured in accordance with Section 1705A of the Noise Overlay District.

324.02.3 Maximum capacity shall not exceed 350 persons per event. Event centers that exceed this capacity shall be processed in accordance with Section 304.08.

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

324.03.1 The landowner shall obtain a written Event Center certification prior to commencement of the use.

- The certification request shall be submitted by the landowner in the form of a written request and accompanying exhibit.
- The exhibit shall depict the property, points of access, and the location of the proposed event center to structures and use areas. Structures, outdoor assembly areas, and parking lots shall be setback a minimum of 500 feet from any existing, separately-owned residence on adjacent parcels.
- The written request shall confirm that a principal agricultural use exists on the property and that legal and physical access is provided.
- The Director shall provide a written Event Center certification upon review of the request which confirms that the property meets the minimum size required, that there is a principal agricultural use, and that access is provided. The certification shall include a statement that the event center use is vested, for purposes of setbacks, regardless of subsequent development on adjacent parcels.

324.03.2 Noise generated by the event center use shall comply with the limits established in Section 1703A of the Noise Overlay District.

324.03.3 If a land division reduces the parcel size to below 160 acres, approval of an application under the provisions of Section 302.06 or 304.08, as applicable, shall be required for continued event center use.

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

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

**325.01 Review Process**

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

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

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

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

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

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

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

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

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

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

**CERTIFICATE OF MAILING**

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

402.01 Agricultural recreational activities

402.02 Agriculture (Amended 1/28/14)

402.03 Animals - (*refer to Section 24*)

402.04 Community Uses:

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

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

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

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

402.07 Residence

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

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

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

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

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

403 Accessory Uses (Amended 6/24/25)

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

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

403.02 Accessory uses and buildings

403.03 Day-care home—~~small~~

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

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

403.06 Garage - private:

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

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

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

403.09 Sale of Agricultural Products and Value-added Agricultural Products produced or raised on site *(Amended 1/28/14)*

403.10 Satellite receiving dish

403.11 Value-added Agricultural Processing - limited to a maximum of 1,500 square feet devoted to this use *(Amended 1/28/14)*

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

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

404.01 Animals - nondomestic, exotic

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

404.03 Cultural facility

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

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

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

404.06 Horse boarding or training facility that exceeds the maximum number of horses permitted by right or by administrative review. *Exempt from Section 18A: Water Supply Overlay District* *(Amended 10/14/02)*

404.07 Horse rental stable

404.08 Kennel

404.09 Recreation facility - community

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

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

404.11 Septic waste and domestic sludge application

404.12 Utility - major facility

404.13 Veterinary clinic or hospital

404.14 Wind energy conversion system

#### 405 Land Dedication

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

#### 406 Lot Area

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

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

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

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

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

#### 407 Maximum Gross Density

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

#### 408 Minimum Setbacks

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

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

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

#### 409 Encroachments

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

#### 410 Building Height

Maximum building height: 35 feet

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

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

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

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

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

412 Street Standards

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

413 Parking Standards

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

414 Fencing Standards

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

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

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

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

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

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

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

415 Signs Standards - Refer to Section 29 of this Resolution

416 Lighting Standards - Refer to Section 30 of this Resolution

**SECTION 5 RR - RURAL RESIDENTIAL DISTRICT****Section Contents**

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

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

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

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

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

## 502 Principal Uses

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

### 502.01 Community Uses:

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

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

502.02 Construction office - temporary

502.03 Residence

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

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

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

### 503 Accessory Uses *(Amended 6/24/25)*

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

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

503.02 Accessory uses and buildings

503.03 Animals (*refer to Section 24*)

503.04 Day-care home—~~small~~

503.05 Garage - private:

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

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

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

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

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

505 Land Dedication

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

## 506 Lot Area

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

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

## 507 Maximum Gross Density

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

## 508 Minimum Setbacks

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

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

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

## 509 Encroachments

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

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

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

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

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

## 510 Building Height

Maximum building height: 35 feet

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

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

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

## 511 Utilities

All public utility distribution lines shall be placed underground.

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

## 513 Street Standards

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

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

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

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

515 Fencing Standards

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

516 Sign Standards Refer to Section 29 of this Resolution

517 Lighting Standards Refer to Section 30 of this Resolution

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**SECTION 6 ER - ESTATE RESIDENTIAL DISTRICT****Section Contents**

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

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

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

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

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

## 602 Principal Uses

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

### 602.01 Community Uses:

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

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

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

602.03 Residence

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

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

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

602.06 Youth-oriented agricultural activity

### 603 Accessory Uses (Amended 6/24/25)

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

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

603.02 Accessory uses and buildings

603.03 Animals (*refer to Section 24*)

603.04 Day-care home—~~small~~

603.05 Garage - private:

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

- 603.06 Home occupation - Class 1 (*refer to Section 23*)
- 603.07 In-home elder care (*Amended 3/28/01*)
- 603.08 Satellite receiving dish
- 603.09 Training of nonowned horses, or riders not related to the landowner or lessee, limited to 14 lessons per week

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

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

- 604.01 Church - greater than 350 seating capacity in main worship area
- 604.02 Day-care center/or preschool, ~~or day care home~~ large
- 604.03 Horse boarding or training facility that exceeds the maximum number of horses permitted by right
- 604.04 Recreation facility - community
- 604.05 Residence
  - Bed and Breakfast
- 604.06 Utility - major facility

#### 605 Land Dedication

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

#### 606 Lot Area

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

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

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

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

## 607 Maximum Gross Density

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

## 608 Minimum Setbacks

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

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

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

## 609 Encroachments

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

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

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

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

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

## 610 Building Height

Maximum building height: 35 feet

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

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

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

#### 611 Water and Sanitation

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

#### 612 Utilities

All public utility distribution lines shall be placed underground.

#### 613 Street Standards

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

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

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

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

#### 615 Fencing Standards

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

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

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

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

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

616 Sign Standards - Refer to Section 29 of this Resolution

617 Lighting Standards - Refer to Section 30 of this Resolution

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**SECTION 7      SR - SUBURBAN RESIDENTIAL DISTRICT****Section Contents**

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

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

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

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

## 702 Principal Uses

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

### 702.1 Community Uses:

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

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

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

702.03 Residence

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

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

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

### 703 Accessory Uses

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

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

703.02 Accessory uses and buildings

703.03 Animals (*refer to Section 24*)

703.04 Day-care home—~~small~~

703.05 Garage - private:

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

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

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

703.08 Satellite receiving dish

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

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

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

**705 Maximum Gross Density**

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

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

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

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

**707 Water and Sanitation**

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

**708 Utilities**

All public utility distribution lines shall be placed underground.

**709 Land Dedication**

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

## 710 Street Standards

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

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

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

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

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

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

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

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

## 713 Encroachments

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

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

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

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

713.07 A garage directly accessed from an alley may encroach into a rear setback. Any encroachment into an easement requires permission from the easement holder. *(Amended 6/14/06)*

#### **714 Building Height**

Maximum building height:

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

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

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

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

#### **715 Fencing Standards**

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

715.02 Solid fences, walls, or hedges shall not exceed 6 feet in height and shall not exceed 4 feet in height when located in the required setback from a street.

715.03 Fences constructed of woven wire or ornamental iron which are a minimum of 80% open may be constructed with no height limitation; however, a building permit is required for any fence greater than 6 feet in height, or as required by the Building Code, as amended and adopted by Douglas County. *(Amended 12/18/12)*

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

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

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

715.07 Sound barrier walls, when constructed by a landowner other than the Colorado Department of Transportation adjacent to a street, shall be designed in accordance with the State Department of Transportation criteria and approved by the Site Improvement Plan Referral Board.

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

716 Sign Standards - Refer to Section 29 of this Resolution

717 Lighting Standards - Refer to Section 30 of this Resolution

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

To provide areas for high-density residential development, designed in a manner to create livable space in the urban setting, conveniently and efficiently located to reduce unnecessary commuting and automobile emissions. Adequate facilities, such as roads, water and sanitation, fire protection, emergency service, and public utilities shall be available to serve these areas. Growth should occur in a phased manner to save on the costly, premature extension of basic infrastructure.

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

The MF zone district is characterized by multifamily residential complexes in a landscaped setting with landscaped off-street parking areas. Site improvements including landscaping, and recreational and support amenities commensurate to the size of the complex, shall be provided and designed to minimize the impact on adjacent residential uses. A site improvement plan is required prior to construction. Typical structures include townhouses, condominiums, apartments, and other accessory uses which enhance the basic elements of a balanced residential area, such as, schools, parks, playgrounds, and neighborhood recreational facilities. Development or use of land in this district is permitted only in accordance with the provisions herein. Land disturbance activities may require permit(s).

**802 Principal Uses**

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

**802.01 Community Uses:**

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

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

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

802.04 Residence

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

802.05 Retirement home

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

802.07 Utility service facility

### 803 Accessory Uses

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

803.01 Accessory uses and buildings

803.02 Animals (*refer to Section 24*)

803.03 Day-care home—~~small~~

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

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

803.06 Satellite receiving dish

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

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

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

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

804.03 Recreation facility - community

804.04 Residence - Group Residential Facility

804.05 Utility - major facility

**805 Maximum Gross Density**

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

**806 Minimum Lot Area: none****807 Water and Sanitation**

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

**808 Public Utilities**

All public utility distribution lines shall be placed underground.

**809 Land Dedication**

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

**810 Street Standards**

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

**811 Landscape Requirements**

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

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

The total off-street parking-spaces required:

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

813 Minimum Setbacks

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

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

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

814 Encroachments

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

815 Building Height

Maximum building height: 35 feet

- 815.01 The maximum building height shall not apply to belfries, cupolas, penthouses or domes not used for human occupancy, roof-mounted church spires, chimneys, skylights, ventilators, water tanks, silos, parapet walls, cornices, antennas, utility poles and necessary mechanical appurtenances carried above the roof level.
- 815.02 The maximum height of a roof-mounted church spire/steeple shall not exceed 1.62 times the height of the church measured from the lowest finished floor to the roof peak. The height of the roof-mounted spire shall be measured from the top of the spire to the finished floor of the lowest

walkout level of the church. (*refer to Section 36 building height definition - spire height calculation*)

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

## 816 Fencing Standards

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

816.02 Solid fences or walls, or hedges shall be a maximum of 4 feet in height when located in the front setback, otherwise solid fences or walls, or hedges shall be a maximum of 6 feet in height.

816.03 Fences constructed of woven wire or ornamental iron which are a minimum of 80% open may be constructed with no height limitation; however, a building permit is required for any fence greater than 6 feet in height, or as required by the Building Code, as amended and adopted by Douglas County. (*Amended 12/18/12*)

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

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

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

816.07 Sound barrier walls, when constructed adjacent to roadways, shall be designed in accordance with the State Department of Transportation criteria and approved by the Site Improvement Plan Review Board.

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

817 Sign Standards - Refer to Section 29 of this Resolution

818 Lighting Standards - Refer to Section 30 of this Resolution

DOUGLAS COUNTY ZONING RESOLUTION

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Section 8

MF - Multifamily District

**REFERRAL DRAFT**

3/10/99

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

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

The MH zone district is characterized by single-family, mobile home parks in a landscaped setting with landscaped off-street parking areas. Site improvements including landscaping shall be provided and designed to minimize the impact on adjacent residential uses. A site improvement plan is required prior to development. Typical structures include single-family mobile homes, and other accessory uses which enhance the basic elements of a balanced residential area, such as, schools, parks, playgrounds, and neighborhood recreational facilities. Development or use of land in this district is permitted only in accordance with the provisions herein. Land disturbance activities may require permit(s).

## 902 Principal Uses

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

### 902.01 Community Uses:

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

### 902.02 Construction office - temporary (refer to Section 22)

### 902.03 Residence

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

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

902.05 Utility service facility

### 903 Accessory Uses

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

903.01 Accessory uses and buildings

903.02 Animals (*refer to Section 24*)

903.03 Day-care home—~~small~~

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

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

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

903.07 Satellite receiving dish

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

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

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

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

904.03 Recreation facility – community - Group Residential Facility

904.04 Utility - major public facility

### 905 Minimum Standards

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

905.01 Maximum gross density: 7 mobile homes/acre

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

905.02 Minimum gross area: 10 acres

905.03 Minimum net lot area, exclusive of adjoining rights-of-way, County dedicated land and open space: 6,000 sq. ft.

905.04 Minimum lot width: 60 feet

905.05 Minimum setbacks for mobile homes, buildings or uses

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

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

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

905.06 Maximum Height

905.06.1 Principal building: 35 feet

905.06.2 Accessory building: 20 feet

905.06.3 The height of an antenna shall be no greater than the distance to the nearest lot line.

905.06.4 The maximum height of a roof-mounted church spire/steeple shall not exceed 1.62 times the height of the church measured from the lowest finished floor to the roof peak. The height of the roof-mounted spire shall be measured from the top of the spire to the finished floor of the lowest walkout level of the church.

905.07 Each mobile home park shall provide a yard not less than 25 feet in width along each boundary abutting a public right-of-way; such yard shall be landscaped and maintained, except for those portions used for ingress and egress.

905.08 Access

905.08.1 Each mobile home park shall have two separate entrance and exits, each of which shall not be less than 40 feet wide, hard surfaced with asphalt or concrete, and connected to a dedicated public-right-of-way not less than 60 feet in width.

905.08.2 All mobile homes and accessory buildings or uses shall face upon and take access from an interior road.

**905.09    Parking (see Section 28 for additional parking requirements)**

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

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

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

**905.10    Storage Area**

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

**905.11    Recreational Area**

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

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

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

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

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

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

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

905.17 Walkways, not less than 3 feet in width, shall be provided from mobile home spaces to walkways on both sides of all streets. Such walkways shall be hard surfaced with asphalt or concrete and lighted at night with a minimum illumination of 0.6 foot candles. Twenty-five watt lamps at intervals of not more than 100 feet shall meet requirements.

905.18 Fire extinguishing equipment in good working order of such type, size and number and so located within the park as prescribed by the local fire prevention authority, or to satisfy reasonable fire regulations shall be provided.

905.19 Sanitary facilities for emergency use shall be provided in a service building or office building. Such facilities shall consist of at least one flush type toilet and one lavatory.

905.20 All ground surfaces not used for mobile homes, recreational uses, storage, or rights-of-way shall be protected with a vegetative groundcover which will prevent soil erosion and eliminate dust.

905.21 Mobile home subdivisions shall be platted in accordance with the Douglas County Subdivision Resolution.

## 906 Site Plan

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

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

906.01 Number identifying each mobile home space

906.02 Purpose for which sites, other than mobile home spaces, are dedicated or reserved.

906.03 Location and width of walkways which shall be a continuous system throughout the park or subdivision.

906.04 Locations and dimensions of mobile home spaces, recreation area, storage area, and off-street parking spaces, when not part of the mobile home space

## 907 Land Dedication

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

**908 Street Standards**

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

**909 Water and Sanitation Requirements**

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

**910 Landscape Requirements**

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

**911 Fencing Standards**

- 911.01 Fences, walls, or hedges shall not be erected in the public right-of-way, but shall be allowed within the setbacks, on private land. A building permit is required for any retaining wall greater than 4 feet in height or any fence or wall greater than 6 feet in height, or as required by the Building Code, as amended and adopted by Douglas County. *(Amended 12/18/12)*
- 911.02 Solid fences or walls, or hedges shall be a maximum of 4 feet in height when located in the front setback, otherwise solid fences or walls, or hedges shall be a maximum of 6 feet in height.
- 911.03 Fences constructed of woven wire or ornamental iron which are a minimum of 80% open may be constructed with no height limitation; however, a building permit is required for any fence greater than 6 feet in height, or as required by the Building Code, as amended and adopted by Douglas County. *(Amended 12/18/12)*
- 911.04 Fences, walls, or hedges shall be erected and maintained in a manner which does not obstruct the vision of automobile traffic on the adjacent streets, rights-of-way, or driveways in accordance with the Douglas County Roadway Design and Construction Standards manual.
- 911.05 Fences, walls or hedges shall be maintained in good structural or living condition. The landowner is responsible for the repair or removal of a fence, wall or hedge, which constitutes a safety hazard, by reason of inadequate maintenance, dilapidation, obsolescence or abandonment, or which constitutes a zoning violation.

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

911.07 Sound barrier walls, when constructed by a landowner other than the Colorado Department of Transportation adjacent to a street, shall be designed in accordance with the State Department of Transportation criteria and approved by the Site Improvement Plan Review Board.

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

912 Sign Standards - Refer to Section 29 of this Resolution

913 Lighting Standard - Refer to Section 30 of this Resolution

## SECTION 14B D – SEDALIA DOWNTOWN DISTRICT

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## 1401B Intent

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

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

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

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

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

### 1402B.01 Community Uses

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

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

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

1402B.03 Bar or Lounge

1402B.04 Bed and Breakfast

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

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

1402B.07 Day-care center

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

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

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

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

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

1402B.13 Motor Vehicle Service Station with gas pumps

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

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

1402B.16 Parking Lot – Public or Private

1402B.17 Residence

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

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

1402B.18 Restaurant, Fast Food Restaurant (*no drive-up facility*)

1402B.19 Retail Business, Service Business, or both – Indoor or Outdoor

1402B.20 Retirement Home

1402B.21 Retreat – Religious

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

1402B.23 Seasonal Use (*refer to Section 22A*)

1402B.24 Utility Service Facility (*refer to definition*)

1402B.25 Veterinary Clinic or Hospital

1402B.26 Warehouse

1402B.27 Wholesale Business – sales, service, or both

1402B.28 Youth Oriented Agricultural Activities (*refer to definition*) (*Site Improvement Plan not required*)

### **1403B Accessory Uses**

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

Residential:

1403B.01 Accessory uses and buildings

1403B.02 Animals (*refer to Section 24*)

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

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

1403B.03 Day-care home—~~Small or Large~~

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

1403B.05~~4~~ Guest House

1403B.06~~5~~ Home Occupation (*refer to Section 23*) – Class 1 or 2

1403B.07~~6~~ In-home Elder Care

1403B.08~~7~~ Residence

- Caretaker

1403B.09~~8~~ Satellite Dish

Non-residential:

1403B.~~10~~09 Accessory uses and buildings

1403B.1~~10~~ Day-care facility for employees' children

1403B.1~~24~~ Residence for management or employee

1403B.1~~32~~ Satellite Dish

#### **1404B Uses Permitted by Special Review**

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

1404B.01 Club or Country Club

1404B.02 College or University extension office

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

1404B.04 Event Center

## 1404B.05 Group Residential Facility

~~1404B.06 Greenhouse one (1) acre maximum~~1404B.~~06~~<sup>7</sup> Hotel1404B.~~07~~<sup>8</sup> Motel1404B.~~08~~<sup>9</sup> Propane Distribution, Storage, or both1404B.~~09~~<sup>10</sup> Recreation Facility – community or neighborhood1404B.~~10~~<sup>11</sup> Recreation Facility – indoor, outdoor, private1404B.~~11~~<sup>12</sup> Telecommunication Facility1404B.~~12~~<sup>13</sup> Theater – Indoor or Outdoor1404B.~~13~~<sup>14</sup> Training of Horses, Riders, or both (*maximum of 14 lessons per week*)1405B Minimum Lot Area

None

1406B Minimum Setbacks

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

Street:

1406B.01 Build-to Line: Between zero (0) and six (6) feet from property line OR 20 feet or greater from property line

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

Side and Rear Yard:

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

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

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

#### 1407B Building Height

Maximum building height:

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

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

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

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

#### 1408B Encroachments

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

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

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

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

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

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

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

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

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

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

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

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

#### 1410B Utilities

All public utilities shall be placed underground.

#### 1411B Land Dedication

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

#### 1412B Street Standards

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

## **1413B Parking Standards**

1413B.01 For a principal use on lands less than one (1) acre in size, there is no minimum off-street parking requirement for non-residential uses in the D District. For a principal use on lands greater than one (1) acre in size, or for any use permitted by special review, parking shall be provided in accordance with Section 28 of this Resolution. For any use permitted by special review, the Board of County Commissioners may modify off-street parking requirements. *(Amended 08/28/18)*

1413B.02 The minimum off-street parking requirement for residential uses is two (2) spaces per dwelling unit unless there are severe site constraints or other extraordinary circumstances, as determined by the Director or designee.

1413B.03 For retail, commercial, and mixed-use development, parking shall be located to the rear or side of buildings. Buildings shall include façade breaks in passageways, or alleys to connect parking to street entrances.

1413B.04 For residential uses, unlicensed, operable vehicles parked outside shall be concealed by a solid fenced berm, vegetative barrier, or a combination thereof. Inoperable vehicles shall not be stored outside. *(Amended 3/26/24)*

1413B.05 Parking for non-residential uses (if provided) shall be shown on the approved USR Plan Exhibit or Site Improvement Plan, prepared in accordance with Section 28 of this Resolution. *(Amended 3/26/24)*

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

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

1414B.01 Barbed, concertina, razor wire, or other hazardous materials used for fencing shall be prohibited.

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

- Electric fencing materials must be installed on the inside of the fence, within the lot area.
- Electric fencing shall use an interrupted flow of current at intervals of about one (1) second on and two (2) seconds off and shall be limited to 2,000 volts at 17 milliamperes current.
- All electric fences shall be posted with permanent signs stating that the fence is electrified.

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

#### **1415B Landscaping**

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

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

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

**1416B Sign Standards**

Refer to Section 29 of this Resolution.

**1417B Lighting Standards**

Refer to Section 30 of this Resolution.

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

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

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

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

1418B.03 Outdoor storage shall not be allowed within any required landscaped area.

1418B.04 Operable trailers or other equipment designed to be towed or lifted as a single component may be visible above the height of a six-foot tall fence, wall, or hedge without being additionally screened.

1418B.05 For outdoor storage of vehicles, see the Parking Standards in this Section.

1418B.06 Outdoor storage shall be allowed within the required setback from a street provided that the storage area does not occupy more than 50 percent of the lineal frontage at the right-of-way.

1418B.07 When outdoor storage areas abut each other and are not visible from public streets or trails bordering the site, the Director or designee may waive the requirement for a solid fence.

1418B.08 Where the topography of the land is such that a solid fence, wall, or hedge would not prevent viewing outdoor storage from abutting properties and public streets or trails bordering the site, additional landscaping above the height of the fence, wall, or hedge to mitigate site-specific visual impacts may be required.

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## 1401D Intent

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

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

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

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

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

### 1402D.01 Community Uses

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

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

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

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

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

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

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

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

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

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

1402D.09 Day-care Center

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

1402D.11 Equipment Service, Repair, or both

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

1402D.13 Firing Range – indoor

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

1402D.15 Greenhouse

1402D.16 Hotel

1402D.17 Industrial or manufacturing operation which does not emit unusual or excessive amounts of dust, smoke, fumes, gas, noxious odors, or noise beyond the lot boundary.

1402D.18 Motel

1402D.19 Motor Vehicle Sales

1402D.20 Motor Vehicle Service, Repair, or both

1402D.21 Motor Vehicle Service Station with gas pumps

1402D.22 Motorcycle Sales, Service, Repair or all

1402D.23 Office – General, Medical, Professional, Government

1402D.24 Office – Temporary (*refer to Section 22*)

1402D.25 Parking lot – Public or Private

1402D.26 Product Distribution, Storage, or both (*no hazardous materials*)

1402D.27 Recreational Vehicle Storage Lot

1402D.28 Research and Development Facility

1402D.29 Residence – Minimum of two (2) acres

- Group Home (*Site Improvement Plan not required*)
- Single-Family (*Site Improvement Plan not required*)
- Temporary (*refer to Section 22*)

1402D.30 Restaurant, Fast Food Restaurant (*no drive-up facility*)

1402D.31 Retail Business or Service Business, or both – Indoor or Outdoor

1402D.32 Retreat – Religious

1402D.33 Sales Office – temporary (*refer to Section 22*)

1402D.34 Satellite Earth Station

1402D.35 Seasonal Use (*refer to Section 22A*)

1402D.36 Theater – Indoor or Outdoor

1402D.37 Training Facility for Horses, Riders, or both (*maximum 14 lessons per week*)

1402D.38 Utility Service Facility (*refer to definition*)

1402D.39 Veterinary Clinic or Hospital

1402D.40 Warehouse

1402D.41 Warehouse – mini or self storage

1402D.42 Wholesale Business – sales, service, or both

1402D.43 Youth-Oriented Agricultural Activities (*refer to definition*) (*Site Improvement Plan not required*)

#### 1403D Accessory Uses

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

Residential:

1403D.01 Accessory Uses and Buildings

1403D.02 Animals – household pets

- Household pets inclusive of, but not limited to, dogs, cats, pot-bellied pigs, chickens, turkeys, and ducks shall be permitted for residential use provided that not more than four (4) animals of more than four (4) months of age are kept by the occupant of any residential unit.

1403D.03 Day-care Home—~~Small or Large~~

1403D.04 Guest House

1403D.05 Home Occupation (*refer to Section 23*) Class 1 or 2

1403D.06 Satellite Dish

Non-residential:

1403D.07 Accessory Uses and Buildings

1403D.08 Day-care Facility for employees' children

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

1403D.10 Satellite Dish

**1404D Uses Permitted By Special Review**

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

1404D.01 Bar or Lounge

1404D.02 Bed and Breakfast

1404D.03 Campground

1404D.04 Cemetery

1404D.05 Church – seating capacity greater than 350

1404D.06 Club or Country Club

1404D.07 Group Residential Facility

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

1404D.09 Jail or Correctional Facility

1404D.10 Kennel

1404D.11 Propane Distribution, Storage, or both

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

1404D.13 Residence

- Multifamily
- Single-Family attached

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

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

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

1404D.17 Utility – Major Facility

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

None

1406D Minimum Setbacks

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

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

1407D Building Height

Maximum building height:

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

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

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

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

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

1408D Encroachments

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

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

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

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

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

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

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

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

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

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

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

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

**1410D Utilities**

All public utility distribution lines shall be placed underground.

#### 1411D Land Dedication

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

#### 1412D Street Standards

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

#### 1413D Parking Standards

- 1413D.01 Minimum off-street parking shall be provided in accordance with County regulations.
- 1413D.02 Parking for non-residential uses shall be provided as shown on the approved USR Plan Exhibit or Site Improvement Plan in accordance with Section 28 of this Resolution. *(Amended 3/26/24)*
- 1413D.03 For residential uses, inoperable or unlicensed, operable vehicles parked outside shall be concealed by a solid fence, berm, vegetative barrier, or any combination thereof. *(Amended 3/26/24)*
- 1413D.04 Unscreened parking of operable, unlicensed vehicles may be allowed in association with Motor Vehicle Sales as shown on an approved Site Improvement Plan in accordance with Sections 27 and 28 of this Resolution. *(Amended 3/26/24)*

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

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

- 1414D.01 Concertina, razor wire, or other hazardous materials used for fencing shall be prohibited.
- 1414D.02 Electrically charged fencing material shall be permitted when it is installed for the purpose of containing animals within the boundaries of the lot.
  - Electric fencing materials must be installed on the inside of the fence, within the lot area.

- Electric fencing shall use an interrupted flow of current at intervals of about one (1) second on and two (2) seconds off and shall be limited to 2,000 volts at 17 milliamperes current.
- All electric fences shall be posted with permanent signs stating that the fence is electrified.

1414D.03 Barbed wire shall be permitted when located a minimum of 6' 6" in height measured from the ground level outside the fence.

1414D.04 Fences, walls, or hedges shall not be erected in the public right-of-way, but shall be allowed within a setback.

1414D.05 A building permit shall be required for any retaining wall as required by the Building Code, as amended and adopted by Douglas County.

1414D.06 A building permit is required for any fence greater than six (6) feet in height, or as required by the Building Code, as amended and adopted by Douglas County.

1414D.07 Solid fences, walls, or hedges shall not exceed four (4) feet in height when located within the required setback from a street except when a fence is required in order to conceal outdoor storage. Then the fence may exceed four (4) feet in height for no more than 50 percent of the lineal frontage of the lot. Fences extending above six (6) feet, to a height of 10 feet, may be permitted only with the approval of the Director or designee.

1414D.08 Fences, walls, or hedges shall be erected and maintained in a manner which does not obstruct the vision of automobile traffic on streets, rights-of-way, or driveways in accordance with the Douglas County Roadway Design and Construction Standards manual.

1414D.09 Fences, walls, or hedges shall be maintained in good structural or living condition. The landowner is responsible for the repair or removal of a fence, wall, or hedge, which constitutes a public safety hazard, by reason of inadequate maintenance, dilapidation, obsolescence, or abandonment.

1414D.10 Fences constructed of woven wire or ornamental iron which are a minimum of 80 percent open may be constructed with no height limitation; however, a building permit is required for any fence greater than six (6) feet in height, or as required by the Building Code, as amended and adopted by Douglas County.

1414D.11 Fences or walls shall be designed and maintained so that they are architecturally harmonious with the principal structures on the lot. When abutting a property with a residence, such fences or walls shall be opaque and may not be constructed of woven wire.

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

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

#### 1415D Landscaping

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

#### 1416D Sign Standards

Refer to Section 29 of this Resolution.

#### 1417D Lighting Standards

Refer to Section 30 of this Resolution.

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

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

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

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

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

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

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

1418D.06 Outdoor storage shall not be allowed within any required landscaped area.

1418D.07 Where the topography of the land is such that a solid fence, wall, or hedge would not prevent viewing outdoor storage from abutting properties and public streets or trails bordering the site, additional landscaping above the height of the fence, wall, or hedge to mitigate site-specific visual impacts.

1418D.08 A solid fence, wall, or hedge shall not be required at a shared property line which merely separates outdoor storage areas.

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## 2101 Intent

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

## 2102 Approval Standards

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

- 2102.01 Complies with the minimum zoning requirements of the zone district in which the special use is to be located, as set forth in this Resolution.
- 2102.02 Complies with the requirements of this Section 21.
- 2102.03 Complies with the Douglas County Subdivision Resolution.
- 2102.04 Will be in harmony and compatible with the character of the surrounding areas and neighborhood.
- 2102.05 Will be consistent with the Douglas County Comprehensive Master Plan, as amended.
- 2102.06 Will not result in an over-intensive use of land.
- 2102.07 Will provide roadway capacity necessary to maintain the adopted roadway level-of-service for the proposed development concurrently with the impacts of such development.
- 2102.08 Will provide public facilities and services necessary to accommodate the proposed development concurrently with the impacts of such development.
- 2102.09 Will not cause significant air, water, or noise pollution.
- 2102.10 Will be adequately landscaped, buffered, and screened.
- 2102.11 Complies with the following standards regarding water supply:
  - 2102.11.1 If it is demonstrated that the use by special review will not generate any ongoing water demand, no proof of water supply shall be required and no other provisions of Section 18A, Water Supply Overlay District, herein, shall be applicable. *(Amended 5/26/2015)*

2102.11.2 If it is demonstrated that the use by special review, when located on a conforming parcel within the A-1 or LRR zone district, will generate a water demand not to exceed three (3) acre-feet per year, and that the demand can be supplied by a groundwater well which has or is capable of receiving a permit from the Colorado Division of Water Resources for such use, this standard shall be met and no other provisions of Section 18A, Water Supply Overlay District, herein, shall be applicable. Water demands shall be estimated in accordance with the Minimum Water Demand Standards defined in Section 18A, Water Supply Overlay District, herein. *(Amended 5/26/2015)*

2102.11.3 For all other use by special review applications, the applicant shall demonstrate conformance with Section 18A, Water Supply Overlay District, herein. *(Amended 5/26/2015)*

2102.12 Will not otherwise be detrimental to the health, safety, or welfare of the present or future inhabitants of the County.

### **2103 Length of Approval**

A use by special review shall be permitted for a duration of time specified by the Board or until the land use changes or is terminated, whichever occurs first. The use by special review may transfer with the sale of the land.

### **2104 Annual Review**

Each use by special review is subject to yearly review, or as often as the Board deems appropriate, to ensure compliance with the approval standards and conditions of approval.

### **2105 Amendment of An Approved Use by Special Review**

An amendment to an approved use by special review may be considered in accordance with the procedures identified herein for either a use by special review amendment or an administrative use by special review amendment.

### **2106 General Provisions**

2106.01 The Board may establish lesser setbacks than those required in this Section, and heights greater than those allowed in the underlying zone district, if the Board determines that adequate buffering is or will be provided to mitigate such concerns as noise, visual, dust, or other social or environmental impacts. The burden of proof is on the applicant to demonstrate such adequate mitigation measures.

2106.02 Outdoor storage areas shall be screened by a solid wall or fence of an appropriate height unless otherwise provided for herein. *(Amended 3/26/24)*

2106.03 A use by special review may be permitted on nonconforming parcels when such use is permitted, as a use by special review, in the zone district to which the parcel conforms in size.

**2107 Allowed Uses by Special Review *(Amended 8/28/18)***

The Development Plan for a specific Planned Development District shall set forth the permitted uses by special review and any additional requirements therein.

The following uses are listed as uses by special review within the zone districts of this Resolution, and are subject to additional requirements as noted herein:

2107.01 Animals – nondomestic, exotic: A-1 and LRR zone districts provided that:

- a security fence surrounds the enclosures to prevent the animals from leaving the premises; and
- the applicant shall contact the Denver Zoo Curator and State Division of Wildlife to determine the enclosure size needed and any special conditions for species on the site. Each enclosure shall have adequate water and drainage.

2107.02 Bar or Lounge: CMTY and MI zone districts

2107.03 Batch plant – concrete, asphalt or mortar: LI and GI zone districts

2107.04 Bed and Breakfast: A-1, LRR, RR, ER, and MI zone districts

2107.05 Campground: A-1 zone district provided that all uses and structures are located at least 100 feet from all property lines

2107.06 Cemetery: A-1 zone district

2107.07 Chemical/hazardous material storage, transfer, or disposal facility: GI zone district, provided such use complies with all State and federal regulations and is located at least 500 feet from all lot lines

2107.08 Church with a seating capacity, in the main worship area, greater than 350: A-1, LRR, RR, ER, SR, MF, and MH zone districts, provided that such uses are located at least 50' from all lot lines or the zone district minimum setback, whichever is greater

2107.09 Club or Country Club: CMTY, D, and MI zone districts

2107.10 College or University extension office: CMTY and D zone districts

2107.11 Cultural facility: A-1 and LRR zone districts

2107.12 Day-care center or, preschool, ~~or day care home—large~~: A-1, LRR, RR, ER, SR, MF, and MH zone districts provided that such uses shall be situated on a lot of not less than 10,000 square feet and that a solid fence or wall 6 feet in height shall completely surround the yard used for playground purposes *(Amended 3/26/24)*

2107.13 Dude ranch: A-1 zone district

2107.14 Event Center: CMTY and D zone districts, subject to the following additional requirement:

2107.14.1 A noise study shall be submitted demonstrating compliance with the limits established in Section 1703A of the Noise Overlay District.

A-1 zone district, subject to the following additional requirements:

2107.14.2 Structures used for the event center shall be of a scale and design that is compatible with the surrounding rural environment.

2107.14.3 Structures, outdoor assembly areas, and parking lots used for the event center shall be setback a minimum of 200 feet from all adjacent property lines.

2107.14.4 Noise generated by the event center use shall not result in noise levels which exceed 40 dB(A) between 7:00 a.m. and 7:00 p.m., and 35 dB(A) between 7:00 p.m. and 7:00 a.m., measured in accordance with Section 1705A.

2107.14.5 A noise study shall be submitted demonstrating compliance with the event center noise standard.

2107.14.6 In addition to the management plan components specified in Section 2112, operational limitations for the event center shall address the following:

(1) Maximum number of event patrons.

(2) Frequency of events including times of day and days of week.

(3) The number of outdoor and indoor events.

(4) Specific mitigation measures to limit the impacts of any exterior lighting.

(5) Specific limitations or mitigation measures to ensure compliance with the noise standards consistent with the noise study.

2107.14.7 In addition to the information required for the project narrative specified in Section 2111, the event center narrative shall include a discussion of the following:

- (1) The ability of the existing or proposed structures to comply with building and fire code requirements for public assembly uses.
- (2) The ability to provide sanitation service for the proposed use by connection to a sanitary sewer or provision of on-site wastewater treatment.
- (3) The ability to connect to a central water provider or to obtain a well permit for the proposed use.

2107.15 Feed yard – confinement center: A-1 zone district, provided that such use is located at least 500 feet from all property lines, and that such use is approved by the Douglas County Health Department *(Amended 3/26/24)*

2107.16 Firing range – outdoor: A-1 and GI zone districts provided that the use is located at least 100 feet from all property lines; an indoor range may be permitted as an accessory use to an outdoor range in the A-1 zone district

2107.17 Golf course legally established as a Use by Special Review prior to June 22, 2005: A-1, LRR, RR, ER, and SR zone districts subject to the following:

- (1) Such use may be amended in accordance with the provisions established herein.
- (2) No amendment shall have the effect of changing the boundary of the area subject to the legally established Use by Special Review as it existed on June 22, 2005. *(Amended 2/12/19)*

2107.18 Greenhouse: A-1 zone district

The following may be restricted based upon compatibility with the surrounding land uses:

- Location, size, height and use of structures
- Number of vehicle trips
- Lighting and hours of operation
- Location and type of materials stored outside
- Retail sale of items
- Parking area setbacks

2107.19 Group Residential Facility: A-1, LRR, MF, MH, B, C, and LI zone districts provided that the Group Residential Facility does not include more than 1 registered sex offender over the age of 18 *(Amended 5/14/03)*

All requests shall be submitted to the Placement Alternative Commission as a referral.

2107.20 Group Home for registered sex offenders: A-1, B, C, and LI zone districts, provided the facility is located a minimum of 1,500 feet from a school, park, playground, child-care facility, and youth camp.

All requests shall be submitted to the Placement Alternative Commission as a referral.

2107.21 Heliport: B, C, LI, and GI zone districts:

- The FAA shall be notified regarding approval of airspace.
- A management plan shall be submitted with the application that addresses the following:
  - type and use of aircraft for which the facility is intended;
  - number of planes to be stationed on the site;
  - frequency of flights and diagram of flight patterns; and
  - hours of operation.

2107.22 Home occupation: A-1, LRR, and RR zone districts pursuant to Section 2310, herein. No outside storage shall be allowed. *(Amended 8/23/22)*

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

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

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

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

2107.25 Hotel: CMTY and D zone districts

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

2107.27 Jail/correctional facility: GI zone district – Security for the facility may include barb, electric, or concertina wire when located a minimum of 6' 6" in height measured from the ground level outside the fence.

2107.28 Junk, scrap metal, or auto wrecking yard: GI zone district provided all such uses are screened by a solid wall or fence at least 6 feet in height *(Amended 3/26/24)*

2107.29 Kennel: A-1 and LRR zone districts provided that all uses are located at least 100 feet from all lot lines

2107.30 Landfill – public or private: A-1 and GI zone districts provided that such use is approved by the Douglas County Health Department and is located 500 feet from all lot lines or 1,000 feet from any existing residential land use, whichever is greater. *(Amended 3/26/24)*

Prior to applying for a use by special review, the applicant must first receive a recommendation of approval for the certificate of designation from the Colorado Department of Health. Any proposal must be in compliance with the Douglas County Comprehensive Master Plan, as amended.

2107.31 Landing Field, Private: A private, non-commercial landing field or helipad for fixed or rotary wing craft is permitted as an accessory use in the A-1 and GI zone districts provided:

- Minimum lot/parcel area: 35 acres.
- Minimum setback for landing area: 200' from the sides of the landing strip, and 400' from the ends.
- The landing field shall be for the exclusive use of the landowner and guests.
- Any commercial use, flight training, ground school, or sales, are prohibited.
- Aircraft noise may not exceed 78 db(A) for more than 5 minutes in a 1-hour period.
- The FAA shall be notified regarding approval of airspace.
- The landing strip shall be oriented such that aircraft landing and takeoff do not pass directly over dwellings, schools, churches, or other places of public assembly.
- Minimum setback from existing residences (except landowner's): 1/2 mile from either end of the runway.
- A management plan shall be submitted with the application that addresses the following:

- type and use of aircraft for which the facility is intended;
- number of planes to be stationed on the site;
- frequency of flights and diagram of flight patterns; and
- hours of operation.

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

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

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

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

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

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

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

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

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

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

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

- addresses the construction of needed transportation improvements; and
- lists the actions to be taken at the staging area to allow only safe, clean, and covered trucks onto the transportation system.

(10) A blasting plan that:

- Identifies noise and vibration-sensitive uses/structures/activities in the area;
- includes a pre-blast inspection program for identified structures;
- includes a program for initial seismic and noise monitoring during the first blast;
- incorporates a method of reviewing data from the initial blast and provisions for amending the blasting program accordingly; and
- specifies the times and the atmospheric conditions when blasting is permitted.

(11) An end-state, land-use plan that shows:

- areas to be returned to a natural state;
- areas to be restored for wildlife habitat, *if applicable*;
- areas that are appropriate for open space, trails, parks and recreational uses, and are identified on the County's open space and recreational plans;
- the site's final topography;
- proposed post-mining land uses, consistent with the zoning of the land; and
- site restoration phases.

(12) A site evaluation including:

- wildlife impact analysis conducted in conjunction with the Colorado Division of Wildlife;
- independent assessment of the historic, archaeological, or paleontological value of the site;
- drainage studies as required by the Public Works Department, including an erosion and sedimentation control plan, a Phase I drainage report at initial submittal, and a Phase III drainage report prior to each phase;
- a transportation study that identifies transportation routes, number of trips, critical intersections, traffic volumes, and transportation system improvements necessitated by the application;
- a visual analysis that documents the visibility throughout the life of the operation; identifies visually sensitive areas and the expected impact at those locations; and lists visual impact mitigation measures; and

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

2107.33 Motel: CMTY and D zone districts

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

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

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

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

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

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

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

2107.35 Natural Medicine Business. A Natural Medicine Business shall be located a minimum of 1,500 feet from any: *(Amended 6/24/25)*

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

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

2107.35.1 Healing Center: B, C, LI, and GI zone districts.

- Additional Requirements:
  - Hours of Operation: Between 8:00 a.m. and the next 5:00 p.m.
  - Days of Operation: Monday through Friday
  - A Healing Center shall be located no further than 5 miles from a hospital, emergency medical care center, urgent care center, or other such medical treatment facility, unless such services are available at the Healing Center.
  - Within 14 days of the Director's execution of the approval certificate for a new Healing Center, staff shall provide written notice of the approval to the Douglas County Sheriff's Office, Douglas County Health Department, and any facility providing emergency medical care located within 5 miles of the Healing Center.

2107.35.2 Cultivation Facility: LI and GI zone districts.

- Additional Requirements:
  - Hours of Operation: Between 8:00 a.m. and the next 5:00 p.m.
  - Days of Operation: Monday through Friday.

2107.35.3 Products Manufacturer: LI and GI zone districts.

- Additional Requirements:
  - Hours of Operation: Between 8:00 a.m. and the next 5:00 p.m.
  - Days of Operation: Monday through Friday.

2107.35.4 Testing Facility: LI and GI zone districts.

- Hours of Operation: Between 8:00 a.m. and the next 5:00 p.m.
- Days of Operation: Monday through Friday.

2107.35.5 Any other Natural Medicine Business licensed by the State Licensing Authority: LI and GI zone districts.

- Additional Requirements:
  - Hours of Operation: Between 8:00 a.m. and the next 5:00 p.m.
  - Days of Operation: Monday through Friday.

2701.36 Oil or gas drilling operation: A-1 zone district provided such use is located a minimum of 100 feet from any lot line

2107.37 Propane distribution/storage: GI zone district

2107.38 Recreation facility – community: A-1, LRR, RR, ER, SR, MF, MH, CMTY, and D zone districts, provided all structures within A-1, LRR, RR, ER, SR, and MF zone districts are located at least 50' from all lot lines or the zone district minimum setback, whichever is greater

2107.39 Recreation facility – indoor: CMTY and D zone districts

2107.40 Recreation facility – neighborhood: CMTY and D zone districts

2107.41 Recreation facility – outdoor: CMTY and D zone districts

2107.42 Recreation facility – private: CMTY and D zone districts

2107.43 Recycle/trash transfer facility: LI and GI zone district provided all recycling or trash transfer activities are conducted within an enclosed structure.

2107.44 Residence:  
For new residential units in the B, C, LI, GI, or MI zone districts, school and park land dedications shall be provided in accordance with the Douglas County Subdivision Resolution, as amended.

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

2107.45 Religious retreat: A-1 zone district.

2107.46 Satellite earth station: A-1 zone district, and in LI and GI zone districts when the equipment exceeds the height limitation or the minimum health standards.

2107.46.1 In addition to the exhibit requirements contained in this Section and Section 27, a report describing the satellite earth station shall be included with the application. The report shall include the following:

- (1) Discussion of proposed number, height, and types of satellite dishes to be accommodated
- (2) Description of output frequency, number of channels and power output per channel for each proposed antenna (if applicable)

- (3) A letter from the applicant stating that an intermodulation study, if required, has been conducted and concludes that no interference problems are predicted
- (4) A five-year plan for the use and estimated life of the proposed telecommunication facility
- (5) A narrative from the applicant identifying technologically feasible locations (search ring or rings) for the proposed facility, and justifying the proposed location to the satisfaction of the County
- (6) A copy of the FCC license and a commitment statement from the applicant to maintain compliance with all FCC regulations, standards, and requirements regarding both radio frequency interference (RFI) and radio frequency radiation (RFR)
- (7) Statement that the proposed facility will be in compliance with all FAA regulations and applicable federal requirements including, but not limited to, those associated with the National Environmental Protection Act (NEPA) as amended, and the National Historic Preservation Act (NHPA) as amended

2107.47 Sawmill – portable: A-1 and LRR zone districts, provided that such use is located at least 100 feet from all lot lines. A portable sawmill is permitted only as accessory to a principal use.

2107.48 Septic waste and domestic sludge application: A-1 and LRR zone districts, with the approval of the Colorado Department of Health, when any of the following apply:

- 2107.48.1 Liquid dewatered or semi-dewatered sludge, as defined by the Colorado Department of Health Domestic Sewage Sludge regulations, would be applied on the soil surface or would be incorporated into the soil at a depth which does not completely cover the sludge. Dried sludge is not subject to this provision.
- 2107.48.2 More than 10 delivery vehicles would be transporting sludge to the site in any 24-hour period.
- 2107.48.3 More than 50,000 gallons of liquid sludge, or 200 cubic yards of any sludge, not defined or transported as a liquid, would be applied to the site in any 24-hour period.
- 2107.48.4 Permanent structures or facilities for further processing, treating or dewatering sludge would be constructed or associated with the site and the application of sludge material.

2107.49 Telecommunication facility: A-1 zone district; and in LI and GI zone districts when the equipment exceeds the height limitation or the minimum health standards.

2107.49.1 In addition to the exhibit requirements contained in this Section, a report describing the telecommunication facility shall be included with the application. The report shall include the following:

- (1) Description of the height, design and elevation of the proposed support tower with a cross section view and description, and a statement as to whether the tower will be structurally designed to accommodate future antennas
- (2) Description of height for all potential mounting positions for antennas. If the support tower is designed for collocation, the minimum separation distances should be shown and noted as possible future antenna locations
- (3) Discussion of proposed number, height, and types of antennas to be accommodated through this application
- (4) A letter from the applicant stating that an intermodulation study, if required, has been conducted and concludes that no interference problems are predicted
- (5) A description of the use and estimated life of the proposed telecommunication facility including additional development and coverage anticipated to meet projected service needs
- (6) A narrative from the applicant identifying and justifying technologically feasible locations (search ring or rings) for the proposed service, and demonstrating to the satisfaction of the County, that the proposed service cannot be accommodated on an existing or approved support tower located within a five mile radius
- (7) The results of the RF drive test, certified as currently in calibration and traceable to National Institute of Standards and Technology, if it was undertaken to verify technologically feasible locations
- (8) Copy of the FCC license and a commitment statement from the applicant to maintain compliance with all FCC regulations, standards, and requirements regarding both radio frequency interference (RFI) and radio frequency radiation (RFR)
- (9) Statement that the proposed facility will be in compliance with all FAA regulations as demonstrated by the response to the "Notice of Proposed Construction or Alteration" or equivalent, unless certified by a qualified, licensed engineer that FAA review and approval is not required
- (10) Statement that the proposed facility will be in compliance with applicable federal requirements including, but not limited to, those associated with the National Environmental Protection

Act (NEPA) as amended, and the National Historic Preservation Act (NHPA) as amended

- (11) When required, a letter of intent, in a form approved by the County, committing the support tower owner, its successors or assigns, to allow collocation of the facility under market terms, rates, and conditions
- (12) A Visual Impact Assessment (VIA) demonstrating that the proposed location is in compliance with the criteria contained in Subsection 2107.37.3
- (13) The County may require that an independent, outside consultant be retained, at the applicant's expense, to perform evaluations pertaining to compliance with regulations, standards and requirements stipulated
- (14) The Director may waive or modify one or more of the aforementioned information requirements based on design, size, or overall impact of the proposed facility

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

2107.49.3 In addition to the approval standards stipulated in Subsection 2102, proposed telecommunication facilities shall be located and designed in accordance with the following criteria:

- (1) Proposed telecommunication antennas shall be located on existing support towers where feasible and where the visual impacts are minimal.
- (2) The facility shall be sited to minimize impact on the environment and wildlife in the region.
- (3) The facility shall be sited to fade into the predominant backdrop of the vicinity by complementing other features and forms in the backdrop landscape.
- (4) All elements of the facility shall be designed and constructed to result in minimal visual impact. Elements shall be constructed of non-reflective materials that are typical in style and color to area buildings, structures or the backdrop landscape.
- (5) All elements of the facility, including but not limited to the accessory equipment, shall be camouflaged or screened from viewer groups as identified in the VIA. Where proposed, fencing shall be designed to minimize visual impacts.
- (6) Access to the facility shall be designed to minimize land disturbance, (including cut and fill), and visual impacts.
- (7) The height of any tower or structure shall be no greater than the distance to the nearest lot line or lease area, except engineered

structures which shall be in compliance with the zone district setback.

2107.49.4 The property owner shall be responsible for removing all elements of the telecommunication facility including, but not limited to, antennas, buildings, accessory equipment, driveways and fencing if the facility becomes technologically obsolete or ceases to perform its intended function for a period of 180 consecutive days. This removal shall be completed within 90 days of the end of such 180-day period. The site shall be restored to replicate the existing surrounding vegetation.

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

2107.51 Utility – Major Facility: In all zone districts, except GI, provided that the setback requirements of the zone district in which the facility is proposed to be located are met, or such additional setbacks or requirements as the Board determines necessary. Maximum heights and lot area shall be determined through the use by special review process specific to each site.

Final action by the Board must be rendered within 90 days after the submittal date for a Utility Major Facility of a public utility providing electric or natural gas service, unless the provider and the County reach agreement on an amended time period. [§29-20-108 C.R.S.]

Wastewater Facility: Site approval is required by the Colorado Department of Public Health and Environment.

Water Storage/Treatment Facility and/or Appurtenance(s), except for Major Reservoirs, located within the following areas are exempt from the requirement for a use by special review application:

- Municipal Planning Areas (MPAs) designated by Douglas County Comprehensive Master Plan;
- Separated Urban Areas (SUAs) designated by the Douglas County Comprehensive Master Plan;
- Primary Urban Area (PUA), designated by the Douglas County Comprehensive Master Plan;
- Potential Town Urban Service Area as depicted in the Castle Rock and Douglas County Intergovernmental Agreement;
- Urban Service Area as depicted in the Town of Parker and Douglas County Intergovernmental Agreement;
- Facilities approved as part of a special district's service plan, which are located and serve property within the boundaries of such special

district described in its service plan and any subsequent inclusion orders.

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

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

2107.53.1 In addition to the plan exhibit required in Section 2112, herein, the plan exhibit shall include the following:

- Location of all above ground utility lines
- Location of trees or other vegetation on site, described by size and type

2107.53.2 The maximum tower height shall be 120 feet. The minimum distance for any portion of the rotor or blades from the ground beneath the system shall be 30 feet.

2107.53.3 The supporting tower shall be set back from all property lines and overhead utility lines at least the height of the tower, except engineered structures which shall be in compliance with the zone district setback.

2107.53.4 Climbing access to the structure shall be limited either by means of a 6 foot high fence around the tower base with a locking gate, or by limiting tower climbing apparatus to no lower than 12 feet above the ground.

2107.54 Zoo: C zone district

## 2108 Submittal Prerequisite

The applicant shall attend a presubmittal meeting with the Planning Services Division to discuss the request and the submittal process and requirements for a new use by special review or an amendment to an approved use by special review.

A proposed amendment to an approved use by special review may be considered in accordance with the procedures identified herein. An amendment to a use by special review shall be considered through an administrative process when the Director determines that the change does not represent a substantial increase in the intensity of the use or impacts to the neighborhood. This type of amendment shall be referred to as an administrative use by special review amendment.

If the Director determines that the proposed amendment to an approved use by special review does represent a substantial increase in the intensity of the use or impacts to the

neighborhood, the proposed amendment shall be subject to the same submittal and process requirements as required for a new use by special review application. This type of amendment shall be referred to as a use by special review amendment. When making the determination, the Director shall consider the proposed degree of change to the site improvements and management plan as reflected on the approved Plan Exhibit, with specific consideration for potential increased impacts to the surrounding community.

The applicant may appeal the Director's determination on the amendment process for an approved use by special review to the Board of Adjustment in accordance with Section 26A.

## **2109 Submittal Process**

The following shall apply to a use by special review or a use by special review amendment. The application shall be submitted only after the presubmittal meeting(s) has been completed and the applicant has received the written staff comment summary from the presubmittal meeting. For a request for a use by special review or a use by special review amendment, the submittal is processed as follows:

- 2109.01 The applicant shall submit the required submittal information to the Planning Services Division. The submittal shall be reviewed by staff and a determination of completeness shall be made within 15 working days. The applicant shall be notified in writing if the submittal is incomplete, and any inadequacies shall be specifically identified. An incomplete submittal will not be processed.
- 2109.02 Once the submittal is determined complete, staff will notify the applicant in writing of the number of copies of the submittal information required for distribution to referral agencies. Staff will identify in the written notice which referral agencies are regulatory referral agencies and which referral agencies are advisory referral agencies. The mailing addresses of the referral agencies shall be provided to the applicant. Electronic distribution is preferred. Otherwise, referral packets shall be provided by the applicant in unsealed manila envelopes, without postage, addressed to the appropriate referral agency, with submittal information properly folded and compiled. Staff shall include a referral response sheet and distribute the referral packets to the referral agencies.
- 2109.03 Staff shall send a courtesy notice of an application in process and applicable contact information to all abutting landowners and owners of land separated by 300 feet or less from the property by a platted tract. In Nonurban Areas, staff shall send a courtesy notice of an application in process to the entity or entities responsible for ownership and maintenance of a shared private access. The applicant shall reimburse the County for the cost of materials. Errors in the courtesy notice shall not

negatively impact the determination of public notice compliance set forth herein. *(Amended 4/13/2021)*

2109.04 If the referral agencies elect to comment, they shall comment within 21 calendar days from the date the referral packets were mailed or electronically distributed, unless the applicant grants, in writing, an extension of no more than 30 calendar days. After the 21 calendar days, if no extension is granted, any referral agency responses received will be accepted for informational purposes only and provided to the applicant, Planning Commission, and the Board. For projects that are critical to public safety, referral agencies shall comment within 10 days of receiving a referral packet.

All referral agency comments shall be provided by staff to the applicant upon receipt. The applicant shall be given an opportunity to address the comments of all regulatory referral agencies received within the 21 calendar day referral period, or as extended by the applicant, by identifying in writing the extent to which the project has been revised in response to the comments. The applicant is strongly encouraged to provide staff a written response to timely comments of all advisory referral agencies and any comments received as a result of the courtesy notice.

The applicant is encouraged to meet with the referral agencies and staff to address any concerns. The applicant is required to pay those fees assessed by regulatory referral agencies.

2109.05 Staff will review the referral agency comments, discuss the concerns with the applicant, schedule a public hearing before the Planning Commission, notify the applicant in writing of the hearing date and time, and prepare a staff report for the Planning Commission. The applicant is responsible for public notice of the hearing in accordance with Section 2118 herein.

2109.06 The Planning Commission shall evaluate the use by special review request, staff report, referral agency comments, applicant responses, and public comment and testimony, and make a recommendation to the Board to approve, approve with conditions, continue, table for further study, or deny the use by special review request. The Planning Commission's decision shall be based on the evidence presented, compliance with the adopted County standards, regulations, policies, and other guidelines.

2109.07 Following the recommendation by the Planning Commission, staff shall schedule a public hearing before the Board, notify the applicant in writing of the hearing date and time, and prepare a staff report for the Board. The hearing shall be scheduled for the earliest available time taking into consideration the 14-day public noticing requirement but no later than 120 days after the final Planning Commission hearing. The applicant is

responsible for public notice of the hearing in accordance with Section 2118 herein.

- 2109.08 For applications that propose a water supply from a District, at least 21 days prior to the Board hearing, the applicant shall submit evidence of inclusion of the property into the District. An inclusion agreement may be contingent on approval of the use by special review by the Board.
- 2109.09 The Board shall evaluate the use by special review request, staff report, referral agency comments, applicant responses, the Planning Commission recommendation, and public comment and testimony, and shall approve, approve with conditions, continue, table for further study, remand to the Planning Commission, or deny the use by special review request. The Board's action shall be based on the evidence presented, compliance with the adopted County standards, regulations, policies, and other guidelines.
- 2109.10 If denied by the Board, a resubmittal of a use by special review request for the same or substantially same request, as determined by the Director, shall not be accepted within 60 days of such denial. The applicant may appeal the decision of the Director, in writing, to the Board of Adjustment pursuant to Section 26A of this Resolution. The submittal of a new application and processing fee shall be required to pursue a proposed use by special review.
- 2109.11 Following approval by the Board, the applicant shall submit a signed and notarized Plan Exhibit to the Planning Services Division. Staff shall verify that all conditions of approval have been met and all technical corrections have been made to the satisfaction of Douglas County, prior to the Director's execution of the approval certificate on behalf of the Board. The applicant shall submit the final signed Plan Exhibit no later than 90 days from the date of Board approval, unless the Board allows for a longer period of time as part of its approval of the use by special review. The Director may grant a one-time extension of no more than an additional 90 days. Further extensions shall be submitted for the Board's consideration.
- 2109.12 For applications that propose a water supply from a New Special District that will enter into an intergovernmental agreement with an Established District as described in Section 18A, Water Supply Overlay District, herein, the applicant shall submit evidence of creation of the New Special District, evidence of execution of the intergovernmental agreement by both parties, and evidence of inclusion of the property into the New Special District prior to approval of the Plan Exhibit. *(Amended 5/26/2015)*
- 2109.13 For applications that propose a water supply from a District or from a New Special District that has entered into an intergovernmental agreement with an Established District as described in Section 18A, Water Supply Overlay

District, herein, the applicant shall submit evidence that the water rights necessary to serve the development have been conveyed to the Established District, and/or that the water credits to serve the development have been purchased from the Established District, prior to approval of the Plan Exhibit. *(Amended 5/26/2015)*

## **2110 Withdrawal of an Application**

A request to withdraw an application shall be submitted, in writing, to the Planning Services Division, staff planner. Withdrawal of the application shall preclude reactivation. The submittal of a new application and processing fee shall be required in order to pursue the proposed use by special review.

## **2111 Submittal Requirements**

The following submittal requirements shall apply to a use by special review and use by special review amendment:

- 2111.01 Completed land-use application (*available from the Planning Office*)
- 2111.02 Application fee (*available from the Planning Office*)
- 2111.03 Proof of ownership that includes an updated or current title insurance policy or title commitment, or other acceptable form of title verification, no more than thirty days old from the date of application
- 2111.04 A notarized letter of authorization from the landowner permitting a representative to process the application
- 2111.05 Narrative to describe the following:
  - (1) General project concepts
  - (2) Zoning of the land and compliance with the zone district requirements and any additional requirements for the use by special review as defined in Section 2107
  - (3) Define overall impacts of the proposed use on the adjoining lands
  - (4) Compliance with the Douglas County Comprehensive Master Plan, as amended
  - (5) Compliance with appropriate agency regulations and any necessary permits
  - (6) Proof of water availability
  - (7) Method of wastewater treatment
  - (8) Type or method of fire protection
  - (9) Impacts to existing vegetation and wildlife
  - (10) Impacts on air and water quality
  - (11) Impacts on peace and quiet of neighborhood

- (12) Provision of buffering, including additional landscaping
- (13) A description of the availability and adequacy of public services and facilities.
- (14) Other narrative details unique to the specific type of use by special review

2111.06 Plan Exhibit (*per 2112, herein*)

Plan Exhibit reductions (11"X17") may be required for public hearing packets for the Planning Commission and the Board.

2111.07 Development Reports, unless waived by Engineering Services:

- Phase III Drainage Report and Plan
- GESC Report and Plan
- Utility drawings(s)
- Off-site improvement plans, as required
- Engineering construction drawings
- Traffic Impact Study

An improvements agreement may be required to identify and financially secure the public and private improvements and other commitments required as part of the use by special review approval.

2111.08 Detailed technical studies, based upon the scale and impact of the application, as may be necessary to demonstrate compliance with the approval standards.

2111.09 Documentation of a sufficient water supply in accordance with Section 18A, Water Supply Overlay District, herein. *(Amended 3/26/24)*

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

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

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

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

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

## 2112 Plan Exhibit

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

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

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

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

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

2112.02.1 Number of clients/boarders/parishioners/animals

2112.02.2 Hours of operation – whether the use is seasonal and the number of days of the week

2112.02.3 Number of employees

2112.02.4 Required outside storage/parking/loading areas

2112.02.5 Permit requirements from other state, federal or local agencies

2112.02.6 Method of providing fire protection

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

2112.03 Plan Exhibit Title

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

Subdivided land:

SPRUCE SUMMIT, Filing No. 3, Lot 14  
NW $\frac{1}{4}$  Section 11, Township 8 South, Range 67 West  
Permit Area – 1 acre Total Area 5 acres  
USR Plan Exhibit – US2010-002

Within a PD:

SPRUCE SUMMIT, Filing No. 3, Lot 14  
NW $\frac{1}{4}$  Section 11, Township 8 South, Range 67 West  
**Planning Area 63** – Permit Area – 1 acre Total Area – 5 acres  
USR Plan Exhibit – US2010-002

When unplatted:

**(STREET ADDRESS – Address available from County Addressing Specialist)**  
NW $\frac{1}{4}$  Section 11, Township 8 South, Range 67 West  
Permit Area – 1 acre Total Area 5 acres  
USR Plan Exhibit – US2010-002

For a use by special review amendment:

SPRUCE SUMMIT, Filing No. 3, Lot 14 – **1st Amendment**  
NW $\frac{1}{4}$  Section 11, Township 8 South, Range 67 West  
Permit Area – 1 acre Total Area – 5 acres  
USR Amendment  
US2010-002 (**Amendment to US2003-049**)

2112.04 Plan Exhibit Approval Certificate

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

**APPROVAL CERTIFICATE**

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

Director of Community Development

## DOUGLAS COUNTY ZONING RESOLUTION

Section 21

Use By Special Review

REFERRAL DRAFT

4/28/15

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

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

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

By: \_\_\_\_\_ (signature)  
 Title: \_\_\_\_\_  
 Date: \_\_\_\_\_

ATTEST: (if corp.)

Secretary/Treasurer

STATE OF COLORADO )  
 ) ss.  
 COUNTY OF \_\_\_\_\_ )

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

My commission expires: \_\_\_\_\_

Witness my hand and official seal.

\_\_\_\_\_  
 Notary Public

(For Individual Owner)

\_\_\_\_\_  
 (signature of owner(s))

Acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by \_\_\_\_\_.

My commission expires: \_\_\_\_\_

Witness my hand and official seal.

\_\_\_\_\_  
 Notary Public

An initial block is required on all subsequent Plan Exhibit sheets:

Approval Certificate

Planning	Initials/Date
Owner	Initials/Date
Lessee (if applicable)	Initials/Date

## 2113 Public Notice Requirements

The following requirements shall apply to a use by special review and use by special review amendment. The applicant shall be responsible for public notification. In calculating the time period for public notification the day of publishing, posting, or mailing shall be counted toward the total number of days required. The day of the hearing shall not be counted toward this total.

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

### 2113.01 WRITTEN NOTICE

At least 14 days prior to the Planning Commission hearing and the Board hearing, the applicant shall mail a written notice of the hearing by first-class mail to the address of each abutting landowner as such address is shown in the records of the Douglas County Assessor's Office. The notice shall read substantially the same, as the published notice also required by this section.

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

- alphabetical list of the landowners;
- map showing their relationship to the site;
- copy of the notice sent to the landowners; and
- certificate of mailing.

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

#### CERTIFICATE OF MAILING

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

(list of addresses)

(signature of person completing the mailing)

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

#### 2113.02 PUBLISHED NOTICE

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

- publish a notice in at least 1 publication of a daily or a weekly legal newspaper of general circulation, printed or published in whole or in part in Douglas County; and
- provide a publisher's affidavit of said published notice to the Planning Services Division at least 7 days prior to the hearing. The notice shall read:

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

A public hearing will be held on (date), at (time), in the Commissioners' Hearing Room, 100 Third Street, Castle Rock, CO, for approval of a use by special review for a (*name the specific use, i.e., church*) in the \_\_\_\_\_ zone district. The subject land is located approximately (*distance and direction from nearest major intersection*). For more information call Douglas County Planning, 303-660-7460

File No./Name: \_\_\_\_\_

#### 2113.03 POSTED NOTICE

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

3'X4'. Letter size shall be a minimum of three inches high, and a minimum of six inches high for the sentence that reads, "For more information call Douglas County Planning at 303-660-7460." (Amended 11/6/2018). Such notice shall read:

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

This land shall be considered for a Use by Special Review for a (insert specific use) in the \_\_\_\_\_ zone district. The public hearing is (date), in the Commissioners' Hearing Room, 100 Third Street, Castle Rock, CO, at (time). For more information call Douglas County Planning, 303-660-7460.

File No./Name: \_\_\_\_\_

2113.03.1 An affidavit of sign posting shall be submitted by the applicant for the file in the Planning Services Division at least 7 days prior to the hearings. The sign(s) shall be photographed by the applicant and attached to the affidavit as follows:

*(attach photo here)*

*(sign lettering must be legible in photo)*

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

(signature) File No./Name:

STATE OF COLORADO )  
 ) ss.  
COUNTY OF \_\_\_\_\_ )

Acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ by \_\_\_\_\_ as  
.

My commission expires: \_\_\_\_\_

Witness my hand and official seal

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## Notary Public

2113.03.2 The sign shall be removed by the applicant within 2 weeks following the final decision by the Board, withdrawal, or closure of the file by the Community Development Department.

## 2114 Termination of Use

2114.01 Construction pursuant to approval of a use by special review Plan Exhibit shall be commenced within three years from the date of approval, unless otherwise specified by the Board, or the approval shall terminate. The

Director may grant an extension of time, for good cause shown, upon a written request by the applicant.

2114.02 The Director may grant time extensions to the effective period of a Plan Exhibit, not to exceed a total of three years beyond the date of original approval, upon written request by the applicant. As necessary, the Director may include conditions with the time extension in order to ensure that the use by special review remains in compliance with approval standards. Site construction drawings that have expired may require re-approval by Douglas County Engineering.

Further time extensions may be requested by the applicant and considered for approval by the Board at a public meeting.

2114.03 Where a use by special review brings an existing use into compliance with applicable regulations, or is designed to correct a Notice of Violation, all improvements depicted on the use by special review Plan Exhibit shall be completed within six months of approval, unless otherwise approved by the Board.

2114.04 A use by special review shall terminate when the use of the land changes or when the time period established by the Board through the approval process expires, whichever occurs first. The owner shall notify the Zoning Division of a termination of the use. When the Zoning Division is notified of a termination of use or observes that the use has been terminated during the annual review, a written notice of termination shall be sent to the landowner.

2114.05 The termination notice is appealable, in writing, to the Board of Adjustment pursuant to Section 26A of this Resolution.

## 2115 Inactive Files

Files that become inactive, because the applicant has not responded to staff's request for information or otherwise action in the submittal process, for a period of more than 6 months, shall become void and the resubmittal of a new application and fees shall be required to pursue the special use request. After 5 months of inactivity, staff shall notify the applicant in writing that the application will become void within 30 days. If the applicant fails to submit the required additional information or request a hearing date within 30 days, staff shall notify the applicant in writing that the application is void. This provision shall apply to all applications on file with the County upon the effective date of adoption and any application thereafter. The Director may grant an extension of time, of no more than 6 months, upon a written request by the applicant.

## 2116 Post Denial Application

If denied by the Board, a resubmittal of the same or substantially same use by special review application shall not be accepted within 60 days from the date of denial by the Board, or in the event of litigation, from the date of the entry of the final judgment. However, if evidence is presented to the Board showing that there has been a substantial change in physical conditions or circumstances, the Board may reconsider the use by special review. A new application and processing fee shall be required.

## 2117 Revocation

If noncompliance with the approved Plan Exhibit or conditions of approval is demonstrated, the Board may consider revocation of the use by special review at a public meeting. Written notice shall be provided to the landowner and/or lessee at least 14 days prior to the scheduled Board meeting.

## 2118 Administrative Use by Special Review Amendment

### 2118.01 Submittal Prerequisite

Prior to submittal of an administrative amendment, a presubmittal meeting shall be held with the Planning Services Division to discuss the request, to determine if it is eligible for an administrative process, and to provide information on the required submittal items and process steps.

### 2118.02 Approval Standards

Approval of an administrative use by special review amendment shall be in accordance with the approval standards in Section 2102.

### 2118.03 Submittal Process

2118.03.1 The applicant shall submit the required submittal information to the Planning Services Division. The submittal shall be reviewed by staff and a determination of completeness shall be made within 15 working days. The applicant shall be notified in writing if the submittal is incomplete, and any inadequacies shall be specifically identified. An incomplete submittal will not be processed.

2118.03.2 Once the submittal is determined complete, staff will notify the applicant in writing of the number of copies of the submittal information required for distribution to referral agencies. Staff will identify in the written notice which referral agencies are regulatory referral agencies and which referral agencies are advisory referral agencies. The mailing addresses of the referral agencies shall be provided to the applicant. Electronic distribution is preferred.

Otherwise, referral packets shall be provided by the applicant in unsealed manila envelopes, without postage, addressed to the appropriate referral agency, with submittal information properly folded and compiled. Staff shall include a referral response sheet and distribute the referral packets to the referral agencies.

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

If the referral agencies elect to comment, they shall comment within the specified referral period, not to exceed 21 calendar days from the date the referral packets were mailed or electronically distributed.

2118.03.3 All referral agency comments shall be provided by staff to the applicant upon receipt. The applicant shall address the comments of all regulatory referral agencies in writing the extent to which the project has been revised in response to the comments. The applicant is strongly encouraged to provide staff a written response to comments of all advisory referral agencies and other public comments received.

The applicant is encouraged to meet with the referral agencies and staff to address any concerns. The applicant is required to pay those fees assessed by regulatory referral agencies.

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

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

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

## 2118.04 Submittal Requirements

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

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

## 2118.05 Title and Approval Certificate

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

SPRUCE SUMMIT, Filing No. 3, Lot 14 – **1st Amendment**  
NW $\frac{1}{4}$  Section 11, Township 8 South, Range 67 West  
Permit Area – 1 acre Total Area – 5 acres  
Administrative USR Amendment  
US2010-002 (**Amendment to US2003-049**)

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

### Administrative USR Amendment Approval Certificate

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

\_\_\_\_\_  
Director of Community Development

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

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

By: \_\_\_\_\_ (signature)  
Title: \_\_\_\_\_  
Date: \_\_\_\_\_

ATTEST: (if corp.)

Secretary/Treasurer

STATE OF COLORADO )  
COUNTY OF \_\_\_\_\_ ) ss.  
 )Acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by \_\_\_\_\_ as \_\_\_\_\_ and \_\_\_\_\_ as  
of \_\_\_\_\_, a \_\_\_\_\_ corporation/LLC.

My commission expires: \_\_\_\_\_

Witness my hand and official seal.

\_\_\_\_\_  
Notary Public

(For Individual Owner)

(signature of owner(s))

Acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by \_\_\_\_\_.

My commission expires: \_\_\_\_\_

Witness my hand and official seal.

\_\_\_\_\_  
Notary Public

An initial block is required on all subsequent exhibit sheets:

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

**2118.06 Notice of Final Action**

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

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

2118.06.3 The Notice of Action – Final Status shall be mailed to the applicant, the abutting landowners who received courtesy notices, and any homeowner's associations that received courtesy notices, as described herein. The Notice of Action – Final Status shall be mailed via first class mail, within three (3) calendar days of final determination.

2118.06.4 An appeal of the Director's determination regarding A Notice of Action – Final Status for an administrative use by special review amendment may be submitted to the Board of Adjustment pursuant to Section 26A of this Resolution.

2118.06.5 If an administrative use by special review amendment is denied, any new amendment request shall require submittal of a new application and processing fee.

### 3601 Rules of Construction

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

### 3602 Definitions

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

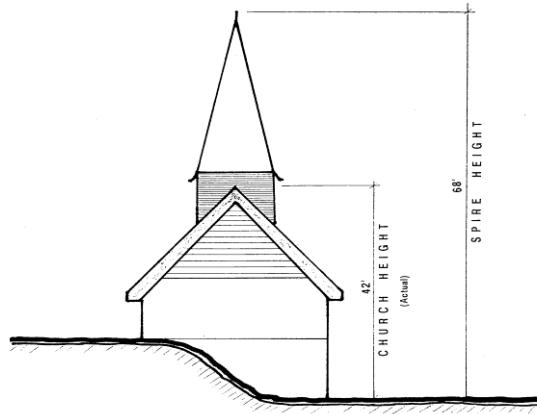
**Building Height:** The vertical distance above a reference datum measured to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the average height of the highest gable of a pitched or hipped roof. The reference datum shall be selected by either of the following,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

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

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

Spire Height Calculation (*see diagram*)

**Spire Height Calculation**



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

County: Douglas County, Colorado.

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

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

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

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

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

large A residence in which care and training is provided for seven (7) to 12 children or adults, including the provider's own children, except as provided for above.

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

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

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

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

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

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

**Department:** The Douglas County Community Development Department.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Garage:**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

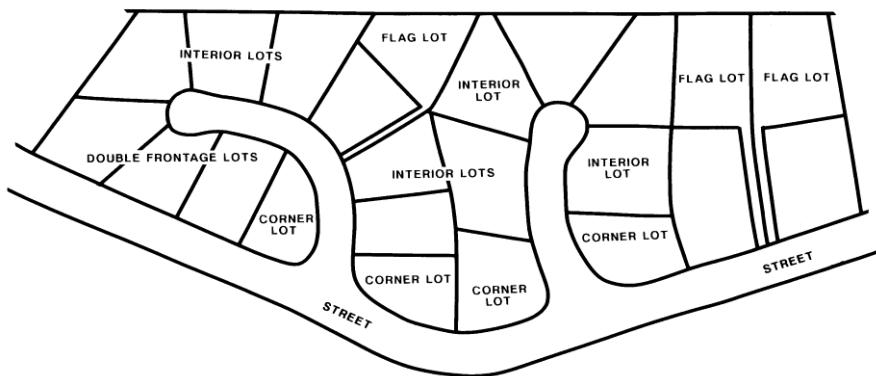
Lot: A parcel of land designated as a lot on a recorded plat or a parcel of land that has been recorded by a deed in the Office of the Douglas County Clerk and Recorder provided such lot was created in compliance with the State land-use laws and Douglas County subdivision and zoning regulations in effect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

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

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

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

Interior - A lot other than a corner lot.



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

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

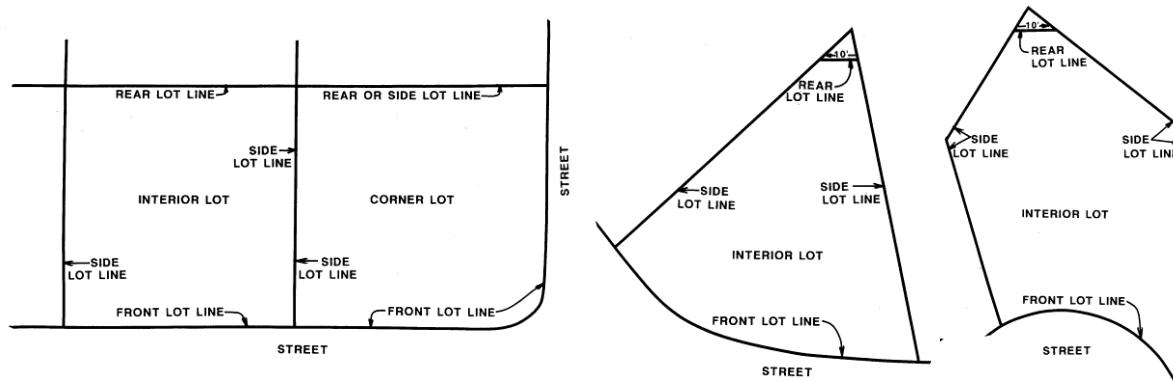
Lot, Nonconforming: A lot that has less than the required minimum area or width as established by the zone in which it is located.

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Planning Commission: The Douglas County Planning Commission.

Planning Office: The Douglas County Planning Office.

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

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

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

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

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

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

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

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

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

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

Recreation Facility, Neighborhood: An indoor/outdoor area or other facility used for social or recreational purposes, generally open to the public, including active play fields,

swimming pools, tennis or basketball courts, play apparatus, or picnic areas and generally serves residents within a 2 mile radius.

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

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

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

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

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

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

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

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

**Residence, Caretaker:** A dwelling or mobile home designed or intended for occupancy by a person(s) owning, employed in or dealing with, and responsible for the security and

maintenance of the land on which it is situated. A caretaker's residence shall meet the principal use setbacks.

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

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

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

**Rezoning:** A revision to the County Zone District Map.

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

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

**Satellite Dish:** (see Antenna)

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

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

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

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

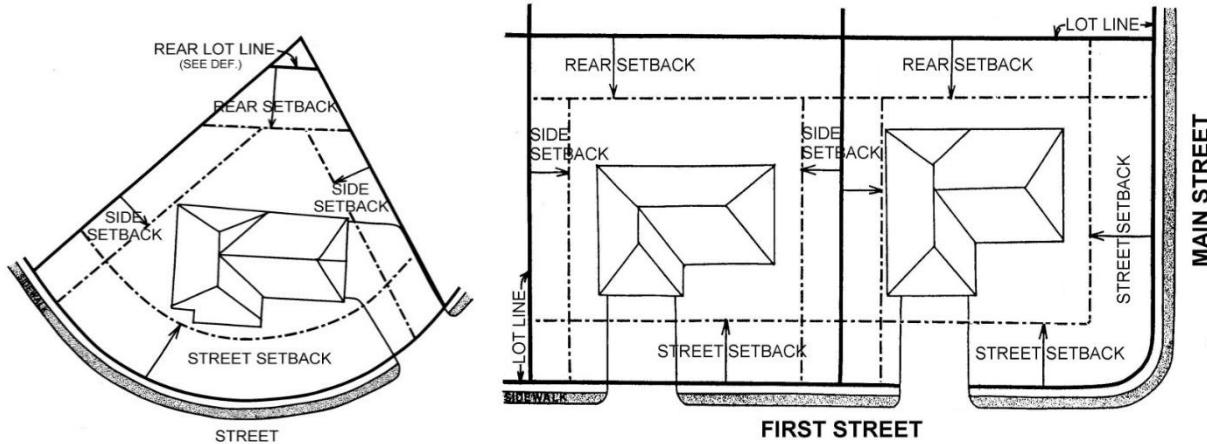
**Front** - a setback extending across the full width of the lot measured perpendicular to the front lot line.

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

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

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

(see following setback diagrams)



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

"Specified Anatomical Areas" include any of the following:

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

"Specified Sexual Activities" includes any of the following:

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

**Adult Arcade:** An establishment where, for any form of consideration, one or more still or motion picture projectors, slide projectors, or similar machines or other image producing machines, for viewing by five or fewer persons each, are used to show films, motion

pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas".

Adult Bookstore, Adult Novelty Store or Adult Video Store:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sign, Window: Any sign posted, painted, placed, or affixed in or on a window exposed to public view. An interior sign that faces a window exposed to public view and located within 3 feet of the window is considered a window sign, but excludes merchandise in a window display. (Amended 2/11/14)

Sign Height: The vertical distance from the lowest adjacent grade to the highest point of the sign or sign structure. (Amended 11/19/19)

Site Improvement Plan: The plans and supplemental materials, including a grading and drainage plan, a landscape plan and other detailed information, drawn and submitted in accordance with this Resolution.

Snowmobile: A self-propelled vehicle primarily designed or altered for travel on snow or ice when supported in part by skis, belts, or cleats and designed primarily for use off the public highways, excluding machinery used strictly for the grooming of snowmobile trails or ski slopes. [§25-12-102(9), C.R.S.]

Staff: Douglas County employees with a role in reviewing or administering the provisions contained herein.

Stealth or Faux Design: A personal wireless communication facility or element thereof, that is disguised, camouflaged, hidden or incorporated into an existing or proposed

structure or placed within an existing or proposed structure so as to minimize or eliminate its visibility from off site.

**Street:** Land intended primarily for vehicular traffic and providing the principal means of access to property, including a roadway, road, lane, drive, avenue, highway, boulevard, or any other thoroughfare other than a driveway.

**Regional/Major Arterial** - A street or highway significant to the region serving the major centers of activity which carries the major portion of the trips entering and leaving an urban area, as well as, the majority of through movements desiring to bypass towns or neighborhoods.

**Minor Arterial** - A street, that interconnects with and augments the regional arterial system, which distributes travel to geographic areas smaller than those identified with the regional/major arterial system and provides intracommunity continuity, but ideally should not penetrate identifiable neighborhoods.

**Collector** - A street which distributes trips from the arterial to the ultimate destination. The collector system provides both land access service and local traffic movement within residential neighborhoods, commercial areas and industrial areas.

**Local** - A street which provides direct access to abutting land and access to the arterial and collector road network. Service to through traffic movement usually is deliberately discouraged.

**NOTE:** For identification of these types of roads within the County refer to the Douglas County Transportation Master Plan. *(Amended 11/18/14)*

**Street, Private:** A privately owned access way generally constructed to County specifications and not maintained by the County.

**Street, Public:** All public property reserved or dedicated for vehicular traffic constructed in compliance with the Douglas County Roadway Design and Construction Standards and the Douglas County Storm Drainage Design and Technical Criteria manual.

**Structure:** Anything constructed or erected in, under, over or upon the land, or attached to something in, under, over, or upon the land, but excluding therefrom walks, patios, off-street parking areas, fences and walls, and electrical distribution, natural gas or water and sewer lines.

**Permanent** - That which is built in such a manner, that it would reasonably be expected to last and remain useful for more than 5 years.

**Temporary** - A structure that is not a permanent structure, or one that is constructed for a special purpose in contemplation of removal upon accomplishment of such. Temporary shall mean a period of 6 months.

**Subject Land:** Real property which is the subject of the regulations set forth in this Resolution.

**Support Tower:** A vertical, ground-mounted structure designed and engineered for the purpose of supporting antennas for the transmission and/or reception of radio signals.

**Lattice Tower:** A self-supporting tower with multiple legs and cross bracing designed to support antennas.

**Monopole:** A self-supporting tower consisting of a single support of wood, metal or concrete designed to support antennas.

**Guyed Tower:** A tower designed to support antennas and requiring guy wires for stability.

**Swimming Pool:** Any structure intended for swimming or recreational bathing capable of containing water greater than 24 inches in depth. This includes in-ground, above-ground, and on-ground swimming pools, hot tubs, and spas. Any fencing required in association with such structure shall be permanently affixed to the ground. *(Amended 12/18/12)*

**Telecommunications Facility:** A facility and all elements thereof, including but not limited to support towers, antennas, and accessory equipment buildings, that together facilitate communication by the electronic transmission of telephone, radio, television, internet, wireless, or microwave impulses of an FCC licensed carrier, but excluding those used exclusively for private radio and television reception, private citizen's band, amateur radio communications.

Personal wireless communication facilities that exceed the height requirements provided for by this Zoning Resolution shall be considered telecommunication facilities and therefore subject to all applicable provisions.

**Temporary Emergency Shelter:** A facility used on a temporary basis for the purpose of housing individuals or families affected by disasters or emergency situations.

**Townhome:** An individual dwelling unit situated on 1 lot but attached to 1 or more similar dwelling units by a common wall or party wall. Where such a unit is attached to another, the property line shall be the center of the common wall or party wall. The owner of a townhome unit may have an undivided interest in common areas and elements appurtenant to such units.

**Training:** To coach or instruct an individual in a specific general area of equine expertise, or to physically condition a horse to be ridden, handled, or to perform upon command.

**Urban:** Urban areas as defined in the Douglas County Comprehensive Master Plan.

**Utility - Major Facility:**

- Pipelines and storage areas of utilities providing natural gas or petroleum derivatives;
- Appurtenance: A use or structure which is incidental and subordinate to, and devoted to the Utility-Major Facility;
- Power Plant: Any electrical energy generating facility with an energy generation capacity of 50 megawatts or more, and Appurtenance(s);
- Substation: Any facility designed to provide switching, voltage, transformation, or voltage control required for the transmission of electricity exceeding 115 kilovolts (kV);
- Transmission Lines: Any electric transmission line and Appurtenance(s) which emanate from a power plant or a substation and terminate at a substation and which are designed for or capable of, the transmission of electricity exceeding 115 kV;
- Wastewater Treatment Facility: A facility or system for treating, neutralizing, stabilizing, or disposing of domestic wastewater, which facility or system has a designed capacity to receive more than two thousand (2,000) gallons per day of domestic wastewater. The term Wastewater Treatment Facility also includes Appurtenance(s) to such system or facility, such as outfall sewers and equipment related to such Appurtenances;
- Water Storage/Treatment Facility: A facility used for water storage with a designed capacity of 300,000 gallons or more and/or treatment, except wellhead disinfection, of 10,000 gallons per day or more; and/or a Major Reservoir; and/or facilities and/or structures for the export of water outside the County; including, but not limited to, water diversion structures, headgates, forebays; and all associated Appurtenances. Water storage tanks must be buried, unless this requirement is waived by the Director due to geological/topographical conditions that would prevent burial.

Utility Service Facility: Any Neighborhood Substation, Personal Wireless Communication Facility, Water Storage/Treatment Facility:

- Neighborhood Substation: Any facility used for the purpose of reducing voltages to levels of 115 kV, or less, for distribution to individual users;
- Personal Wireless Communication Facility: Any unstaffed facility for the transmission and/or reception of voice, data and paging signals consisting of one or more of the following elements: antennas, support towers, or accessory equipment buildings or structures;
- Water Storage/Treatment Facility: A facility used for water storage with a designed capacity of less than 300,000 gallons and/or treatment of less than 10,000 gallons per day. Water storage tanks must be buried, unless this requirement is waived by the Director due to geological/topographical conditions that would prevent burial.

Value-Added Agricultural Processing: The processing and/or packaging of Agricultural Products, for which the primary ingredient is raised or grown on the site. Value-added

Processing may include the sales of Value-Added Agricultural Products produced on the site. Value-added Agricultural Processing does not include processing Agricultural Products into fuels, lubricants, paints, varnishes, or the like. (Amended 1/28/14)

**Value-Added Agricultural Product:** A product processed by an Agricultural Producer from an Agricultural Product, such as baked goods, jams, jellies, and leather or woolen goods. (Amended 1/28/14)

**Variance:** A grant of relief from certain provisions of this Resolution, as provided in and limited by the Variance section of this Resolution.

**Veterinary Clinic or Hospital:** A structure where animals are brought for medical or surgical treatment and may be held during the time of treatment and recuperation. Overnight, indoor boarding may be permitted as an accessory use only. Outdoor holding facilities are prohibited in connection with the accessory use.

**Veterinary Clinic or Hospital, Equine and Livestock:** A facility which provides preventative and medical or surgical treatment to horses and livestock. Animals may be held during the time of treatment and recuperation including overnight stays. Outdoor holding facilities are allowed in connection with the clinic or hospital. An Equine and Livestock Veterinary Clinic or Hospital shall not have more than 12 stalls or bays. (Amended 2/21/23)

**Warehouse:** A building, or portion thereof, for storing goods, wares and merchandise for the owner or for others.

**Wastewater Facilities:** Structures or systems designed for the collection, transmission, treatment or disposal of sewage and includes trunk mains, interceptors, and treatment plants, including package treatment plant and disposal system and on-site septic systems.

**Water Facilities:** Systems or structures designed to collect, treat, or distribute potable water, and includes water wells, treatment plants, and storage facilities.

**Water and Sewer Facilities - Public:** Facilities of a municipality, public utility, nonprofit corporation, sanitation or water or other special district, that are constructed, operated or maintained to provide water or sewer service.

**Watercourse:** A channel, natural depression, slough, artificial channel, gulch, arroyo, stream, creek, pond, reservoir or lake in which storm runoff and flood water flows either regularly or intermittently, including major drainageways for carrying urban storm runoff.

**Wholesale Business:** A business use characterized by the selling of tangible goods/merchandise or intangibles/services directly to the retailer or contractor or the assembly or manufacturing of products.

**Wind Energy Conversion System:** Any mechanism including blades, rotors or other moving surfaces designed for the purpose of converting wind energy into mechanical or

electrical power. Towers, tower bases, guy wires and any other structures necessary for the installation of small wind energy conversion systems are also included. A large-scale system designed for the generation of commercial power shall be considered a major utility facility for purposes of this Resolution.

**Yard:** In this Resolution the term yard is not used, as such term represents a distance that is established in a like manner as that of a setback.

**Zero Lot Line:** The location of a structure on a lot in such a manner that one or more of the structure's sides rest directly on a lot line with no easement or setback requirement including two adjoining structures on separate lots sharing a common wall.

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## Agenda Item

**Date:**

**To:** Douglas County Board of County Commissioners

**Through:** Douglas J. DeBord, County Manager

**From:** Terence T. Quinn, AICP, Director of Community Development *TQ*

**CC:** Steven E. Koster, AICP, Assistant Director of Planning Services  
Kati Carter, AICP, Assistant Director of Planning Resources

**Subject:** **Compliance with Statutory Requirements for Review of Electric Vehicle Charging Stations**

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**SUMMARY**

In 2024, the Colorado General Assembly passed HB24-1173, which requires that counties with a population of 20,000 or more take one of three possible actions regarding Electric Vehicle ("EV") Charging Stations. Two of the options would entail adopting additional regulations and procedures specific to EV Charging Stations. The third option is to adopt a resolution stating that the County will continue to utilize its existing review processes for EV Charging Stations. The County must report to the Colorado Energy Office which of the three options it has chosen to implement by no later than March 1, 2026.

Staff determined that, since January 1, 2020, Douglas County has processed 20 requests to develop EV Charging Stations within an average time of 27 calendar days, and a median time of 15 calendar days. Based on this information, it does not appear that creating additional regulations would result in a meaningful streamlining of the County's process.

**BACKGROUND**

In passing HB24-1173, the General Assembly declared that "it is in the best interest of Coloradans and a matter of mixed state and local concern to facilitate the permitting of electric vehicle charging systems by streamlining the process for local governments to approve permits for developing electric vehicle charging infrastructure." The bill created Section 30-28-213 of the Colorado Revised Statutes, which directs counties with a population of 20,000 or more to take one of three actions:

- Adopt a model code developed by the Colorado Energy Office setting standards and permit processes for EV Charging Stations.
- Adopt regulations to establish "objective standards and an administrative review process" for permitting EV Charging Stations.

- Adopt a resolution stating that the County does not intend to take either of the first two options and will continue to utilize its existing review process.

Douglas County does not have regulations that are specific to EV Charging Stations. To the extent that land use review of an EV Charging Station is necessary, Douglas County utilizes the same administrative process applicable to any other site development request. The administrative review of EV Charging Stations takes an average duration of 27 calendar days and a median duration of 15 calendar days.

### **NEXT STEPS**

Staff is prepared to discuss how best to address the requirements of HB24-1173.

Staff has prepared a draft resolution for the Board's consideration should it find that utilizing the County's existing process is most applicable.

### **ATTACHMENTS**

Draft Resolution Committing to Expedited Review of EV Charging Stations  
EV Charging Model Land Use Code from the Colorado Energy Office  
House Bill 24-1173

**RESOLUTION NO. 2025-\_\_\_\_\_**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF  
DOUGLAS, COLORADO, COMMITTING TO EXPEDITIOUS REVIEW OF LAND USE  
APPLICATIONS FOR THE DEVELOPMENT AND INSTALLATION OF ELECTRIC VEHICLE  
CHARGING STATIONS**

**WHEREAS**, §30-28-213, C.R.S., requires Douglas County to either (1) adopt a model code setting standards and procedures for the review and permitting of Electric Vehicle (“EV”) Charging Stations as prescribed by the Colorado Energy Office (“CEO”), (2) amend its regulations to establish standards and procedures for the review and permitting of EV Charging Stations that conform to the CEO’s model code, or (3) adopt a resolution stating that the County will continue to utilize its existing standards and processes for the review and permitting of EV Charging Stations; and

**WHEREAS**, Douglas County has no specialized standards or procedures for the review and permitting of EV Charging Stations; and

**WHEREAS**, Douglas County considers EV Charging Stations to be accessory to most residential, commercial, retail, office, industrial, and community uses; and

**WHEREAS**, Douglas County considers EV Charging Stations to be equivalent to automobile or motor vehicle service stations and, thus, a principal use in the zone districts and planning areas of Planned Developments where automobile or motor vehicle service stations are allowed, including, but not limited to, its Business (“B”), Commercial (“C”), Light Industrial(“LI”), and General Industrial (“GI”) zone districts; and

**WHEREAS**, Douglas County is committed to expeditious review of all site development proposals; and

**WHEREAS**, since January 1, 2020 Douglas County has completed administrative processing of 20 applications for the development of accessory and principal use EV Charging Stations within an average time of 27 calendar days and a median time of 15 calendar days.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of County Commissioners of Douglas County, Colorado, that County staff shall use its existing site development review processes to expeditiously review EV Charging Stations wherever they are allowed as a principal or accessory use.

**PASSED AND ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2025, in Castle Rock,  
Douglas County, Colorado.

THE BOARD OF COUNTY COMMISSIONERS  
OF THE COUNTY OF DOUGLAS, COLORADO

BY: \_\_\_\_\_  
Chair, Board of County Commissioners

ATTEST:

BY: \_\_\_\_\_  
Clerk to the Board



# Colorado Electric Vehicle Charging Model Land Use Code & Guidance

*Prepared by the Colorado Energy Office  
in compliance with HB24-1173*

*March 2025*

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# Chapter 1: Introduction

## *What is the Colorado Electric Vehicle Charging Model Land Use Code & Guidance?*

This document helps local governments understand the three options available to comply with [House Bill 24-1173](#) (“HB24-1173” or “the law”), and outlines requirements for local governments that choose to comply by adopting the EV Charging Model Land Use Code (“Model Code”). This document provides requirements and recommendations for land use standards and permitting processes, and guidance to implement them. Readers are encouraged to review the entire document to fully understand the compliance options and requirements. The key chapters in this document are:

- **Chapter 2:** outlines the three options for compliance with HB24-1173
- **Chapters 3 & 4:** includes the Model Code land use standard requirements and adoption guidance
- **Chapter 5:** provides the Model Code land use permitting process requirements and recommendations

## *What is House Bill 24-1173?*

As a strategy for expanding Electric Vehicle (“EV”) use, cost-effectiveness, convenience and viability across the state, and to advance Colorado’s ambitious goals to reduce air pollution and greenhouse gas (“GHG”) emissions, the Colorado Legislature passed House Bill 24-1173 to encourage a more standardized and streamlined local permitting processes for EV charging development.

The law applies to counties with 20,000 and more people, and municipalities with 10,000 and more people, as of the 2020 Federal Census. Counties and municipalities subject to the law (“subject jurisdictions”) are listed in Appendix A: Subject

Jurisdictions. By December 31, 2025, subject jurisdictions are required to complete one of three compliance actions:

- 1. EV Charging Model Code Adoption:** Adopt the permitting standards and processes from this EV Charging Model Code. Requirements, recommendations, and implementation instructions for this option are found in Chapters 3-5 of this document.
- 2. Statutory Code Adoption:** Adopt the EV charging permitting standards directly as written in the law, including adopting objective permit review standards and an administrative review process for EV charging projects.
- 3. Retain Existing Permitting Process and Standards:** Adopt an ordinance or resolution to retain existing standards and permitting processes for EV charging projects, opting out of any changes to permitting standards and processes.

**Only subject jurisdictions that choose the Model Code compliance path must adhere to the Model Code requirements of this document. Jurisdictions that choose one of the other compliance paths are not subject to the Model Code requirements.** More detailed information on how to comply with the law is found in Chapter 2.

## **EV Charging Model Code Requirements**

The Model Code requirements are based on established best practices, aiming to reduce barriers for EV charging development and streamline the approval process.

The Colorado Energy Office (“CEO”)’s goal in developing the Model Code is to provide an attractive option for the majority of local governments across the state, establishing a relatively consistent set of standards and processes. Although the requirements and recommendations are written to support subject jurisdiction compliance with HB24-1173, they may also serve as a resource for other local governments that wish to streamline their EV charging permitting processes voluntarily.

There are two components to the requirements for the Model Code compliance option: 1) definitions and standards and 2) permitting processes. **Local governments that plan to comply with the law using a different compliance path are not subject to these requirements.**

### **Definitions and Standards**

Chapter 4 provides definitions and standards for local governments to integrate into their land use codes, and - along with guidance in Chapter 3 - instructions for interpreting and implementing them. The Base Standards and Definitions are required to be adopted. The Optional Standards are not required to be adopted, but represent the most restrictive land use regulations that jurisdictions may adopt (if they choose to) for the topics addressed, which are common topics that jurisdictions may want to regulate for EV Charging. The standards and definitions are meant to provide predictable parameters to guide the permitting of EV charging projects, including:

- Defining EV charging projects as a land use
- The land use contexts where EV charging projects are allowed by right, allowed conditionally, or prohibited
- The land use permitting processes applicable to proposed EV charging projects
- Siting and design considerations like parking, setbacks, screening, landscaping, signage, lighting, and weather protection

## ***Base Definitions & Standards Summary***

13 Definitions and 12 Standards that jurisdictions must include in their land use codes, either as new code language or by referencing existing code language.

- Jurisdictions may only require land use permits for DCFC EV charging (Definitions 5-7 + Standard 1)
- Jurisdictions must allow EV charging as a use by-right reviewed through an Administrative Approval process in most zoning districts (Standards 2 + 5)
- Jurisdictions may not require conformance updates for existing Primary Uses on a property where Accessory Use EV Charging is proposed (Standard 3)
- Jurisdictions may regulate Primary Use EV charging differently from Accessory Use EV charging, and may apply standards from other reasonably similar land uses to Primary Use EV charging (Standard 4)
- Jurisdictions must count EV charging parking spaces towards minimum parking requirements and ensure that EV charging projects comply with accessibility guidelines (Standards 6-8)
- Jurisdictions may limit Accessory Use EV charging stations and equipment within setbacks, but are encouraged to allow stations and equipment in setbacks when appropriate (Standard 9)
- Jurisdictions have some ability to regulate the dimensions, appearance, of materials of EV charging infrastructure (Standard 10)
- Jurisdictions may require limited screening for EV charging equipment, but are encouraged to not require any screening (Standard 11)
- Jurisdictions may not require screening or landscaping that conflicts with national electrical safety and access standards (Standard 12)

## ***Optional Standards Summary***

6 Standards that jurisdictions are not required to adopt but may choose to if they would like to regulate one or more of the specific topics addressed. While not required, these represent the most restrictive standards allowable within each topic.

- Jurisdictions may require that EV charging stations be well-lit (Standard 13)
- Jurisdictions may apply pavement striping and marking standards to EV charging (Standard 14)
- Jurisdictions may apply sight visibility standards to EV charging (Standard 15)
- Jurisdictions may require that existing landscaping removed during EV charging installation be replaced (Standard 16)
- Jurisdictions may apply signage standards to EV charging, but cannot require or prohibit signage (Standard 17)
- Jurisdictions may apply dimensional and design standards for EV charging weather canopies, but cannot require or prohibit them (Standard 18)

## Permitting Processes

Chapter 5 provides requirements and recommended options for land use application and review processes that build on the Model Code definitions and standards. Local governments can implement these requirements and recommendations through Permitting Processes

Chapter 5 provides requirements and recommended options for land use application and review processes that build on the Model Code definitions and standards. Local governments can implement these requirements and recommendations through changes to internal permitting processes and by developing public facing permitting materials. The requirements and recommendations are meant to provide more information about the application and review processes to EV charging developers, and a more transparent and predictable process for both local government staff and developers. Similar to the Definitions and Standards, there are two categories for the Model Code's permitting process elements:

### ***Required Permitting Process Summary***

4 process requirements that jurisdictions must follow for the permitting of EV charging projects to comply with the Model Code.

- Provide accessible, user-friendly, and transparent online information for EV charging permitting, including permit requirements and information, application forms and checklists, applicable land use standards, estimated processing timelines, permit fee schedules, and contact information for reviewing departments.
- Allow for digital application submissions (electronic system or via email)
- May not require in-person application submissions
- May not require applications to use specific types of paper, include wet signatures, or be notarized.

### ***Recommended (Optional) Permitting Process Summary***

7 process recommendations that jurisdictions should follow, if feasible, but are not required to. See page 44 for more details.

## **Background**

Coloradans are choosing to drive electric vehicles in record numbers, with [Colorado leading the nation in EV market share in Q3 2024](#). EV drivers save money on fuel and maintenance, and as more makes and models come to the market, EV purchases will continue to increase. EV drivers also report that access to charging is a key concern when choosing to purchase an EV, and the State of Colorado has made major strides in providing a robust EV charging network through various funding programs and statewide planning efforts. Ensuring adequate access to EV charging can be a boon to local communities by providing critical services to their EV drivers, providing confidence to visitors and tourists that charging is available in a community, facilitating intrastate travel and tourism, and EV charging can provide local businesses or property owners with new revenue streams, access to customers visiting to charge, or a new amenity for tenants purchasing or using EVs. Moreover, in Colorado, transportation is the largest source of GHG emissions and a major contributor to other pollutants that create poor air quality and threaten community health. Vehicle electrification is one of the core strategies to reduce transportation emissions and pollution across the state, as EVs produce zero tailpipe emissions and increasingly fewer emissions from the electricity to power them as the state pursues a goal of 100% zero-emission electricity by 2040 and market dynamics deploy more clean electricity on the grid. In 2018, the State developed its first statewide EV Plan, setting ambitious goals for increasing the number of EVs on Colorado's roads to 940,000 by 2030. Subsequently, the [EV Plan](#) was updated in 2020 and 2023, with this latest adoption setting new goals to increase EV sales to at least 70% of all vehicle sales by 2030, to drastically increase the overall number of EVs for personal use and in public fleets, and to support these increases in EV use by expanding development of public EV charging infrastructure.

Colorado has also continued and expanded its light duty clean vehicle sales standards, through the Colorado Clean Cars Rule, which seeks to provide more access to EVs in the Colorado market to achieve at least 82% market share for EVs by 2032. This sales standard, coupled with local, state, utility, and federal incentives for EVs, all

contribute to increasing EV sales and more opportunities for businesses and local governments to facilitate access to EV charging through permitting frameworks like those included in this document.

## **2023-2024: EV Charging Permitting Study**

CEO conducted an [EV Charging Permitting Study](#) to investigate the key land use permitting barriers to EV charging infrastructure development and potential solutions for reducing identified barriers, which provided a strong foundation for developing this Model Code. The study was based on input from local governments and charging developers and a review of national best practices. The results of that study indicated that land use standards and permitting processes were a significant barrier for EV charging developers in Colorado. This is largely because many jurisdictions do not yet have specific standards and processes defined for such projects, being a relatively new, albeit quickly expanding, project type. Thus, when most jurisdictions receive an application for EV charging, there are no guidelines to review and approve the project. This can result in the subjective application of existing land use standards for other uses (e.g. gas stations); overly complex permitting processes; unclear standards; and unexpected requirements. Local governments and charging developers have shared that there is a need to define and simplify the standards that apply to EV charging development, for the benefit of both local governments and EV drivers.

## **2024: House Bill 24-1173**

The Colorado State Legislature passed House Bill 24-1173 and Governor Polis signed the bill into law on May 21, 2024. The law requires subject jurisdictions to take one of three compliance actions, including the Model Code compliance path described in this document. The law directed CEO to develop this Model Code document, to provide no-cost technical assistance to local governments to help them integrate the Model Code into their existing land use codes, and to provide staff training to local governments to help planning review staff interpret and apply land use regulations to EV charging projects. More detailed information on how to comply with the law is found in Chapter 2.

## 2024-2025: Development of the Model Code

The EV Charging Model Code and Guidance Document were developed over a six-month process (October 2024 to March 2025), which built upon the EV Permitting Study and incorporated voices and perspectives from Colorado counties, municipalities, electric utilities, advocates and representatives of disproportionately impacted communities, EV charging providers, and many other stakeholders. In compliance with [C.R.S. 30-28-213 \(3\)](#) and [C.R.S. 31-23-316 \(3\)](#), this process included five meetings with an Advisory Committee (comprised of representatives from local governments, EV charging developers, utility providers, local government membership organizations, and research and advocacy organizations), four focus group discussions with stakeholders and community partners, an online survey, and a public review period. The Model Code was developed by CEO and consultant partner, MIG, Inc., with strong and balanced influence from these stakeholder perspectives. An Engagement Summary document is included as Appendix C.

The primary goal of the Model Code is to support more predictable, transparent and streamlined land use permitting for EV charging development at the local level, benefitting:

- **Local Governments** - by providing a straightforward, easily adaptable regulatory tool to streamline permitting for EV charging, which helps to ensure that future EV charging development is consistent with community needs while minimizing staff resources needed to review and approve permit applications.
- **Charging Developers** - by providing more predictable standards, more timely permitting processes, and more consistency statewide.
- **Colorado Residents** - by ensuring that enough charging is built more quickly to support the growing demand from EV drivers to reach all corners of the state.

The Model Code is also meant to serve as a long-term resource for local governments, beyond supporting compliance with HB24-1173. CEO may consider updates to the Model Code in the future based on changes to the EV charging market, technology, or

feedback from local governments and charging developers. CEO does not intend to change the Model Code during the compliance period, but may do so if necessary to address any errors or other issues. However, local governments that adopt it for the purpose of compliance with HB24-1173 will not be expected to adopt any updated versions.

# Chapter 2: HB24-1173 Compliance

## **Applicability**

The law applies to counties with 20,000 and more people, and municipalities with 10,000 and more people, as of the 2020 Federal Census. Counties and municipalities subject to the law (“subject jurisdictions”) are listed in Appendix A.

## **Compliance Options**

By December 31, 2025, subject jurisdictions are required to complete one of three compliance actions.

### **Compliance Option 1: EV Charging Model Code Adoption**

Subject jurisdictions may adopt an ordinance or resolution to incorporate the same—or “less restrictive”—standards and permitting process as those in the Model Code.

The Model Code provides required and recommended standards and processes for regulating EV charging development and essential information for subject jurisdictions to implement them. The Model Code includes a broadly applicable set of objective standards and a transparent and streamlined review process, with reasonable flexibility for subject jurisdictions to adapt the standards to fit their community’s priorities and to integrate with their existing land use regulations.

CEO will support subject jurisdictions with adopting and applying the EV Charging Model Code in the following ways.

- **Code Adoption Support:** CEO will provide an on-call consultant to help subject jurisdictions adopt the EV Charging Model Code, including providing:
  - Review of existing land use codes to identify appropriate locations to integrate model code standards
  - Suggested revised code language
  - Guidance on messaging for the general public, local government staff, and elected officials to support Model Code adoption
  - Attendance at local government staff and/or elected body meetings

- **Staff Training:** CEO will provide a training manual and online training to educate permit review staff on how to interpret and apply the EV Charging Model Code standards. The training materials will cover the following topics:
  - Basics of EV charging projects (where are they typically sited, typical dimensions and appearance, typical amount of users per day)
  - The types EV charging projects subject to land use permitting under the model code
  - The types of standards and processes required by the model code
  - How to apply the model code standards and processes to EV charging permit applications
  - Common permitting challenges and how to resolve them
  - Community context considerations (urban, suburban, rural)

## Compliance Option 2: Statutory Code Adoption

Subject jurisdictions may adopt an ordinance or resolution that establishes a permitting process for “EV Charger Permit” applications, consistent with the permitting standards and process requirements of [C.R.S. 30-28-213 \(4\) and \(5\)](#) (counties) and in [C.R.S. 31-23-316 \(4\) and \(5\)](#) (municipalities). **Subject jurisdictions who choose this compliance path should refer to the statute to ensure they understand its requirements.** CEO-provided technical assistance and training is not available for subject jurisdictions pursuing this compliance path. Below is a summary of the law’s requirements:

- Jurisdictions must establish objective standards and an administrative review process to be used in the review of EV Charger Permit applications
- Jurisdictions may not deny or place conditions on the approval of an EV Charger Permit application unless the application is in violation of the objective standards or for the purposes of reasonably protecting public health and safety
- If an application is denied, jurisdictions must notify applicants with a written explanation within three days of making the decision

- Applicants may appeal denials or conditional approvals to a city council or board of county commissioners
- Jurisdictions must provide a checklist for applicants identifying all requirements for EV charging applications
- If jurisdictions determine that an application is incomplete (per the checklist), the jurisdiction must provide written notice to the applicant within three days

### **Compliance Option 3: Retain Existing Permitting Process and Standards**

Subject jurisdictions may adopt an ordinance or resolution stating that they do not wish to revise their land use code through either the EV Charging Model Code or the statutory code adoption compliance paths and instead choose to keep their existing EV charging permitting process and review standards.

### ***Compliance Path Considerations***

CEO has worked to develop the Model Code in a flexible way to appeal to most jurisdictions' priorities and needs and encourages jurisdictions considering compliance options 2 or 3 to contact CEO to discuss the Model Code option.

### ***Reporting***

Subject jurisdictions, regardless of which compliance path is taken, are required to submit two reports to CEO:

- **Compliance Report:** By March 1, 2026, a report that confirms the compliance action completed (i.e. which of the three compliance options outlined above the jurisdiction has implemented).
- **Outcomes Report:** By January 31, 2027, a report that outlines the permitting durations and final decision for each EV charging development application received between December 31, 2025 and December 31, 2026.

Further details to support subject jurisdiction reporting, including the reporting methods to be used, and report templates, will be available on CEO's website in advance of the reporting deadlines.

# Chapter 3: Model Code Adoption Guidance

The Model Code is intended to provide clear and predictable guidelines for local government staff and EV charging developers during the permitting process. Its definitions and standards represent established best practices, aiming to reduce barriers for EV charging development and streamline the approval process.

This chapter provides guidance for subject jurisdictions that choose to adopt and implement the Model Code. **Subject jurisdictions that plan to comply with the law using a different compliance path are not subject to the requirements outlined in this and subsequent chapters.**

## *Definitions and Standards Structure*

The Model Code includes “**base definitions and standards**” that must be adopted in land use codes, either as new code language or by referencing existing code language. The standards are presented as recommended code language or a description of the intent of the standard, followed by implementation instructions.

For some definitions and standards, the implementation instructions include flexible alternatives that local governments may adopt and still comply with the Model Code. In some cases, these alternatives are “**more restrictive options**” that are more restrictive to EV charging than the base definitions and standards, and that jurisdictions may adopt if they wish to retain more control over EV charging. In some cases, these alternatives are “**less restrictive options**” than the base standards that jurisdictions may adopt if they wish to provide greater flexibility for EV charging. These options are provided where a less restrictive approach is clearly applicable.

Local governments may choose to adapt any of the Model Code’s definitions and standards to be less restrictive—i.e. place fewer requirements or parameters on EV charging development than what is outlined in the Model Code.

For all standards, the implementation instructions explain what is the maximum (i.e. most restrictive) regulation that jurisdictions can adopt and still comply with the Model Code path.

The Model Code also includes “**optional standards**” which jurisdictions may adopt if they choose to regulate a specific topic for EV Charging Projects. For each optional standard, jurisdictions may adopt a standard that is as restrictive or less restrictive as the standard provided, or adopt no standard at all.

## ***Opportunities for Customization***

### **Adopting Less Restrictive Standards**

HB24-1173 allows subject jurisdictions to adopt “less restrictive” standards and permitting processes than those in the EV Charging Model Code. This means that subject jurisdictions may customize any part of the Model Code definitions and standards in a way that creates greater flexibility or reduces the requirements placed on EV charging development. Subject jurisdictions are encouraged to prioritize less restrictive options or provide other flexibilities to further reduce barriers to EV charging development.

### **Adapting Code Language**

For definitions and standards with recommended code language, subject jurisdictions may adopt the code language as written. However, **jurisdictions are not required to adopt the exact code language, so long as the meaning of the language they adopt is similar.** Jurisdictions may develop their own language or may adapt the recommended language to be consistent with their existing land use codes, to use locally relevant terminology, or to cross reference their existing land use code.

Terms or phrases where it is most likely that jurisdictions will need to make these refinements are symbolized in the Model Code standards with brackets: “[...].” This symbology is used most frequently around the phrase “in this Code/in Section X,” which serves as a placeholder for references to existing land use code standards.

Terms in the Model Code's recommended code language may differ from terms used in existing land use codes. For example, the term 'use by right' from the Model Code could be "by-right use," "permitted by right," "permitted use," or "administrative permit" in a jurisdiction's land use code. Jurisdictions may use terms from their existing code so long as they are similar in meaning to the Model Code terms.

## Identifying Where to Integrate Definitions and Standards

Jurisdictions may determine where in their land use code to incorporate the Model Code definitions and standards, so long as readers can easily understand how they apply to the permitting of EV charging. Jurisdictions may integrate the Model Code standards into existing code sections or create a new standalone EV Charging specific section.

The benefit of integrating the Model Code standards within existing code sections is that all 'like' regulations are located in the same place (i.e. all parking standards are in one location). A challenge with this approach is that EV charging standards are dispersed and developers must know which sections to reference. Table 1 below includes typical land use code sections where the standards may be integrated.

**Table 1: Typical Land Use Code Sections for Integrating EV Charging Model Code**

EV Charging Model Code Section	Typical Land Use Code Sections
Definitions	Definitions; Terms
Applicability	Applicability; Procedures; Administration and Enforcement
Permitting by Zoning District	Use Standards; Use Regulations; Zoning Districts; Districts and Uses
Parking	Development Standards; Parking; Off-Street Parking
Siting and Design Standards (Setbacks, Equipment, Screening & Landscaping, Lighting, Signage, Weather Canopies)	Development; Design; Site Design; Site Development; Dimensional; Landscaping; Lighting; Sign Standards

The benefit of adopting the Model Code standards as a new standalone section is that all regulations pertaining to EV charging are conveniently referenced in one place. A challenge with this approach is that EV charging standards are in a different place than the same type of standards for other uses (i.e. parking standards for EV charging are in a different location than all other parking standards).

## ***Conflicting Language***

While potential conflicts between the Model Code standards and local land use codes were avoided as much as possible, there is a chance that a conflict may arise. If conflicting language is found, the intent is that the Model Code standards shall rule, unless the conflicting (existing) regulation is essential to protect health and safety. Language to this effect could be incorporated into the jurisdiction's land use code, if desired—most likely in the “Conflicting Provisions” section (or similar). In such instances, it is recommended that subject jurisdictions consult with CEO staff and with their Municipal Attorney to determine the most appropriate path forward.

## ***Interaction with Other Regulations***

While the scope of the Model Code is limited to land use codes, as required by HB24-1173, jurisdictions may have other codes, regulations, and requirements that are applicable to EV charging, such as Building, Electrical, and Fire codes. While not required to comply with the Model Code path, jurisdictions wishing to further streamline the permitting process are encouraged to assess if other regulations commonly present barriers to EV charging projects and consider changes to regulations to address any such barriers. Additional state legislation and rules, such as [House Bill 22-1362](#) and the [2023 Model Solar & Electric Ready Code](#), should also be considered. Jurisdictions are encouraged to provide accessible, transparent, and user-friendly information about all applicable laws, regulations, and requirements applicable to EV charging development.

## ***Integrating Graphics***

Example graphics to illustrate key standards and concepts are included as part of the Model Code standards. Subject jurisdictions may choose to, but are not required to, adopt them. Jurisdictions may also choose to develop and adopt their own graphics. Please contact CEO if you would like high-resolution copies of any images in this document.

## ***Other Potential Standards***

CEO has designed the Model Code definitions and standards with the goal of addressing the most common land use regulation topics for EV charging development. However, there may be additional topics that subject jurisdictions wish to regulate, which the CEO is open to considering as part of the Model Code compliance option. See page 43 for additional instructions on how to handle such instances.

## Chapter 4: Model Code Definitions and Standards

This chapter provides required land use code definitions and standards and parameters for optional standards. This chapter also provides guidance for integrating the definitions and standards into existing land use codes. **The definitions and standards are written as recommended land use code language with the exception of Standards 1-4 in the Applicability section and Standards 11 and 12 in the Screening and Landscaping Section, which are described generally rather than written as code language.**

### ***Base Definitions (Adoption Required)***

Jurisdictions must adopt these definitions to comply with the Model Code. If similar terms are already defined in the jurisdiction's existing land use code, the existing terms and definitions may be used, so long as they are similar in meaning. If there is a conflict between a recommended definition and an existing definition, jurisdictions must add a new definition or update the existing definition to align with the Model Code definition.

#### ***Definition 1***

**Electric Vehicle (EV):** A motor vehicle which relies partially or entirely on electrical energy to power its movement, requiring periodic electrical current charging of its battery.

## ***Definition 2***

**EV Charging Port:** A power supply device that provides electrical current charging for EVs. One EV Charging Port provides power for one vehicle.

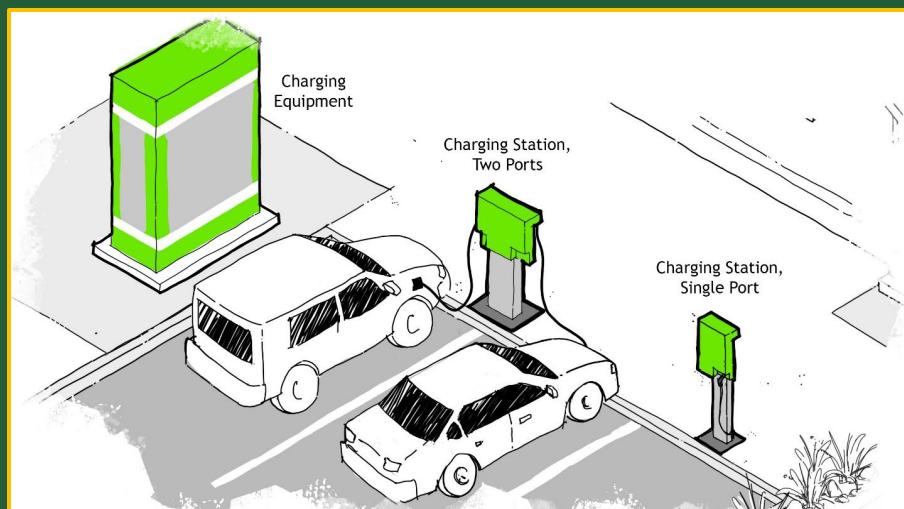
- a. **“Direct Current Fast Charging (DCFC)”:** High-speed charging that provides about 50-350+ kW of power per hour and uses a 480V three-phase outlet.
- b. **“Level 2 Charging”:** Mid-speed charging that provides about 7-19 kW of power per hour and uses a 240V outlet.
- c. **“Level 1 Charging”:** Slow charging that provides about 1-2 kW of power per hour and uses a 120V outlet.

## ***Definition 3***

**EV Charging Station:** Equipment that includes one or more EV Charging Ports to provide charging for EVs, located adjacent to dedicated space(s) for the vehicle(s) while they charge. One EV Charging Station may provide power for one or more vehicles.

## ***Definition 4***

**EV Charging Equipment:** All equipment necessary to provide electrical current charging for EVs, except for EV Charging Stations. This may include power conversion equipment, electrical distribution equipment such as transformers, switchgear boxes, and distribution lines, and other supportive equipment.

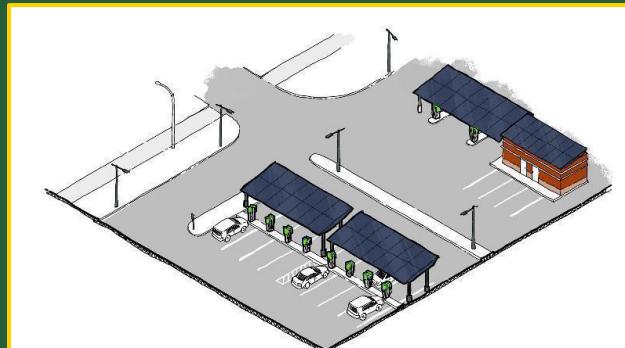


### ***Definition 5***

**“EV Charging Project”:** A proposed development of Primary or Accessory Use EV Charging Stations and Equipment, which may include other supporting site improvements like landscaping, lighting, or weather protection.

### ***Definition 6***

**“Primary Use EV Charging Project”:** Any proposed development of DCFC EV Charging Stations and Equipment that serves as the primary function and land use on the Subject Property.



### ***Definition 7***

**“Accessory Use EV Charging Project”:** A proposed development of DCFC Charging Stations and Equipment that are incidental and subordinate to the Primary Use on the Subject Property.



*Definitions 6-7 have a noted Less Restrictive option*

### ***Implementation Instructions for Definitions 1-7***

Definitions 1 through 7 are EV charging-specific terms used throughout the Model Code standards and may not already be defined in jurisdictions’ existing land use codes. The definitions for Primary Use and Accessory Use EV Charging Projects work together with Standard 1 to establish the types of EV charging development subject to land use regulations and which require land use permits.

## ***Less Restrictive Option for Definitions 6-7***

Definitions 6-7 are the most restrictive definitions that jurisdictions can adopt. However, jurisdictions are encouraged to be more permissive in how they define Primary and Accessory Use EV Charging Projects. For example, jurisdictions may add a quantitative threshold for the number of EV Charging Ports in the definition of Accessory Use EV Charging Project, for example at four DCFC charging ports, or eight DCFC charging ports. Because the applicability of land use permits is based on this definition, this would effectively exempt projects smaller than the threshold from land use permitting. Alternatively, jurisdictions could choose not to require a land use permit for any Accessory Use EV Charging Project by not including any definition for Accessory Use EV Charging Projects (and removing their reference in Definition 5) and by not including them in the land use permitting table (see Standard 5).

### ***Definition 8***

**Administrative Review Process:** A process in which a land use permit is approved, approved with conditions, or denied by administrative staff of a local government permitting agency based solely on the application's compliance with objective standards set forth in the jurisdiction's land use code, and that does not require a public hearing, a recommendation, or a decision by an elected or appointed public body or hearing officer.

### ***Definition 9***

**Conditional Review Process:** A process in which a land use permit is approved, approved with conditions, or denied by a local government that may require a public hearing, a recommendation, or a decision by an elected or appointed public body or hearing officer.

### ***Definition 10***

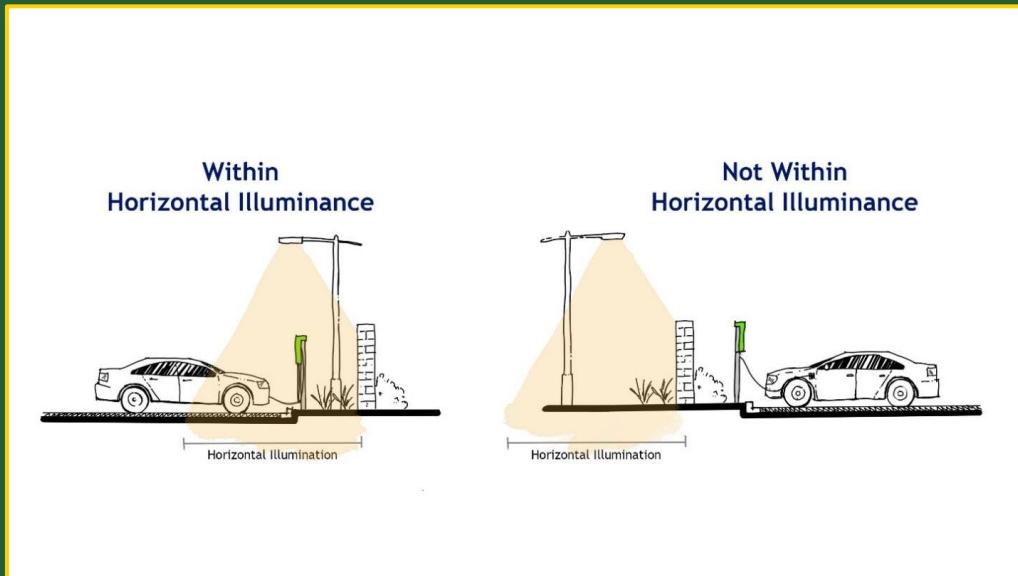
**Subject Property:** The property on which an EV Charging Project is proposed for development.

### ***Definition 11***

**Setbacks:** The required distance, as measured from the Subject Property's lot line, in which no structure or building can be built.

### ***Definition 12***

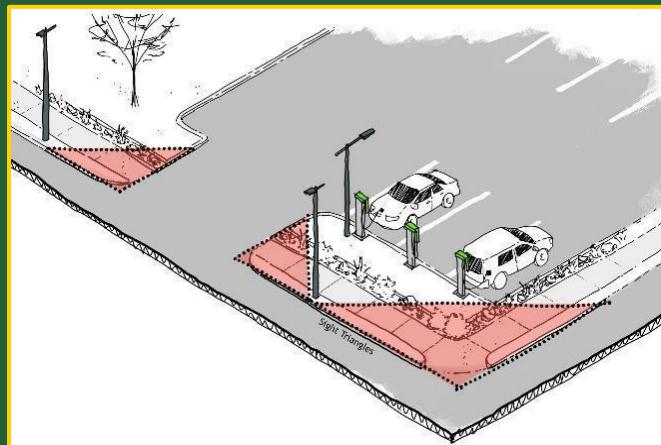
**Horizontal Illuminance:** The area on a horizontal surface in which a light fixture provides direct or high intensity illumination.



### ***Definition 13***

#### **Sight Lines/Sight Distance Triangles:**

A right-triangle area at the corner of an intersection, which must be free from visibility obstructions, designated by a stopped or turning driver's eye at the edge of an intersection, the middle of the intersection, and another vehicle approaching from either direction.



### ***Implementation Instructions for Definitions 8-13***

Definitions 8-13 (or similar definitions) are likely to already be defined in jurisdictions' existing land use codes, thus jurisdictions are encouraged to use their existing terms and definitions so long as they are comparable in meaning.

Jurisdictions are not required to adopt Definitions 12 (Horizontal Illuminance) and 13 (Sight Lines/Sight Distance Triangles) if they do not adopt optional Standards 13 (Lighting) or 15 (Visibility).

## ***Base Standards (Adoption Required)***

Jurisdictions' land use codes must align with the intent of the base standards by adopting new code language or referencing existing code language with a similar meaning.

### **Applicability Standards**

The applicability standards are described generally rather than written as code language because land use codes vary substantially in how they handle the applicability of land use permits. Subject jurisdictions may revise existing language within their land use code or adopt new code language that meets the intent of these requirements.

#### ***Standard 1: Permit Applicability***

Jurisdictions may only require land use permits for EV charging development that meets the definition of an “EV Charging Project” (and associated definitions for “Primary Use” and “Accessory Use” EV Charging Projects). Conversely, jurisdictions may not require a land use permit for other types of EV charging development (i.e. all Level 1 and Level 2 charging).

#### ***Standard 1 Implementation Instructions***

Jurisdictions must ensure that their land use code explains which types of EV Charging development are subject to land use permitting, in alignment with the parameters outlined above. Jurisdictions are encouraged to consider Standard 1 and Definitions 6 and 7 together, as these definitions may be modified to be more permissive to EV Charging development.

This Model Code exempts Level 1 and Level 2 charging from land use permitting because they have minimal public impacts. Level 1 charging is typically located in the garage of single family residences, and has no public impacts. Level 2 charging is often for the exclusive use of residents of an apartment or employees of an office, and not by other EV drivers. Because the dwell time for Level 2 charging is lengthy (usually at least 2 hours and up to 10 or more), even public Level 2 generally does not

generate additional traffic since drivers are most often using them while doing their usual activities, such as parking at home or office. Additionally, Level 2 charging stations and associated utility infrastructure are significantly smaller and have less of a visual impact than DCFC charging facilities.

Although subject jurisdictions may not require land use permits for Level 2 charging, they may apply land use regulations to Level 2 charging by referring building permit applications to their planning departments, who may review proposed projects against applicable land use regulations. Subject jurisdictions that take this approach of applying land use regulations through the building permitting process may not apply more restrictive land use regulations to Level 2 projects than those in this Model Code. For all types of charging (Level 1, Level 2, and DCFC), subject jurisdictions must provide clear information about non-land use permitting requirements (building permits, electrical permits, etc.) that do apply to such projects. See Chapter 5 for more guidance on this topic.

### ***Standard 2: Permit Review Process***

Jurisdictions must review land use permit applications for EV Charging Projects using the applicable permitting processes from the zoning district where projects are proposed (see Standard 5). For EV Charging Projects where the approval process is ‘Use by Right’ or similar, the permitting process must be similar to an Administrative Review Process (Definition 8). For EV Charging Projects where the approval process is ‘Conditional Use’ or similar, the permitting process must be similar to a Conditional Review Process (Definition 9).

### ***Standard 2 Implementation Instructions***

Jurisdictions must ensure that their land use code explains that EV Charging Projects will be reviewed through the Administrative or Conditional Review Process (or similar), whichever is applicable in the zoning district where the project is located. Standard 2 is related to Definitions 8 and 9 and Standard 5. Jurisdictions are encouraged to consider these standards and definitions together.

It is likely that jurisdictions' existing land use codes already establish how land use applications are processed. Thus, jurisdictions are encouraged to use existing language but may need to revise and/or reference that language in relation to EV Charging Projects.

### ***Standard 3: Existing Primary Use Conformance Updates***

Jurisdictions may not require existing land uses on the same Subject Property as a proposed Accessory Use EV Charging project to make site improvements or otherwise conform with land use regulations, unless the existing land uses propose simultaneous changes to their use, structures, or site that would otherwise require such conformance.

### ***Standard 3 Implementation Instructions***

Jurisdictions must ensure that their land use code explains that developers and property owners who propose to add Accessory EV Charging to a property with existing uses will not trigger conformance updates to the existing uses. This standard is designed to reduce unnecessary barriers for Accessory Use EV Charging on developed sites.

### ***Standard 4: Regulation of Primary Use EV Charging Stations***

Jurisdictions may apply existing regulations from their land use code (or develop new regulations) for Primary Use EV Charging Projects, so long as the regulations are no more restrictive to Primary Use EV Charging than those that apply to similar land uses, such as parking or commercial uses. Whether jurisdictions apply existing regulations or develop new regulations, they must define Primary Use EV Charging Projects as a land use and clarify which regulations apply to Primary Use EV Charging Projects.

Primary Use EV Charging regulations must also align with the Model Code base standards that apply to Primary Use EV Charging, including Standards 6-7 (Parking), Standard 10 (Equipment), and Standard 12 (Electrical Equipment Safety). If jurisdictions regulate any of the topics from Model Code 'Optional Standards' for

## ***Standard 4 Implementation Instructions***

The vast majority of the existing DCFC charging projects (the types of projects regulated by this Model Code) built today are Accessory Use EV Charging Projects, not Primary Use EV Charging Projects. However, more Primary Use Projects may be developed in the future, and CEO recommends that jurisdictions anticipate this by adopting land use regulations applicable to Primary Use EV Charging Projects.

Jurisdictions may apply existing standards used for gasoline or fueling stations (“gas stations”) to Primary Use EV Charging Projects, so long as the standards correspond to the likely community impacts of Primary Use EV Charging Projects, and do not regulate impacts specific to the sale of gasoline, diesel, or other fossil fuels. Standards that address traffic access and flow, lighting, visual impacts, parking demand, or the need for weather protection canopies may be applied similarly between Primary Use EV Charging Projects and gas stations. Other impacts that are specific to gas stations and not relevant to EV Charging Stations (e.g. combustion risk and environmental hazards of fossil fuels) may not be applied to Primary Use EV Charging Projects. Examples include minimum distances between gas stations or from sensitive land uses or environmentally sensitive areas.

Regardless of their approach to regulation, jurisdictions must ensure that their land use codes explain which regulations apply to Primary Use EV Charging Projects by referring to applicable existing standards or to new standards developed specifically for Primary Use EV Charging Projects.

## Permitting by Zoning District

### ***Standard 5***

Primary Use EV Charging Projects and Accessory Use EV Charging projects shall be permitted as a use by right in all land use contexts, except for low-density housing land use contexts where they shall be permitted as a conditional use.

*Standard 5 has a more restrictive option*

### ***Implementation Instructions for Standard 5***

This standard, together with Standard 2, establishes which zoning districts permit EV Charging Projects and how Primary and Accessory Use applications are processed within each district. This standard is designed to streamline the permitting process for EV Charging Projects by allowing them as a use by right in most zoning districts, using an Administrative Review Process that does not require public hearings or commission/council approval.

Jurisdictions may integrate this standard into their existing use table or into their zone district specific standards. This standard uses the term “low density housing land use context” because local governments have different zoning district classifications. Jurisdictions have discretion to determine which of their zoning districts they consider to be “low-density housing,” within reason. Examples of zoning districts that may be considered “low-density housing” include R-1 (Residential-1), LDR (Low Density Residential), LLR (Large Lot Residential), ER (Estate Residential), Suburban Context, and other zones that are primarily intended for single family detached homes.

### ***Less Restrictive Option for Standard 5***

Jurisdictions may be more permissive by allowing EV Charging Projects as a use by right in all land use contexts/zoning districts. Alternatively, jurisdictions may consider allowing Accessory Use EV Charging Projects as a use by right within low-density residential contexts when they are accessory to civic and government land uses that are typically integrated into neighborhoods, such as schools or libraries, or when they

are primarily used by a private vehicle fleet (e.g., Postal Service vehicles, school buses, or other corporate electric fleet charging).

### ***More Restrictive Option for Standard 5***

As written above, Standard 5 represents the best practice for widespread EV charging development. However, Table 2 below illustrates the most restrictive option that jurisdictions can adopt and still comply with the Model Code. These exceptions are designed to balance the goal of supporting widespread development of EV Charging while allowing jurisdictions to exercise more careful review over or even prohibit Primary Use EV Charging Projects in some contexts. Jurisdictions may prohibit Primary Use EV Charging Projects in low-density housing contexts, and/or require conditional use permits in the four other land use contexts listed in Table 3. Jurisdictions may not prohibit or require conditional use permits for Primary Use EV Charging Projects in land use contexts not listed in Table 2.

**Table 2: Permitting by Zoning District More Restrictive Option**

Land Use Context	Primary Use
Low-density housing	Prohibited
Pedestrian-oriented commercial	Prohibited
Low-density mixed-use	Permitted Conditionally
Medium-density housing	Permitted Conditionally
Recreation, open space, agriculture, or forestry	Permitted Conditionally

### ***Guidance for Translating Land Use Contexts to Local Zoning Districts***

Table 3 below illustrates an example for how land use contexts may be matched to the local zoning districts relevant to Standard 5. See Appendix B for a table that includes similar information for all major land use contexts. For jurisdictions that do not distinguish between auto-oriented or pedestrian-oriented commercial and hospitality zoning districts, the auto-oriented commercial and hospitality context should be used.

**Table 3: Example Land Use Context to Zoning District Translation**

Land Use Context	Example of Corresponding Zoning Districts
<b>Low density housing</b>	<ul style="list-style-type: none"> <li>• R-1 (Single Family)</li> <li>• LDR (Low Density Residential)</li> </ul>
<b>Pedestrian-oriented commercial</b>	<ul style="list-style-type: none"> <li>• C1 (Low Density Commercial)</li> <li>• NC (Neighborhood Commercial)</li> </ul>
<b>Low density mixed use</b>	<ul style="list-style-type: none"> <li>• MU-N (Mixed Use Neighborhood)</li> <li>• MU-L (Mixed Use Low Density)</li> </ul>
<b>Medium density housing</b>	<ul style="list-style-type: none"> <li>• R-2 (Mid Density Residential)</li> <li>• MDR (Mid Density Residential)</li> </ul>
<b>Recreation, open space, agriculture, or forestry</b>	<ul style="list-style-type: none"> <li>• POS (Parks &amp; Open Space)</li> <li>• Agriculture (A)/(AG)</li> </ul>

## Parking Standards

### *Standard 6*

Any parking space served by an EV Charging Port or any parking space used to site EV Charging Stations or Equipment must be counted toward applicable parking minimums (as defined in [this Code/Section X]) as at least one standard automobile parking space.

### *Standard 7*

Any van-accessible parking space that is designated to accommodate a person in a wheelchair, is served by an EV Charging Port, and is not designated as parking reserved for a person with a disability under [C.R.S. 42-4-1208](#) must be counted as at least two standard automobile parking spaces towards applicable parking minimums.

### *Standard 8*

The design of parking spaces and parking access for all EV Charging Projects shall comply with the [US Access Board Design Recommendations for Accessible Electric Vehicle Charging Stations](#) or any applicable accessibility regulations issued by the federal Department of Justice or Department of Transportation, or in state statute.

## ***Implementation Instructions for Standards 6-8***

Standards 6-7 are established by state law ([C.R.S. 31-23-315 \(2\)](#) and [C.R.S 30-28-140 \(2\)](#)), which require that local governments—when assessing a proposed development’s compliance with minimum off-street parking requirements—count parking spaces supplied with EV charging (or used for EV Charging Stations and Equipment) towards these minimum parking requirements. Furthermore, the law requires that local governments count EV charging spaces designed to accommodate people with disabilities, which are not specifically reserved for people with disabilities, as two vehicle spaces towards the minimum. This last requirement is due to the fact that many EV charging providers do not want to restrict who can access and use the EV charging provided but may design at least some of the EV charging spaces to accommodate people with disabilities in compliance with ADA.

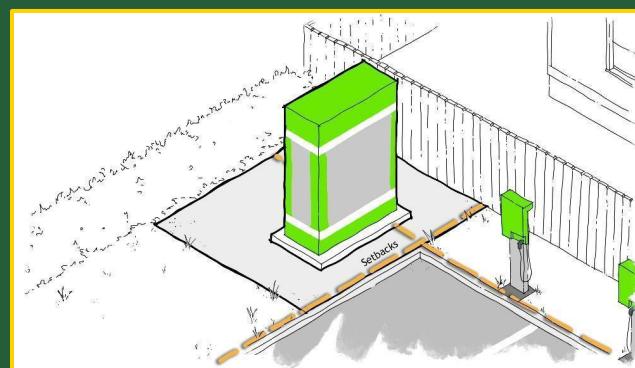
If jurisdictions do not have minimum off-street parking requirements that would apply to Accessory Use EV Charging Projects, they do not need to adopt Standards 6 or 7.

Standard 8 ensures compliance with federal accessibility standards as well as state law ([C.R.S. 30-28-212\(4\)](#) and [C.R.S. 31-23-315\(2.5\)](#))

## **Setback Standard**

### ***Standard 9***

For Accessory Use EV Charging Projects, EV Charging Stations and Equipment, [and any required screening material], shall be permitted within designated setbacks of the Subject Property.



*Standard 9 has a more restrictive option*

## ***Implementation Instructions for Standard 9***

Jurisdictions must ensure that their land use code explains that - for Accessory Use EV Charging Projects only - EV Charging Stations and Equipment (see Definitions 3 and 4) may be located within setbacks. Setback restrictions can be a significant challenge and barrier for some EV Charging Projects, particularly for siting supportive equipment such as transformers. This standard is designed to reduce restrictions for Accessory Use EV Charging Projects, which are frequently an addition to already developed properties where site improvements or space limitations limit the ability to site charging stations and equipment outside of setbacks.

Additionally, when EV Charging Stations and Equipment are proposed within existing easements, jurisdictions may require developers to provide evidence of license agreements from easement holders.

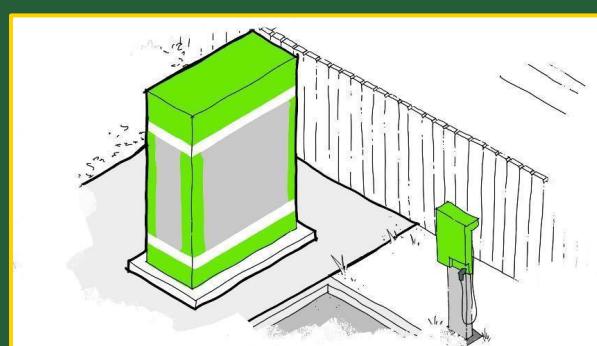
### ***More Restrictive Option for Standard 9***

Jurisdictions that want to retain more control over the siting of EV Charging Stations and Equipment may prohibit such equipment within setbacks, unless developers demonstrate in their application that siting such equipment outside of setbacks is infeasible. Jurisdictions that take this more restrictive approach must process such exception requests as part of the typical Administrative or Conditional Review process, or minor administrative exception/waiver process, if applicable, and not as a separate variance process.

## **Equipment Standard**

### ***Standard 10***

The appearance, materials, and dimensions of EV Charging Stations and Equipment shall be determined by current EV Charging manufacturing standards and utility design standards.



*Standard 10 has a more restrictive option*

### ***Implementation Instructions for Standard 10***

Jurisdictions must ensure that their land use code does not require specific dimensions, materials, or appearances for EV Charging Stations and Equipment (see Definitions 3 and 4).

EV Charging Stations and Equipment are pre-manufactured and subject to stringent external safety standards, so requiring specific aesthetic, material, or dimensional standards may render a project infeasible if the pre-manufactured equipment does not conform. This standard also allows jurisdictions and developers to accommodate changing trends and standards within the industry.

### ***Most Restrictive Option for Standard 10***

Jurisdictions may regulate the materials and appearance of EV Charging Stations and Equipment for the purpose of mitigating significant impacts to non-EV users from design elements that go beyond the functional needs of EV charging. For example, jurisdictions may prohibit or limit design features such as large digital advertising screens or bright lighting that is stylistic rather than functional and may result in light pollution or nuisances to neighboring properties.

## **Screening and Landscaping Standards**

Standards 11 and 12 are written as a general description of intent, rather than as code language, and jurisdictions do not need to adopt code language as written to comply with this standard.

### ***Standard 11***

Jurisdictions are encouraged not to require screening for Accessory Use EV Charging Projects.

*Standard 11 has a more restrictive option*

### ***Implementation Instructions for Standard 11***

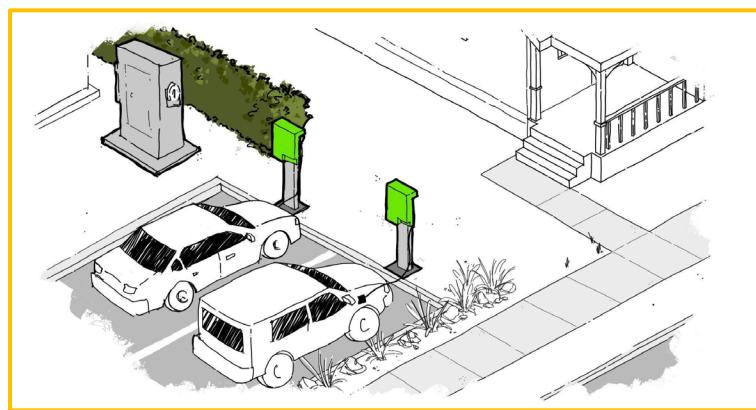
Jurisdictions are encouraged to ensure that their land use codes do not require screening for EV Charging Stations and Equipment that are part of an Accessory Use

EV Charging Project, and must exempt such projects from any other applicable screening requirements that exist within their land use code.

### ***Most Restrictive Option for Standard 11***

As written above, Standard 11 represents the State's recommended best practice for screening Accessory Use EV Charging Projects. However, some jurisdictions may wish to require screening in certain circumstances. Jurisdictions may require screening for Accessory Use EV Charging Projects, but only in accordance with the following:

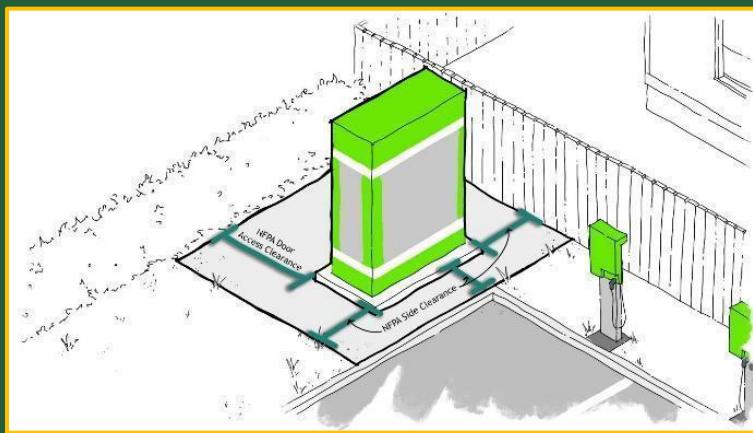
- a. Screening may only be required for EV Charging Equipment, not EV Charging Stations.
- b. Screening may only be required for EV Charging Equipment located along the perimeter of a Subject Property.
- c. Screening may only be required along the length of the EV Charging Equipment and parallel to the property line between the EV Charging Equipment and the adjacent property (not wrapped around the entire perimeter of the Equipment).
- d. The jurisdiction must provide objective standards for the dimensions of screening, and the acceptable screening materials.
- e. The jurisdiction must allow at least two types of screening materials
- f. Applicants must be allowed to request an exception to screening requirements by demonstrating in their application that site-specific conditions negate the need for visual separation. Requests for exceptions shall be processed as part of the typical Administrative or Conditional Review process, or minor administrative exception/waiver process, if applicable, and not as a separate variance process.



This exception to Standard 11 is designed to give local governments some control to mitigate potential conflicts and impacts to neighboring properties when Accessory Use EV Charging Stations are sited near property lines.

### ***Standard 12***

Jurisdictions may not require screening or landscaping to be located within the electrical equipment safety and access distances from national electrical safety standards, including [National Fire Protection Association \(NFPA\) standards](#), the [National Electric Safety Code \(NESC\)](#), and other relevant national safety standards.



### ***Implementation Instructions for Standard 12***

Jurisdictions must ensure that their land use codes defer to the national electrical safety standards referenced above for the location of screening and landscaping relative to electrical equipment.

Electrical equipment is required to conform with national standards that require specific distances between electrical equipment and adjacent landscaping or screening. Landscaping and screening requirements that conflict with these standards may result in permitting delays and variance requests. This standard is designed to mitigate this conflict and ensure that electrical access and safety standards are balanced with landscaping and screening requirements.

## ***Optional Standards***

The optional standards are not required to be adopted, but represent the most restrictive land use regulations that jurisdictions may adopt (if they so choose) for the topics addressed, which are common topics that jurisdictions may want to regulate for EV Charging. These standards are designed to allow jurisdictions to regulate these topics in a way that balances the need to mitigate impacts and provide community benefits, while reasonably limiting the permitting burden placed on EV Charging Projects.

For each optional standard, jurisdictions may adopt a similar or less restrictive version of what is provided here, or jurisdictions may adopt no standard at all for any of these topics. Adopted standards should be objective and may not be overly prescriptive or place undue burden on EV Charging Projects.

## **Lighting**

### ***Standard 13***

Charging Stations proposed as part of an EV Charging Project must be within the Horizontal Illuminance of on-site lighting, as defined in [this Code/Section X]. Lighting may be provided by existing on-site lighting and/or by new lighting fixtures integrated into EV Charging Stations or Equipment or by new separate light fixtures.

### ***Implementation Instructions for Standard 13***

This standard provides clarity for developers to understand if additional on-site lighting may be required, with the goal of ensuring that EV Charging Stations are well-lit for user safety and comfort. EV charging developers may need to submit a photometric plan with land use applications, which is a common requirement for many types of development and is justified by the need to prioritize community safety.

Jurisdictions may adopt this—or a less restrictive—standard. Adopted standards may not include additional EV charging specific lighting requirements and must comply with Standard 10 (Equipment Materials and Appearance), a related requirement.

## Pavement Marking and Striping

### *Standard 14*

Existing standards for parking pavement markings and striping established within [this Code/in Section X] apply to EV Charging Projects.

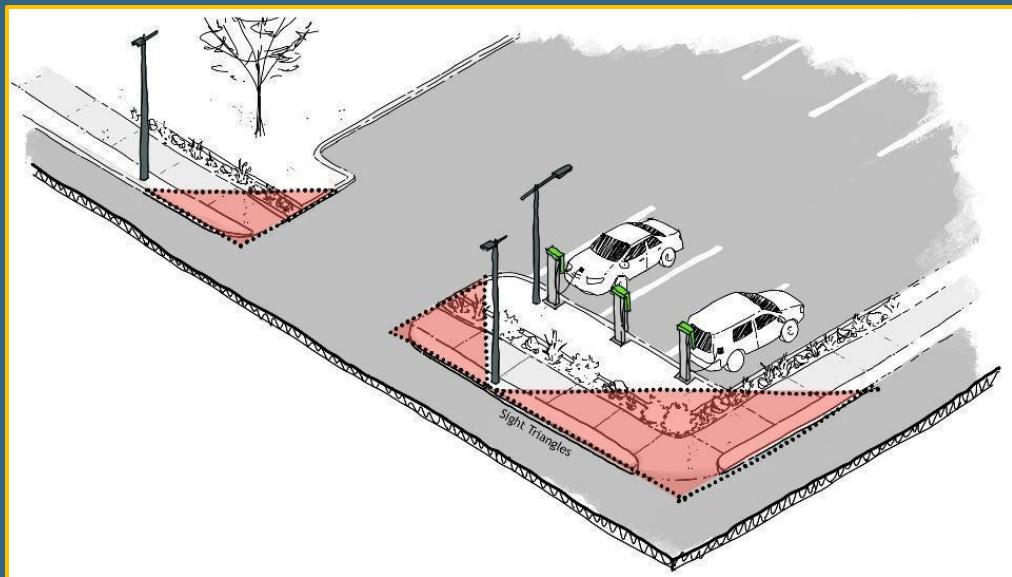
### *Implementation Instructions for Standard 14*

This standard provides clarity for developers to understand how they are expected to update and/or add specific striping and pavement markings related to parking spaces served by EV charging. Jurisdictions may adopt this—or a less restrictive—standard. Adopted standards may not include specific pavement marking and striping requirements for Accessory Use EV Charging Projects beyond those applicable to similar land uses. Jurisdictions may want to develop new marking and striping standards for Primary Use EV Charging Projects as the needs may be unique from other uses.

## Visibility

### *Standard 15*

EV Charging Stations and EV Charging Equipment shall not obstruct [sight lines/sight distance triangles], as defined in [this Code/Section X].



### ***Implementation Instructions for Standard 15***

This standard provides clarity for developers to understand how they are expected to ensure safe visibility for drivers and pedestrians when EV Charging Stations or Equipment are sited at the perimeter of the Subject Property and adjacent to streets. In particular, this standard is important for when EV Charging Stations or Equipment are proposed within setbacks (see Standard 9) in order to protect health and safety. Jurisdictions may adopt this—or a less restrictive—standard. Adopted standards may not include site distances/triangles for EV Charging Projects that are more restrictive than those applicable to similar land uses.

### **Landscaping**

#### ***Standard 16***

When existing landscape plants on a Subject Property are removed during the installment of an Accessory Use EV Charging Project, they shall be replaced with similar plants so as to maintain the property's compliance with landscaping standards for the property's existing uses.

### ***Implementation Instructions for Standard 16***

This standard provides clarity for developers to understand jurisdictions' expectations for replacing plants removed during construction. Jurisdictions may adopt this—or a less restrictive—standard. Adopted standards may not require additional replacement plants or different plant species than removed plants. Jurisdictions may not apply other standards that require specific landscaping for Accessory Use EV Charging Projects but may choose to apply existing landscaping standards (or a new set of standards) to Primary Use EV Charging Projects, so long as the application is equally or less restrictive and prescriptive.

## Signage

### Standard 17

Signage may be provided as part of an EV Charging Project to provide information about charging types, voltages, fees, wayfinding, or other information. Any signage provided is subject to the applicable standards in [this Code/Section X].

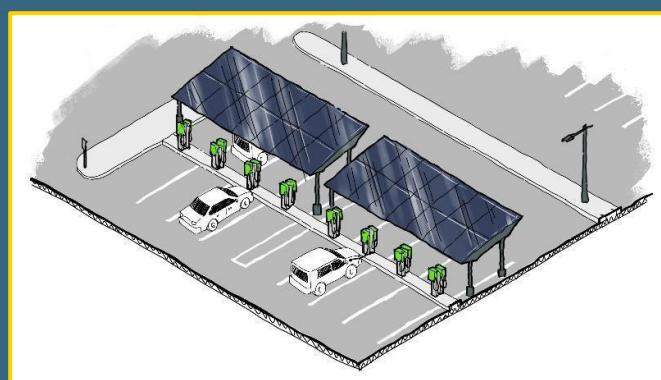
### *Implementation Instructions for Standard 17*

This standard provides clarity for developers to understand the requirements for signage if it is voluntarily included as part of an EV Charging Project, including dimensions, placement, materials, etc. Jurisdictions may adopt this—or a less restrictive—standard. Adopted standards must allow, but not require, signage for Accessory Use EV Charging Projects. For example, developers or property owners may want to post signage prohibiting the use of charging spaces by non-EV drivers, but this cannot be required by jurisdictions.

## Weather Canopies

### Standard 18

If weather canopies are included as part of an EV Charging Project, they are subject to the applicable siting, dimensional, setback, appearance, materials, and other standards in [this Code/Section X].



### *Implementation Instructions for Standard 18*

This standard provides clarity for developers to understand the requirements for weather canopies if they are voluntarily included as part of an EV Charging Project. Jurisdictions may adopt this—or a less restrictive—standard. Adopted standards must allow, but not require, weather canopies for Accessory Use EV Charging Projects, and may not include requirements for weather canopies beyond those applicable to similar uses.

## ***Other Potential Standards***

Jurisdictions may need to revise other sections in their land use code or address topics not addressed in this Model Code that relate to the regulation and efficient development of EV Charging Projects. For example, some jurisdictions may need to provide language to clarify how proposed EV Charging Projects may interact with snow removal and storage requirements. In these instances, jurisdictions are encouraged to contact CEO in advance of code adoption. CEO will provide technical assistance through a land use code writing consultant and has internal staff expertise to assist local governments with code adoption.

CEO encourages jurisdictions to include in their Compliance Report any additional language they wish to adopt and/or revise within their land use code related to EV Charging Projects. It will be up to the discretion of CEO to determine if such additions meet the intent of the Model Code.

# Chapter 5: Model Code Application & Review

## Process Requirements

As revealed through the 2023 Colorado Electric Vehicle Charging Permitting Study, and confirmed through the process of developing the EV Charging Model Code, many jurisdictions do not have a clear system for reviewing applications for EV charging, nor do they provide enough information for EV charging developers to predict what the permitting process will be. These factors can lead to extra local government staff time, delays, public hearings and council review for small, lower impact projects, and/or the subjective application of existing land use standards, including the need for variance approvals.

This chapter provides guidance for jurisdictions to develop materials and for implementing internal processes to support staff and developer interpretation of the EV Charging Model Code standards and for ensuring a more predictable and transparent permit review processes. It includes:

- Four process requirements that jurisdictions must follow for the permitting of EV charging projects to comply with the Model Code option.
- Seven process recommendations that jurisdictions should follow, if feasible, but are not required to.

## ***Permitting Process Requirements***

To comply with the Model Code, jurisdictions are required to do the following to support the EV Charging Project application and permitting process:

1. Provide at least the following information on their website, in a format and location that is easily accessible and user-friendly:
  - a. Identification of required permits - since the Model Code only applies land use permitting to specific types of EV charging development (see Definitions 5-7), this should be clearly explained and jurisdictions should provide sufficient information for prospective developers to understand what permitting is required (e.g. electrical or building permits) if they are pursuing an EV charging development that does not meet the Model Code's definition of an "EV Charging Project."
  - b. Application forms for all required permits, including a checklist listing all items that must be submitted with the application form.
  - c. Identification of (and links to) all applicable land use standards
  - d. Estimated timelines for each step in the permitting process, from pre-application (if applicable) through to final decision
  - e. Permit fee schedule
  - f. Identification of all departments involved in review, and contact information for the lead department
2. Allow for applications to be submitted digitally (via email or through an online submission system)
3. May not require applications to be submitted in person, although mailed paper copies may be required in addition to a digital submission.
4. May not require that applications use specific paper types, wet signatures, notaries, or other prescriptive requirements that add unnecessary cost and complexity for applicants.

## ***Permitting Process Recommendations***

While not required, the following are recommended to make the application process as efficient and easy to navigate as possible for EV charging developers:

1. Implement a new application form and land use permit type specific to EV charging development to make the process simple, clear, and easy for prospective applicants.
2. Use an all-online application system, if feasible, where application materials can be accessed and submitted, review status can be tracked, and approval can be received.
3. Hold pre-application meetings to discuss application requirements, standards, process, etc.
4. Assign a single staff point of contact to applications.
5. Use parallel department review that includes the consolidation of comments by the assigned staff contact.
6. Use parallel review for all permits required for EV Charging projects (e.g. electrical permit, building permit, etc.).
7. Conduct internal training for all department staff involved in the review of EV Charging applications to ensure consistent interpretation and review outcomes.

## ***Templates***

CEO has prepared two templates that local governments can download as word documents to support their EV charging permitting process. These documents are meant as starting points for local governments to customize to suit their needs.

- [An application form](#) with submittal requirements checklist
- [An EV charging permitting fact sheet](#) with information on required land use, building, and electrical permits, estimated permitting durations, applicable review standards, fees, and contact information

## Appendix A - Subject Jurisdictions

County <sup>1</sup>	Population	Municipality <sup>2</sup>	Population	Municipality	Population
Adams	519,572	Arvada	124,402	Grand Junction	65,560
Arapahoe	655,070	Aurora	386,261	Greeley	108,795
Boulder	330,758	Berthoud	10,332	Greenwood Village	15,691
Broomfield	74,112	Boulder	108,250	Johnstown	17,303
Delta	31,196	Brighton	40,083	Lafayette	30,411
Denver	715,522	Broomfield	74,112	Lakewood	155,984
Douglas	357,978	Cañon City	17,141	Littleton	45,652
Eagle	55,731	Castle Pines	11,036	Lone Tree	14,253
Elbert	26,062	Castle Rock	73,158	Longmont	98,885
El Paso	730,395	Centennial	108,418	Louisville	21,226
Fremont	48,939	Colorado Springs	478,961	Loveland	76,378
Garfield	61,685	Commerce City	62,418	Montrose	20,291
Jefferson	582,910	Denver	715,522	Monument	10,399
La Plata	55,638	Durango	19,071	Northglenn	38,131
Larimer	359,066	Englewood	33,659	Parker	58,512
Logan	21,528	Erie	30,038	Pueblo	111,876
Mesa	155,703	Evans	22,165	Rifle	10,437
Montezuma	25,849	Federal Heights	14,382	Steamboat Springs	13,224
Montrose	42,679	Firestone	16,381	Sterling	13,735
Morgan	29,111	Fort Collins	169,810	Superior	13,094
Pueblo	168,162	Fort Morgan	11,597	Thornton	141,867
Routt	24,829	Fountain	29,802	Wellington	11,047
Summit	31,055	Frederick	14,513	Westminster	116,317
Teller	24,710	Fruita	13,395	Wheat Ridge	32,398
Weld	328,981	Golden	20,399	Windsor	32,716

<sup>1</sup> [United States Census Bureau, 2020 Decennial US Census, County Total Population](#)

<sup>2</sup> [United States Census Bureau, 2020 Decennial US Census, Places Total Population](#)

## Appendix B - Example Land Use Context to Zoning District Translation Table

Land Use Context	Example of Corresponding Zoning Districts
<b>Low density housing</b>	<ul style="list-style-type: none"> <li>• R-1 (Single Family)</li> <li>• LDR (Low Density Residential)</li> <li>• LR (Large Lot Residential)</li> </ul>
<b>Medium density housing</b>	<ul style="list-style-type: none"> <li>• R-2 (Mid Density Residential)</li> <li>• MDR (Mid Density Residential)</li> </ul>
<b>High density housing</b>	<ul style="list-style-type: none"> <li>• R-MF (Multifamily Residential)</li> <li>• R-3 (Multifamily Residential)</li> <li>• HDR (High Density Residential)</li> </ul>
<b>Low density mixed use</b>	<ul style="list-style-type: none"> <li>• MU-N (Mixed Use Neighborhood)</li> <li>• MU-L (Mixed Use Low Density)</li> <li>• Suburban/neighborhood context)</li> </ul>
<b>High density mixed use</b>	<ul style="list-style-type: none"> <li>• MU-C/MU-U (mixed use core/urban)</li> <li>• CBD (central business)</li> <li>• Urban/TOD context</li> </ul>
<b>Pedestrian-oriented commercial</b>	<ul style="list-style-type: none"> <li>• C1 (Low Density Commercial)</li> <li>• NC (Neighborhood Commercial)</li> <li>• LC (Limited Commercial)</li> </ul>
<b>Auto-oriented commercial</b>	<ul style="list-style-type: none"> <li>• CA (Auto-Oriented Commercial)</li> <li>• CS (Service Commercial)</li> <li>• Suburban context</li> </ul>
<b>Office</b>	<ul style="list-style-type: none"> <li>• CBD (Commercial Business District)</li> <li>• CS (Service Commercial)</li> </ul>
<b>Civic &amp; Education</b>	<ul style="list-style-type: none"> <li>• CAMP (campus)</li> <li>• CS (service commercial)</li> </ul>
<b>Recreation, open space, agriculture, or forestry</b>	<ul style="list-style-type: none"> <li>• POS (Parks &amp; Open Space)</li> <li>• R (Reserve/Recreation)</li> <li>• Agriculture (A)/(AG)</li> </ul>
<b>Industrial</b>	<ul style="list-style-type: none"> <li>• LI (industrial)</li> <li>• IE (industrial employment)</li> <li>• IMU (industrial mixed use)</li> </ul>

## Appendix C - Stakeholder Engagement Summary

This summary documents the stakeholder engagement that was conducted to support the Colorado Energy Office's development of an EV Charging Model Code ("Model Code"), as required by HB24-1173. Engagement with local government staff, technical experts, and advocates was critical to the development of the Model Code as those stakeholders will be the groups and individuals implementing the Model Code and/or directly affected by the adoption of the Model Code. Due to the technical nature of this project, three primary audiences were consulted:

- **Advisory Committee:** Representatives of local government, electrical utilities, and EV charging providers. The Advisory Committee met virtually three times during the project. The meetings aligned with key project steps and deliverables related to drafting of the Model Code. Feedback received from the Advisory Committee members was utilized to directly inform Model Code outcomes. Several Advisory Committee members also voluntarily participated in more focused on-on-one or small group discussions to provide feedback on specific components of the draft Model Code.
- **Technical and Special Interest Partners:** A series of focus groups and interviews were conducted early in the project to gather insights, challenges, and issues related to EV charging. These discussions included utility providers, EV charging developers and providers, the Colorado Energy Office Charging Grants Team, and representatives of disproportionately impacted communities.
- **Local Governments & the Public:** Two digital feedback opportunities were distributed more widely, including an online survey to solicit early input on key challenges, issues, and priorities for EV charging, and a comment period at the end of the project to solicit final feedback on the draft Model Code. With the technical nature of the Model Code document, these online opportunities were distributed broadly to local governments, government membership organizations, the Advisory Group, and Technical and Special Interest Partners.

The following sections provide general context for each engagement opportunity, including key themes and resulting outcomes for the Model Code development process.

## ***Advisory Committee Meetings***

### **Advisory Committee Meeting 1**

The first Advisory Committee meeting was held on November 14, 2024, and focused on introducing Committee members to the project and gathering initial thoughts and reactions to key topics and issues related to EV charging development. This meeting also provided an opportunity for Advisory Committee members to offer feedback on the Model Code engagement plan. The Committee engaged in group discussion and responded to a series of polling questions.

#### ***Key Themes***

In this first Advisory Committee meeting, participants expressed issues with unpredictable requirements being applied to EV charging development and unnecessary discretionary review processes due to the lack of objective standards and requirements. These concerns highlighted the need for more predictable and transparent processes that still offer some flexibility for different jurisdictional priorities and contexts. Key issues, topics, and concerns included:

- Site limitations that necessitate locating some EV charging equipment within setbacks (currently requiring variance request).
- Siting EV charging equipment and how that relates to parking requirements, ADA standards, etc.
- Primary and Accessory use EV charging projects (also small vs. larger projects, regardless of whether they are Primary or Accessory) have different impacts, thus indicating the need for different treatment and processes.
- Differing, and sometimes conflicting, priorities related to EV charging visibility and exposure versus community design and pedestrian oriented streetscapes.

- Concerns about safety risks associated with EV charging (e.g. sited along with gas pumps or in parking garages).
- EV charging needs to feel attractive and safe to the community (siting, lighting, etc.).
- Varying climate contexts across the state (e.g. snow removal and storage)

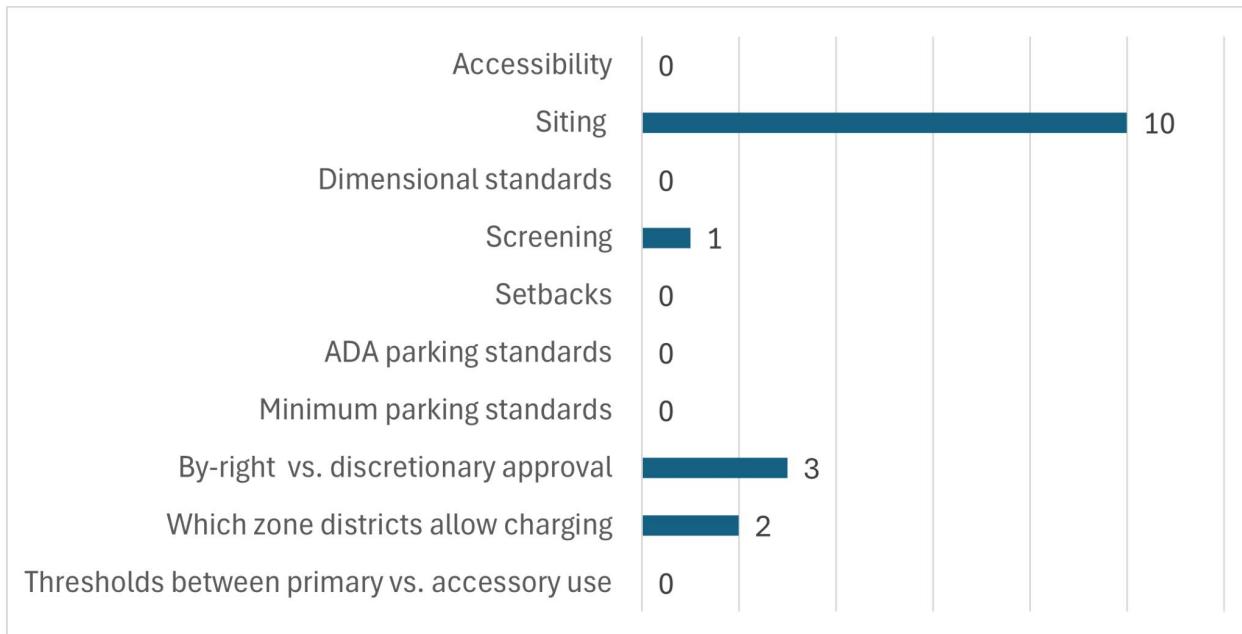
### ***Polling Results***

A similar group of stakeholder and partner representatives was involved in the Colorado Energy Office's 2023 EV Charging Permitting Study. Many of the Model Code Advisory Committee members were not involved in that process, thus providing new perspectives. Collectively, the group identified siting and design standards as the most important regulatory components to address and explore further as part of the Model Code engagement process, noting a likely range of priorities and perspectives on these topics. The images below illustrate key priorities reported by the Advisory Committee members.

**Figure 1:** What topics or issues do you think are most important to address through engagement with stakeholders?



**Figure 2: For which permitting standards do you think discussion around flexible options will be most important?**



## **Advisory Committee Meeting 2**

The second Advisory Committee meeting was held on December 20, 2024. This meeting focused on presenting the initial direction for the draft Model Code standards and requirements and engaging the Committee in group discussion. These initial thoughts were organized by key topics, but did not represent a complete draft.

### **Key Themes**

Advisory Committee members expressed concerns and recommendations about a variety of topics, spending the most time discussing the definitions for Primary and Accessory use EV charging and the applicability of land use regulations to EV charging. Key discussion points and feedback included:

- Using percentage thresholds to distinguish between Primary and Accessory use projects is likely to lead to confusion.
- Technical language and terminology needs to be defined, and key requirements or concepts should be thoroughly explained.

- Developers are focusing mostly on DCFC charging but are starting to pursue larger fleets of Level 2 at apartment complexes or office buildings.
- Confusing that the Model Code standards would only apply to publicly accessible EV charging, since it is not entirely clear what that means or how private charging is regulated.
- Graphics to illustrate standards would be helpful.
- Screening requirements are confusing and need clarification.
- Providing an explanation of what the overarching goal is for each technical standard would be helpful.
- Jurisdictions may be nervous to adopt these standards if they don't feel like they have the flexibility to regulate charging based on health and safety issues (potential conflict between this flexibility and ensuring predictable, efficient permitting).
- Avoid lighting requirements that are overly prescriptive as there are a lot of communities with Dark Sky standards and it could be onerous for developers (lighting and safety is a shared priority).

## ***Advisory Committee Meeting 3 & Office Hours***

The third Advisory Committee meeting was held on February 12, 2025. This meeting focused on presenting the first complete draft of the Model Code and associated Guidance Document, engaging the Committee in group discussion and a series of polling questions.

### **Meeting 3: Key Themes**

Advisory Committee members again spent the most time discussing definitions for Primary and Accessory use projects and how this relates to which types of EV charging development are subject to land use permitting. Key discussion points and feedback included:

- Thresholds applied to different charging types and the number of charging stations to distinguish between Primary and Accessory use projects (and what is

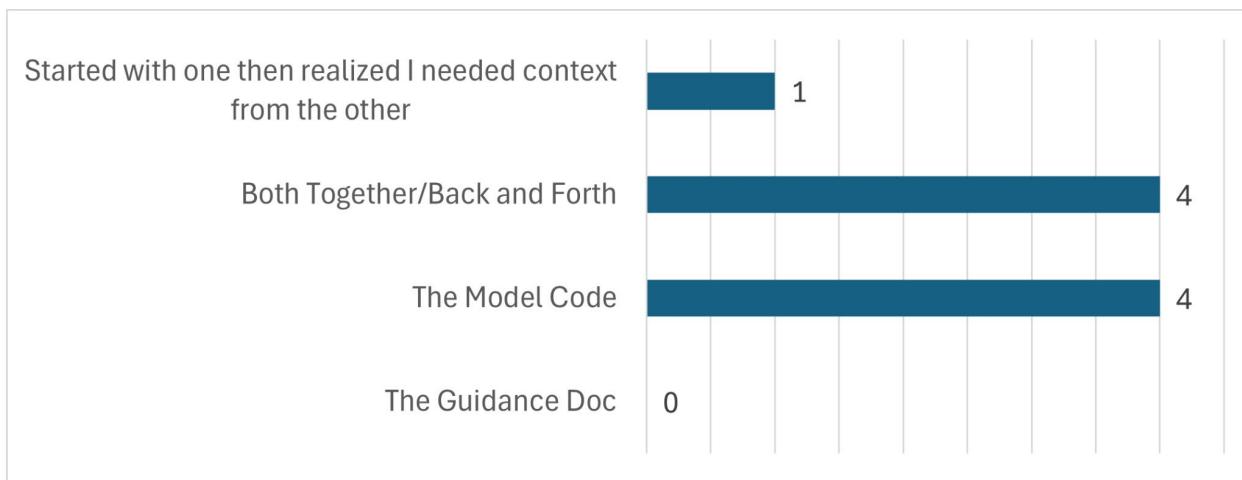
subject to land use permitting) will likely to lead to confusion and seems relatively arbitrary.

- Recommend separating these two components and avoid using specific number thresholds.
- The parcel size and surrounding context has a significant influence on the resulting impact of an EV charging project, thus understand the need to set some parameters but it needs to account for this variability.
- General support for allowing EV charging equipment within setbacks, but some concern about how this may conflict with current definitions and standards in land use codes, the need for licensing agreements within easements, and reducing local governments' ability to enforce setbacks that have a specific health and safety purpose.
- Some confusion about who the Model Code requirements apply to, indicating a need for additional clarity.

### **Meeting 3 Polling Results**

Polling questions were focused on understanding Committee members' reactions to the draft documents to understand whether the standards, requirements, and guidance were easy to navigate and understand. While the group did not have enough time to discuss the details of these responses, polling results indicated that most Committee members understood the purpose of the Model Code and accompanying Guidance Document, but some members felt that the format was confusing and that the level of content was not quite right (either missing information or unnecessary information).

**Figure 3:** Which document did you read first?



## Advisory Committee Office Hours

Recognizing that the draft Model Code and Guidance Document contained a lot of information and that there was not enough time during the third Advisory Committee to discuss everything in detail, the project team offered follow-up one-on-one and small group office hours discussions. These discussions were organized on February 20<sup>th</sup>, 21<sup>st</sup>, and 25<sup>th</sup> in which three different local governments and four different EV charger developers participated.

Local governments shared details about their recent experiences processing EV charging applications and how they see their jurisdiction potentially using the Model Code - with a few indicating that they will likely use it as a resource but choose another HB24-1173 compliance path to tweak the standards for their local priorities. In addition, local governments asked for clarification on some of the standards and what would be required to comply with the Model Code. Key priorities and feedback included:

- Not currently requiring land use permitting for any Accessory use EV charging projects or have discretion to exempt certain Accessory use projects from land use permitting - reiterated confusion in understanding the Model Code thresholds for land use permitting and Primary vs. Accessory uses.
- Reiterated potential challenges of siting within setbacks when there is an existing easement on that space (license agreement requirements); recommend

allowing siting within setbacks only if otherwise infeasible due to site constraints.

- Need to clarify what elements of the project would be allowed within setbacks, and recommend limiting it to just the charging equipment and screening/buffering (exclude weather canopy, signage, etc.).
- Acknowledged the competing interests that inform requirements (or lack thereof) for screening/buffering.
- Recommended combining the two documents to make it easier to understand the standards, requirements, and guidance all at once.
- Recommended not using charging type (Level 1, Level 2, Level 3) in the standards since technology and terminology may change.
- Noted that current Accessory use applications usually processed within 12 weeks, if longer its due to a non-compliance issue or incomplete application.

Charging developers shared significant concerns about a few key standards from the Model Code, including:

- Reiterated confusion about which types of projects are subject to land use permitting and recommend exempting all Accessory use projects.
- Concern that screening/buffering requirements would limit visibility and access and be onerous for developers.
- Concern that specific parameters for added lighting would be onerous for developers and potentially conflict with their use-specific lighting priorities.

## ***Advisory Committee Meeting #4***

The fourth and final virtual Advisory Committee meeting was held on April 24, 2025. This meeting was held to discuss the final model code document and answer remaining questions.

### **Key Themes**

Advisory Committee members discussed the draft Model Code document and whether it would be the compliance option selected for their community. Definitions,

standards, and applicability language were all discussed as part of this meeting. Key discussion points and feedback included:

- Some jurisdictions shared that they only require a building permit for their EV charging projects but do subject those projects to land use standards and an administrative planning department review as part of the building permit process. There was some concern that the Model Code, as written, would not allow for this process.
- For communities trying to limit or discourage auto-dominated community design and uses in most areas, allowing EV charging as a primary use in most land use contexts (as required by the Model Code, as written) would conflict with these goals.
- Attendees agreed that transparency throughout the permitting process would benefit everyone. This includes clear and objective standards and processes and providing thorough information and checklists for understanding what's required of project applicants.
- Equity is still a concern for many stakeholders since the location and availability of chargers, particularly in rural locations where planning resources are limited and for residents who live in multifamily housing or have strict HOAs that limit their ability to install personal chargers and necessitate access to public charging.
- For those who may not or will not choose the Model Code as their compliance option, reported reasons include already having specific EV standards in place that work for the community's local needs and goals, and, in some cases, specific components of the Model Code (as noted above) that the local government doesn't feel are suitable for their specific community's needs and goals.

## **Survey Results**

CEO hosted a brief online survey during the entire month of April 2025 to solicit feedback from local governments across the state, focusing on whether or not they saw the Model Code as an attractive option and likely choice for compliance with HB24-1173. Twelve participants responded to the survey. Key themes and takeaways are summarized below:

- Respondents reported an evenly split preferential mix across the three HB24-1173 compliance options.
- When asked why the Model Code would not be selected as a first choice, most respondents indicated that they already have EV charging standards and processes in place that work for them, that the Model Code is more stringent than the processes they currently have in place for EV charging, or that they're concerned about time constraints to make the necessary code amendments.

## ***Focus Groups and Interviews***

A series of focus groups and interviews were conducted early in the project to gather insights, challenges, and issues related to EV charging. Below is a summary of the key themes and takeaways from these discussions.

## **Colorado Energy Office Charging Grants Team**

Discussion with the CEO Charging Grants Team took place on November 21, 2024 and highlighted challenges and opportunities related to developing EV charging infrastructure in Colorado. Key discussion points and feedback included:

- A lack of consistency across jurisdictions' regulatory processes creates unpredictability for developers, including that land use permitting can extend up to 400 days in some instances making it the most significant barrier.
- Larger projects tend to trigger the longest delays, and that the need for multiple permits (e.g. land use, building, electrical, etc.), and thus multiple departmental or agency review, is costly.

- Some projects hit roadblocks due to the hyper-specific application of submission requirements (e.g. specific kinds of paper or in-person submittal), prescriptive landscaping requirements, and a general lack of transparency around what the requirements are for EV charging, resulting in subjective interpretations and changing requirements as the project is processed.
- Other obstacles include requiring convenience store or other uses along with EV charging (i.e. not allowing it as a Primary use), green space requirements, setback and space limitations, fencing and screening requirements, restrictions and requirements in fire codes, conflicts with parking requirements, and other aesthetic or character-based requirements in specific areas (e.g. historic).

## Representatives of Disproportionately Impacted Communities

On December 5, 2024, the project team held a discussion with five representatives from four advocacy and equity-based organizations with a particular focus on safety and access for EV charging: Northeast Transportation Connections (NETC), Green Latinos, Women Who Charge, and Great Alternatives Colorado. Key discussion points and concerns included:

- The most pressing issue is access, as many individuals and communities feel alienated by the barriers to entry and maintenance for EVs, especially when there are no chargers available near their homes.
- EV charging has been slow to develop in historically underserved communities (low income, BIPOC) and for renters at apartments.
- There is a lack of reliability and maintenance for EV charging stations.
- Systems for finding available stations are complex (reliant on smart phones and across multiple platforms or apps).
- There is a need for safety assurance at all stations.

These representatives also suggested several strategies to address concerns, including:

- Keep development costs low which will in turn allow for lower charging costs.

- Ensure safe and accessible charging stations through regulations, including lighting, ADA accessibility, visible location, etc.
- Ensure that the permitting process is very clear, transparent, and easy to navigate so that inexperienced property owners (i.e. non-developers) can realistically add charging to their site.
- Think about how EV charging regulations and standards interact with requirements from other agencies (e.g. affordable housing funding/tax credits).
- Work with utility companies to keep costs low.
- Assist businesses that lease their space in coordinating with property owners to advocate for EV charging.

## Utility Providers

A discussion with utility providers was held on January 10, 2025, including seven different energy providers from around Colorado. The group discussed the technical considerations that accompany powering EV chargers. Key discussion points and feedback included:

- On-site electrical capacity and the need to develop new infrastructure (transformers, distribution lines, etc.) is a major factor to consider.
  - For example, DCFC chargers require their own transformers and the relationship between siting requirements (setbacks or other location specifications) and distribution line lengths can be limiting.
- Specific standards around proximity to other utilities and infrastructure (water, stormwater, sewer, roadways, etc.) can limit siting for new electrical infrastructure.
- With more and more infill and redevelopment on small lots, these factors combined can make EV projects entirely infeasible and/or extremely difficult on many sites, often necessitating variance requests.

- Many projects hit delays due to reviews required by multiple agencies that result in the need for cyclical back and forth review and approval when issues arise later in the process.
- Projects often face conflicts between landscaping or screening requirements from local land use codes and access and safety requirements for utility infrastructure established by the National Fire Protection Association (NFPA) and the National Electric Code (NEC).

## EV Charging Providers

A discussion with representatives from three EV charging companies was held on December 11, 2024. All three providers work locally in Colorado as well as across the country, and have experience working across many different jurisdictions, each with their own unique set of regulations and standards (or lack thereof). These providers shared experience working in other states that have adopted model codes or other statewide regulations for EV charging. Key discussion points and concerns included:

- In general, the lack of consistency across different jurisdictions' regulations, the lack of objective and clear standards, and unpredictable, lengthy permitting processes are a significant barrier.
- Prescriptive requirements (such as specific signage, high visibility pavement markings, landscaping or screening specifications, etc.) - while sometimes well-intentioned - often lead to the need for cumbersome variance requests.
- This group reiterated concerns expressed by utility providers related to spacing limitations and conflicting requirements for screening, access, spacing, siting, etc.
- Discretionary review (e.g. zoning commission, architectural review, fire safety, etc.) can be cumbersome and result in delays or uniquely stringent requirements.

These representatives suggested that more transparency and information about requirements and permitting processes for EV charging would be very beneficial, including:

- Application checklists
- Thresholds for different project types and the specific requirements that apply to them (appropriate related to impact - e.g. minimal requirements for Accessory use retrofit projects or expansions/upgrades)
- Application status information and/or reliable staff contacts
- Staff training to minimize subjective interpretation and application of standards
- Minor administrative adjustment allowances for small nonconformance requests
- Preapplication discussions
- Minimize site development plan requirements
- Prohibit in-person notary requirements

## *Digital Engagement*

### **Online Survey**

The project team conducted an online survey between November 21 and December 9, 2024, to solicit general insights, priorities, preferences, challenges and concerns related to EV charging development across the state. While this opportunity was not advertised to the general public due to the highly technical nature of these documents, it was distributed broadly to local governments, government membership organizations, the Advisory Group, and Technical and Special Interest Partners. Forty participants responded to the survey. Key themes and takeaways are summarized below, and a complete set of results is provided at the end of this document.

### **Key Themes**

Most survey respondents (78%) were local government representatives, with charging developers, electric utility providers, and other representatives making up the remaining 23%. Over half of respondents reported that they expect to see significant expansion of EV charging stations in their communities/the communities in which they work over the next decade. Between 18% and 28% of local government respondents reported that they currently require land use permitting for some form of EV charging

(ranging from Level 1 or Level 2 in single-family residences to large DCFC Primary use developments). At least 50% (or more) of respondents reported that they think Accessory use Level 2 and DCFC charging should require land use permitting and 78% reported that they think Primary use DCFC charging should require land use permitting.

Additional feedback and results included:

- Support for Accessory use EV charging as a use by-right was very high but was mixed for Primary Use EV charging.
- Support for allowing EV charging equipment within setbacks was high, but many respondents preferred conditional requirements like screening, buffering, or prohibitions when adjacent to sensitive/protected properties.
- Support for screening requirements was also high when EV charging is to be located on the perimeter of the site, especially for utility equipment.
- Preferences for other specific siting requirements were somewhat mixed, with greater favor for flexibility (no specific requirements other than for safety).
- Preferences for requiring vs. recommending other design elements were somewhat mixed, with the most favor for signage, pavement striping, and lighting (landscaping and weather protection more mixed).
- Most local governments indicated that they have the capacity to improve and streamline permitting processes, but some indicated that they may face challenges including staffing capacity.

### ***Draft Model Code Commenting Period***

The draft Model Code and Guidance Documents were posted online (February 5-18, 2025) using an interactive platform for review and digital feedback. While this opportunity was not advertised to the general public due to the highly technical nature of these documents, it was distributed broadly to local governments, government membership organizations, the Advisory Group, and Technical and Special Interest Partners. Eight participants submitted a total of 67 comments on the

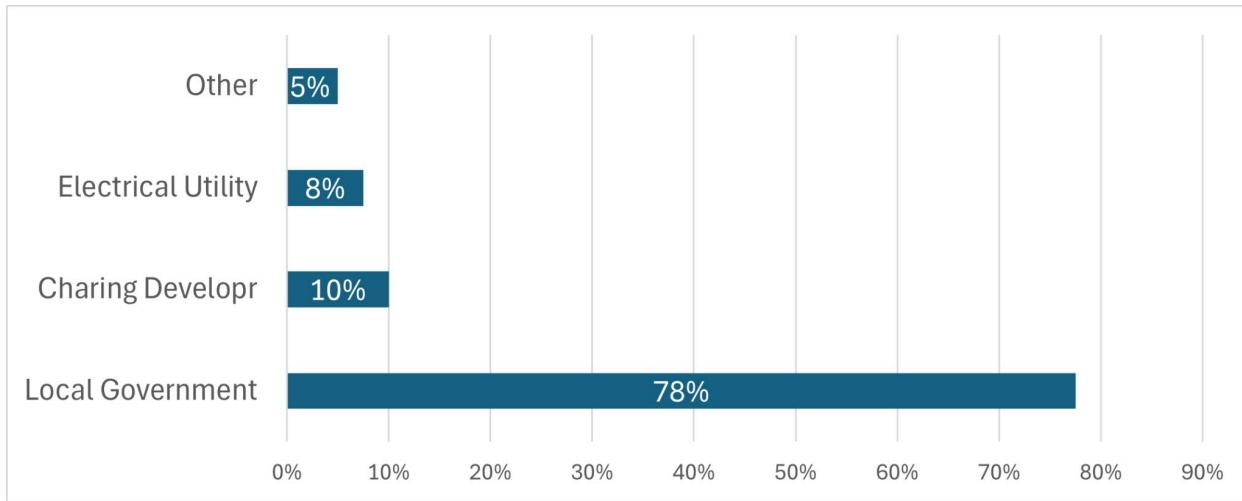
platform, while a handful of participants submitted additional comments via email. The platform was viewed a total of 435 times, which includes repeat visitors.

## **Key Themes**

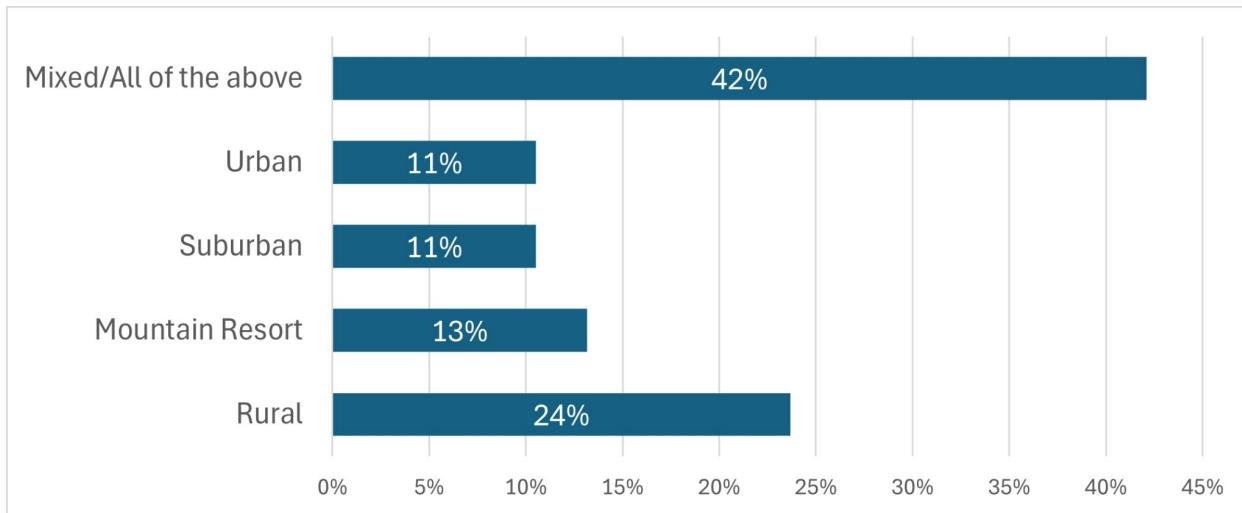
Participant comments largely reflected discussion themes and outcomes from the 3<sup>rd</sup> Advisory Committee meeting and follow-up Office Hours discussions. In addition, they offered specific suggestions for clarifying the intent of the documents and/or seeking clarity on specific requirements or standards.

## Online Survey Results

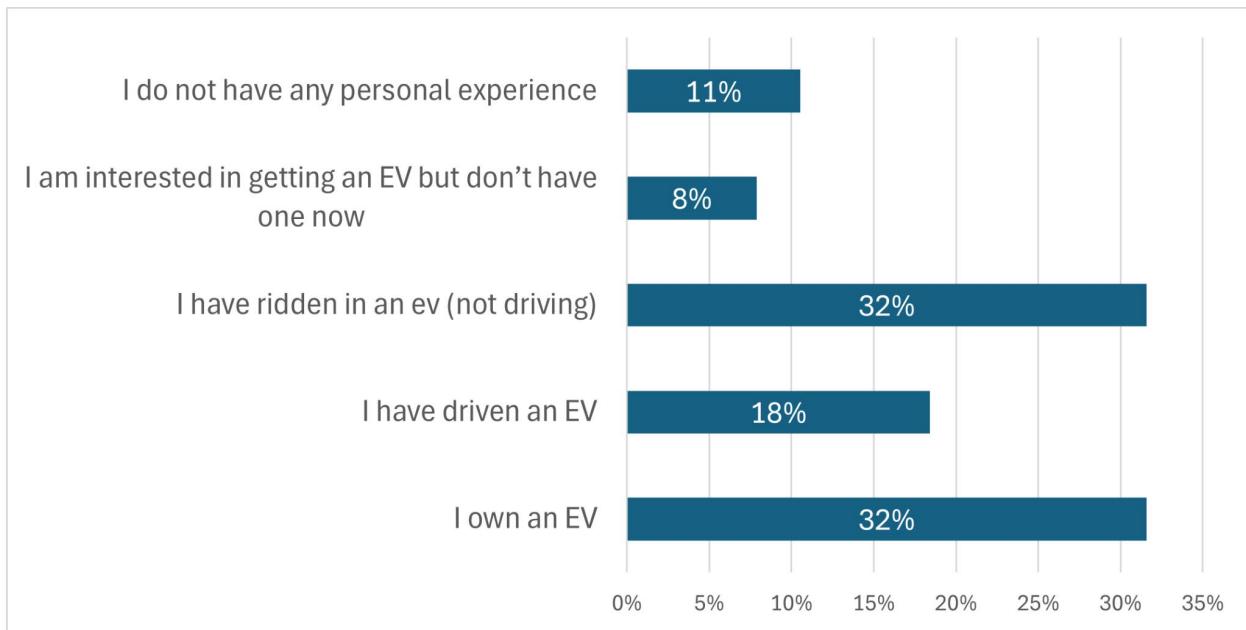
**Figure 4:** Who are you representing?



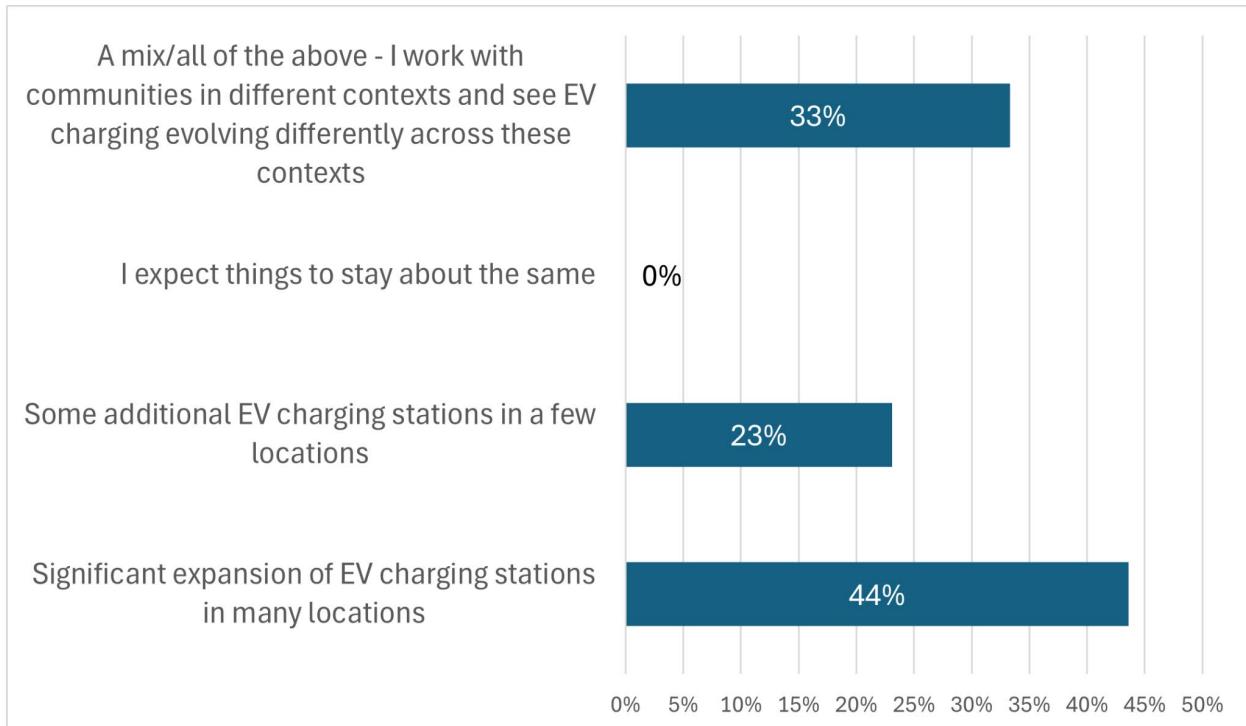
**Figure 5:** How would you describe your community or the communities you work with?



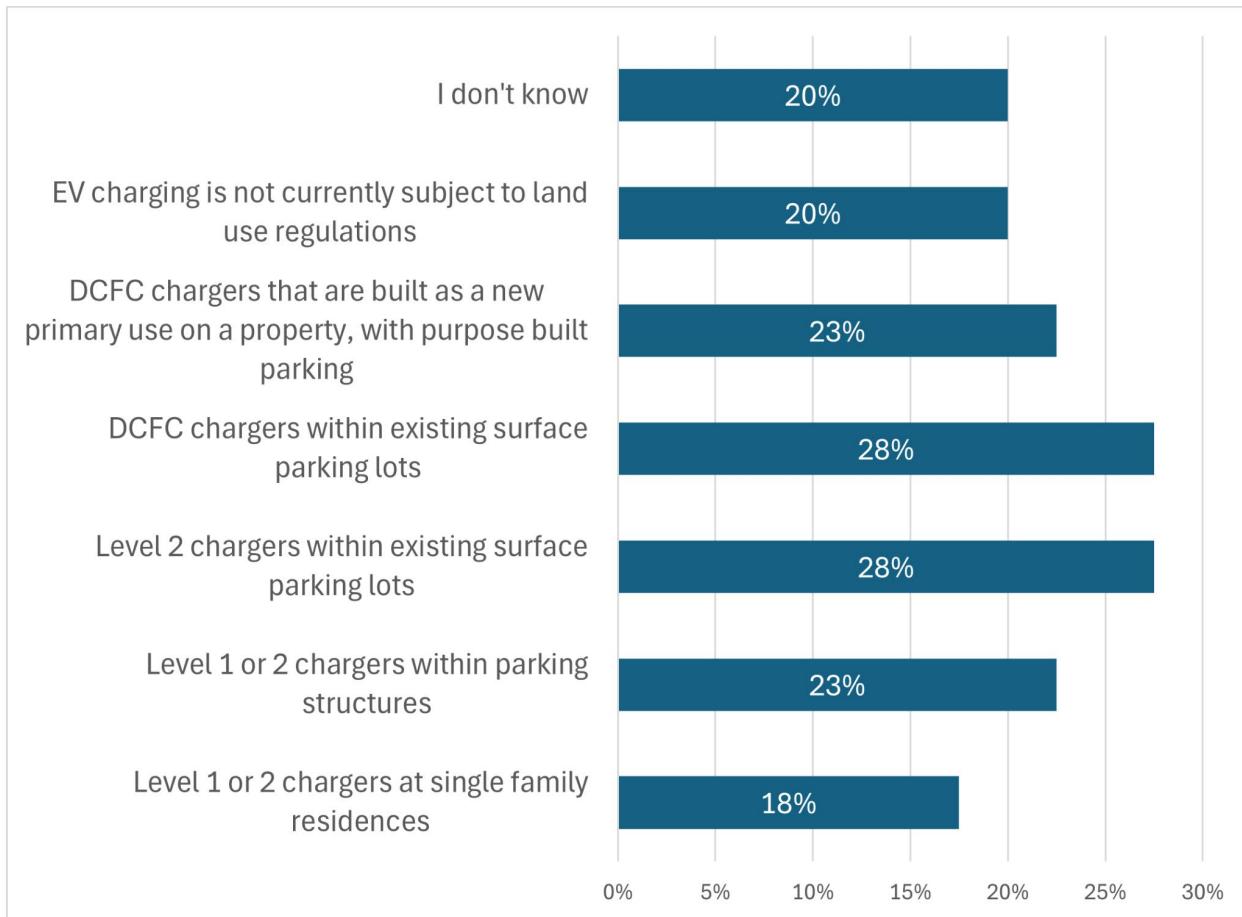
**Figure 6: What is your experience with electric vehicles?**



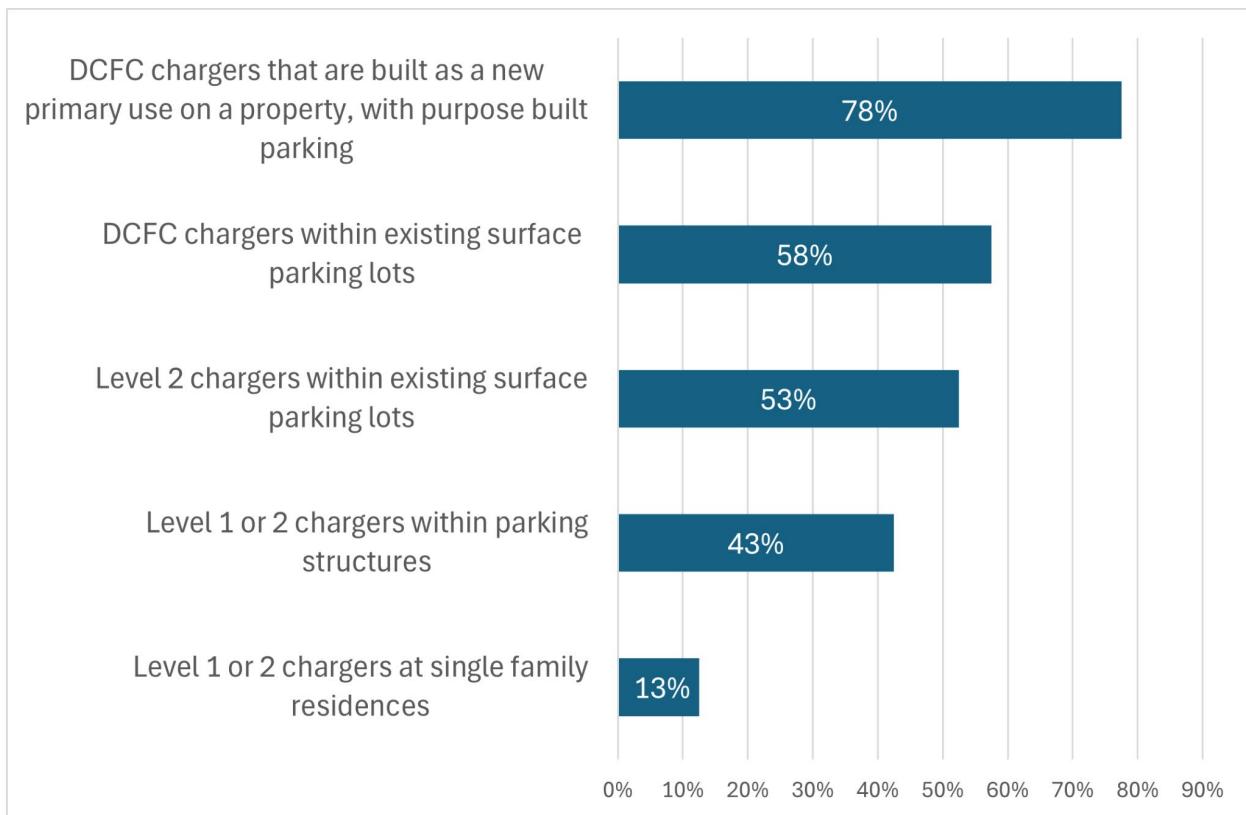
**Figure 7: How do you envision the future of EV charging in your area (or the area(s)you serve) 10+ years from now?**



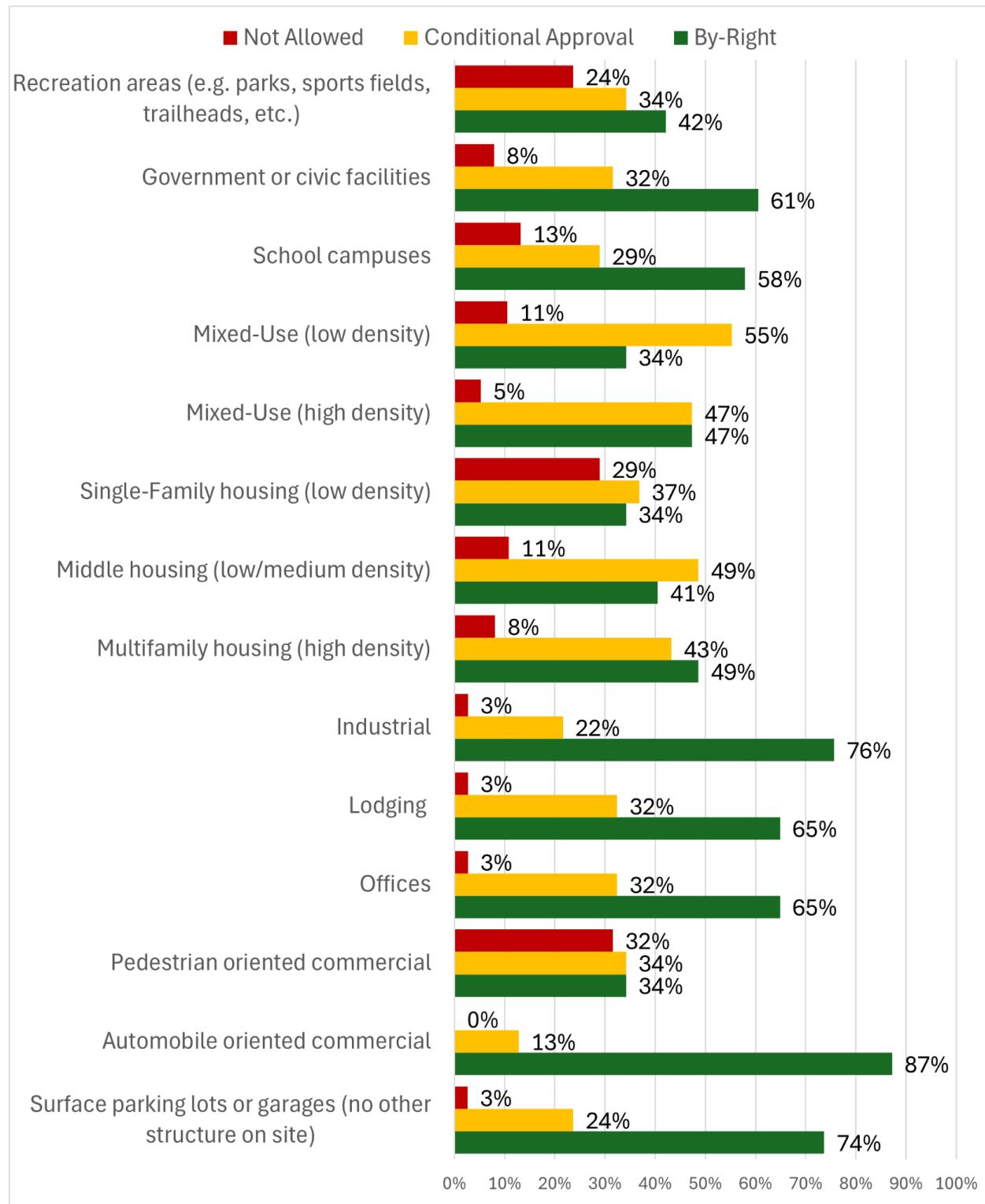
**Figure 8: In your community, which types of EV charging stations are currently subject to land use regulations in addition to building or electrical codes?**



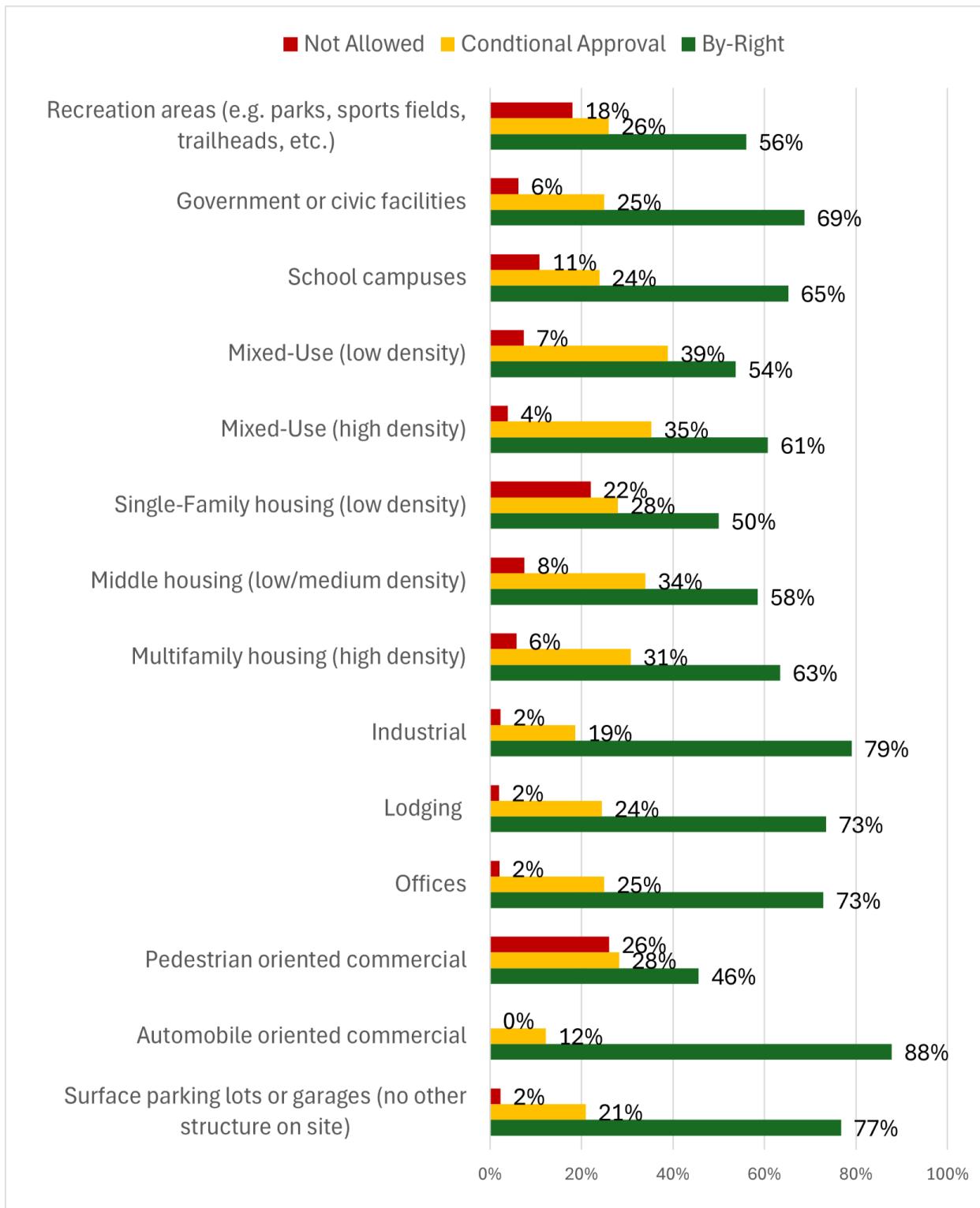
**Figure 9:** In your community (or the communities you work with), which types of EV charging stations do you think should be subject to land use regulations?



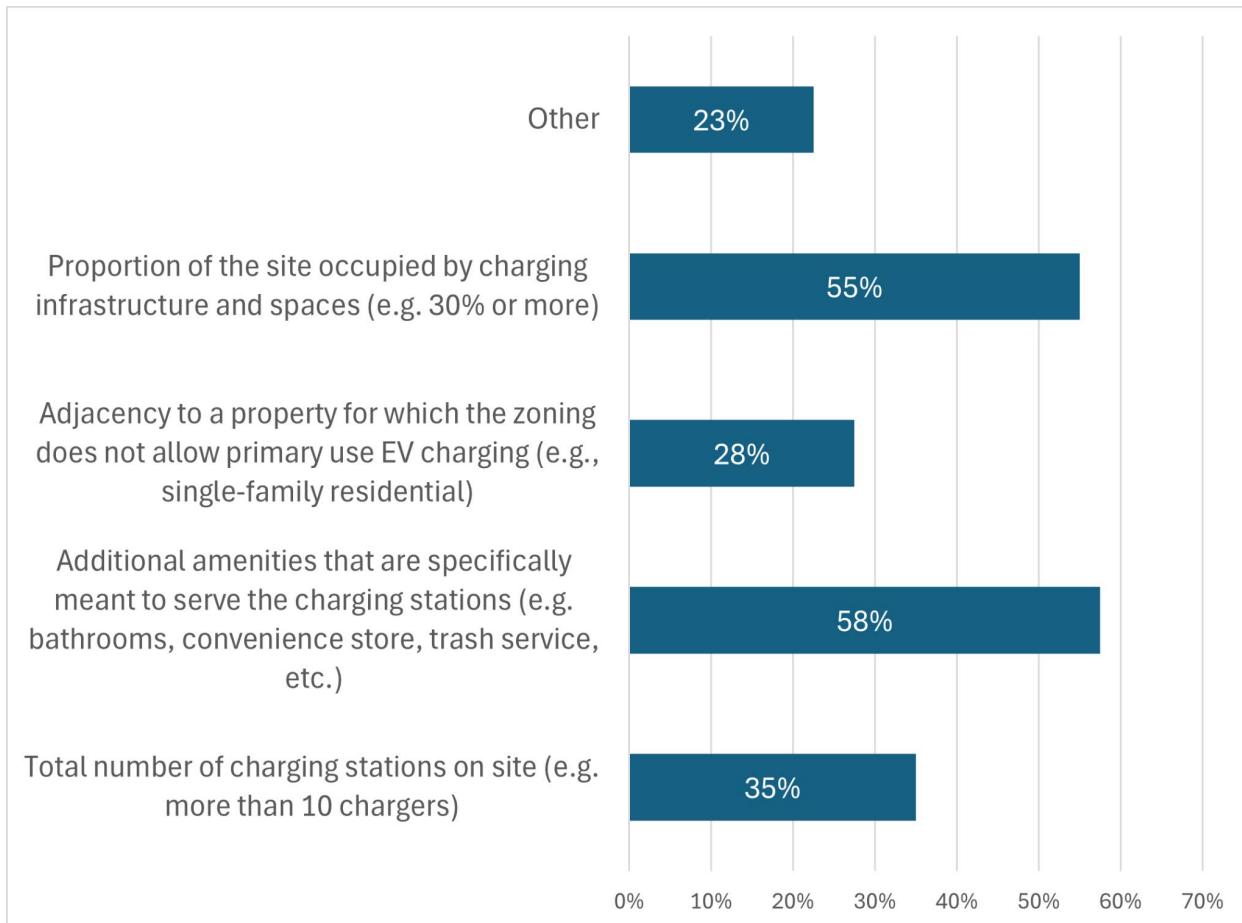
**Figure 10:** Within your community (or the communities you work with), where should primary use EV charging be allowed as a use by-right (administrative approval) or as a conditional use (council/board approval)?



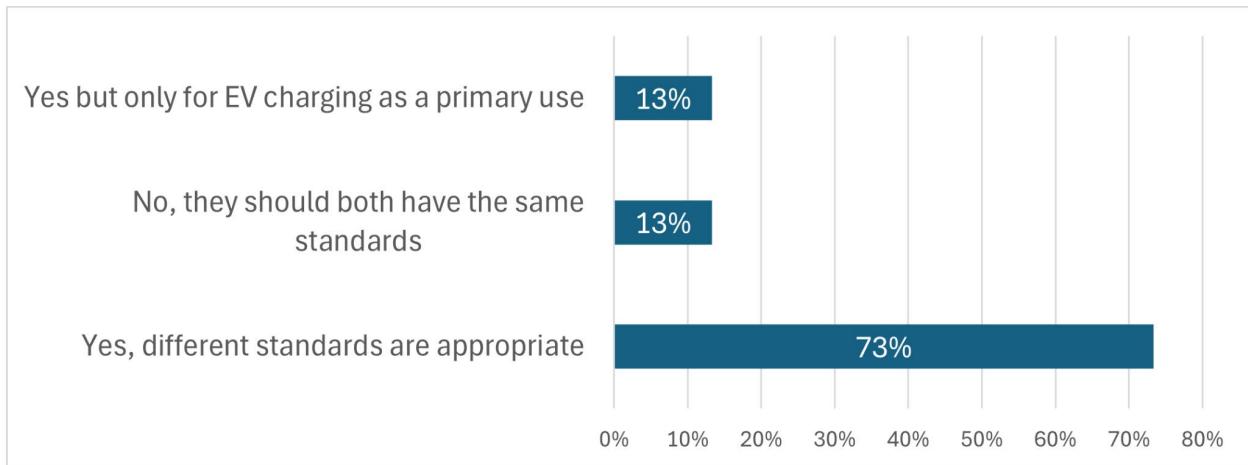
**Figure 11:** Within your community (or the communities you work with), where should accessory use EV charging be allowed as a use by-right (administrative approval) or as a conditional use (council/board approval)?



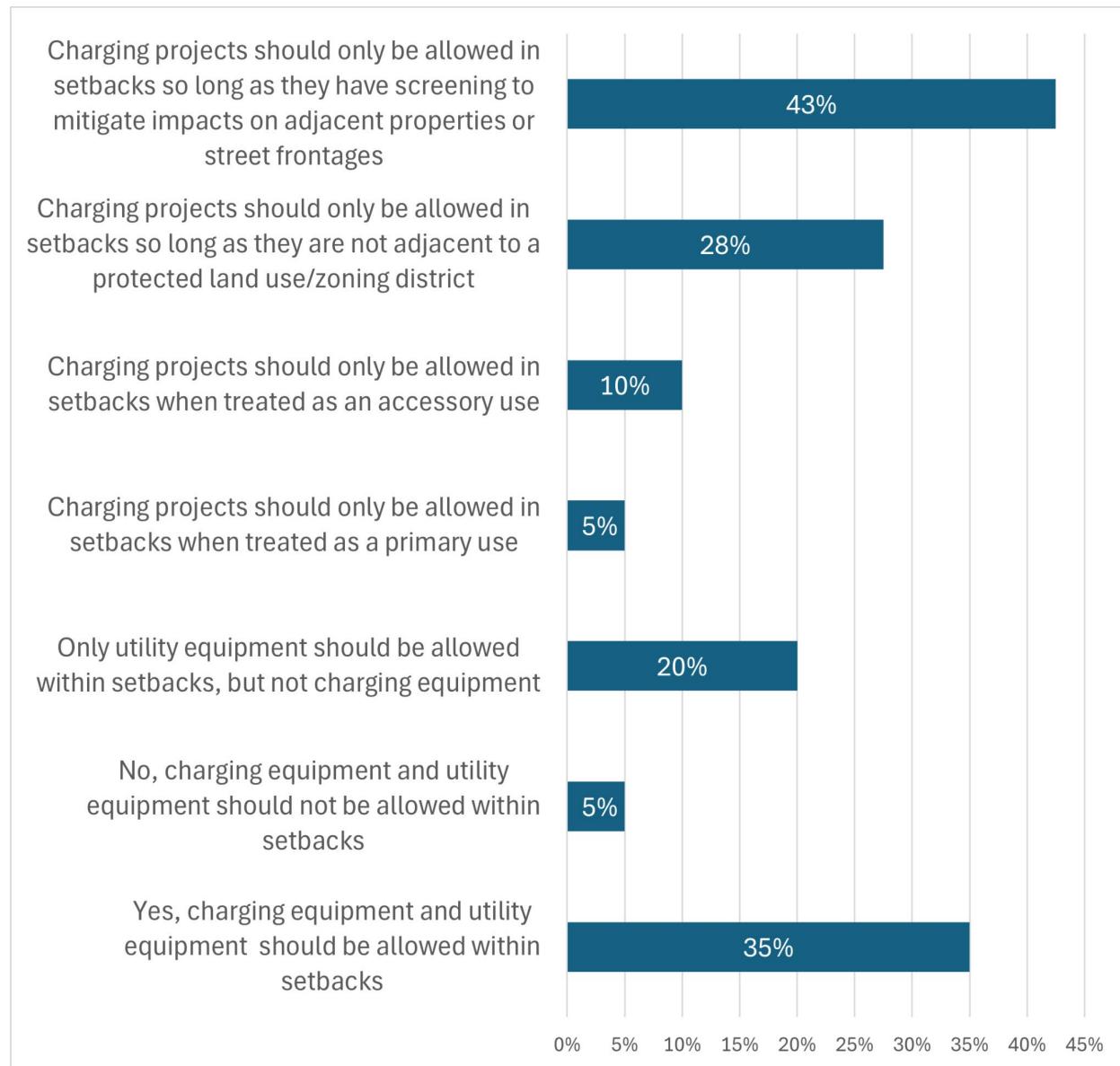
**Figure 12:** For a proposed EV charging project that is not the primary use on a property, and would typically be considered an accessory use (i.e. adding charging to an existing parking lot or developing a new storefront with EV charging) do you think any of the following characteristics should trigger treating the proposal as a “primary use” EV charging project?



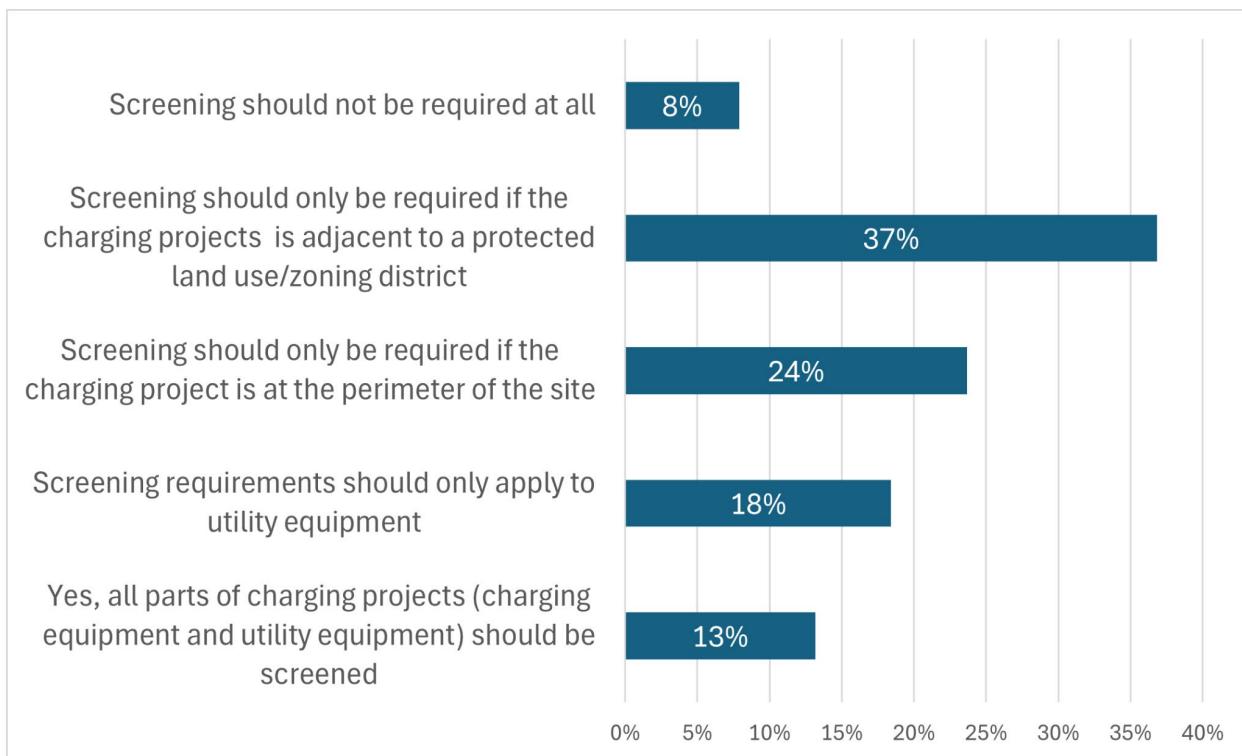
**Figure 13:** Do you think it's appropriate to have different siting and design standards for charging equipment and for utility equipment?



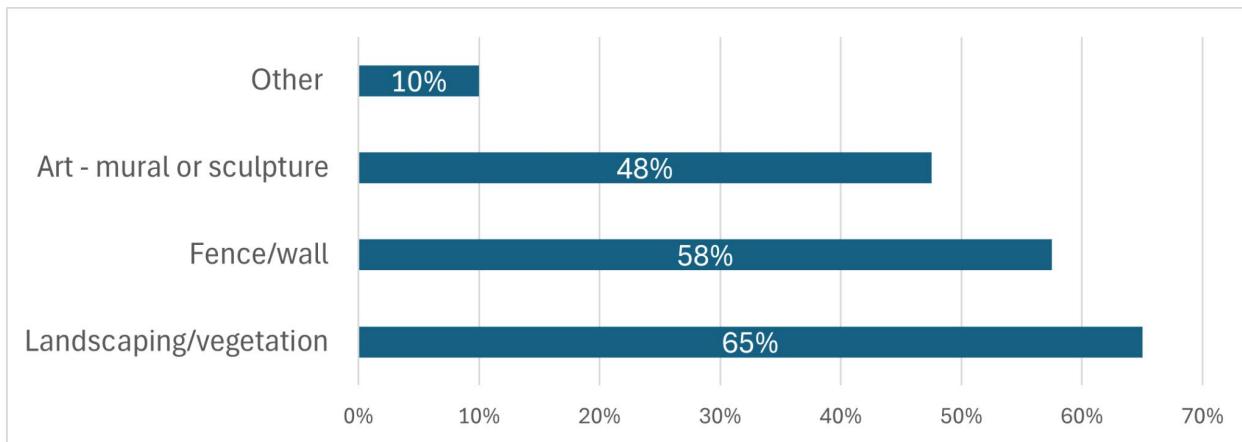
**Figure 14:** Charging projects are most feasible when located near existing electrical utility lines, which are typically located along the edges of properties, often within designated setbacks. Should charging equipment and/or utility equipment be allowed within designated setbacks?



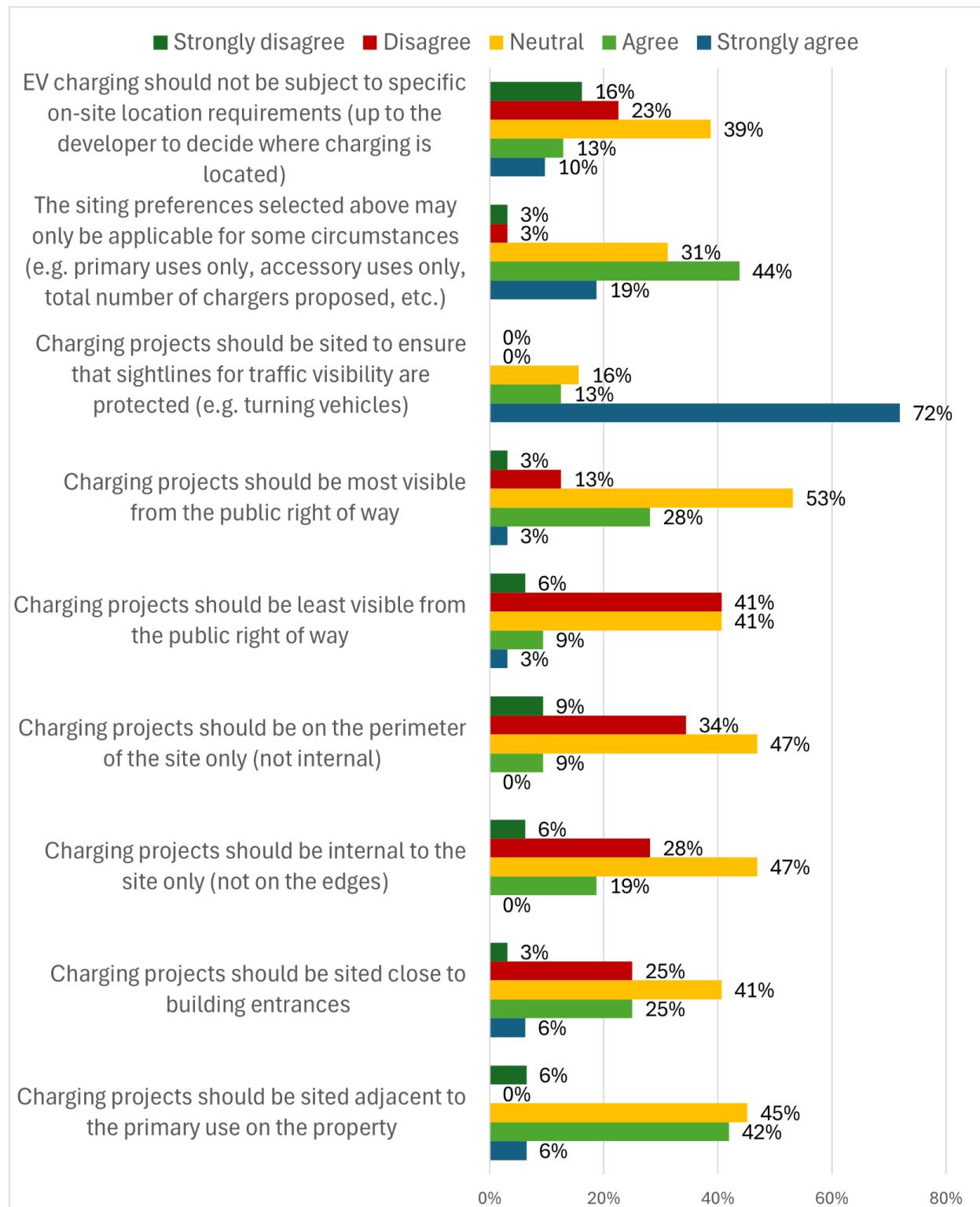
**Figure 15:** Should screening be required for charging projects?



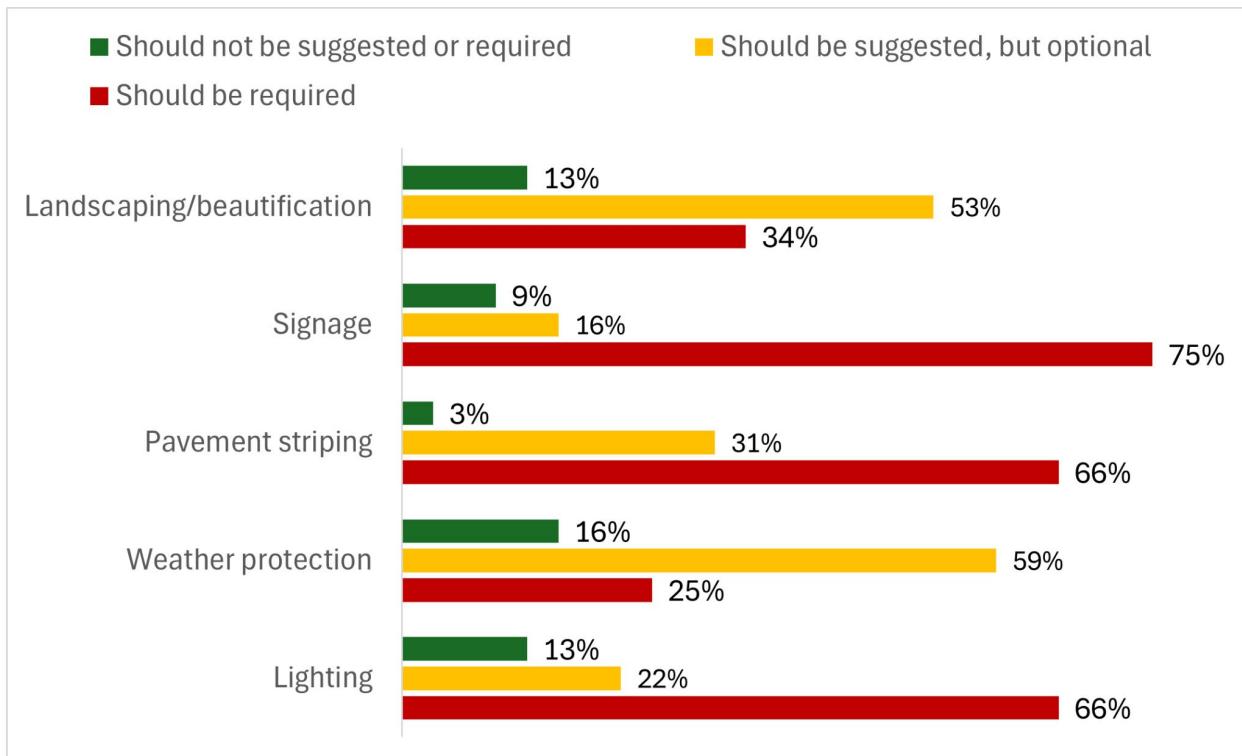
**Figure 16:** Which of the following types of screening are appropriate for charging projects?



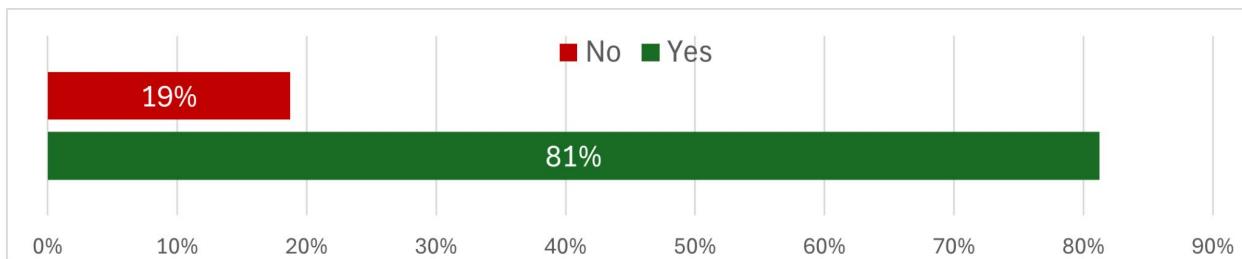
**Figure 17: Do you think that it is important to regulate the specific location of EV charging on a site?**



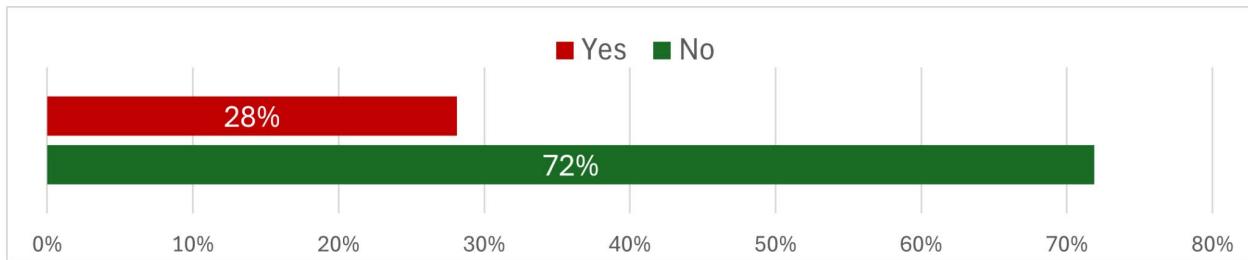
**Figure 18:** How do you think the following site design elements should be regulated for EV charging?



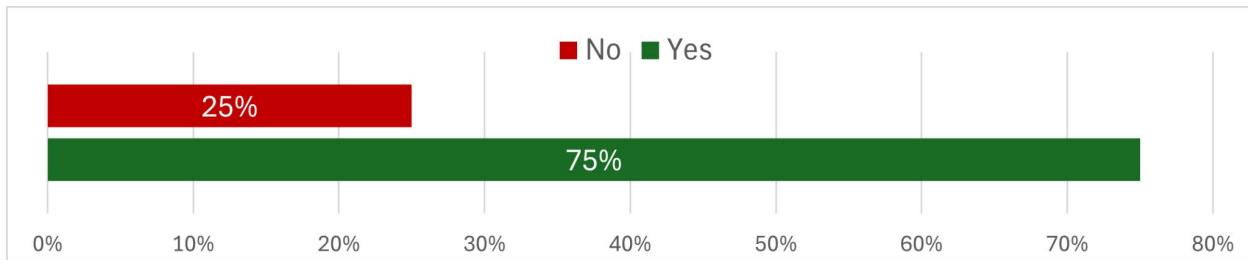
**Figure 19:** Are you aware that recent Colorado legislation (HB23-1233) requires local governments to count EV charging spaces toward meeting minimum parking standards and to count all van-accessible/ADA EV charging spaces as two spaces?



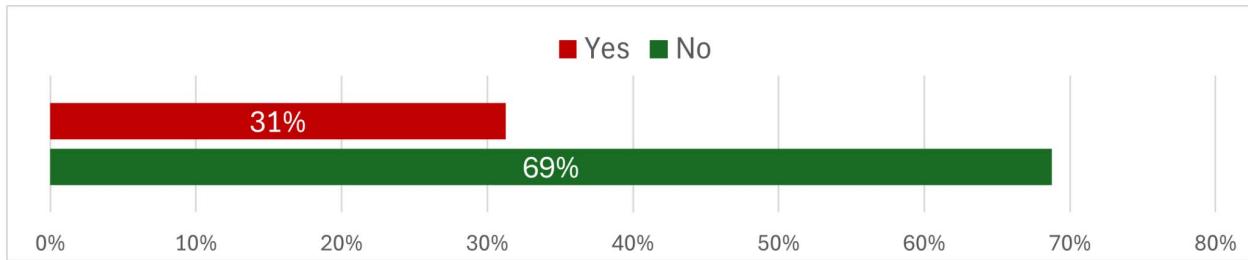
**Figure 20:** Do you have any concerns about implementing the requirements of HB23-1233?



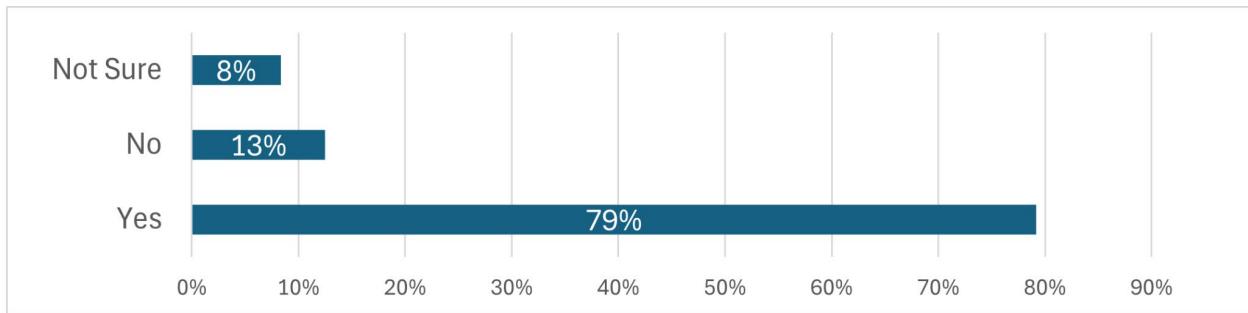
**Figure 21:** Are you aware that recent Colorado legislation (HB22-1362) and the subsequent State Model Solar and Electric Ready Code (2023) require parking facilities for all commercial and multifamily development to provide EV-Ready, EV-Capable, and/or EVSE-installed spaces?



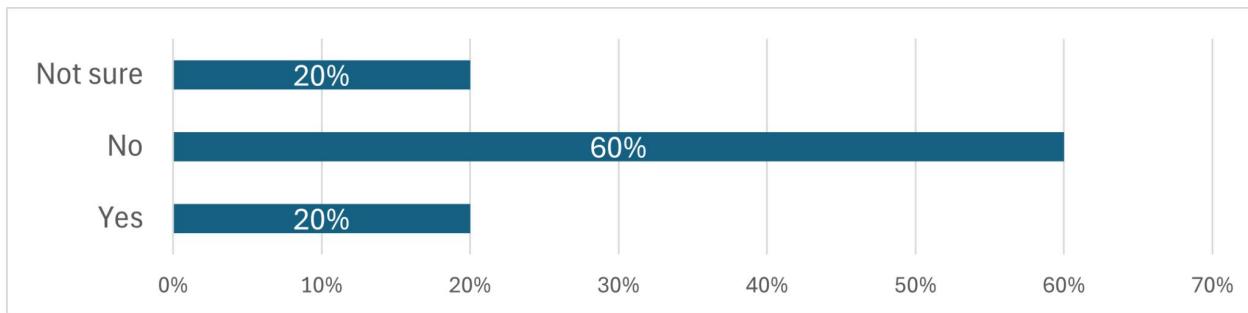
**Figure 22:** Do you have any concerns with your community's implementation of the EV related parts of the Model Solar and Electric Ready Code?



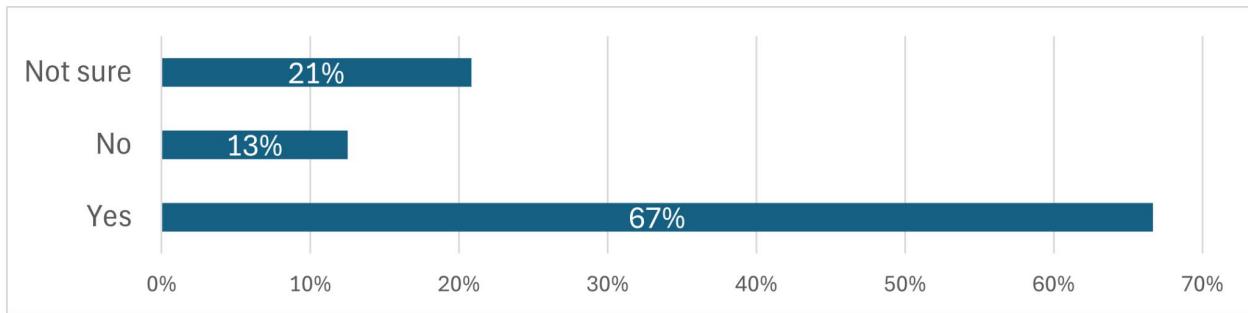
**Figure 23:** Does your jurisdiction already utilize an online permitting process for land use approvals?



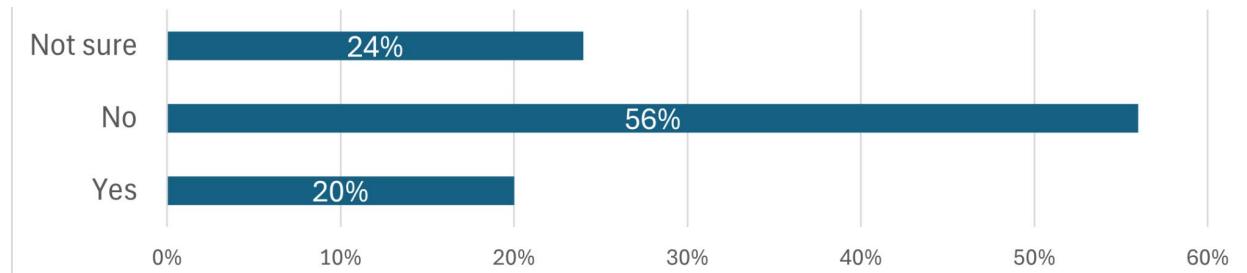
**Figure 24:** Do you think that your jurisdiction has the capacity to implement an online permitting process for land use approvals?



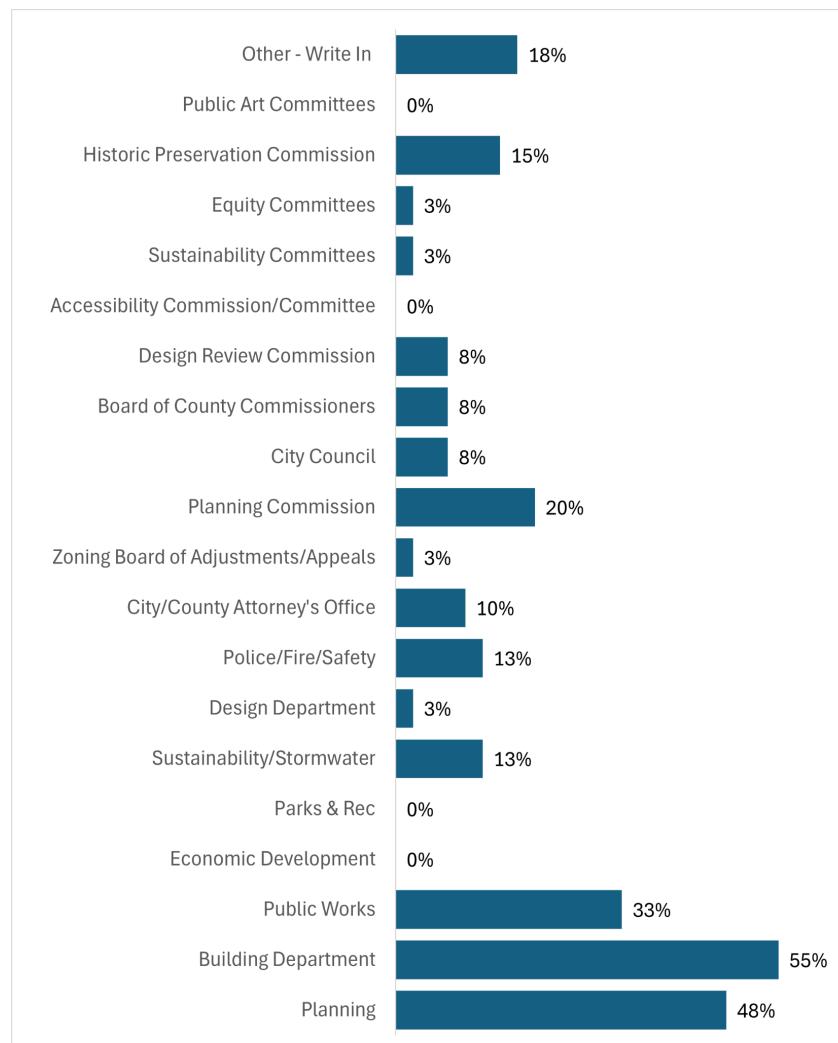
**Figure 25:** Does your jurisdiction have staffing capacity to accommodate a pre-application meeting for EV charging proposals?



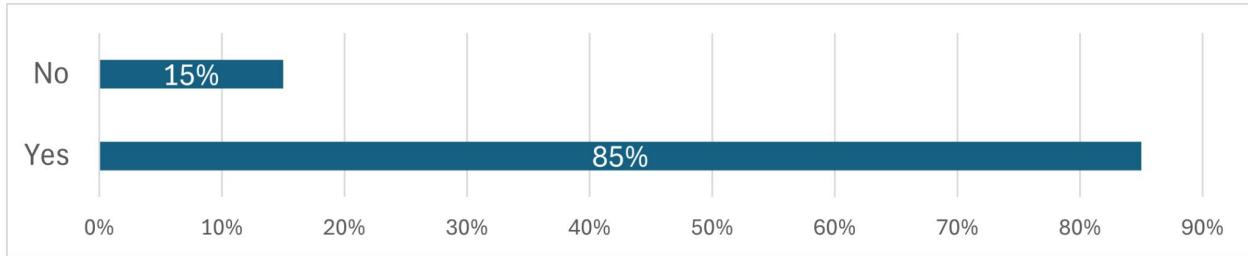
**Figure 26:** Does your jurisdiction have the staffing capacity to assign a single point person for every EV charging application to assist the applicant in navigating the application and review process?



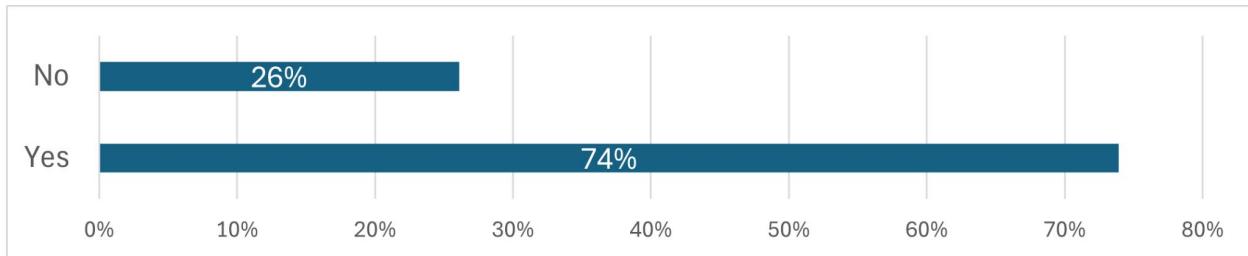
**Figure 27:** Which City Departments and/or Elected/Appointed Officials do you currently involve in review and approval processes for EV charging projects and/or which would you expect to be involved?



**Figure 28:** With the departments you selected in the previous question, would a combined/parallel review be possible to prevent delays that may be caused through sequential, multi-department reviews?



**Figure 29:** Does your jurisdiction already provide process diagrams or checklists to help developers and property owners understand application and approval processes?





HOUSE BILL 24-1173

BY REPRESENTATIVE(S) Valdez, Amabile, Brown, deGruy Kennedy, Epps, Froelich, Garcia, Hernandez, Herod, Jodeh, Joseph, Lieder, Lindsay, Mabrey, Mauro, Ortiz, Parenti, Rutinel, Story, Woodrow, Boesenecker, Kipp, McLachlan, Ricks, Sirota, Young, McCluskie; also SENATOR(S) Priola and Jaquez Lewis, Cutter, Fields, Hansen, Michaelson Jenet, Sullivan.

CONCERNING STREAMLINING THE PROCESS FOR PERMITTING ELECTRIC MOTOR VEHICLE CHARGING SYSTEMS.

*Be it enacted by the General Assembly of the State of Colorado:*

**SECTION 1. Legislative declaration.** (1) The general assembly finds and declares that:

(a) The transportation sector is a leading source of greenhouse gas emissions and pollution, and vehicle electrification is a key component in reducing greenhouse gas emissions in the transportation sector;

(b) According to the United States department of energy, an electric vehicle produces an average of less than one-fourth of the average emissions of a motor vehicle powered by an internal combustion engine

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*Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.*

over its lifetime;

(c) To further promote the adoption of electric vehicles, the state needs to encourage the rapid development of a network of electric vehicle charging systems and other infrastructure to support those electric vehicles;

(d) As of January 2024, there are more than 108,000 electric vehicles on the road in Colorado but less than 5,000 Level 2 and only 980 DC fast charging electric vehicle charging ports available for public use;

(e) The "2023 Colorado EV Plan" calls for at least 5,800 Level 2 and 1,700 DC fast charging electric vehicle charging ports available for public use by 2025; and

(f) The promotion of electric vehicles and the development of electric vehicle charging systems is a matter of mixed state and local concern.

(2) The general assembly further declares that it is in the best interest of Coloradans and a matter of mixed state and local concern to facilitate the permitting of electric vehicle charging systems by streamlining the process for local governments to approve permits for developing electric vehicle charging infrastructure.

**SECTION 2.** In Colorado Revised Statutes, **add 30-28-213** as follows:

**30-28-213. Electric motor vehicle charging systems - county permitting procedures - permit application - approval process - definitions.** (1) **Definitions.** AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "ADMINISTRATIVE REVIEW PROCESS" MEANS A PROCESS:

(I) IN WHICH AN EV CHARGER PERMIT IS APPROVED, APPROVED WITH CONDITIONS, OR DENIED BY ADMINISTRATIVE STAFF OF A COUNTY PERMITTING AGENCY BASED SOLELY ON THE APPLICATION'S COMPLIANCE WITH OBJECTIVE STANDARDS SET FORTH IN COUNTY ZONING LAWS OR OTHER COUNTY LAWS; AND

(II) THAT DOES NOT REQUIRE A PUBLIC HEARING, A RECOMMENDATION, OR A DECISION BY AN ELECTED OR APPOINTED PUBLIC BODY OR HEARING OFFICER EXCEPT AS PROVIDED IN SUBSECTION (4)(d) OF THIS SECTION.

(b) "COLORADO ENERGY OFFICE" MEANS THE COLORADO ENERGY OFFICE CREATED IN SECTION 24-38.5-101.

(c) (I) "COUNTY PERMITTING AGENCY" MEANS THE ENTITY OR ENTITIES FOR A COUNTY THAT ARE RESPONSIBLE FOR ISSUING AN EV CHARGER PERMIT FOR THE CONSTRUCTION OF AN ELECTRIC MOTOR VEHICLE CHARGING SYSTEM.

(II) "COUNTY PERMITTING AGENCY" MAY INCLUDE:

(A) A COUNTY BUILDING DEPARTMENT OR AGENCY;

(B) A COUNTY PLANNING DEPARTMENT OR AGENCY; OR

(C) A COUNTY PUBLIC WORKS OR ROAD AND BRIDGE DEPARTMENT OR AGENCY.

(d) "DISPROPORTIONATELY IMPACTED COMMUNITY" HAS THE MEANING SET FORTH IN SECTION 24-4-109 (2)(b)(II).

(e) "ELECTRIC MOTOR VEHICLE CHARGING SYSTEM" OR "CHARGING SYSTEM" HAS THE MEANING SET FORTH IN SECTION 38-12-601 (6)(a).

(f) "EV CHARGER PERMIT" MEANS THE FINAL APPROVAL OF AN APPLICATION FOR INSTALLATION OF AN ELECTRIC MOTOR VEHICLE CHARGING SYSTEM THAT A COUNTY MAY REQUIRE TO AUTHORIZE AN APPLICANT TO COMMENCE CONSTRUCTION OF THE CHARGING SYSTEM AND A PERMIT APPLICATION FOR AN ELECTRICAL PERMIT ESTABLISHED UNDER ARTICLE 115 OF TITLE 12 AND ISSUED BY THE STATE ELECTRICAL BOARD.

(g) "OBJECTIVE STANDARD" MEANS A STANDARD THAT:

(I) IS UNIFORMLY VERIFIABLE AND ASCERTAINABLE BY REFERENCE TO AN AVAILABLE EXTERNAL OR UNIFORM BENCHMARK OR CRITERION BY THE APPLICANT AND COUNTY PERMITTING AGENCY STAFF PRIOR TO THE

APPLICANT'S FILING OF AN EV CHARGER PERMIT APPLICATION; AND

(II) DOES NOT REQUIRE COUNTY PERMITTING AGENCY STAFF TO MAKE A SUBJECTIVE DETERMINATION CONCERNING AN EV CHARGER PERMIT APPLICATION.

(2) (a) ON OR BEFORE DECEMBER 31, 2025, THE BOARD OF COUNTY COMMISSIONERS OF A COUNTY WITH A POPULATION OF TWENTY THOUSAND OR MORE ACCORDING TO THE 2020 FEDERAL CENSUS SHALL DO ONE OF THE FOLLOWING:

(I) ADOPT AN ORDINANCE OR RESOLUTION TO INCORPORATE THE SAME STANDARDS AND PERMITTING PROCESS OR LESS RESTRICTIVE STANDARDS AND PERMITTING PROCESS AS THE STANDARDS AND PERMITTING PROCESS DESCRIBED IN THE EV CHARGER PERMITTING MODEL CODE DEVELOPED BY THE COLORADO ENERGY OFFICE PURSUANT TO SUBSECTION (3) OF THIS SECTION;

(II) (A) ADOPT AN ORDINANCE OR RESOLUTION THAT ESTABLISHES OBJECTIVE STANDARDS AND AN ADMINISTRATIVE REVIEW PROCESS TO BE USED BY THE COUNTY PERMITTING AGENCY DURING THE COUNTY'S REVIEW OF APPLICATIONS FOR EV CHARGER PERMITS IN ACCORDANCE WITH SUBSECTIONS (4) AND (5) OF THIS SECTION.

(B) AN ORDINANCE OR RESOLUTION ADOPTED BY THE COUNTY PURSUANT TO THIS SUBSECTION (2)(a)(II) SHALL BE DEVELOPED IN CONSULTATION WITH THE LOCAL FIRE DEPARTMENT OR FIRE DISTRICT, ANY ELECTRIC UTILITIES SERVING THE COUNTY, AND OTHER RELEVANT STAKEHOLDERS, AS DETERMINED BY THE COUNTY.

(III) ADOPT AN ORDINANCE OR RESOLUTION THAT ESTABLISHES THAT THE COUNTY DOES NOT INTEND TO ADOPT AN ORDINANCE OR RESOLUTION IN ACCORDANCE WITH SUBSECTION (2)(a)(I) OR (2)(a)(II) OF THIS SECTION AND THAT THE COUNTY PERMITTING AGENCY WILL CONTINUE TO UTILIZE THE COUNTY'S EXISTING PERMITTING REVIEW PROCESS FOR EV CHARGER PERMIT APPLICATIONS.

(b) ON OR BEFORE MARCH 1, 2026, A COUNTY THAT IS SUBJECT TO THE REQUIREMENTS OF SUBSECTION (2)(a) OF THIS SECTION SHALL SUBMIT A REPORT TO THE COLORADO ENERGY OFFICE DESCRIBING THE COUNTY'S

COMPLIANCE WITH SUBSECTION (2)(a) OF THIS SECTION.

(c) ON OR BEFORE JANUARY 31, 2027, A COUNTY SUBJECT TO THE REQUIREMENTS OF SUBSECTION (2)(a) OF THIS SECTION SHALL SUBMIT A REPORT TO THE COLORADO ENERGY OFFICE REGARDING EACH APPLICATION FOR AN EV CHARGER PERMIT THAT WAS RECEIVED BY THE COUNTY PERMITTING AGENCY BETWEEN DECEMBER 31, 2025, AND DECEMBER 1, 2026. THE REPORT MUST INCLUDE:

(I) THE FINAL DETERMINATION MADE BY THE COUNTY PERMITTING AGENCY FOR EACH EV CHARGER PERMIT APPLICATION; AND

(II) FOR EACH EV CHARGER PERMIT APPLICATION SUBMITTED TO THE COUNTY PERMITTING AGENCY, THE DURATION BETWEEN THE DATE THAT THE EV CHARGER PERMIT APPLICATION WAS DEEMED COMPLETE BY THE COUNTY PERMITTING AGENCY AND THE DATE THAT THE COUNTY PERMITTING AGENCY MADE A FINAL DETERMINATION ON THE EV CHARGER PERMIT APPLICATION.

(d) IF THE BOARD OF COUNTY COMMISSIONERS OF A COUNTY ADOPTS THE EV CHARGER PERMITTING MODEL CODE PURSUANT TO SUBSECTION (2)(a)(I) OF THIS SECTION OR ADOPTS AN ORDINANCE OR RESOLUTION IN ACCORDANCE WITH SUBSECTION (2)(a)(III) OF THIS SECTION, THE REQUIREMENTS OF SUBSECTIONS (4) AND (5) OF THIS SECTION DO NOT APPLY TO THE COUNTY.

(3) (a) ON OR BEFORE MARCH 31, 2025, THE COLORADO ENERGY OFFICE SHALL PUBLISH AN EV CHARGER PERMITTING MODEL CODE THAT CONTAINS GUIDELINES FOR THE ADOPTION OF EV CHARGER PERMIT STANDARDS AND PERMITTING PROCESSES FOR COUNTIES.

(b) THE EV CHARGER PERMITTING MODEL CODE DEVELOPED BY THE COLORADO ENERGY OFFICE PURSUANT TO SUBSECTION (3)(a) OF THIS SECTION MUST BE DEVELOPED IN CONSULTATION WITH COUNTIES, REPRESENTATIVES FROM DISPROPORTIONATELY IMPACTED COMMUNITIES, PUBLIC ELECTRIC UTILITIES, AND OTHER RELEVANT STAKEHOLDERS, AS DETERMINED BY THE COLORADO ENERGY OFFICE.

(c) THE EV CHARGER PERMITTING MODEL CODE DEVELOPED BY THE COLORADO ENERGY OFFICE IN ACCORDANCE WITH THIS SUBSECTION (3) SHALL ONLY APPLY TO A COUNTY'S LAND USE AND ZONING PERMITTING

PROCESSES AND SHALL NOT CONTRAVENE:

- (I) STATE ELECTRICAL PERMITTING REQUIREMENTS OR PROCEDURES;
- (II) COUNTY ELECTRICAL PERMITTING REQUIREMENTS OR PROCEDURES;
- (III) STATE ELECTRICAL INSPECTION REQUIREMENTS;
- (IV) COUNTY ELECTRICAL INSPECTION REQUIREMENTS; OR
- (V) NATIONAL ELECTRIC CODE REQUIREMENTS OR REGULATIONS RELATED TO ELECTRIC MOTOR VEHICLE CHARGING SYSTEMS.

(d) THE EV CHARGER PERMITTING MODEL CODE DEVELOPED BY THE COLORADO ENERGY OFFICE IN ACCORDANCE WITH THIS SUBSECTION (3) SHALL NOT CONTAIN REQUIRED TIMELINES THAT A COUNTY PERMITTING AGENCY MUST COMPLY WITH FOR THE REVIEW, APPROVAL, OR DENIAL OF EV CHARGER PERMIT APPLICATIONS.

(4) (a) A COUNTY PERMITTING AGENCY SHALL APPROVE, CONDITIONALLY APPROVE, OR DENY AN APPLICATION FOR AN EV CHARGER PERMIT USING THE COUNTY'S ADMINISTRATIVE REVIEW PROCESS TO DETERMINE IF THE PROPOSED ELECTRIC MOTOR VEHICLE CHARGING SYSTEM IS IN COMPLIANCE WITH THE COUNTY'S OBJECTIVE STANDARDS.

(b) A COUNTY PERMITTING AGENCY SHALL NOT DENY OR PLACE CONDITIONS ON AN EV CHARGER PERMIT APPLICATION UNLESS THE DENIAL OR CONDITIONS ARE FOR THE PURPOSE OF REASONABLY PROTECTING PUBLIC HEALTH OR SAFETY.

(c) IF A COUNTY PERMITTING AGENCY DENIES AN APPLICATION FOR AN EV CHARGER PERMIT, THE COUNTY PERMITTING AGENCY SHALL MAKE WRITTEN FINDINGS THAT THE PROPOSED ELECTRIC MOTOR VEHICLE CHARGING SYSTEM WOULD VIOLATE THE COUNTY'S OBJECTIVE STANDARDS OR WOULD NOT BE REASONABLY PROTECTIVE OF PUBLIC HEALTH OR SAFETY AND SEND THOSE WRITTEN FINDINGS TO THE APPLICANT WITHIN THREE BUSINESS DAYS AFTER THE DATE THE COUNTY PERMITTING AGENCY DENIES THE APPLICATION.

(d) AN APPLICANT FOR AN EV CHARGER PERMIT THAT IS DENIED A PERMIT OR HAS CONDITIONS PLACED ON THE APPROVAL OF AN EV CHARGER PERMIT BY A COUNTY PERMITTING AGENCY MAY APPEAL THE COUNTY PERMITTING AGENCY'S DECISION TO THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY.

(e) THE REQUIREMENTS OF THIS SUBSECTION (4) DO NOT APPLY TO COUNTIES THAT ADOPT THE EV CHARGER PERMITTING MODEL CODE PURSUANT TO SUBSECTION (2)(a)(I) OF THIS SECTION OR ADOPT AN ORDINANCE OR RESOLUTION IN ACCORDANCE WITH SUBSECTION (2)(a)(III) OF THIS SECTION.

(5)(a) THE COUNTY PERMITTING AGENCY MUST MAKE AVAILABLE TO PROSPECTIVE APPLICANTS FOR EV CHARGER PERMITS A CHECKLIST OF ALL REQUIREMENTS THAT MUST BE INCLUDED IN AN APPLICATION FOR AN EV CHARGER PERMIT.

(b) A COUNTY PERMITTING AGENCY SHALL REVIEW AN APPLICATION FOR AN EV CHARGER PERMIT TO CONFIRM THAT THE APPLICATION SUFFICIENTLY MEETS THE REQUIREMENTS OF THE CHECKLIST DESCRIBED IN SUBSECTION (5)(a) OF THIS SECTION.

(c) A COUNTY PERMITTING AGENCY SHALL CONSIDER AN APPLICATION FOR AN EV CHARGER PERMIT THAT SATISFIES THE REQUIREMENTS OF THE CHECKLIST DESCRIBED IN SUBSECTION (5)(a) OF THIS SECTION A COMPLETE APPLICATION.

(d) IF AN APPLICANT FOR AN EV CHARGER PERMIT SUBMITS AN APPLICATION THAT DOES NOT MEET ALL THE REQUIREMENTS OF THE CHECKLIST DESCRIBED IN SUBSECTION (5)(a) OF THIS SECTION, THE COUNTY PERMITTING AGENCY SHALL, WITHIN THREE BUSINESS DAYS AFTER THE DATE THE COUNTY PERMITTING AGENCY DETERMINES THE APPLICATION IS NOT SUFFICIENT, SEND A WRITTEN NOTICE TO THE APPLICANT THAT DETAILS ALL OF THE DEFICIENCIES WITH THE APPLICATION AND ANY ADDITIONAL INFORMATION REQUIRED FOR THE APPLICATION TO BE CONSIDERED COMPLETE.

(e) THE REQUIREMENTS OF THIS SUBSECTION (5) DO NOT APPLY TO COUNTIES THAT ADOPT THE EV CHARGER PERMITTING MODEL CODE PURSUANT TO SUBSECTION (2)(a)(I) OF THIS SECTION OR ADOPT AN

ORDINANCE OR RESOLUTION IN ACCORDANCE WITH SUBSECTION (2)(a)(III) OF THIS SECTION.

(6) (a) THE COLORADO ENERGY OFFICE SHALL PROVIDE TECHNICAL ASSISTANCE TO COUNTIES TO ASSIST A COUNTY IN COMPLYING WITH THE REQUIREMENTS OF THIS SECTION, INCLUDING PROVIDING:

(I) SUPPORT FOR THE DEVELOPMENT AND ADOPTION OF COUNTY CODES; AND

(II) MATERIALS AND SUPPORT FOR TRAINING COUNTY PERMITTING AGENCY STAFF WITH INTERPRETING AND APPLYING EV CHARGER PERMIT STANDARDS AND PROCESSES.

(b) THE COLORADO ENERGY OFFICE SHALL USE MONEY IN THE ELECTRIC VEHICLE GRANT FUND, CREATED IN SECTION 24-38.5-103, TO PROVIDE TECHNICAL ASSISTANCE TO COUNTIES IN ACCORDANCE WITH THIS SUBSECTION (6).

(c) THE COLORADO ENERGY OFFICE SHALL PRIORITIZE PROVIDING TECHNICAL ASSISTANCE TO COUNTIES THAT HAVE A SIGNIFICANT NUMBER OF DISPROPORTIONATELY IMPACTED COMMUNITIES.

(7) REGARDLESS OF THE ORDINANCE OR RESOLUTION ADOPTED BY A BOARD OF COUNTY COMMISSIONERS IN ACCORDANCE WITH SUBSECTION (2)(a) OF THIS SECTION, A COUNTY PERMITTING AGENCY SHALL, WITHIN THREE BUSINESS DAYS AFTER THE DATE THE COUNTY PERMITTING AGENCY MAKES THE DETERMINATION TO APPROVE, CONDITIONALLY APPROVE, OR DENY AN APPLICATION, SEND NOTICE TO AN APPLICANT FOR AN EV CHARGER PERMIT THAT STATES THE COUNTY PERMITTING AGENCY'S DETERMINATION ON THE APPLICANT'S EV CHARGER PERMIT APPLICATION.

**SECTION 3.** In Colorado Revised Statutes, **add 31-23-316** as follows:

**31-23-316. Electric motor vehicle charging systems - municipal permitting procedures - permit application - approval process - definitions.** (1) **Definitions.** AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "ADMINISTRATIVE REVIEW PROCESS" MEANS A PROCESS:

(I) IN WHICH AN EV CHARGER PERMIT IS APPROVED, APPROVED WITH CONDITIONS, OR DENIED BY ADMINISTRATIVE STAFF OF A MUNICIPAL PERMITTING AGENCY BASED SOLELY ON THE APPLICATION'S COMPLIANCE WITH OBJECTIVE STANDARDS SET FORTH IN MUNICIPAL ZONING LAWS OR OTHER MUNICIPAL LAWS; AND

(II) THAT DOES NOT REQUIRE A PUBLIC HEARING, A RECOMMENDATION, OR A DECISION BY AN ELECTED OR APPOINTED PUBLIC BODY OR HEARING OFFICER EXCEPT AS PROVIDED IN SUBSECTION (4)(d) OF THIS SECTION.

(b) "COLORADO ENERGY OFFICE" MEANS THE COLORADO ENERGY OFFICE CREATED IN SECTION 24-38.5-101.

(c) "DISPROPORTIONATELY IMPACTED COMMUNITY" HAS THE MEANING SET FORTH IN SECTION 24-4-109 (2)(b)(II).

(d) "ELECTRIC MOTOR VEHICLE CHARGING SYSTEM" OR "CHARGING SYSTEM" HAS THE MEANING SET FORTH IN SECTION 38-12-601 (6)(a).

(e) "EV CHARGER PERMIT" MEANS THE FINAL APPROVAL OF AN APPLICATION FOR INSTALLATION OF AN ELECTRIC MOTOR VEHICLE CHARGING SYSTEM THAT A MUNICIPALITY MAY REQUIRE TO AUTHORIZE AN APPLICANT TO COMMENCE CONSTRUCTION OF THE CHARGING SYSTEM AND A PERMIT APPLICATION FOR AN ELECTRICAL PERMIT ESTABLISHED UNDER ARTICLE 115 OF TITLE 12 AND ISSUED BY THE STATE ELECTRICAL BOARD.

(f) (I) "MUNICIPAL PERMITTING AGENCY" MEANS THE ENTITY OR ENTITIES FOR A MUNICIPALITY THAT ARE RESPONSIBLE FOR ISSUING AN EV CHARGER PERMIT FOR THE CONSTRUCTION OF AN ELECTRIC MOTOR VEHICLE CHARGING SYSTEM.

(II) "MUNICIPAL PERMITTING AGENCY" MAY INCLUDE:

(A) A MUNICIPAL BUILDING DEPARTMENT OR AGENCY;

(B) A MUNICIPAL PLANNING DEPARTMENT OR AGENCY; OR

(C) A MUNICIPAL PUBLIC WORKS OR ROAD AND BRIDGE DEPARTMENT OR AGENCY.

(g) "OBJECTIVE STANDARD" MEANS A STANDARD THAT:

(I) IS UNIFORMLY VERIFIABLE AND ASCERTAINABLE BY REFERENCE TO AN AVAILABLE EXTERNAL OR UNIFORM BENCHMARK OR CRITERION BY THE APPLICANT AND MUNICIPAL PERMITTING AGENCY STAFF PRIOR TO THE APPLICANT'S FILING OF AN EV CHARGER PERMIT APPLICATION; AND

(II) DOES NOT REQUIRE MUNICIPAL PERMITTING AGENCY STAFF TO MAKE A SUBJECTIVE DETERMINATION CONCERNING AN EV CHARGER PERMIT APPLICATION.

(2) (a) ON OR BEFORE DECEMBER 31, 2025, THE GOVERNING BODY OF A MUNICIPALITY WITH A POPULATION OF TEN THOUSAND OR MORE ACCORDING TO THE 2020 FEDERAL CENSUS SHALL DO ONE OF THE FOLLOWING:

(I) ADOPT AN ORDINANCE OR RESOLUTION TO INCORPORATE THE SAME STANDARDS AND PERMITTING PROCESS OR LESS RESTRICTIVE STANDARDS AND PERMITTING PROCESS AS THE STANDARDS AND PERMITTING PROCESS DESCRIBED IN THE EV CHARGER PERMITTING MODEL CODE DEVELOPED BY THE COLORADO ENERGY OFFICE PURSUANT TO SUBSECTION (3) OF THIS SECTION;

(II) (A) ADOPT AN ORDINANCE OR RESOLUTION THAT ESTABLISHES OBJECTIVE STANDARDS AND AN ADMINISTRATIVE REVIEW PROCESS TO BE USED BY THE MUNICIPAL PERMITTING AGENCY DURING THE MUNICIPALITY'S REVIEW OF APPLICATIONS FOR EV CHARGER PERMITS IN ACCORDANCE WITH SUBSECTIONS (4) AND (5) OF THIS SECTION.

(B) AN ORDINANCE OR RESOLUTION ADOPTED BY THE MUNICIPALITY PURSUANT TO THIS SUBSECTION (2)(a)(II) SHALL BE DEVELOPED IN CONSULTATION WITH THE LOCAL FIRE DEPARTMENT OR FIRE DISTRICT, ANY ELECTRIC UTILITIES SERVING THE MUNICIPALITY, AND OTHER RELEVANT STAKEHOLDERS, AS DETERMINED BY THE MUNICIPALITY.

(III) ADOPT AN ORDINANCE OR RESOLUTION THAT ESTABLISHES THAT THE MUNICIPALITY DOES NOT INTEND TO ADOPT AN ORDINANCE OR

RESOLUTION IN ACCORDANCE WITH SUBSECTION (2)(a)(I) OR (2)(a)(II) OF THIS SECTION AND THAT THE MUNICIPAL PERMITTING AGENCY WILL CONTINUE TO UTILIZE THE MUNICIPALITY'S EXISTING PERMITTING REVIEW PROCESS FOR EV CHARGER PERMIT APPLICATIONS.

(b) ON OR BEFORE MARCH 1, 2026, A MUNICIPALITY THAT IS SUBJECT TO THE REQUIREMENTS OF SUBSECTION (2)(a) OF THIS SECTION SHALL SUBMIT A REPORT TO THE COLORADO ENERGY OFFICE DESCRIBING THE MUNICIPALITY'S COMPLIANCE WITH SUBSECTION (2)(a) OF THIS SECTION.

(c) ON OR BEFORE JANUARY 31, 2027, A MUNICIPALITY SUBJECT TO THE REQUIREMENTS OF SUBSECTION (2)(a) OF THIS SECTION SHALL SUBMIT A REPORT TO THE COLORADO ENERGY OFFICE REGARDING EACH APPLICATION FOR AN EV CHARGER PERMIT THAT WAS RECEIVED BY THE MUNICIPAL PERMITTING AGENCY BETWEEN DECEMBER 31, 2025, AND DECEMBER 1, 2026. THE REPORT MUST INCLUDE:

(I) THE FINAL DETERMINATION MADE BY THE MUNICIPAL PERMITTING AGENCY FOR EACH EV CHARGER PERMIT APPLICATION; AND

(II) FOR EACH EV CHARGER PERMIT APPLICATION SUBMITTED TO THE MUNICIPAL PERMITTING AGENCY, THE DURATION BETWEEN THE DATE THAT THE EV CHARGER PERMIT APPLICATION WAS DEEMED COMPLETE BY THE MUNICIPAL PERMITTING AGENCY AND THE DATE THAT THE MUNICIPAL PERMITTING AGENCY MADE A FINAL DETERMINATION ON THE EV CHARGER PERMIT APPLICATION.

(d) IF THE GOVERNING BODY OF A MUNICIPALITY ADOPTS THE EV CHARGER PERMITTING MODEL CODE PURSUANT TO SUBSECTION (2)(a)(I) OF THIS SECTION OR ADOPTS AN ORDINANCE OR RESOLUTION IN ACCORDANCE WITH SUBSECTION (2)(a)(III) OF THIS SECTION, THE REQUIREMENTS OF SUBSECTIONS (4) AND (5) OF THIS SECTION DO NOT APPLY TO THE MUNICIPALITY.

(3) (a) ON OR BEFORE MARCH 31, 2025, THE COLORADO ENERGY OFFICE SHALL PUBLISH AN EV CHARGER PERMITTING MODEL CODE THAT CONTAINS GUIDELINES FOR THE ADOPTION OF EV CHARGER PERMIT STANDARDS AND PERMITTING PROCESSES FOR MUNICIPALITIES.

(b) THE EV CHARGER PERMITTING MODEL CODE DEVELOPED BY THE

COLORADO ENERGY OFFICE PURSUANT TO SUBSECTION (3)(a) OF THIS SECTION MUST BE DEVELOPED IN CONSULTATION WITH MUNICIPALITIES, REPRESENTATIVES FROM DISPROPORTIONATELY IMPACTED COMMUNITIES, PUBLIC ELECTRIC UTILITIES, AND OTHER RELEVANT STAKEHOLDERS, AS DETERMINED BY THE COLORADO ENERGY OFFICE.

(c) THE EV CHARGER PERMITTING MODEL CODE DEVELOPED BY THE COLORADO ENERGY OFFICE IN ACCORDANCE WITH THIS SUBSECTION (3) SHALL ONLY APPLY TO A MUNICIPALITY'S LAND USE AND ZONING PERMITTING PROCESSES AND SHALL NOT CONTRAVENE:

(I) STATE ELECTRICAL PERMITTING REQUIREMENTS OR PROCEDURES;

(II) MUNICIPAL ELECTRICAL PERMITTING REQUIREMENTS OR PROCEDURES;

(III) STATE ELECTRICAL INSPECTION REQUIREMENTS;

(IV) MUNICIPAL ELECTRICAL INSPECTION REQUIREMENTS; OR

(V) NATIONAL ELECTRIC CODE REQUIREMENTS OR REGULATIONS RELATED TO ELECTRIC MOTOR VEHICLE CHARGING SYSTEMS.

(d) THE EV CHARGER PERMITTING MODEL CODE DEVELOPED BY THE COLORADO ENERGY OFFICE IN ACCORDANCE WITH THIS SUBSECTION (3) SHALL NOT CONTAIN REQUIRED TIMELINES THAT A MUNICIPAL PERMITTING AGENCY MUST COMPLY WITH FOR THE REVIEW, APPROVAL, OR DENIAL OF EV CHARGER PERMIT APPLICATIONS.

(4) (a) A MUNICIPAL PERMITTING AGENCY SHALL APPROVE, CONDITIONALLY APPROVE, OR DENY AN APPLICATION FOR AN EV CHARGER PERMIT USING THE MUNICIPALITY'S ADMINISTRATIVE REVIEW PROCESS TO DETERMINE IF THE PROPOSED ELECTRIC MOTOR VEHICLE CHARGING SYSTEM IS IN COMPLIANCE WITH THE MUNICIPALITY'S OBJECTIVE STANDARDS.

(b) A MUNICIPAL PERMITTING AGENCY SHALL NOT DENY OR PLACE CONDITIONS ON AN EV CHARGER PERMIT APPLICATION UNLESS THE DENIAL OR CONDITIONS ARE FOR THE PURPOSE OF REASONABLY PROTECTING PUBLIC HEALTH OR SAFETY.

(c) IF A MUNICIPAL PERMITTING AGENCY DENIES AN APPLICATION FOR AN EV CHARGER PERMIT, THE MUNICIPAL PERMITTING AGENCY SHALL MAKE WRITTEN FINDINGS THAT THE PROPOSED ELECTRIC MOTOR VEHICLE CHARGING SYSTEM WOULD VIOLATE THE MUNICIPALITY'S OBJECTIVE STANDARDS OR WOULD NOT BE REASONABLY PROTECTIVE OF PUBLIC HEALTH OR SAFETY AND PROVIDE THOSE WRITTEN FINDINGS TO THE APPLICANT WITHIN THREE BUSINESS DAYS AFTER THE DATE THE MUNICIPAL PERMITTING AGENCY DENIES THE APPLICATION.

(d) AN APPLICANT FOR AN EV CHARGER PERMIT THAT IS DENIED A PERMIT OR HAS CONDITIONS PLACED ON THE APPROVAL OF AN EV CHARGER PERMIT BY A MUNICIPAL PERMITTING AGENCY MAY APPEAL THE MUNICIPAL PERMITTING AGENCY'S DECISION TO THE GOVERNING BODY OF THE MUNICIPALITY.

(e) THE REQUIREMENTS OF THIS SUBSECTION (4) DO NOT APPLY TO MUNICIPALITIES THAT ADOPT THE EV CHARGER PERMITTING MODEL CODE PURSUANT TO SUBSECTION (2)(a)(I) OF THIS SECTION OR ADOPT AN ORDINANCE OR RESOLUTION IN ACCORDANCE WITH SUBSECTION (2)(a)(III) OF THIS SECTION.

(5)(a) THE MUNICIPAL PERMITTING AGENCY MUST MAKE AVAILABLE TO PROSPECTIVE APPLICANTS FOR EV CHARGER PERMITS A CHECKLIST OF ALL REQUIREMENTS THAT MUST BE INCLUDED IN AN APPLICATION FOR AN EV CHARGER PERMIT.

(b) A MUNICIPAL PERMITTING AGENCY SHALL REVIEW AN APPLICATION FOR AN EV CHARGER PERMIT TO CONFIRM THAT THE APPLICATION SUFFICIENTLY MEETS THE REQUIREMENTS OF THE CHECKLIST DESCRIBED IN SUBSECTION (5)(a) OF THIS SECTION.

(c) A MUNICIPAL PERMITTING AGENCY SHALL CONSIDER AN APPLICATION FOR AN EV CHARGER PERMIT THAT SATISFIES THE REQUIREMENTS OF THE CHECKLIST DESCRIBED IN SUBSECTION (5)(a) OF THIS SECTION A COMPLETE APPLICATION.

(d) IF AN APPLICANT FOR AN EV CHARGER PERMIT SUBMITS AN APPLICATION THAT DOES NOT MEET ALL THE REQUIREMENTS OF THE CHECKLIST DESCRIBED IN SUBSECTION (5)(a) OF THIS SECTION, THE MUNICIPAL PERMITTING AGENCY SHALL, WITHIN THREE BUSINESS DAYS

AFTER THE DATE THE MUNICIPAL PERMITTING AGENCY DETERMINES THE APPLICATION IS NOT SUFFICIENT, SEND A WRITTEN NOTICE TO THE APPLICANT THAT DETAILS ALL OF THE DEFICIENCIES WITH THE APPLICATION AND ANY ADDITIONAL INFORMATION REQUIRED FOR THE APPLICATION TO BE CONSIDERED COMPLETE.

(e) THE REQUIREMENTS OF THIS SUBSECTION (5) DO NOT APPLY TO MUNICIPALITIES THAT ADOPT THE EV CHARGER PERMITTING MODEL CODE PURSUANT TO SUBSECTION (2)(a)(I) OF THIS SECTION OR ADOPT AN ORDINANCE OR RESOLUTION IN ACCORDANCE WITH SUBSECTION (2)(a)(III) OF THIS SECTION.

(6) (a) THE COLORADO ENERGY OFFICE SHALL PROVIDE TECHNICAL ASSISTANCE TO MUNICIPALITIES TO ASSIST A MUNICIPALITY IN COMPLYING WITH THE REQUIREMENTS OF THIS SECTION, INCLUDING PROVIDING:

(I) SUPPORT FOR THE DEVELOPMENT AND ADOPTION OF MUNICIPAL CODES; AND

(II) MATERIALS AND SUPPORT FOR TRAINING MUNICIPAL PERMITTING AGENCY STAFF WITH INTERPRETING AND APPLYING EV CHARGER PERMIT STANDARDS AND PROCESSES.

(b) THE COLORADO ENERGY OFFICE SHALL USE MONEY IN THE ELECTRIC VEHICLE GRANT FUND, CREATED IN SECTION 24-38.5-103, TO PROVIDE TECHNICAL ASSISTANCE TO MUNICIPALITIES IN ACCORDANCE WITH THIS SUBSECTION (6).

(c) THE COLORADO ENERGY OFFICE SHALL PRIORITIZE PROVIDING TECHNICAL ASSISTANCE TO COUNTIES THAT HAVE A SIGNIFICANT NUMBER OF DISPROPORTIONATELY IMPACTED COMMUNITIES.

(7) REGARDLESS OF THE ORDINANCE OR RESOLUTION ADOPTED BY THE GOVERNING BODY OF A MUNICIPALITY IN ACCORDANCE WITH SUBSECTION (2)(a) OF THIS SECTION, A MUNICIPAL PERMITTING AGENCY SHALL, WITHIN THREE BUSINESS DAYS AFTER THE DATE THE MUNICIPAL PERMITTING AGENCY MAKES THE DETERMINATION TO APPROVE, CONDITIONALLY APPROVE, OR DENY AN APPLICATION, SEND NOTICE TO AN APPLICANT FOR AN EV CHARGER PERMIT THAT STATES THE MUNICIPAL PERMITTING AGENCY'S DETERMINATION ON THE APPLICANT'S EV CHARGER

PERMIT APPLICATION.

**SECTION 4.** In Colorado Revised Statutes, 24-38.5-102, **amend** (1)(l) and (1)(m); and **add** (1)(n) and (1)(o) as follows:

**24-38.5-102. Colorado energy office - duties and powers - definitions.** (1) The Colorado energy office shall:

(l) Develop basic consumer education or guidance about leased solar installation and purchased solar installation in consultation with industries that offer these options to consumers; **and**

(m) In consultation with the appropriate industries, develop basic consumer education or guidance about purchased or, if available, leased installation of a system that uses geothermal energy for water heating or space heating or cooling in a single building or for space heating for more than one building through a pipeline network;

(n) DEVELOP AND PUBLISH AN EV CHARGER PERMITTING MODEL CODE THAT CONTAINS GUIDELINES FOR THE ADOPTION OF EV CHARGER PERMIT STANDARDS AND PERMITTING PROCESSES FOR COUNTIES AND MUNICIPALITIES IN ACCORDANCE WITH SECTIONS 30-28-213 (3) AND 31-23-316 (3); AND

(o) PROVIDE ASSISTANCE AND SUPPORT TO A BOARD OF COUNTY COMMISSIONERS OR THE GOVERNING BODY OF A MUNICIPALITY IN DEVELOPING ORDINANCES OR RESOLUTIONS FOR THE PERMITTING OF ELECTRIC MOTOR VEHICLE CHARGING SYSTEMS IN ACCORDANCE WITH SECTIONS 30-28-213 (6) AND 31-23-316 (6).

**SECTION 5.** In Colorado Revised Statutes, 24-38.5-103, **amend** (1)(a) as follows:

**24-38.5-103. Electric vehicle grant fund - creation - administration - legislative declaration.** (1)(a)(I) There is **hereby** created in the state treasury the electric vehicle grant fund, referred to in this section as the "fund". The Colorado energy office shall use the fund to:

(A) Provide grants to state agencies, public universities, public transit agencies, local governments, landlords of multifamily apartment

buildings, private nonprofit or for-profit corporations, and the unit owners' associations of common interest communities as defined in article 33.3 of title 38 to install charging stations for electric vehicles;

(B) ~~The Colorado energy office may also use the fund for COVER the administrative costs of providing these grants PURSUANT TO SUBSECTION (1)(a)(I)(A) OF THIS SECTION; AND~~

(C) PROVIDE ANALYSIS AND TECHNICAL SUPPORT RELATED TO THE DEVELOPMENT, PERMITTING, AND ENERGIZATION OF ELECTRIC VEHICLE CHARGING STATIONS, INCLUDING PROVIDING TECHNICAL ASSISTANCE TO COUNTIES AND MUNICIPALITIES IN ACCORDANCE WITH SECTIONS 30-28-213 (6) AND 31-23-316 (6).

(II) The Colorado energy office shall prioritize ~~these~~ grants PROVIDED PURSUANT TO SUBSECTION (1)(a)(I) OF THIS SECTION based upon:

(I) ~~Repealed:~~

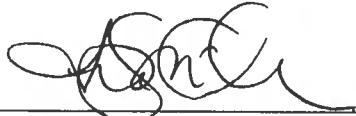
(II) (A) The extent to which the proposed recipients' charging locations are likely to effectively serve existing electric vehicles or encourage the acquisition of additional electric vehicles;

(III) (B) The extent to which one or more charging stations would not be installed but for the financial assistance provided by a grant from the fund; and

(IV) (C) Any other criteria defined by the Colorado energy office.

**SECTION 6. Act subject to petition - effective date.** This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly; except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in

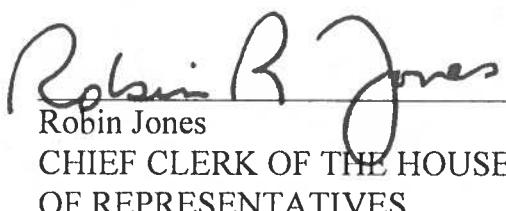
November 2024 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.



Julie McCluskie  
SPEAKER OF THE HOUSE  
OF REPRESENTATIVES



Steve Fenberg  
PRESIDENT OF  
THE SENATE



Robin Jones  
CHIEF CLERK OF THE HOUSE  
OF REPRESENTATIVES



Cindi L. Markwell  
SECRETARY OF  
THE SENATE

APPROVED Tuesday May 21<sup>st</sup> 2024 at 11:25 pm  
(Date and Time)



Jared S. Polis  
GOVERNOR OF THE STATE OF COLORADO