

# **The Pinery Planned**

# **Development Guide**

# **11<sup>th</sup> Amendment**

Compilation of text of Amendments 11 and 15

As of July 2015

## **Pre-Preamble**

This document represents a compilation of all amendments for The Pinery Planned Development Guide specific to the area portioned off by the 11<sup>th</sup> amendment. (See map in Exhibit A for boarder of 11<sup>th</sup> amendment area). It has been placed in this format for clarity, ease of navigation and understanding.

There are three different versions of The Pinery Planned Development Guide. Each version pertains to a different land area of The Pinery PD. This guide (11<sup>th</sup> amendment) is controlling for the land area in the southwestern portion of the Pinery PD located west of Cherry Creek. This 11<sup>th</sup> amendment (2001) superseded a portion of the 5<sup>th</sup> amendment. This amendment is the final time (as of 2015) that a new guide was created that applied only to a certain portion of land in The Pinery PD, therefore superseding the previous guides that once applied to the designated area.

The map in Exhibit A is the most updated version of the map (11<sup>th</sup> amendment) for the area of the 11<sup>th</sup> amendment as of July 2015. This is the same map included in the original document.

An official version of the Development Guide, updated through the 11<sup>th</sup> amendment, is also in a PDF form. The text in this document is only a summary and may contain inaccurate information. It should not be relied upon and should be reviewed in conjunction with the PDF.

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## Article I- Preamble and Statement of Commitments

### A. Preamble

The Pinery PD Master Plan and Development Guide provides a comprehensive controlling document for the regulation of land within The Pinery PD Master Plan area, a planned community in the unincorporated area of Douglas County, State of Colorado. Douglas County approved the zoning for The Pinery PD Master Plan on July 26, 1972. At the time the zoning for The Pinery Planned Development was approved, there were no legal requirements for the developer to submit a Development Guide to Douglas County.

On May 11, 1984, Senior Corp. ("Senior") requested a minor adjustment to the eastern portion of The Pinery PD Master Plan; this adjustment was approved as a minor adjustment by the Douglas County Planning Director. At the request of the Douglas County Planning staff, a Development Guide for The Pinery PD Master Plan Adjustment (May 31, 1984) area was completed and recorded in 1985 (hereinafter 1985 Development Guide). Senior requested a Major Plan Amendment on December 19, 1986, for the entire Pinery PD Master Plan and a rezoning to include an additional four hundred and eighty (480) acres and forty and 2/10 (40.2) acres (Filing I 0) in The Pinery PD Master Plan. The Development Guide has been extended to all property within The Pinery PD Master Plan area, as amended by the Major Plan Amendment/Rezoning (April 7, 1987) (hereinafter "Pinery PD Plan"), and modifications to the Development Guide were suggested. On February 15, 1989, Senior submitted a Major Plan Amendment for the selected portions of The Pinery east of State Highway 83 and south of the old Pinery, approximately one thousand six hundred ninety five (1,695) acres. The 1989 plan amendment decreased the density on the east side from two thousand seven hundred thirty-six (2,736) units to nine hundred forty-one (941) units. For approximately one thousand one hundred (1,100) acres of the southeast portion of The Pinery, the density was reduced from two thousand two hundred forty-nine (2,249) units to four hundred fourteen (414) units, resulting in primarily two and one-half (2.5) acre lots. This low-density area is known as High Prairie Farms. Senior had one hundred thirty (130) units in a density reserve pool for this southeast area. These reserve units could be allocated to any Planning Area(s) on the east side by a Minor Plan Amendment. Concomitant with the reduced densities in the 1989 Plan Amendment, modifications were made in the infrastructure, such as parks, open space, roads and schools. The Development Guide, approved August 8, 1989, was controlling for all property as delineated on The Third Amendment to the Pinery PD Plan and, as the comprehensive Development Guide, superseded the 1985 and 1987 Development Guides. ·

In September of 1993, the Pinery Joint Venture (PJV) purchased approximately 2,993 acres from Senior Corp. - 1,742 acres west of State Highway 83, and 1,251 acres east of State Highway 83. This purchase did not include the approximate 470 acres west of Highway #83 known as the Pinery Northwest. This 470 acres remains under the control of the Pinery Third Amendment Development Guide. In October of 1993, PJV sold 137 acres in the Filing 1-A plat on the east

side, which also remains controlled by the Third Amendment Development Guide. The Fourth Amendment to the Pinery PD Plan was a minor amendment approved by the Planning Director on August 25, 1994, to transfer 22 units from west of Highway 83 to east, leaving a total of 3,483 units on the west. The Fifth Amendment, originally submitted in 1994 with 1,114 acres, was subsequently revised in 1995 to 960 acres allowing 771 units. Concomitant with the increased density in this 1995 Plan Amendment, modifications are made in the infrastructure such as open space, roads, sanitary sewer, and possibly schools. This Development Guide, approved October 11, 1995, is controlling for all property as affected by the Pinery Fifth Amendment and the approximate 1742 acres west of Highway #83 known as the Pinery Southwest, and supersedes the 1989 Development Guide for these areas.

This Eleventh Amendment to the Pinery Development Guide shall control that portion of the property located west of Cherry Creek and supersedes portions of The Pinery Development Guide Fifth Amendment for areas governed by this amendment.

## **B. Statement of Commitments**

Douglas County approved zoning for The Pinery Planned Development, pursuant to a request to Terracor, on July 26, 1972. Terracor filed for bankruptcy and pursuant to the bankruptcy plan (Order of November 29, 1982 Confirming the Second Amended Consolidated Chapter 11 Plan of the Debtor (Terracor) of November 4, 1982), and the Douglas County Agreement (October 4, 1982), funds aggregating \$657,000.00 were provided to Douglas County to complete roadway and drainage improvements.

During the review of the 1984 Pinery PO Master Plan Adjustment, concerns were raised about impacts of The Pinery development on regional and local infrastructure and facilities. Senior committed to requested mitigations in the 1985 Development Guide. In December of 1986, Senior requested a Major Plan Amendment to transfer density from portions of The Pinery east of State Highway 83 to portions of The Pinery west of State Highway 83. This reduced the overall density on the Pinery east of State Highway 83 from three and 14/100 (3.14) to one and 65/100 (1.65) dwelling units per acre. Senior requested that an additional four hundred eighty (480) acres west of State Highway 83 and forty and 2/10 (40.2) acres east of State Highway 83 (later dedicated to Douglas County for Open Space purposes) be included in the planned development, but with no additional units added to the total units approved in 1972. With the transfer of density and rezoning, the overall density of the Pinery west of State highway 83 is one and 58/100 (1.58) dwelling units per acre. Local residents, the Douglas County School District, the Douglas County Parks and Open Space Department, the Douglas County Engineer, the Douglas County Planning Staff and Douglas County Commissioners raised concerns about the impacts of The Pinery development on the regional and local infrastructure, services and facilities. In response to their concerns about major roadways, such as Chambers Road Extended, North Pinery Parkway Extended, Parker Frontage Road, State Highway 83, North and South Pinery Parkway and Villages of Castle Rock Road; schools; local and regional parks; and mass transportation, etc., Senior, its successors and assigns, committed to provide mitigations, which were recognized to mitigate impacts associated with The Pinery PD Plan area.

Subsequent to the 1993 purchase by Pinery Joint Venture, and as a part of the 1995 Major Plan Amendment and Development Guide revision, those mitigations were reviewed to determine which had been accomplished by Senior as of the 1993 purchase date, and which remain to be accomplished by PJV. PJV sold its interest in the area in 1997 to Community Development Group of the Pinery, LLC and Community Development Group 450, LLC (collectively known as CDG). Subsequently CDG sold its interest in the area east of Cherry Creek and west of State Highway 83 to Continental Homes. CDG hereby commits to provide the following mitigations for the remaining area west of Cherry Creek, which are recognized to mitigate impacts remaining from the previous Development Guide, and include also mitigations as required in the BOCC approval of the Fifth Amendment and Development Guide and subsequent amendments:

1. State Highway 83 Intersections - State Highway 83 intersection improvements for South Pinery Parkway, Bayou Gulch Road (west side of State Highway 83), will be paid for by CDG, as approved in the First Amendment To That Certain Agreement Dated July 28, 1997 Between Pinery West, LLC And The Board of County Commissioners Of The County Of Douglas, dated December 28, 1999.
2. State Highway 83 Commercial Intersection- Intentionally Deleted.
3. Chambers Road Right-of-Way- Prior to recordation of the first final plat for the property within the Eleventh Amended PD Plan and Development Guide, CDG shall, upon request of the Douglas County Commissioners, convey by Special Warranty Deed with a title policy warranting title to Douglas County, that property owned by CDG which is necessary for a right-of-way, not to exceed one hundred twenty (120) feet total as stated in the First Amendment To That Certain Agreement Dated July 28, 1997 Between Pinery West, LLC And The Board Of County Commissioners Of The County Of Douglas, for the proposed Chambers Road extension, as extended from State Highway 83 through CDG property and as illustrated on the Eleventh Amended Pinery West PD Plan. CDG will dedicate, as appropriate, portions of the right-of-way for Chambers Road with final plats or deeds.
4. Chambers Road - Construction/Design- Prior to and/or concurrent with the development of the Eleventh Amended Pinery West PD Plan west of Cherry Creek, CDG commits to design, fund and construct-that portion of Chambers Road (two (2) lanes of an ultimate four (4) lane arterial roadway section within a 120' right-of-way) within the PD Plan from its current terminus in the Pinery SW Filing No. 1A to the intersection with the proposed Rural Collector adjacent to the southeast corner of Planning Area 12. CDG commits to design, fund and construct the Rural Collector road from its intersection with the proposed Chambers Road to its connection with the existing Crowfoot Valley Road. Additionally, CDG commits to dedication of the proposed 120' right-of-way for the future Chambers Road extension from its proposed terminus at the Chambers Road/Rural Collector intersection to the northern limits of the site. CDG further commits to construct the Chambers Road/Cherry Creek bridge of two (2) 12-foot drive lanes with a 3-foot paved shoulder on each side of the road plus a

minimum 4-foot sidewalk on one side as defined in the Eighth Amendment to the Pinery Development Guide and further detailed in the First Amendment To That Certain Agreement Dated July 28, 1997 Between Pinery West, LLC And The Board Of County Commissioners Of The County Of Douglas.

5. Villages of Castle Rock Road {Crowfoot Valley Road}- CDG has conveyed to Douglas County by Special Warranty Deed, sufficient right-of-way, across the lands owned by CDG for the widening of Crowfoot Valley Road.
6. Access Points - All access points, road locations and Planning Area boundaries on the PD Plan are conceptual in nature and may be altered, with County approval, as Minor Plan Amendments at the time of platting, site plan approval, Development Guide amendment, and/or roadway design approval.
7. Access to the Szymanski Subdivision- Intentionally Deleted.
8. Phasing- West Side- CDG agrees to submit to Douglas County a phasing plan for the unplatted PD Plan area west of Cherry Creek, with the first residential plat submitted for the property west of Cherry Creek. Such phasing plan shall be supported by a traffic study which addresses the impact of the continued development of the PD Plan area west of Cherry Creek on the area roads. The acceptance of the phasing plan by the Douglas County Commissioners will be based on adequate regional roadway infrastructure.
9. Plat Fees- Each subdivision developer or builder, as appropriate, upon approval and recordation of their respective final subdivision plats within The Pinery PD Plan Area, shall pay \$200.00 per platted dwelling unit to Douglas County, an estimated total payment of \$165,000.00 (i.e. \$200.00 x 825), to be used at the discretion of Douglas County to mitigate for local and regional impacts of The Pinery PD Plan.
10. Timing of Dedication - Rights-of-way for arterial streets, as generally noted on the Eleventh Amended PD Plan, shall be reserved for dedication to Douglas County. Final location and dedication of these properties to Douglas County shall occur upon request of the county or at final plat of these properties, whichever occurs first, and at no acquisition cost to the County, provided however that such conveyance shall not trigger or relieve, in and of itself, any construction of improvements by the developer. CDG shall provide Douglas County with easements in parks and open space areas, not dedicated to the County, necessary for maintenance of drainage facilities and appropriate utilities. CDG shall provide Douglas County with easements for public use of the regional trails, and Douglas County agrees to use monies including, but not limited to, impact fees from The Pinery PD Plan Development, to finance, construct and maintain regional trails as shown on the Eleventh Amended PD Plan.



11. Park-n-ride- Does Not Apply.
12. Regional Trails Plan- CDG has included Master Regional Trails on the Eleventh Amended PD Plan. Each final plat will indicate locations of private local trails if present, within the final plat and their connections with the regional trails.
13. School Sites - Transfer/Grading - The final configuration, as shown on the Eleventh Amended PD Plan, and transfer of a school site to the Douglas County School District will occur with the platting of adjacent residential developments. If the Douglas County School District requests transfer of the school site prior to platting of the adjacent residential area, the School District or the County shall be responsible for platting the school site or obtaining a subdivision exemption prior to CDG's transfer of the land to the School District. Areas of dedicated school sites with slopes in excess of six (6) percent will be overlot graded by CDG, its successors or assigns, at a time agreed upon with the Douglas County School District.
14. School Sites - Floodplain- As agreed upon with the School District, CDG will provide a ten (10) acre elementary school site in PA 19, which site will be located completely outside the designated one hundred (100) year floodplain.
15. School Financing Regulations- Upon adoption by the Douglas County Board of County Commissioners of a uniform and equitable regulation for financing the construction of County-wide schools, CDG, its successors or assigns, will agree to comply with such regulation.
16. Sidewalks - CDG will provide sidewalks as required by the Douglas County Roadway Standards in effect at the time of final platting, or as approved with variances at the time of each final plat. Additionally, CDG will construct pedestrian/bike trails as shown on the Eleventh Amended PD Plan and the Preliminary Plan.
17. Geologic Hazard Area- Intentionally Deleted.
18. Drainage/Creek Crossing Design- CDG commits that the designs for two lanes of the arterial crossing of Cherry Creek and major drainages will be submitted as part of the street plans concurrent with, or prior to, the first plat in the planned development to Douglas County for review and approval. Additionally, CDG commits to the right-of-way dedications for Chambers Road and the Rural Collector in accordance with item 4. above.
19. Drainage Plans - A Drainage Plan shall be provided at the time of submittal of a Preliminary Plan, for the entire basin affected by the plan under application. Such plans shall be consistent with the standards of Douglas County Storm Drainage Design and Technical Criteria.

20. Overlot Grading - Overlot grading will be carefully controlled to minimize impact to existing trees and significant vegetation. CDG will not overlot grade areas, prior to obtaining a grading permit, as required by Douglas County. Roads or bridges being constructed in accordance with approved County plans and permits, construction of county accepted drainage improvements and grading of school sites, at the request of the school district, shall not be considered as overlot grading; however, CDG shall concurrently submit copies of such improvement plans to the Douglas County Engineer for review and approval.

21. Water Conservation- Design of landscaped areas adjacent to and part of the roadways will include water conservation practices, such as plantings with low water demand, native vegetation and efficient irrigation practices. Water conservation will also be encouraged in other common landscaped areas.

22-44. Intentionally Deleted- In accordance with the Pinery P.D. 9th Amendment recorded July 29, 1997 under reception #9741134 with Douglas County Clerk and Recorder.

45. Landscape and Irrigated Areas - CDG will limit the irrigated/finished landscape areas for all lots within the plan, as agreed upon with the Pinery Water and Sanitation District, as follows:

<b>Lot Size</b>	<b>Maximum Irrigated Area</b>	<b>Maximum Turf Area</b>
<b>Less than ½ acre</b>	8,000 sf	6,000 sf
<b>½ acre to 1 acre</b>	9,000 sf	6,800 sf
<b>Greater than 1 acre</b>	10,000 sf	7,500 sf

## C. Ownership Certification

### C. Ownership Certification

COMMUNITY DEVELOPMENT GROUP OF THE PINERY WEST L.L.C., a Colorado limited liability company

COMMUNITY DEVELOPMENT GROUP PINERY 450 L.L.C., a Colorado limited liability company

By: *Lewis G. Holtsclaw*  
Lewis G. Holtsclaw  
Authorized Representative


State of Colorado    )  
                                  ) ss  
County of Arapahoe    )

The foregoing instrument was acknowledged before me this 24<sup>th</sup> day of April, 2001 by Lewis G. Holtsclaw as Authorized Representative of Community Development Group of the Pinery West L.L.C., a Colorado limited liability company and Community Development Group Pinery 450 L.L.C., a Colorado limited liability company.

Witness my hand and official seal.

My commission expires: 2/8/01

*Renee Toland*  
Notary Public




## D. County Certification

### D. County Certification

This rezoning request to the Planned Development has been reviewed and found to be complete and in accordance with the Motion #M-001-079, dated April 3, 2001, approving the Planned Development and all applicable Douglas County Regulations.

  
Chairman, Board of County Commissioners

5/9/01  
Date

  
Planning Director

5/24/01  
Date

## **E. Clerk and Recorder Certification**

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## Article II- General Provisions

### A. Application

Provisions of this Development Guide (Guide) shall apply to the portions of The Pinery west of Cherry Creek, as delineated on The Pinery Eleventh Amendment PD Plan attached hereto as Exhibit A and referred to hereinafter as the "PD Plan". The legal descriptions for all areas covered by this Guide are attached as Exhibit B. Please see these for any exceptions which may not be contained within the PD Plan.

This Development Guide shall not control the use of property or affect the rights of property owners within any portion of the Pinery platted prior to the year 2001, or any portion of the Pinery outside of the boundary illustrated on the attached PD Plan.

Provided, however, that this provision shall not limit, affect, or preclude in any way the ability of CDG to extend the provisions of this Development Guide to other land as provided for in the Douglas County Zoning Resolution.

1. Authority - This Development Guide is authorized by Section 15 - Planned Development District of the Douglas County Zoning Resolution adopted pursuant to the Colorado Planned Unit Development Act of 1972.
2. Applicability - The provisions of this Development Guide shall run with the land. The landowners, their successors, heirs, or assigns shall be bound by this Development Guide.
3. Adoption - The adoption of this Development Guide shall evidence the findings and decision of the Douglas County Board of Commissioners that this Development Guide for the Pinery West Eleventh Amendment to the PD Plan is in general conformity with the Douglas County Master Plan; is authorized by the provision of Section 15 of the Douglas County Zoning Resolution; and that such Section 15 and this Development Plan comply with the Colorado Planned Unit Development Act of 1972, as amended.
4. Relationship to County Regulations - The provisions of this Development Guide shall prevail and govern the development of The Pinery Eleventh Amended PD, provided, however, that where the provisions of this Development Guide do not specifically address a particular subject, the relevant provisions of the Douglas County Zoning Resolution, as amended, or any other applicable resolutions or regulations of Douglas County, shall be applicable.
5. Enforcement- To further the mutual interest of the residents, occupants, and owners of the Planned Development and of the public in the preservation of the integrity of the Guide, the provisions of this Guide relating to the use of the land and the location of common open space shall run in favor of Douglas County and shall be enforceable at law or in equity by the County without limitation on any power or regulation otherwise granted by law.

6. Conflict - Where there is more than one provision within the Development Guide that covers the same subject matter, the provision which is most restrictive or imposes higher standards or requirements shall govern unless determined otherwise by the Director of Planning and Community Development.
  
7. Maximum Level of Development - The total number of dwellings approved for development within the Planning Areas is the maximum development requested for platting or construction (plus approved density transfers, if any). The actual number of dwellings or level of development for commercial, business, or industrial properties may be less due to subdivision or site improvement plan requirements or other requirements of the Board of County Commissioners.
  
8. Project Tracking - At the time of subdivision final plat, the applicant shall provide a summary of the development, to date, along with the final plat submittal to the Planning Division, in order to assure maximum development limits are not exceeded.

## **Article III- Control Provisions**

### **A. Transfer of Density**

Eight hundred twenty-five (825) residential dwelling units shall be the maximum number of dwelling units within all residential land use categories as set forth in the 11<sup>th</sup> Amendment to the PD Plan for The Pinery, except as provided below. The total number of permitted dwelling units within one or more Planning Areas may be increased through a transfer of dwelling units from one or more other Residential Planning Areas, up to a maximum of twenty (20) percent for any one (1) particular Planning Area. The transfer of dwelling units shall be considered a minor amendment of the PD Guide and shall be processed as a minor amendment in accordance with the Douglas County Zoning Resolution, as amended. The resulting PD Plan Amendment shall be monitored at the Planning Department as provided for herein.

### **B. Planning Area Boundaries**

The Planning Area boundary is the boundary as shown in the PD Plan. Modifications in Planning Area boundaries and arterial and collector street modifications may be accomplished by the developer at the time of Preliminary Plan review, without any amendment to this Guide or to the Plan itself.

### **C. Road Alignments**

The PD Plan is intended to depict general locations of roads and Planning Areas. In granting Preliminary Plan approval, the Planning Department or Board of County Commissioners shall allow modifications for the purpose of establishing:

1. Final road alignments.
2. Final configuration of lot and tract sizes and shapes.
3. Final building envelopes.
4. Final access and parking location.
5. Landscaping adjustments and drainage improvements/layout.

### **D. Borrow Sites**

Any area within The Pinery West, except public school, park and open space land may be used by CDG and its assigns as a borrow or stockpile site for construction materials after obtaining Douglas County approval of the proposed Grading, Erosion, and Sedimentation Control Plan, and after a grading permit has been issued. However, land may be used for borrow or stockpile sites with prior authorization from Douglas County. If lands proposed for dedication (as shown on the PD Plan) are to be used for borrow or stockpile sites, prior authorization from Douglas County shall be obtained. No material from a borrow or stockpile site shall be used for commercial purposes outside The Pinery. Uses permitted for borrow or stockpile material within The Pinery shall include, but not be limited to, overlot fill, street subbase and base course, utility bedding, foundation backfill, floor subbase and landscaping. Use of borrow or stockpile sites shall comply with the erosion control standards of Douglas County. Once a borrow or stockpile site becomes permanently inactive, it shall be reclaimed in accordance with all applicable Douglas County



regulations, as amended, by the extractor or the landowner, including regrading and reseeding with appropriate native vegetation.

## Article IV- Definitions

The definitions shall be the same where applicable as those set forth in Article IV of The Pinery Development Guide Fifth Amendment.

### A. Word Usage

In the interpretation of this Guide, the provisions and rules of this section shall be observed and applied, in conjunction with the provisions of the Douglas County Zoning Resolution, as may be amended, except when the context requires otherwise:

1. Words used or defined in one tense or form shall include other tenses and derivative forms.
2. The masculine gender shall include the feminine and the feminine shall include the masculine.

### B. Definitions

1. Abutting- Having a common border with, or being separated from such common border by an alley or easement.
2. Adjacent - When used to indicate land in the immediate vicinity of a parcel or lot, means land which shares a boundary line with the parcel or lot in question.
3. Apartment House - A residential structure containing three (3) or more dwelling units for non-transient residency on a rental or lease basis.
4. Arterials. Major- Arterials which are defined as major in The Pinery include Jordan Road, North Pinery Parkway (west of SH83) and Crowfoot Valley Road.
5. Arterials. Minor - Arterials which are defined as minor in The Pinery include Village Road extended and the North Pinery Parkway (east of SH83).
6. Buffer - A unit of land which may be required between land uses to eliminate or minimize negative effects or conflicts between them. Buffers may include a combination of natural and/or man-made berming, natural and/or improved landscaping, entryway features, fences, walls and passive open space uses such as trails. Buffer areas shall be kept free of buildings, parking and storage areas. Such open space buffers shall be provided by the developer whose project establishes the land use situation requiring the open space buffer.

If a buffer was previously provided by an adjacent property, whether or not part of the parcel or project, such buffer shall not be required.

If the projects establishing open space buffer requirements are separated by a public street right-of-way or private street easement, only the standard street setback shall be required.

7. Building Line - A line on a lot, generally parallel to a lot line or road right-of-way line, located a sufficient distance therefrom to provide the minimum setbacks required by this Guide. The

building line delineates the area in which buildings are permitted subject to all applicable provisions of this Guide.

8. Building - Principal or Main - A building or buildings which may contain more than one (1) dwelling unit, in which is conducted one or more of the principal permitted uses of the lot or project in which it is situated and including areas such as garages, carports and storage sheds, which are attached to or architecturally integrated with the principal building.
9. Building Setback - The distance between the building line and the adjacent street right-of-way property line, private street easement line or external parcel boundary. In the case of attached dwellings, building setbacks shall apply only to the outermost extremities of the total building. (See definition of Setback.)
10. Caretaker Residence - A dwelling unit accessory to any building arranged, designed and intended for occupancy by a person or persons owning, employed in or dealing with, and responsible for security and maintenance of such building or the uses permitted therein.
11. Child Care Center/Nursery School/Day Care Centers – A facility by whatever name known, which is maintained for the whole or part of a day on a regular basis for the care of cumulatively six (6) or more children under the age of sixteen (16) years and not related to the owner, operator or manager thereof on a full-time basis plus two (2) children on a part-time basis. Full-time shall be seven (7) hours or more whether such facility is operated with or without stated educational purposes. The term shall include facilities commonly known as "day care centers", "day nurseries", "nursery schools", "kindergartens", "preschools", "play groups", "play schools", "day camps", "summer camps" and "day centers" for children.
12. Club - The association of individuals joining together for social interaction or some other common objective. It is an association with limited membership controlled by its members into which admission cannot be obtained by any person at his pleasure, or in which property is actually owned or secured in common or held for the benefit of the members.
13. Commercial Retail -A commercial use characterized by the selling of tangible goods, wares and merchandise directly to the consumer and not typically for resale including, but not limited to, such uses as drug stores, department stores, discount stores, banks and financial institutions, groceries and automobile service stations, including gas pumps.
14. Commercial Service -A commercial use characterized by the selling of services and intangibles directly to the consumer including, but not limited to, motels, hotels, restaurants and similar uses.
15. Community Use - A use or facility which provides for recreational, educational, cultural or entertainment needs of the development within which the land area is located, for the benefit of the user of that development, or in the case of a public use or facility, for the benefit of the larger community.
16. Conventional Residential Development- A form of development consisting of lots and buildings wherein each lot fronts on a street; buildings conform to traditional front, side and

rear yard requirements; and commonly owned and special use areas, if any, are secondary and supplementary to the development design.

17. Corral, Private- An accessory structure to a residence for the keeping of riding animals residing on the premises or in the development for use by the residents and their guests and not for the purpose of profit.
18. Density, Gross -A ratio of number of dwelling units per acre calculated by dividing the number of dwelling units within the boundary of one or more Residential Planning Areas or portion thereof by the number of acres contained within the Planning Area(s) or portion thereof, including all land within said Planning Area(s) or portion thereof reserved or dedicated for open space, recreation, educational, community and public use, including public street rights-of-way and private street easements.
19. Development- Any man made change to improved or unimproved real estate including, but not limited to, buildings, structures, mining, dredging, filling, grading, paving, excavation or drilling operations.
20. Douglas County Sign Regulations - The Sign Regulations adopted by Douglas County as part of the Douglas County Zoning Resolution on November 15, 1982 and the amendments thereto adopted February 2, 1987, codified as Part II, Section 19 of the Douglas County Zoning Resolutions.
21. Dwelling - A building used primarily for residential occupancy, but excluding therefrom mobile homes, hotels, motels, tents, seasonal vacation cabins and other buildings designed or used primarily for temporary occupancy.
22. Dwelling Unit, Atrium - An alternative type of single family detached or attached dwelling unit in which tile private individual open space associated with each dwelling unit is consolidated into a private yard surrounded by building or walls forming an atrium. This atrium replaces the conventional front, side and rear yards associated with traditional single family detached dwelling units.
23. Dwelling Unit, Clustered Single Family- A type of single family detached or attached dwelling unit development which combines reduced lot size with compensation amounts of open space within the proposed development.
24. Dwelling Unit, Multi-family -A type of dwelling unit designated for and occupied by more than four (4) families each in spate areas within one (1) structure.
25. Dwelling Unit, Patio - An alternative type of single family detached or attached dwelling unit in which the private individual open space associated with each dwelling unit is consolidated into a garden or patio area commonly located toward the side or rear of the lot. This patio area replaces the conventional front side and rear yards associated with traditional single family detached dwelling units.
26. Dwelling Unit, Single Family - A dwelling unit type which includes both single family detached or attached dwelling units.

27. Dwelling Unit, Single Family Attached- A type of dwelling unit designated for and occupied by not more than four (4) families each in separate areas within one (1) structure.
28. Dwelling Unit, Single Family Detached- A type of dwelling unit designated for and occupied by not more than one (1) family and having no roof, wall or floor in common with any other dwelling unit.
29. Dwelling Unit, Townhome- A type of single-family attached or multi-family dwelling unit in which each single unit goes from ground to roof and is separated from other townhome dwelling units by a common wall. Each townhome dwelling unit has individual outside access. Although townhome dwelling units have no side yards, front and rear yards can exist.
30. Equestrian Training Facilities, Private - An accessory use to a residence consisting of an outdoor area used by horses for training or exercise purposes including, but not limited to, riding rings, jumps and paddocks.
31. Dwelling Unit, Zero (0) Lot Line- An alternative type of single family detached dwelling unit which is situated on a lot so that one or more sides rest directly on the boundary line of the lot.
32. Exterior Storage- Outdoor storage of fuel, raw materials, products and equipment. In the case of lumber yards, exterior storage includes all impervious materials stored outdoors.
33. Family - A group of persons living together as a single housekeeping unit who are related by blood, marriage or adoption or an unrelated group of not more than three (3) persons living together as a single housekeeping unit and who share the use of common facilities.
34. Fence - An enclosing structure other than part of a building of sufficient strength and dimension to prevent straying from within or intrusion from without.
35. Gasoline Service Stations - A building or premise in or on which principal use is the retail sale of gasoline, oil or other fuel for motor vehicles and which may include, as an incidental use only, facilities used for polishings, greasing, washing or otherwise cleaning or light servicing of motor vehicles but may not include liquefied petroleum gas distribution facilities, facilities for major repairs, wrecker services or rental operations.
36. Group Care Facilities - A facility where three (3) or more persons are provided supervision and a planned treatment of counseling, therapy or other rehabilitative social services in a family environment. Such residence must be licensed by or operated by a federal, state, county or local/judicial/health/welfare agency or serve only referrals from such agencies as group care facilities, group foster care, children's homes, halfway houses, rehabilitative centers, maternity or senior citizen homes.
37. Household Pets- Any species of animal completely kept as a pet, as a custom in the community, within households, not of a type commonly raised as livestock on a farm, and the keeping of which is not prohibited by county ordinance.

38. Loading or Unloading Space -An off-street space or berth on the same site with a building or contiguous to a group of buildings for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials.
39. Lot - A lot is a portion of a subdivision intended as a unit for transfer of property ownership or for development and designated as a lot on a recorded plat or, in the absence thereof, on a plat on file in the office of the Douglas County Assessor.
40. Lot Area, Minimum - The total area within the property lines of the lot, excluding adjacent rights-of-ways.
41. Lot Boundary- Any line separating a lot from a street, alley, another lot or any other land not part of the lot.
42. Lot, Corner Lot -A lot situated at the junction of two (2) or more intersecting streets.
43. Lot Line, Front - The property line dividing a lot from a street or highway and there shall be only one (1) front lot line.
44. Lot Line, Rear- The line opposite the front lot line.
45. Lot Line, Side- Any lot lines other than front lot lines or rear lot lines.
46. Open Space - Public or private land and aquatic areas which are required, regulated or managed to protect the natural environment and significant cultural resources, provide recreation opportunities, shape the pattern of development or any combination thereof, including but not limited to natural and landscaped common areas, drainage ways and elements with a limited number of buildings and accessory uses compatible with the intended use.
47. Open Space Common- The total area and structures which are designed, designated and maintained for common use and enjoyment by the owners of the project(s) and their tenants, employees, etc., such as recreation areas and facilities, private yards, landscaped areas, open space areas, drainage areas and natural areas .
48. Parcel- The area within the boundary lines of a development.
49. Park-n-Ride Facilities - A type of public transit facility which allows for the parking of vehicles and bus shelters, storage and repair facilities excluded.
50. Planning Area (PA) - Land use parcels identified by a circled number on the recorded PD Plan.
51. Planning Zone - Land Use classification, identified by a circled letter on the recorded PD Plan, to which the developer commits a minimum acreage; the specific location of which will be determined during final plat of adjacent parcels.

52. Principal Use - The specific primary purpose or activity for which land or any building thereon is designed, arranged or intended, or for which it is occupied or maintained.
53. Project - One (1) or more lots planned, designed and developed as a unified entity, such as a condominium development, single family development, patio home or cluster development, commercial or office development. A project can include a Planning Area or portion thereof.
54. Property Owner's Association- An association of property owners within a project(s) created to govern the area with powers including, but not limited to: the setting and collection of expenses assessments from the members of the association, the control and maintenance of common areas and the enforcement of protective covenants.
55. Public Use/Building- Uses which are owned by and operated for the public by a school district, special district, city, county, state or federal government.
56. Public Utility - Every firm, partnership, association, cooperative, company, cooperation and governmental agency which is engaged in providing bus, electric, rural electric, telephone, telegraph, communications, gas, water, sewerage, television or street transportation services.
57. Quasi-Public Use- Uses operated by recognized religious, philanthropic or educational institutions on a non-profit basis on which goods, merchandise and services are not provided for sale on the premises.
58. Recreational Facilities - The following classes of recreational facilities have these meanings:
- a. Public recreational facilities means public parks, swimming pools, golf courses and other such facilities owned or operated by or under the direction of a government agency, special or metropolitan district, or a nonprofit corporation which is considered public.
  - b. Private recreational facilities includes golf courses, tennis courts, swimming pools, country clubs or recreational facilities for fraternal organizations, all of which are owned and operated by either nonprofit organizations with a limited membership or by private persons who own the facilities and are the users of them.
  - c. Commercial recreational facilities include bowling alleys, health spas( swimming pools, tennis courts, miniature golf facilities, and the like, operated on a commercial basis for use by the paying public, excluding amusement parks.
59. Residential Land Use Category - Major residential land use designations as indicated on the Fourth Major Plan Amendment (1994) and any amendments thereto. Residential land use categories include estate, single family, multifamily "A", multi-family "B" and multi-family "C".
60. Restaurant/Fast Food - An establishment whose principal business is the sale of goods and/or beverages which are readily available: (1) within the restaurant building, (2) within a motor vehicle parked on the premises, or (3) off the premises as carry out orders and whose

principal method of operation includes the following characteristics: food and/or beverages are usually served in inedible containers or in paper, plastic or other disposable containers.

61. Riding, Hiking and Biking Trails -A trail or passageway arranged, designed and intended for use by equestrians, pedestrians or cyclists using non-motorized bicycles.
62. Right-of-Way or Passageway - An area or strip of land, either publicly or privately owned, over which a right-of-passage has been recorded for use by vehicles, equestrians or pedestrians.
63. School - Elementary, junior and senior high schools as well as any public, parochial or private school for any grades between kindergarten and twelfth that is either accredited by the Colorado Department of Education or recognized by the Department of Education or compulsory education.

This includes buildings used specifically for teaching or teaching related activities, such as administration, but not including ancillary school facilities such as maintenance areas, bus parking, storage yards or similar structures or areas.

64. Service Industries -A use characterized by the selling of services, as opposed to the manufacture of products, such as repairing services, printing facilities, recording studios and recreational vehicle storage and warehousing.
65. Setback- The distance extending across the full width or depth of the lot between the designated lot line and the nearest line or point of the building and parking lots where specified herein.
66. Shopping Center- A group of retail and service establishments located in a complex which is planned, developed, owned or managed as a unit, with off-street parking provided on the property.
67. SH83- State Highway 83
68. Sign- A sign is any object or device situated outdoors which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business; product, service, event or location by any means including, words, letters, figures, designs, symbols, fixtures, colors, motion, illumination or projected images.

Signs do not include the following:

- a. Flags of nations or an organization of nations, states and cities, fraternal, religious and civic organizations.
- b. Merchandise, pictures or models of products or services incorporated in a window display.
- c. Time and temperature devices not related to a product.



- d. National, state, religious, fraternal, professional and civic symbols or crests.
  - e. Works of art which in no way identify a product.
  - f. Scoreboards located on athletic fields.
69. Sign, Area Measurement - The area of a sign shall be measured in conformance with the regulations as herein set forth provided that the structure containing the sign, including stone monuments, wood structures, the backing or bracing of a sign shall be omitted from measurement. Decorative landscape elements including fences, walls and monuments which are integrated with the sign design shall not be included to determine sign area. Where there are not more than two (2) faces and where the faces are back-to-back, parallel or at less than a ninety (90) degree angle, the total area of all sign faces shall determine the area of the sign.
70. Sign, Consolidated - A sign which serves as common or collective identification for two (2) or more uses on the same sign.
71. Sign, Development -A temporary sign used by a builder or developer to announce or advertise property for sale, rent or lease.
72. Sign, Development Center Identification - A sign which identifies a group of businesses and/or offices which form a development, business/office park or shopping center.
73. Sign, Directional -A sign for the purpose of directing the public to a real estate development (existing or under construction), a community service use (such as, schools, parks, golf courses, equestrian centers or open spaces) , a building or a facility within the PD Plan area.
74. Sign, Entryway- A sign and/or monument which identifies the development through use of a sign which contains a name and/or logo.
75. Sign Face - The surface of a sign upon, against or through which the message is displayed or illustrated. Sign face shall exclude elements considered to be structural or landscaping, such as fences, walls, stone monuments and the like.
76. Sign, Identification - means and includes the following:
- a. A name plate which establishes the identity of an occupant by listing his name and business or professional title.
  - b. A sign which establishes the identity of a building or building complex by name or symbol only.
  - c. A sign which indicates street address or combines name plate and street address.
  - d. A sign which identifies a use or facility such as a park, golf course, school or community center.

- e. A commemorative sign, such as a cornerstone, memorial or plaque, when such is cut into a masonry surface or constructed of bronze or other incombustible material and is made an integral part of the structure.

As used herein the term "identification sign" shall not be construed to include a sign advertising a commodity service offered on the premises, other than to indicate only the business name.

- 77. Sign, Political- A sign, banner, picture or other device either temporary or permanent in nature, which is intended to urge the voting public for support of a candidate, political party or political philosophy in any national, state, city or local governmental subdivision election or any combination thereof.
- 78. Sign Structure- Any supports, uprights, braces or framework of a sign. Supports are further defined to be that portion of the supporting member or members extending from the ground level to the lowest point of the sign.
- 79. Sign, Temporary - A sign, banner or other advertising device or display constructed of cloth, canvas, cardboard, wallboard, plywood or other light temporary material, with or without structural frame, intended for temporary display including, but not limited to, the following purposes, decorative displays for holidays, announcing a special event or promoting a political campaign or special election. Time limitations for the use of a temporary sign are contained in Article VI, Section B.
- 80. Sign, Time/Temperature/Date - A sign which displays the current time, outdoor temperature and/or date of the month.
- 81. Solar Collector- Any of a variety of devices (e.g., flat plate concentrating, vacuum tube, greenhouse) used to collect solar energy and convert it to any other form of energy. Solar collectors are installed on roofs, walls or detached from a principal structure.
- 82. Special Use (Uses Permitted by Special Review) -A use allowed in the indicated district only by permit issued by the Board of County Commissioners. Permission may be granted, granted with conditions or denied in accordance with the provisions of this Guide and the applicable provisions of the Douglas County Zoning Resolution, and as hereafter amended.
- 83. Stable, Private - A building or portion thereof and accessory structures used to shelter and feed horses, which are used exclusively by the owners or occupants of the property upon which the stable is situated and their guests. No fee shall be charged for any service connected therewith.
- 84. Story- The part of a building between the surface of a floor and the ceiling immediately above.
- 85. Street Frontage - A lineal frontage or frontages of a lot or parcel abutting on a private or public street which provides principal access to or visibility of the premises.

86. Street, Private - A privately owned access way generally not constructed to County specifications and not maintained by the County.
87. Street, Public- A dedicated right-of-way constructed to County specifications for a stated design classification. It includes engineered drainage, based on the one hundred (100) year storm frequency, and all traffic control devices necessary for the safe movement of traffic. It is maintained by the County Department of Highways.
88. Width of Lot - The distance parallel to the front lot line, measured between side lot lines through the part of the building or structure where the lot is narrowest.

## Article V- Land Use Regulations

### A. Residential Planning Areas- General

1. Intent - To provide for residential development and associated uses.
2. Uses Permitted by Right- Unless specifically stated elsewhere in this Article, the following uses are permitted by right in all Residential Planning Areas:
  - a. Single family detached dwelling units. No more than one unit will be allowed per platted lot.
  - b. Attached or detached private garages, provided they conform to the architectural character and colors of the primary residence.
  - c. Commonly associated accessory uses incidental to the principal use or building and located on the same site as the principal use or building including, but not limited to, "Ancillary Units", storage sheds, which conform to the architectural character and colors of the primary residence, home occupations, private tennis courts and private swimming pools.
  - d. Household pets. (Number limited per Douglas County regulations, as amended.)
  - e. Private and/or common open space. Open space development standards shall apply, Article V, Section I.
  - f. Private recreational uses, country clubs, golf courses, and associated buildings (i.e. maintenance building, cart storage building, restrooms, etc.), common recreational facilities including, but not limited to: tennis courts, swimming pools, and jogging, riding, hiking and biking trails. The Planning Department may require some level of site plan review for uses in this paragraph. Parks development standards shall apply, Article V, Section I.
  - g. Parks, playgrounds and other recreational areas. Parks standards shall apply, Article V, Section I.
  - h. Building and roof colors will have low light reflectivity values and earthtone colors that blend in with the natural landscape.
  - i. Trees and shrubs that extend the natural character of the Pinery to the west of Cherry Creek will be utilized to compliment the surrounding landscape.

- j. Buildings and homes will be designed in a manner that minimizes the visual impact and preserves the integrity of the bluffs. Buildings and homes will be designed with a horizontal form and a low roof pitch, not to exceed 8:12.
  - k. Gate-guarded parcels within privately maintained right-of-way areas.
  - l. Any other uses consistent with the purposes of this section and compatible with the uses set forth herein may be allowed at the discretion of the Planning Director. Other uses not itemized or not reasonably similar to those listed shall not be allowed unless and until the use is approved by the County according to the procedures for "Uses Not Itemized" contained within the Douglas County Zoning Resolution, and as hereafter amended.
3. Uses Permitted by Special Review- Unless specifically stated otherwise elsewhere in this Article the following uses are permitted by special review, in accordance with the Douglas County Zoning Resolution, as amended, in all Residential Planning areas:
- a. Churches, church schools and synagogues.
  - b. Nursery schools and day/child care centers, as defined by the Douglas County Zoning Resolution, as amended.
  - c. Group or assisted living care facilities.
  - d. Public and quasi-public buildings and structures, such as police stations, fire stations, libraries and emergency care facilities.
4. Additional Restrictions- For additional conditions which apply to specific locations within The Pinery, refer to Article V, Section E.
5. Development Standards - Unless specifically stated in this Article, the following standards apply to all Residential Planning Areas:
- a. Building Setback From Major Roads. Building setback from major county arterials or from State Highway 83 (Parker Road) shall be a minimum of forty (40) feet.
  - b. Conventional and Alternative Development Standards. In the following sections of this Article, a distinction is made between "Conventional" and "Alternative" Development Standards. Either of these forms of development, as defined for each Land Use Category, is permissible within a given Planning Area or portion thereof.

## B. Estate Residential Planning Area

(Planning Areas 2, 3, 8, 10, 11 and 18)

1. Intent - To provide for residential development for single family detached dwelling units and associated uses.
2. Uses Permitted by Right- See Article V, Section A.2. A temporary facility for the sales/marketing operations of the Estate Residential Planning Area lots will be allowed, should CDG or its assigns request. Additionally, an "Ancillary Unit" shall be allowed, within the setbacks for an "Accessory Building" as described in Article V.B.4.a. and shall not be greater than 1,000 square feet in size, must be located on the same lot as the principal dwelling unit and conform to the architectural character and colors of the primary dwelling unit.
3. Uses Permitted by Special Review- See Article V, Section A.3.
4. Conventional Development Standards (Applicable to all Estate Residential Planning Areas)
  - a. Building Setbacks. The minimum principal building or accessory building setback from any public street right-of-way, private street easement line or from any other property line shall be:

	<b>Dwelling Unit</b>	<b>Accessory Building</b>
<b>Building Front</b>	40 feet	50 feet
<b>Building Sides</b>	25 feet	20 feet
<b>Building Rear</b>	30 feet	25 feet
<b>Building Rear (if abutting the golf course)</b>	35 feet	35 feet

- b. Lot Area. The minimum lot area (net) shall be thirty thousand (30,000) square feet.
  - c. Building Height. No buildings or structures within the Estate Residential Planning Areas shall exceed thirty-five (35) feet in height as building heights are determined by Douglas County pursuant to the Uniform Building Code, as amended and adopted by Douglas County.
5. Alternative Development Standards- Does not apply

### C. Single Family Planning Area

Detached and Attached Single Family Dwelling Units (Planning Areas 1, 4, 5, 6, 7, 9, 12, 13, 14, 15, 16, & 17)

1. Intent - To provide for residential development for single family dwellings and associated uses.
2. Uses Permitted by Right- See Article V, Section A.2.
3. Uses Permitted by Special Review- To those uses permitted by special review in Article V, Section A.3, add the following:
  - a. Any other uses consistent with the purposes of this section and compatible with the uses set forth herein may be allowed at the discretion of the Planning Director. Other uses not itemized or not reasonably similar to those listed shall not be allowed unless and until the use is approved by the County according to the procedures for "Uses Not Itemized" contained within the Douglas County Zoning Resolution, as hereafter amended.
4. Conventional Development Standards
  - a. Building Setbacks: (Lots one (1) acre or larger)

The minimum principal building or accessory building setback from any public street right-of-way, private street easement, or from any other property line shall be:

	<b>Dwelling Unit</b>	<b>Accessory Building</b>
<b>Building Front</b>	40 feet (du)	50 feet
<b>Building Sides</b>	25 feet	20 feet
<b>Building Rear</b>	30 feet	20 feet
<b>Building Rear (if abutting the golf course)</b>	35 feet	35 feet

- b. Building Setback. (Lots smaller than one (1) acre)

The minimum principal setback for each single family detached dwelling unit or accessory building from any public street right-of-way, private street easement, or from any other property line shall be:

	<b>Dwelling Unit</b>	<b>Accessory Building</b>
<b>Building Front</b>	30 feet (du)	40 feet
<b>Building Sides</b>	10 feet	10 feet
<b>Building Rear</b>	25 feet	20 feet
<b>Building Rear (if abutting the golf course)</b>	35 feet	35 feet
<b>Hwy. 83 &amp; arterials</b>	40 feet	

- c. Lot Area. The minimum lot area (net) shall be twelve thousand (12,000) square feet.
  - d. Building Height. No buildings or structures within the Single Family Planning Areas shall exceed thirty-five (35) feet in height, as building heights are determined by Douglas County pursuant to the Uniform Building Code, as amended and adopted by Douglas County.
5. Alternative Development Standards- Does not apply.

#### **D. Multi-Family Planning Area**

- 1. Intent- To provide for residential development allowing for a variety of dwelling units including, but not limited to: townhomes, multi-family, single family detached or attached, zero (0) lot line, patio, atrium and clustered single family dwelling units.
- 2. Uses Permitted By Right
  - a. All uses permitted by right and special review as specified in the 11<sup>th</sup> Amendment to the P.D. Guide within the Single Family Planning Area(s) including single family detached dwelling units, clustered single family dwelling units, zero (0) lot line dwelling units, patio and atrium dwelling units and single family attached dwelling units. Single Family Planning Area Conventional Development Standards shall apply where appropriate, Article V, Section C.4.
  - b. Townhome dwelling units.
  - c. Multi-family dwelling units.
  - d. Patio or atrium dwelling units.
  - e. Clustered single family dwelling units.
  - f. Zero lot line dwelling units.



- g. Single family detached or attached dwelling units.
3. Uses Permitted by Special Review. All uses stated in Article V, Section A.3 are permitted.
4. Development Standards

- a. Density. The maximum number of units for the Multi-Family Planning Area shall be 44, based on an approval of 825 dwelling units for all the residential Planning Areas.
- b. Building Setbacks. The minimum principal or accessory building setback from any public street right-of-way, private street easement line, or from any other property line shall be:

<b>Building Front</b>	20 feet
<b>Building Sides</b>	7.5 feet (unless zero-lot line product is proposed, where a minimum of 10 foot side setback is required opposite the zero-lot line side)
<b>Building Rear</b>	20 feet
<b>Building, from Hwy. 83 &amp; arterials</b>	40 feet

- c. Building Height. No buildings or structures within the Multi-Family Planning Area shall exceed thirty-five (35) feet in height, as building heights are determined by Douglas County pursuant to the Uniform Building Code, as amended and adopted by Douglas County.
- d. Building Separation. Where multi-family dwelling units (excluding townhomes) are directly adjacent to (not separated by a street) single family dwelling units, commercial or business park uses; the minimum building separation shall be fifty (50) feet. However, landscape and parking areas may be located within this fifty (50) feet but no closer than thirty (30) feet to single family residential.
- e. Common Open Space. A minimum of twenty (20) percent of each Multi-Family Planning Area shall be provided as common open space to be owned and maintained by a Homeowners Association or a metropolitan district. This twenty (20) percent shall be landscaped in accordance with the Douglas County Site Improvement Plan Review Criteria, set forth in the Douglas County Zoning Resolution, as amended.
- f. Buffer Requirements. Unless previously provided, where multi-family dwelling units are located directly adjacent (not separated by a street) to single family dwelling units, commercial or business park uses, a twenty (20) foot wide landscaped buffer shall be

provided. Such landscape design shall be controlled by the Douglas County Site Improvement Plan Review Criteria, set forth in the Douglas County Zoning Resolution, as amended.

## **E. Additional Restrictions for Residential Development**

1. Intent- To define conditions and restrictions, established by the previous Development Guide, which apply to specific geographic locations within the Pinery.
2. Planning Areas West of Cherry Creek - For all portions of Planning Areas 11 and 18 exceeding twenty-five (25) percent slope, the following additional restrictions apply:
  - a. Site planning shall respect the relationship of the site to site topography, maintaining natural grade, drainage patterns, natural vegetation and ridgelines, wherever possible.
  - b. Building will not be allowed on slopes greater than twenty-five (25) percent.
  - c. Cut and fill shall be minimized, wherever possible.
  - d. Final Plats shall not be phased for individual Estate Residential Planning Areas on the west side but shall include the entire acreage of the Planning Area, at the time of submittal, so that each Planning Area may be reviewed as a whole.
  - e. No homes shall be sited on the crest of the bluffs.
  - f. When clustering is not utilized, building envelopes will be delineated at the time of platting, so that the building envelope will be located in areas of slope of less than twenty-five (25) percent. The residences and accessory buildings must then be located within the building envelopes.
3. Planning Areas East of State Highway 83- Does Not Apply.

## **F. Convenience Commercial Planning Area**

Does not apply

## **G. Commercial Planning Area**

Does not apply

## **H. Community Center Planning Area**

(2.0 acres site)

1. Intent - To provide for a full range of community support facilities.
2. Uses Permitted by Right
  - a. Private recreational and parks uses, clubs, common recreational facilities including, but not limited to: tennis courts, swimming pools, and jogging, hiking and biking trails, and club support facilities such as restaurants and pro shops. Parks Development Standards shall apply, Article V, Section I.
  - b. Parks, playgrounds and recreation areas and facilities. Parks Development Standards shall apply, Article V, Section I.
  - c. Private and/or common open space. Common Open Space Development Standards shall apply, Article V, Section I.
  - d. Land application of wastewater effluent approved through all appropriate governmental agencies, except for active recreation areas in designated parks.
  - e. Common associated accessory uses incidental to principal use or building and located on the same site as the principal use or building including, but not limited to storage sheds which conform to the architectural character and colors of the primary structure and similar uses.
  - f. Neighborhood public service, health and education facilities such as community centers, libraries and museums. Schools and administrative facilities for elementary education.
  - g. Nursery schools and day/child care centers.
  - h. Public and quasi-public buildings and structures including, but not limited to fire stations and emergency care facilities.
  - i. Any other uses consistent with the purposes of this section and compatible with the uses set forth herein may be allowed at the discretion of the Planning Director. Other uses not itemized or not reasonably similar to those listed shall not be allowed unless and until the use is approved by the County according to the procedures for "Uses Not Itemized" contained within the Douglas County Zoning Resolution, as hereafter amended.
3. Uses Permitted by Special Review
  - a. Land application of wastewater effluent, approved through all appropriate governmental agencies, within active recreation areas in designated parks.

4. Development Standards

- a. Building Setback: Street. The minimum building setback from any public street right-of-way line shall be:

Building Front	30 feet
Building Sides	30 feet
Building Rear	30 feet
Building, from Hwy. 83 & arterials	40 feet

- b. Building Height. No buildings or structures within the Community Center Planning Area shall exceed thirty-five (35) feet in height, as building heights are determined by Douglas County pursuant to the Uniform Building Code, as amended and adopted by Douglas County.
- c. Land Application. Land application of wastewater effluent shall be conducted according to the applicable requirements, standards and regulations adopted by the Sanitation District serving The Pinery, Douglas County and the State of Colorado
- d. Common Open Space. A minimum of fifteen (15) percent of the Community Center Planning Area shall be provided as landscaped open space, to be maintained by the property owners or a metropolitan district.

**I. Parks, Open Space, and Recreation Facilities Planning Areas**

- 1. Intent- To provide for public and private park and open space uses which complement residential development.
- 2. Delineation of Parks and Open Space
  - a. Configuration. Sites for park and open space use shall be located within The Pinery West in the general amounts and locations delineated on the Eleventh Amendment to the PD Plan (2001). Precise configuration of individual park sites shall be shown on final plats of adjacent residential developments. Such parks may occur within Planning Areas or Planning Zones.
  - b. Qualifications. All parks and open space areas shall conform to the following provisions:
    - i. Be intended for passive and/or active recreational uses.

- ii. Be left in its natural unaltered state, re-established to its natural state, or landscaped and maintained, creating an environment appropriate for recreation.
    - iii. Be accessible and usable to the residents when not inconsistent with public safety objectives.
  - c. Areas that qualify as open space include, but are not limited to:
    - i. Walkways, pedestrian paths, bicycle paths, open plazas and malls, concourses, terraces, natural drainage ways, open space buffers, playgrounds, improved rooftops and similar structures designed specifically for active and passive recreational uses and which are not designated to be used by motor vehicles, except for emergency and service purposes.
    - ii. Areas used for design purposes, such as planted or landscaped areas, flowerbeds and planters including landscape areas within parking lots, landscaped medians, and entry monumentation signage tracts.
    - iii. Aquatic areas, ponds and lakes.
    - iv. Stormwater detention or retention areas.
    - v. Areas specifically designated as parks, tot-lots or playgrounds.
    - vi. Buffer areas.
  - d. Exclusions. Open space areas do not include:
    - i. Unused or left over portions of property which are specifically used for storage or outdoor areas which have been developed for use as a storage area.
    - ii. Motor vehicle uses such as parking lots, open-air showrooms, roads or service areas at, above or below ground level. However, landscaping over underground parking and landscaped areas within parking lots will be included.

### 3. Uses Permitted by Right

- a. Parks, playgrounds and other recreational uses.

- b. Passive recreational uses.
  - c. Active recreation uses including, but not limited to, the following facilities: baseball diamonds, softball diamonds, golf courses (including land application of wastewater effluent on the golf course), community center, soccer fields, tennis courts, volleyball courts, basketball courts, swimming pools, play apparatus, picnic areas, recreation centers, and jogging, hiking or bicycling.
  - d. Land application of wastewater effluent, wastewater lift station facilities, water storage and pumping facilities, approved through all appropriate governmental agencies are permitted within parks and open space areas not designated for active recreation.
  - e. Common associated accessory uses incidental to principal use or building and located on the same site as the principal use or building, including maintenance buildings, cart storage buildings, golf course restrooms, storage sheds and similar uses.
  - f. Temporary facility for the sales/marketing operations of the Estate Residential Planning Area lots.
  - g. Any other uses consistent with the purposes of this section and reasonably similar to the uses set forth herein may be allowed at the discretion of the Planning Director. Other uses not itemized or not reasonably similar to those listed shall not be allowed unless and until the use is approved by the County according to the procedures for "Uses Not Itemized" contained within the Douglas County Zoning Resolution as hereafter amended.
4. Uses Permitted by Special Review
- a. Stadiums for athletic events.
  - b. Neighborhood public service, health and education facilities including, but not limited to, libraries, museums, community centers and performance centers.
  - c. Public and quasi-public buildings and structures including, but not limited to fire stations and emergency care facilities.
  - d. Land application of wastewater effluent approved through all appropriate governmental agencies within active recreation areas in designated parks.
5. Trails

- a. Regional Trails. The Pinery shall permit Douglas County to construct and maintain regional trails along Bayou Gulch, McMurdo Gulch and Cherry Creek, in accordance with the current (1989) County Regional Trail Master Plan, and as shown on the PD Plan. These trails shall be available for public use.
- b. Local Trails. All other trails, including those devoted to jogging, riding, hiking and/or bicycle use shall be local and shall be owned, operated and controlled by the metropolitan district or a Homeowners Association.

6. Title and Access to Park and Open Space Areas

- a. Title. A local park totaling at least twelve and one-half (12.5) acres will be conveyed to the homeowners association at the time of a final plat for all or a portion of Planning Area 14. The regional park depicted on the map for the Pinery Eleventh Amendment shall total at least one hundred fifty (150) acres. The land for this park shall be conveyed to Douglas County in parcels as final plats are recorded for adjacent Planning Areas 13, 14, 16 and 17. The parcels conveyed to Douglas County shall have marketable title.
- b. Access. Douglas County will be provided with easements within parks and open space areas in order to maintain drainage improvements and regional trails. All local and regional park sites shall be available for public use.

7. Development Standards

- a. Building Setback: Street. The minimum principal building or accessory building setback from any public street right-of-way, private street easement line, or from any other property line shall be:

Building Front	25 feet
Building Side	15 feet
Building Rear	25 feet

- b. The preceding setback requirements shall not be applicable to signs, walls and other landscape features within the landscape entryways. Sign setback requirements and corner vision requirements shall control, Article VI, Section B.
- c. Building Height. No buildings or structures shall exceed forty-five (45) feet in height, except for indoor tennis complexes and gymnasiums.
- d. Land Application. Land application of wastewater effluent shall be conducted according to the applicable requirements, standards and regulations adopted by the Sanitation District serving The Pinery, Douglas County and the State of Colorado.

## **J. Entryway Open Space Planning Zone**

(Planning Area Q)

Does Not Apply



## Article VI- Ancillary Use Standards

### A. Lighting

All lighting standards will be as required in Section 30 of the Douglas County Zoning Resolution, as amended, or as listed below, whichever is more restrictive.

1. All street, parking lot, security, and walkway lights shall be shielded and directed downward so that substantially all the directly-emitted light falls within the immediate area. However, entry monumentation/signage for the planning areas will allow either uplit directional lighting located in front of the sign or backlit lettering.
2. All parking lot lights, except those required for security as provided herein, must be extinguished within one hour after the end of business hours and remain extinguished until one hour prior to the commencement of business hours. For reasons of security, a maximum of thirty percent of the total lights used for parking lot illumination may remain in operation during such period.
3. All exterior building floodlights must be designed with shielding in a manner such that all of the light falls upon either the surface of the structure to be illuminated or on the ground.
4. All exterior building floodlights, except those required for security, must be extinguished within one hour after the end of business hours and remain extinguished until one hour prior to the commencement of business hours. For reasons of security, however, a maximum average level of five footcandles at entrances and loading docks and one footcandle on the rest of the structure is permitted.
5. All stadium and all other exterior sports arena lights are specifically prohibited in the area defined in this Amendment.
6. No outdoor lighting may be used in any manner that could interfere with the safe movement of motor vehicles on public thoroughfares, including:
  - a. Any fixed light not designed for roadway illumination that produces incident or reflected light that could be disturbing to the operator of a motor vehicle.
  - b. Any light that may be confused with or construed as a traffic control device except as authorized by a State, Federal, or County government.
  - c. Any blinking, flashing, or changing intensity lights, except for temporary holiday displays as defined in Section VI, B.2.b., and lighting authorized by the Federal Aviation Administration for air traffic control purposes.

## B. Signs

1. General -All signs shall comply with the Douglas County Sign Regulations contained in the Douglas County Zoning Resolution, as amended. In addition to the provisions within the Douglas County Sign Regulations, the following signs shall also be allowed within the Planning Areas.

2. Signs Not Subject to Permits

The following signs may be erected and maintained in all Planning Areas without a permit:

- a. Memorial Signs. Memorial signs or tablets, names of buildings and date of erection when cut into any masonry surface or inlaid so as to be part of the building or when constructed of bronze or other noncombustible material.
- b. Holiday Decorations. Signs in the nature of decorations, clearly incidental and customary and commonly associated with any national, local or religious holiday; provided that such signs shall be displayed for a period of not more than sixty (60) days in any one (1) year, and may be of any type, number area, height, location, illumination or animation.
- c. Bulletin or Activity Boards. Bulletin or Activity Boards not over twenty (20) square feet in area for public, charitable or religious institutions where the same are located on the premises of said institutions.
- d. Signs Within Buildings. Any sign placed inside a building may be erected without a permit but subject to the safety regulations of the Uniform Building Code, as amended and adopted by Douglas County, provided that any sign permanently attached to the interior of the structure and visible from the exterior therefrom shall comply with the Douglas County Zoning Resolution, as amended.
- e. On-Site Information Signs. Signs commonly associated with and limited to information and directions relating to the permitted use within the Planning Area, project(s), and/or lot on which the sign is located, provided that each such sign is limited to not more than six (6) square feet per sign in area, not more than eight (8) feet in height above grade; may be illuminated only from a concealed light source which does not flash, blink or fluctuate; and shall not be animated except that gauges and dials may be animated to the extent necessary to display correct measurement.
- f. Official Governmental Notices.

- g. Flag, Pennant or Insignia of any nation, organization of nations, state, county, city, religious, civic or educational institution, except when such are used in connection with a commercial promotion or as an advertising device.
  - h. Temporary Or Permanent Signs Erected By Public Utility Companies to warn of danger or hazardous conditions, including signs indicating the presence of underground cables, gas lines and similar devices.
  - i. Merchandise, Pictures, Models, Products or Services, which are incorporated as an integral part of a window display.
  - j. Private Traffic Control Signs which conform to the standards of the Colorado Manual of Uniform Traffic Control Devices.
  - k. Street Name Signs. Street name signs, including the development or subdivision logo, in the color and design selected by CDG. However, street name signs which are not "standard" design shall be produced by CDG or the Homeowners Association.
3. Permitted Signs - All Planning Areas

- a. General. The following permanent and temporary signs function to identify major activities, uses and facilities and to direct persons to these activities, uses and facilities. These types of signs would include, but are not necessarily limited to: subdivision and major project entryway monuments and signs; identification signs for community facilities such as parks, churches, schools, golf courses, recreation facilities, community information and sales facilities; directional signs referring to community facilities; and subdivisions and projects within the PD Area.
- b. Permanent Entryway Signs. Entryway signs or monuments shall be permitted to permanently identify each development area by the marketing name selected by CDG including, but not limited to "The Pinery", "Pinery West", "Pradera" or "Pradera Pass". These shall be called primary entryway signs. The entryway signs that may be placed at the Cherry Creek bridge crossing and/or the intersection of SH 83 and Chambers Road shall include wording referring to the name of the portion of the Property west of Cherry Creek. Individual subdivisions or projects within the PD Planning Areas may also have permanent entryway signs or monuments. These shall be called secondary entryway signs. A maximum of two (2) signs per entry shall be permitted. Primary entryway signs may be located at the intersection of arterial streets with State Highway 83, the Cherry Creek bridge or where arterial streets or rural collector roadways exit or enter the perimeter boundary of the Planning Area. Primary entryway signs shall have a maximum sign area of one hundred twenty (120) square feet and a maximum sign height of eight (8) feet. Primary entryway signs shall have a minimum setback from

public street rights-of-way of twenty (20) feet and a maximum monument height of eight (8) feet. Secondary entryway signs shall be limited to thirty-five (35) square feet. Secondary entryway signs shall have a maximum sign height of six (6) feet.

- c. Permanent Directional Signs. Directional signs shall be permitted as necessary to provide adequate direction to a particular project, subdivision or use. In no case shall the number of signs exceed three (3) per project, subdivision or use. Individual signs shall not exceed fifteen (15) square feet total face area. Consolidated signs which indicate the location of a number of project(s), subdivisions or uses shall also be permitted, in which case the face area of each panel of such a consolidated sign shall not exceed ten (10) square feet and an aggregate size of thirty-five (35) square feet and must be of uniform design and size. The maximum height for these signs shall be eight (8) feet.

#### 4. Permitted Signs- Residential Planning Areas

- a. All signs permitted in the Douglas County Sign Regulations as set forth in the Douglas County Zoning Resolution, as amended.
- b. Development Signs. Development signs used by an owner, builder or developer to announce or advertise property for sale, rent or lease during the construction, sale, lease or rental period shall be permitted. A maximum of two (2) development signs per project shall be permitted. Each sign shall not exceed one-hundred (100) square foot face area and the total face area shall not exceed ninety-six (96) square feet.

The maximum height for each development sign shall be eight (8) feet. No temporary development sign shall remain beyond the completion of the construction, leasing and sale period, whichever comes first, but in no case shall remain longer than three (3) years.

- c. Directional Signs. Directional signs shall be permitted as necessary to provide adequate direction to a particular project undergoing active construction or sale activity. In no case shall the number of signs exceed three (3) per use or project under construction or property being offered for sale. Individual project signs shall not exceed fifteen (15) square feet in face area. Consolidated signs which indicate the location of a number of uses or projects shall also be permitted, in which case the face area of each panel of such a consolidated sign shall not exceed ten (10) square feet and an aggregate size of thirty-five (35) square feet and must be of uniform design and size. The maximum height for these signs shall be eight (8) feet. In no case shall any of these signs impair traffic movement or visibility.

5. Permitted Signs - Convenience Commercial and Commercial Planning Areas.  
Does Not Apply.

### C. Fences and Retaining Walls

1. Fences. The maximum fence height within all Planning Areas shall be forty-two (42) inches above finished grade for the rail height, except fencing required by the Health Department around public or private swimming pools or spas. Such fences shall be limited to six (6) feet. Public schools and public or private recreation facilities shall be exempt from these fence height standards.
2. Materials. Fences shall be open-rail, made of natural, unpainted wood and be a minimum of 2-rail. Buried "invisible" (i.e. electric) dog fences will be allowed within the planning areas. No fences or walls of chain link, wire mesh (other than 2" x 4" welded wire attached to the inside of the fence for containing pets) or unpainted concrete block shall be allowed, within the Residential Planning Areas. No barbed wire or electric fences shall be permitted within any land use area, except for interim agricultural uses.
3. Temporary Fences. Temporary construction safety, security, and erosion control fences shall be permitted at construction sites. These fences may be vinyl, chain link or wire mesh fences or any similar types of safety fence and shall be exempt from the maximum fence heights given above. These fences shall be removed at completion of the project.
4. Location. No fences shall be constructed within the Douglas County public right-of-way unless a variance is granted by Douglas County, but shall be allowed within the setback, on private land.

### D. Screening

1. Truck loading, receiving, service or similar areas within Recreation Facilities Planning Areas shall be properly screened by fencing, landscaping or other approved methods.
2. Trash containers shall be enclosed and screened, with materials consistent to those of serviced buildings, to a height of six (6) feet.
3. Roof mounted equipment, ground level electrical boxes and mechanical equipment shall be placed or screened from public view. The screening shall be treated as an extension of the building's architecture and landscape architecture, materials and color.

## **E. Accessory or Primary Exterior Storage**

Where accessory or primary exterior storage is permitted (i.e. golf facilities) , outdoor material storage shall be enclosed and concealed by a solid fence (one completely preventing view) at least six (6) feet in height. Such fence shall be wooden or masonry construction and shall be maintained in good condition. Where the screening fence coincides with any landscaping, the fence design shall be incorporated into and be integral with the design and construction of said landscaped area. Accessory outdoor storage shall not exceed the height of the fence and shall not be visible to the general public or adjacent residents. No accessory outdoor storage shall be allowed within a required front setback or within any required landscaped area. Douglas County Site Improvement Plan regulations, as set forth in the Douglas County Zoning Resolution, as amended, may apply.

## **F. Common Open Space/Landscaping**

(Property Owners Association, Homeowners Association or Metropolitan District)

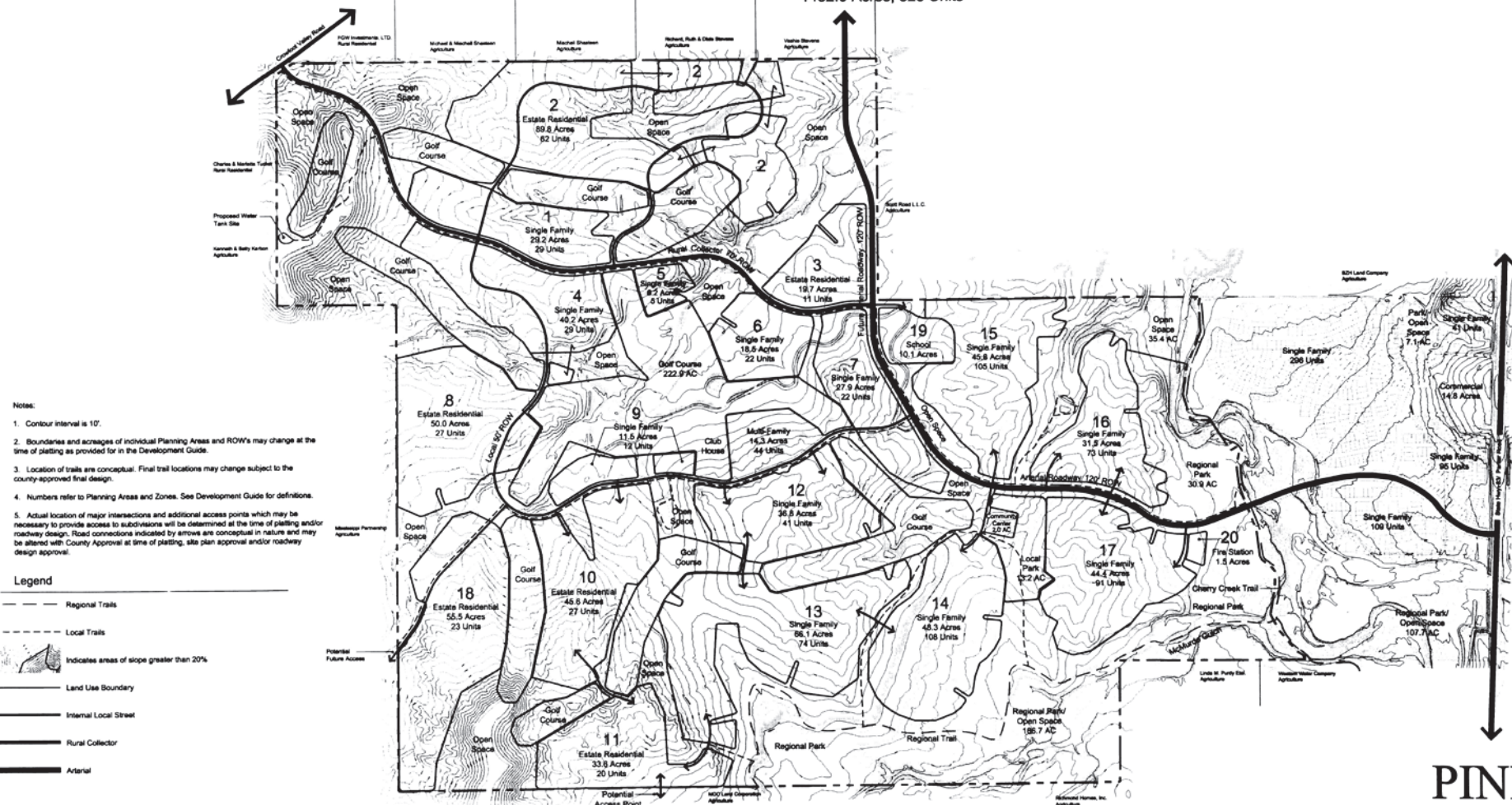
Open space may be provided within Planning Areas in accordance with this Development Guide, excluding parking or areas covered by buildings. All private open space shall conform to the provisions contained herein.

1. Be intended for passive and/or active recreation uses.
2. Be left in its natural unaltered state, reestablished to its natural state, or landscaped and maintained, creating an environment appropriate for recreation.
3. Be accessible and usable to the residents when not inconsistent with public safety objectives.
4. Areas which qualify as open space include, but are not limited to:
  - a. Walkways, pedestrian paths, bicycle paths, open plazas and malls, concourses, terraces, natural drainage ways, open space buffers, playgrounds, improved rooftops and similar structures designed specifically for active and passive recreational use and which are not designated to be used by motor vehicles, except for emergency and service purposes.
  - b. Areas used for design purposes, such as planted or landscaped areas, flowerbeds and planters, including landscape areas within parking lots, landscaped medians, and entryways.
  - c. Aquatic areas, ponds and lakes.
  - d. Stormwater detention or retention areas.

- e. Areas specifically designated as parks, tot-lots, or playgrounds.
5. Open space areas do not include:
- a. Unused or left over portions of property which are specifically used for storage or outdoor areas which are developed for use as a storage area.
  - b. Motor vehicle uses such as parking lots, open-air showrooms, roads or service areas at, above or below ground level. However, landscaping over underground parking and landscaped areas within parking lots will be included.
6. Title to common open space/landscaping area will be conveyed to the metropolitan district, homeowners association governing or serving homeowners within the subdivision.

# THE PINERY ELEVENTH AMENDMENT

Area Ammended: Portions of Sections 15,16,17,20,21 & 22  
of Township 7S, Range 66W of the 66th P.M., Douglas County, Colorado  
1482.0 Acres, 825 Units



- Notes:
1. Contour interval is 10'.
  2. Boundaries and acreages of individual Planning Areas and ROW's may change at the time of platting as provided for in the Development Guide.
  3. Location of trails are conceptual. Final trail locations may change subject to the county-approved final design.
  4. Numbers refer to Planning Areas and Zones. See Development Guide for definitions.
  5. Actual location of major intersections and additional access points which may be necessary to provide access to subdivisions will be determined at the time of platting and/or roadway design. Road connections indicated by arrows are conceptual in nature and may be altered with County Approval at time of platting, site plan approval and/or roadway design approval.

- Legend
- Regional Trails
  - Local Trails
  - Indicates areas of slope greater than 20%
  - Land Use Boundary
  - Internal Local Street
  - Rural Collector
  - Arterial

Land Use Table - West Side Only

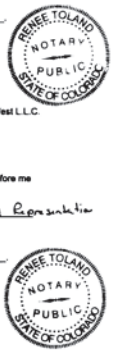
Land Use	Acres	Units	SU/Acre	% Acres
Estate Residential	294.2	175	6	19.9
Single Family	436.5	611	1.5	27.4
Subtotal Single Family	730.7	786		47.3
Multi-Family	14.3	44	3.1	.9
Subtotal Multi-Family	14.3	44	3.1	.9
Subtotal Residential	745.0	830	1.2	48.2
Parks/Open Space/Rec. Facilities	495.7			33.5
Golf and Golf Facilities	222.9			15.0
Community Center	2.0			.1
School	10.1			.7
Fire Station	1.5			.1
Fire Station	24.8			1.7
Subtotal Non-Development	767.0			51.8
Total	1482.0	825	6	100.0

This land use table includes the area affected by this 11th Amendment. The area east of Cherry Creek has already been platting and is shown to demonstrate all the uses in the west side of the Pinery.

OWNERSHIP CERTIFICATION

Name of Landowner  
Community Development Group Pinery 450 L.L.C.  
By: *James G. Wetherill*  
Title: *President*  
The foregoing instrument was acknowledged before me the 17th day of April, 2001  
by *Leanne Wallace, the Authorized Representative*  
Witness my hand and official seal.  
My commission expires *2/15/05*  
*Ramon Teland*  
Notary Public

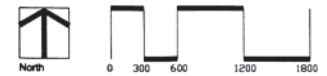
Name of Landowner  
Community Development Group of the Pinery West L.L.C.  
By: *James G. Wetherill*  
Title: *President*  
The foregoing instrument was acknowledged before me the 17th day of April, 2001  
by *Leanne Wallace, the Authorized Representative*  
Witness my hand and official seal.  
My commission expires *2/15/05*  
*Ramon Teland*  
Notary Public



## PINERY WEST

Owners/Prepared for:  
Community Development Group of the Pinery 450 L.L.C.  
2500 Arapahoe Road, Suite 200  
Boulder, CO 80302  
(303)442-2299  
(303)442-1341 (fax)

Prepared by:  
**NOBBIS DESIGN**  
Planning  
Landscape Architect  
710 West Colfax  
Denver, Colorado 80204  
Fax: 303 892 1186  
Phone: 303 892 1166



Date: December 5, 2000  
Revised: February 6, 2001



## Exhibit B

### Legal Description

#### EXHIBIT B

##### Parcel A:

A tract of land being all of the Southeast quarter of Section 16, all of the Northeast quarter of Section 21, portions of the Southwest quarter of Section 15, portions of the Northwest quarter of Section 22, portions of the Southwest quarter of Section 16 and portions of the Northwest quarter of Section 21, all situated in Township 7 South, Range 66 West of the 6th Principal Meridian, County of Douglas, State of Colorado, and being more particularly described as follows:

Beginning at the Northwest corner of the Pinery SW Filing No. 1A, Reception No. 9741136 of the Official records of Douglas County:

--Continued

EXHIBIT B

Schedule A - Legal Description continued

Order No. KC26103B01

thence along the West line of said parcel the following twenty-six (26) courses:

1. Thence South 61 degrees 49 minutes 57 seconds West, 19.60 feet;
2. Thence South 24 degrees 57 minutes 36 seconds West, 32.62 feet;
3. Thence South 08 degrees 23 minutes 06 seconds West, 32.86 feet;
4. Thence South 02 degrees 57 minutes 09 seconds East, 301.77 feet;
5. Thence South 21 degrees 50 minutes 46 seconds West, 411.94 feet;
6. Thence South 08 degrees 06 minutes 38 seconds West, 317.22 feet;
7. Thence South 16 degrees 46 minutes 52 seconds East, 286.90 feet;
8. Thence South 87 degrees 01 minutes 59 seconds East, 173.40 feet;
9. Thence North 89 degrees 14 minutes 38 seconds East, 45.82 feet;
10. Thence South 32 degrees 49 minutes 11 seconds East, 400.00 feet;
11. Thence North 57 degrees 10 minutes 49 seconds East, 77.55 feet;
12. Thence South 21 degrees 43 minutes 22 seconds East, 69.20 feet;
13. Thence South 10 degrees 21 minutes 14 seconds West, 148.56 feet;
14. Thence South 06 degrees 47 minutes 40 seconds East, 216.30 feet;
15. Thence South 20 degrees 58 minutes 17 seconds East, 525.51 feet;
16. Thence South 07 degrees 01 minutes 35 seconds East, 282.88 feet;
17. Thence South 29 degrees 53 minutes 01 seconds East, 54.30 feet;
18. Thence South 53 degrees 15 minutes 02 seconds East, 130.64 feet;
19. Thence South 38 degrees 17 minutes 01 seconds East, 50.59 feet;
20. Thence South 00 degrees 58 minutes 26 seconds East, 141.03 feet;
21. Thence South 06 degrees 22 minutes 23 seconds West, 116.22 feet;
22. Thence South 10 degrees 14 minutes 55 seconds West, 225.04 feet;
23. Thence South 29 degrees 31 minutes 23 seconds East, 209.04 feet;
24. Thence South 40 degrees 20 minutes 08 seconds East, 282.51 feet;
25. Thence South 58 degrees 19 minutes 41 seconds East, 84.36 feet;
26. Thence South 15 degrees 08 minutes 29 seconds East, 53.71 feet to a point on the South line of the North half of the Northwest quarter of said Section 22;

Thence North 89 degrees 59 minutes 07 seconds West along the South line of the North half of the Northwest quarter of said Section 22, 2028.97 feet to the Southwest corner of the North half of said Section 22;

Thence South 00 degrees 10 minutes 24 seconds West along the East line of the Northeast quarter of said Section 21, 1325.75 feet to the Southeast corner of the Northeast quarter of said Section 21;

Thence South 89 degrees 35 minutes 59 seconds West along the South line of the Northeast quarter and the South line of the Northwest quarter of said Section 21, 2740.18 feet;

Thence North 00 degrees 13 minutes 16 seconds East along a line parallel with and 102.17 feet Westerly of the East line of the Northwest quarter of said Section 21, 2652.22 feet to a point on the North line of the Northwest quarter of said Section 21;

Thence North 00 degrees 03 minutes 46 seconds East along a line parallel with and 102.18 feet Westerly of the East line of the Southwest quarter of said Section 16, 2655.50 feet to a point on the north line of the Southwest quarter of said Section 16;

Thence North 89 degrees 37 minutes 54 seconds East along the North line of the Southwest quarter and along the North line of the Southeast quarter of said

CONTINUED

EXHIBIT B

Schedule A - Legal Description continued

Order No. KC26103B01

Section 16, 2730.71 feet to the Northeast corner of the Southeast quarter of said Section 16;  
Thence South 89 degrees 53 minutes 57 seconds East along the North line of said Southwest quarter of Section 15, 932.43 feet to the Point of Beginning.

Parcel B:

A tract of land being all of the Northwest quarter of Section 16, all of the Northeast quarter of Section 17, all of the Southeast quarter of Section 17, all of the Northeast quarter of Section 20, portions of the Southeast quarter of Section 16, portions of the Northwest quarter of Section 17, and portions of the Northwest quarter of Section 21, Township 7 South, Range 66 West of the 6th Principal Meridian, County of Douglas, State of Colorado, being more particularly described as follows:

Beginning at the Northwest corner of the Southeast quarter of said Section 16;  
Thence South 89 degrees 37 minutes 54 seconds West along the north line of the Southwest quarter of said Section 16, 102.18 feet;  
thence South 00 degrees 03 minutes 46 seconds West along a line parallel with and 102.18 feet Westerly of the East line of the Southwest quarter of said Section 16, 2655.50 feet to a point on the North line of the Northwest quarter of said Section 21;  
Thence South 00 degrees 13 minutes 16 seconds West along a line parallel with and 102.17 feet Westerly of the East line of the Northwest quarter of said Section 21, 2652.22 feet to a point on the South line of the Northwest quarter of said Section 21;  
Thence South 89 degrees 35 minutes 59 seconds West along the South line of the Northwest quarter of said Section 21, 2535.81 feet to the Southwest corner of the Northwest quarter of said Section 21;  
Thence South 89 degrees 25 minutes 31 seconds West along the South line of the Northeast quarter of said Section 20, 2634.16 feet to the Southwest corner of the Northeast quarter of said Section 20;  
Thence North 00 degrees 02 minutes 01 seconds West along the West line of the Northeast quarter of said Section 20, 2674.56 feet to the Northwest corner of the Northeast quarter of said Section 20;  
thence North 00 degrees 10 minutes 53 seconds East along the West line of the Southeast quarter of said Section 17, 2652.01 feet to the Southeast corner of the Northwest quarter of said Section 17;  
Thence South 89 degrees 43 minutes 55 seconds West along the South line of the East half of the Northwest quarter of said Section 17, 1312.32 feet to the Southwest corner of the East half of the Northwest quarter of said Section 17;  
Thence North 00 degrees 18 minutes 10 seconds East along the West line of the East half of the Northwest quarter of said Section 17, 2532.13 feet to a point on the Southeasterly right-of-way line of Crowfoot Valley Road, recorded at Reception No. 9710230 of the Douglas County records;  
Thence North 55 degrees 26 minutes 57 seconds East along said Southeasterly right-of-way line, 213.34 feet to a point on the North line of the East half of the Northwest quarter of said Section 17;  
Thence North 89 degrees 45 minutes 19 seconds East along the North line of the East half of the Northwest quarter of said Section 17, 1132.85 feet to the Northwest corner of the Northeast quarter of said Section 17;  
Thence North 89 degrees 5 minutes 19 seconds East along the North line of the

CONTINUED

EXHIBIT B

Schedule A - Legal Description continued

Order No. KC26103B01

Northeast quarter of said Section 17, 2615.86 feet to the Northwest corner of said Section 16;  
Thence North 89 degrees 52 minutes 00 seconds East along the North line of the Northwest quarter of said Section 16, 2655.71 feet to the Northeast corner of the Northwest quarter of said Section 16;  
Thence South 00 degrees 03 minutes 46 seconds West along the East line of the Northwest quarter of said Section 16, 2643.20 feet to the Point of Beginning, County of Douglas ,  
State of Colorado.

(for informational purposes only)

# Exhibit C

## Conceptual Lotting Plan

