

SECTION 12 C - COMMERCIAL DISTRICT

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

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

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

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

1202 Principal Uses

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

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

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

1203 Accessory Uses

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

- 1203.01 Accessory uses and buildings *(Amended 5/27/14)*
- 1203.02 Satellite dish
- 1203.03 Storage area - commercial
- 1203.04 Single or multifamily residence for management or employees

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

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

- 1204.01 Heliport
- 1204.02 Residence
- Group home *(Amended 5/10/16)*
 - Group home for registered sex offenders *(Amended 9/12/00)*
 - Group Residential Facility
 - Multifamily - apartments, condominiums
- 1204.03 Utility - major facility
- 1204.04 Zoo

1205 Minimum Lot Area: none

1206 Water and Sanitation Requirement

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

1207 Utilities

All public utility distribution lines shall be placed underground.

1208 Land Dedication

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

1209 Street Standards

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

1210 Parking Standards

Parking shall be provided as shown on the approved Site Improvement Plan, prepared in accordance with Sections 27 Site Improvement Plan and 28 Parking Standards, of this Resolution.

1211 Landscaping Requirement

Each lot shall be landscaped as shown on the approved landscape plan prepared in accordance with Section 27 Site Improvement Plan, of this Resolution. Areas to be landscaped include the lot area within the required setback from the street, parking areas, and other areas as required.

1212 Minimum Setbacks

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

* No parking shall be located within this setback.

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

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

- area zoned for residential use;
- single-family, two-family, or multifamily dwelling;

- church, park, or library;
- state-licensed day-care facility (*child or adult*);
- school or educational facility, serving persons age 18 or younger, or
- any other sexually oriented business.

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

1213 Encroachments

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

1214 Building Height

Maximum building height: 60 feet

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

- 1214.01 The maximum height of a roof-mounted church spire shall not exceed 1.62 times the height of the church. The church height shall be measured from the main level finished floor (*walk-out level excluded*) to the highest roof peak. The height of the roof-mounted spire shall be measured from the top of the spire to the finished floor of the lowest walkout level of the church. (*refer to Section 36 building height definition - spire height calculation*)

- 1214.02 The maximum height of a parapet wall shall be as approved by the Site Improvement Plan Review Manager based on overall mass and bulk and its compatibility with the surrounding area.
- 1214.03 The height of a ham radio antenna shall be no greater than the distance to the nearest lot line except, engineered structures which shall be in compliance with the minimum setbacks. *(refer to Section 27A for cell sites and Section 21 for telecommunication facilities)*
- 1214.04 All roof-mounted equipment *(mechanical, ventilating, antennas)* shall be properly screened, with the exception of solar collectors/heaters.

1215 Fencing Standards

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

- 1215.01 Fences, walls, or hedges shall not be erected in the public right-of-way, but shall be allowed within the setback, on private land. A building permit is required for any retaining wall greater than 4 feet in height or for any fence or wall greater than 6 feet in height, or as required by the Building Code, as amended and adopted by Douglas County. *(Amended 12/18/12)*
- 1215.02 Solid fences, walls, or hedges shall not exceed 6 feet in height and shall not exceed 4 feet in height when located in the required setback from a street.
- 1215.03 Fences, walls, or hedges shall be erected and maintained in a manner which does not obstruct the vision of automobile traffic on the adjacent streets, rights-of-way, or driveways in accordance with the Douglas County Roadway Design and Construction Standards manual.
- 1215.04 Fences, walls or hedges shall be maintained in good structural or living condition. The landowner is responsible for the repair or removal of a fence, wall or hedge, which constitutes a safety hazard, by reason of inadequate maintenance, dilapidation, obsolescence or abandonment, or which constitutes a zoning violation.
- 1215.05 Fences constructed of woven wire or ornamental iron which are a minimum of 80% open may be constructed with no height limitation; however, a building permit is required for any fence greater than 6 feet in height, or as required by the Building Code, as amended and adopted by Douglas County. *(Amended 12/18/12)*
- 1215.06 Fences or walls shall be designed and maintained so that they are architecturally harmonious with the principal structures on the lot, and when abutting a residential zone district, such fence shall be of wooden

or masonry construction or with the approval of the Site Improvement Review Board Coordinator, a hedge.

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

1215.08 Swimming pools shall be enclosed by a fence or wall that meets or exceeds the requirements of the Building Code, as amended and adopted by Douglas County. *(Amended 12/18/12)*

1216 Outdoor Storage Standards

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

1216.01 Outside storage including but not limited to raw materials, supplies, finished or semi-finished products or equipment shall be enclosed and concealed by a solid fence or wall not exceeding 6 feet in height. With the approval of the Site Improvement Plan Review Board Coordinator, a solid fence or wall may be replaced with adequate vegetation (*hedge*) such that the outside storage shall not be able to be viewed from the adjacent public areas. Employee or customer parking or merchandise display areas shall not be considered outside storage.

1216.02 Outdoor storage shall not be allowed within any required landscaped area, and shall not be allowed within a required setback from a street, and shall not exceed 6 feet in height.

1216.03 Where the topography of the land is such that a fence would not prevent viewing outside storage from adjoining land or public rights-of-way, additional landscaping above the height of the fence may be required by the Site Improvement Plan Review Board. In the event that it is not possible to prevent viewing of the outside storage from adjoining land or public rights-of-way, such outside storage area shall be prohibited.

1217 Sign Standards - Refer to Section 29 of this Resolution

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

1218 Lighting Standards - Refer to Section 30 of this Resolution

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