

SECTION 6 ER - ESTATE RESIDENTIAL DISTRICT

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

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

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

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

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

602 Principal Uses

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

602.01 Community Uses:

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

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

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

602.03 Residence

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

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

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

602.06 Youth-oriented agricultural activity

603 Accessory Uses

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

603.01 Accessory uses and buildings

603.02 Animals (*refer to Section 24*)

603.03 Day-care home - small

603.04 Garage - private:

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

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

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

603.07 Satellite receiving dish

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

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

On lots 2.3 acres or greater in area, the following uses are permitted, upon the approval of the Board, in accordance with Section 21 Use By Special Review and Section 27 Site Improvement Plan of this Resolution. (*Lots smaller than 2.3 acres are limited to the uses by special review allowed in the residential zone district to which the lot conforms to in area.*)

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

605 Land Dedication

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

606 Lot Area

To promote a design that is sensitive to the natural land features and adapts to the natural topography, flexibility in lot size is allowed. Lot size may be determined through a site analysis based on compatibility with adjacent land uses, health department requirements, the natural environment, water availability, soil suitability for septic, and the Douglas County Master Plan. The ability to keep animals may be affected by the lot size. (*Refer to Section 24*) For lots served by an individual septic system, the minimum allowable lot area is 1 acre.

607 Maximum Gross Density

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

608 Minimum Setbacks

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

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

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

609 Encroachments

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

610 Building Height

Maximum building height: 35 feet

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

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

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

611 Water and Sanitation

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

612 Utilities

All public utility distribution lines shall be placed underground.

613 Street Standards

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

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

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

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

615 Fencing Standards

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

- 615.04 Swimming pools shall be enclosed by a fence or wall that meets or exceeds the requirements of the Building Code, as amended and adopted by Douglas County. *(Amended 12/18/12)*
- 615.05 Barbed, electrically charged, concertina, or razor wire is prohibited.
- 616 Sign Standards - Refer to Section 29 of this Resolution
- 617 Lighting Standards - Refer to Section 30 of this Resolution

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