

## Article 4, Division IV – Overlay Districts

### 4.21 General Provisions

As the name implies, overlay districts “over-lay” applicable base zoning district classifications to alter some or all of the base zoning district regulations that apply to particular sites. Overlay zoning districts work to modify or supplement the regulations imposed by base zoning district when necessary to address special situations or promote specific county planning goals. Overlay zoning is intended to be used when the base zoning district applied to an area remains generally appropriate, but when an additional, modified or eliminated requirement could help implement the county’s planning goals or address an area-specific planning, design or land use regulation issue. Certain districts are established as overlay districts, meaning that the “base” (or underlying) zoning district remains in place but the overlay adds additional provisions that override specific provisions of the base zoning district. The purpose of each of the overlay districts established in this Development Code is presented in this Section. All applicable regulations of the underlying base zoning district and of this Development Code apply to property in an overlay district unless otherwise expressly stated in the overlay district regulations. When overlay district regulations conflict with regulations that otherwise apply in the underlying base zoning district or with regulations otherwise imposed by this Development Code, the more restrictive regulations govern.

### 4.23 O-HC Highway Corridor Overlay

#### (1) Intent

The O-HC Highway Corridor Overlay district is intended to accommodate and promote high- quality, well-designed development that is in keeping with the existing and desired character of the county’s major highway corridor areas. The overlay is further intended to ensure consistency with the Douglas County comprehensive plan and with other adopted plans and policies of the county.

#### (2) Boundaries

The boundaries of the O-HC district are as shown on the county’s official zoning map.

#### (3) Uses<sup>1</sup>

Uses are allowed in O-HC district in accordance with the regulations of Sec. 210.

#### (4) Transportation and Access

##### a. Driveways and Access

1. All driveways with direct access onto to state highways, federal highways, or arterial roads must be designed to allow only right-in/right-out turning movements.
2. The driveway access regulations of Sec. 607(d) apply to all land uses within the O- HC district.

##### b. Inter-parcel Access

The inter-parcel access regulations of Sec. 608 apply to all land uses within the O-HC district, except single-family residential.

##### c. Blocks

1. All development on parcels with an area of 3 acres or more must be organized into blocks with a maximum length of no more than 600 feet and a maximum perimeter of no more than 1,600 feet.
2. The resulting block systems must be used to organize internal site driveways and parking lots and provide access to abutting parcels. If the abutting parcels are undeveloped, stub-outs are required for future street connections.

#### (5) Streetscape<sup>2</sup>

A streetscape zone with a minimum depth of 40 feet is required along highway and arterial road frontages. The depth of the streetscape zone is measured from the back of curb or, when no curb exists, from the edge of the pavement. Required streetscape zones must include the following features:

**a. Fence**

A three-rail fence is required within the streetscape zone. The fence must be located at least 20 feet from the back of the curb and be white in color with brick supporting columns.

**b. Sidewalk**

Sidewalks with a minimum width of 5 feet are required within the required streetscape zone. Sidewalks must be located on the side of the fence furthest from the road.

**c. Street Trees**

1. A single row of overstory trees must be provided within the required streetscape zone. Trees must be spaced no more than 40 feet on center.<sup>3</sup>
2. Required overstory trees must have a minimum caliper size of 4 inches at time of planting and may be located on either side of the required sidewalk.

**d. Pedestrian Lighting**

Pedestrian-scaled lighting must be placed every 40 feet on center along one side of the sidewalk within the streetscape zone.

**(6) Building Siting**

The setback regulations of the underlying zoning district apply in the O-HC district except as expressly modified by the regulations of this subsection.

**a. Regulations**

The building siting regulations of Table 208(h)-1 apply to all parcels with frontage on state highways, federal highways, or arterial roads.

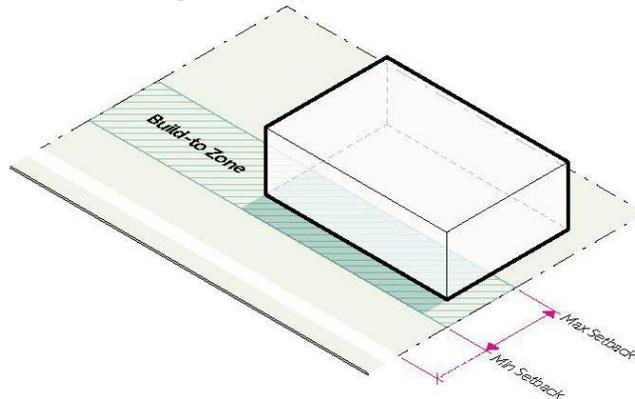
**Table 208(h)-1: Building Siting**

<b>Build-to Zone</b> (min setback/max setback, feet)	
Front Street	40/60
Side Street	10/25
<b>Build-to Width</b> (%)	
Front Street	30
Side Streets	20

**b. Build-to Zone**

The “build-to-zone” is the area on a parcel between the minimum and maximum setbacks.

*Figure 208(h)-1: Build-to Zone*



**c. Build-to Width<sup>4</sup>**

1. The “build-to width” is the minimum cumulative building width that must occupy the build-to zone, based on the width of the parcel. The build-to width is measured as the sum of all principal building facades occupying the build-to zone, divided by the total width of the

parcel.

2. Once the minimum build-to width regulation has been met, other portions of the building or additional buildings may be placed outside the build-to zone (beyond the maximum setback). On a corner parcel, the principal building must be placed within the area where the build-to zones of the 2 intersecting streets overlap, and the building facade must be placed on or within the build-to zone for at least 30 feet in both directions.

Figure 208(h)-2: Build-to Width

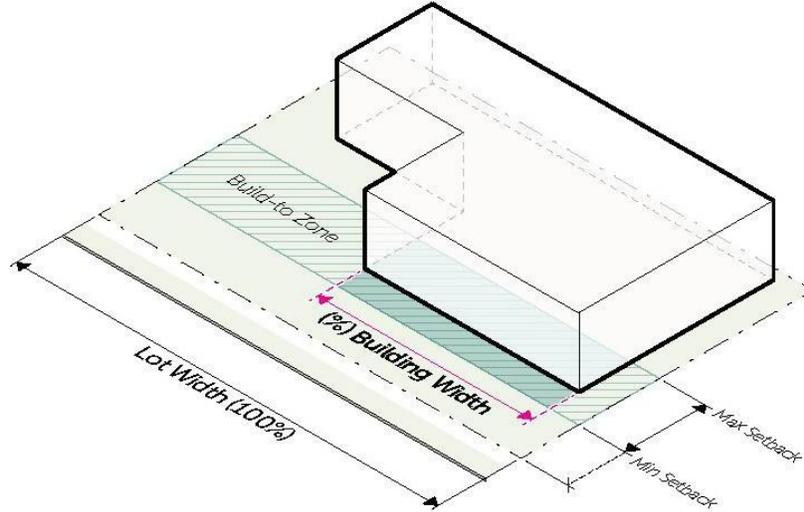
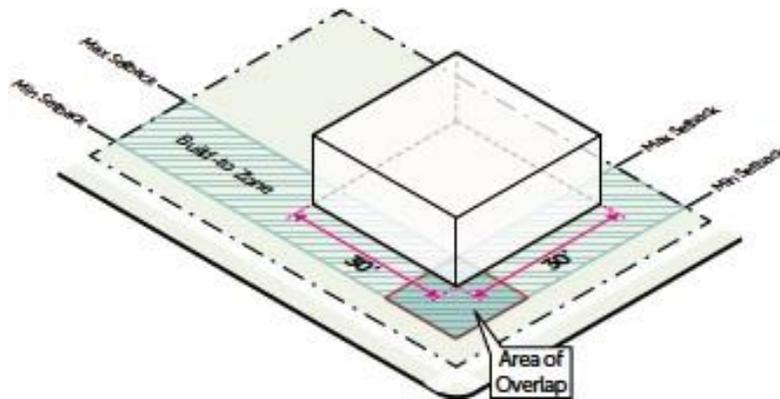


Figure 208(h)-3: "Holding the Corner" on Corner Parcel



3. When the subject property will be developed in phases with multiple buildings, and the initial phase of construction does meet the required build-to width, the zoning administrator is authorized to allow designation of a reserve area along the street frontage for future development to ensure that the project complies with applicable build-to width requirements, subject to the following conditions:
  - a) Parking, water quality facilities, detention/retention facilities, and utilities are not allowed within the reserve area.
  - b) The reserve area must be landscaped.
  - c) Pedestrian access must be provided through the reserve area.

**(7) Building Design**

**a. Building Facades**

The building façade regulations of Table 208(h)-2 apply to street-facing building facades on principal buildings located on parcels with frontage on state highways, federal highways, or arterial roads

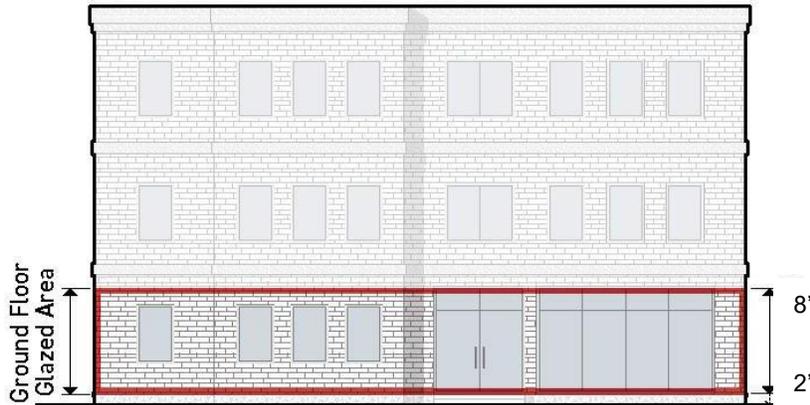
**Table 208(h)-2: Building Facades**

<b>Minimum Ground Story Façade Transparency (%)</b>	
<b>Front Street Façade</b> (by building type/occupancy)	
Multi-unit Residential, Office or industrial	20
Retail, Entertainment, or Commercial Service	35
<b>Side Street Facades</b> (by building type/occupancy)	
Multi-unit Residential, Office or industrial	20
Retail, Entertainment, or Commercial Service	25
<b>Minimum Upper-Story Façade Transparency</b>	
Front Street Façade	15
Side street Façade	15
<b>Maximum Upper-Story Blank Wall Width</b> (feet)	20
<b>Street-facing Building Entrances</b>	
Front Street	Required
Side Street	Not Required
<b>Maximum Distance Between Required Entrances</b> (feet)	175
<b>Building Material Coverage (%)</b>	
Traditional Masonry (Minimum)	30
Synthetic Stucco (Ground-Story Maximum)	60
Synthetic Stucco (Ground-Story Maximum)	75
<b>Building Mass Variation</b> (based on building width)	
50–200 Feet Building Width	Not Required
Over 200 Feet Building Width	Required
<b>Façade Articulation</b> (based on building width)	
50–200 Feet Building Width	Not Required
Over 200 Feet Building Width	Required
<b>Roof Forms</b>	
Allowed Types	Pitched, Flat, Parapet

**b. Façade Transparency**

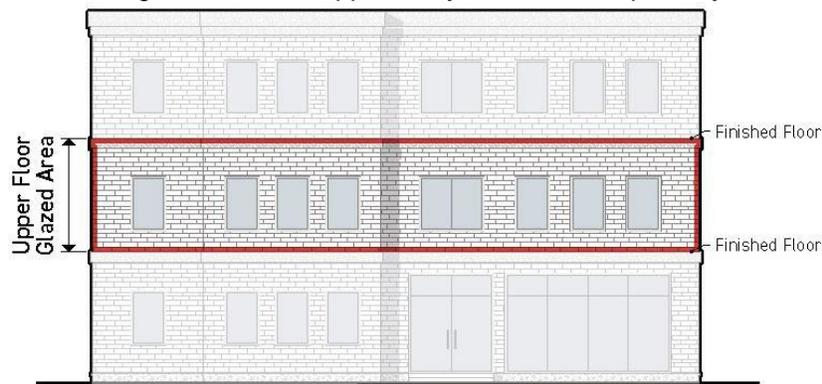
1. Ground-story façade transparency is measured as the total glazed area between 2 feet and 8 feet above finished grade divided by the total façade area between 2 feet and 8 feet above finished grade.

Figure 208(h)-4: Ground-Story Façade Transparency



2. Upper-story façade transparency is measured as the total glazed area between the finished floor of each upper building story to the finished floor of the upper building story next above.

Figure 05.020-4: Upper-Story Façade Transparency



**c. Upper-Story Blank Wall Width**

Upper-Story blank wall width regulations refer to the maximum linear space allowed between windows on an upper-story building facade. Such regulations are intended to prevent large monotonous wall planes and to generally distribute windows across the width of a building. Upper-story façade transparency is measured as the total glazed area between the finished floor of each upper building story to the finished floor of the upper building story next above.

**d. Street-Facing Building Entrances**

1. Requirements for street-facing building entries promote walkability and provide visual and physical connections to the site. Entrances qualifying as a street-facing entrance must comply with all of the following:
  - a) Provide both ingress and egress access to the first floor of a building (not including basements, parking areas, utility areas, or fire-exit only stairs);
  - b) Be operable for residents or tenants at all times;
  - c) Face the nearest public sidewalk;
  - d) Connect to the public sidewalk with a direct pedestrian connection that is physically separated from vehicular use areas and uninterrupted by parking except where required to cross a drive aisle.
2. On a corner parcel, an entrance angled between 30 to 60 degrees may be provided at the building corner near the street intersection to meet a street-facing entrance requirement for both streets.
3. Maximum building entrance spacing requirements must be met for individual buildings, but

do not apply to adjacent or abutting buildings. The maximum distance between entries is measured parallel to the street property line from the edge of door to edge of door and edge of door to edge of building.

**e. Building Materials**

Building material regulations are intended to help ensure that a building's facade design reflects the county's character by incorporating traditional and locally available materials. Material coverage is calculated as the total street-facing facade area clad in the required or regulated material divided by the total street-facing facade area.

**1. Traditional Masonry**

Traditional Masonry building materials include stone and brick. The planning and zoning manager is authorized to approve substitutes for traditional masonry.

Examples of alternative materials that can be approved include:

- a) Wood;
- b) Authentic stucco;
- c) Patterned pre-cast concrete;
- d) Detailed concrete;
- e) Cast stone;
- f) Prefabricated brick panels;
- g) Architectural concrete (textured or patterned); and
- h) Fiber cement siding

**2. Synthetic Stucco**

Synthetic Stucco includes External Insulation and Finish System (EIFS) and similar synthetic materials.

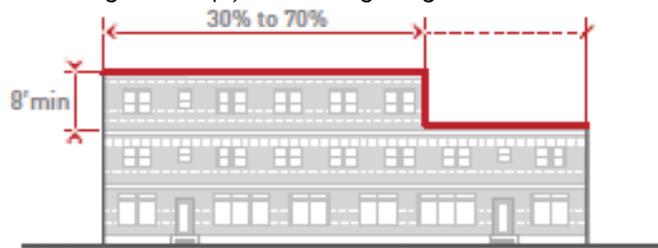
**f. Building Mass Variation**

- 1. Requirements for variations in building mass are intended to help lend visual interest and human scale to large, monotonous building facades through the use of design features that break a large building mass into different, clearly identifiable elements. Building mass variation requirements apply only to street-facing building facades that exceed 100 feet in length.
- 2. Multiple building widths using the same mass variation technique may be added together to meet the minimum building width for the mass variation standards.
- 3. The percentage of building width with mass variation is calculated as the width of the building that incorporates qualifying a mass variation method divided by the total width of the building. Qualifying mass variation methods include:

**a) Height Variation**

At least an 8-foot variation in building height for at least 30% of the building's depth or the entire building depth, whichever is less. Such height variation must be at least 30% and no more than 70% of the building's width.

*Figure 208(h)-5: Building Height Variation*



**b) Setback Variation**

At least a 5-foot variation in building setback for at least 30% and no more than 70% of the building's width.

Figure 208(h)-6: Building Setback Variation



**c) Upper-Story Stepback**

Stories above the second story set back at least 10 feet from the lower stories of the building for at least 70% of the building's width.

Figure 208(h)-7: Upper-Story Stepback



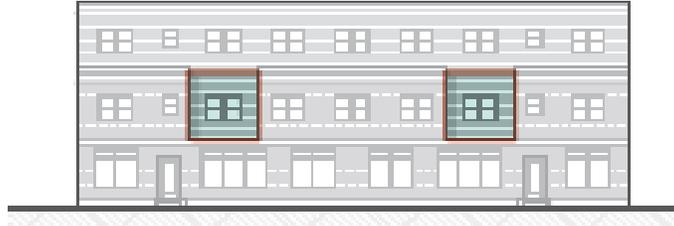
**g. Façade Articulation**

1. Façade articulation requirements are intended to help lend visual interest and a human-scale to otherwise flat and monotonous building facades through the use of design features that “break up” street-facing building facades into smaller visual components.
2. Façade articulation requirements apply only to street-facing building facades of multi-story buildings that exceed 100 feet in length. When façade articulation is required, the applicable building façade must incorporate a qualifying façade articulation method on at least 15% of the façade area (above the ground story).
3. Qualifying façade articulation methods include:

**a) Color or Material Change**

The use of different cladding material or finished colors from the remainder of the façade. Such changes must cover an area that is at least one story in height and at least 6 feet in width.

Figure 208(h)-8: Articulation Through Color or Material Change



**b) Balconies**

The use of recessed or projecting balconies that are at least 4 feet in depth and 6 feet in width. Articulated facade area for a balcony is measured as the height of the floor to which the balcony is attached, multiplied by the width of the balcony.

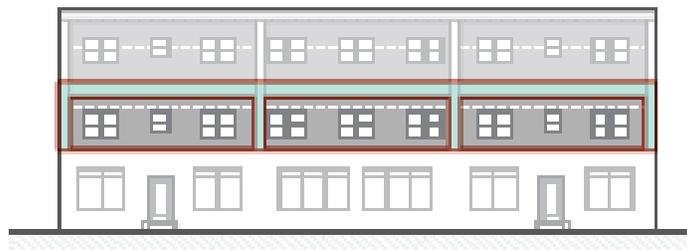
*Figure 208(h)-9: Articulation with Balconies*



**c) Design Elements**

Bands on street-facing building facades that express or reveal structural elements of a building by protruding at least 4 inches from the facade plane. Examples include; cornices, columns, struts, lintels, and spandrels.

*Figure 208(h)-10: Articulation Through Use of Design Elements*



**h. Roofs**

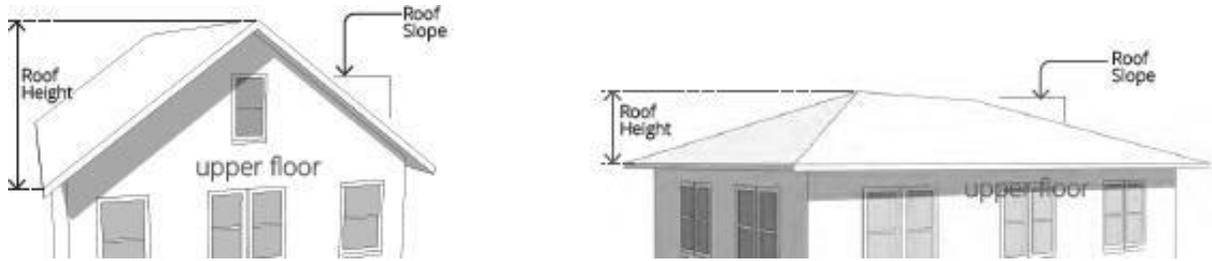
All major components of all principal building roofs must meet the requirements for a permitted roof type. Descriptions of roof types are as follows:

**i. Pitched Roof**

Permitted pitched roof types include only hipped, gabled, and combination hip/gabled. Such roofs must have a minimum 4:12 pitch. Eaves with a minimum depth of 12 inches are required on all pitched roofs. Roofing materials are limited to the following:

1. Metal standing seam;
2. Tile, slate, or stone;
3. Wood shake shingles; or
4. Shingles with a slate, tile, or metal appearance.

*Figure 208(h)-11: Pitched Roofs*



**j. Flat Roof**

Flat roofs are visibly flat with overhanging eaves with a minimum depth of 12 inches and a minimum thickness of 6 inches.

*Figure 208(h)-12: Flat Roof*



**k. Parapet Roof**

A parapet roof has a low wall projecting above the building's roof along the perimeter of the building. Parapets must be at least feet and no more than 6 feet in height. A horizontal shadow line must define the parapet from the upper stories of the building.

*Figure 208(h)-13: Parapet Roof*



**(8) Signs**

The sign regulations of Article 7 apply in the O-HC district except as expressly modified by the sign regulations of this subsection.<sup>5</sup>

**a. Freestanding Signs**

**1. Types Allowed**

All freestanding signs must be of ground (monument-style) signs.

**2. Design and Construction**

- a) The base and all vertical supporting elements of ground signs must be constructed of brick, stone, or stucco materials to match or compliment the principal building on the site. The base must have a minimum height of at least 3 inches for the entire width of the sign.
- b) Ground signs must have a uniform background, lettering style and color.

**3. Height**

Ground signs on sites occupied by multi-tenant buildings may not exceed 8 feet in height. Ground signs on other sites may not exceed 4 feet in height.

**4. Area**

Ground signs may not exceed 32 square feet in area.

**5. Illumination**

Internal illumination of ground signs is prohibited.

**b. Wall Signs**

**1. Illumination**

Internal illumination of wall signs and canopies is prohibited.

**2. Design and Placement**

- a) Open channel letter signs must use halo effect lighting and not use fluorescent or similarly vibrant colors, such as purple, bright green, bright red, or violet.
- b) Wall signs may not cover architectural features or details, and not extend above the roof line or beyond the outer edges of the building.

**c. Prohibited Signs<sup>6</sup>**

The following signs are expressly prohibited in the O-HC district:

- 1. Automatic changeable copy signs.
- 2. Courtesy benches, trash cans and similar devices on which advertising is displayed.

**(9) Utilities**

All utility lines must be placed underground, unless the requirement is waived by the County Engineer due to physical construction constraints.

All lighting for commercial development shall be designed to integrate with the overall development character.

- a) Lighting shall be architecturally integrated with the style, material and color of on-site structures.
- b) Lighting shall be unobtrusive and refrain from adverse impact of adjacent properties and public right-of-ways.
- c) Exposed neon and fluorescent lighting is not permitted except for open and closed signs.
- d) For drive-under canopies and pump islands, the luminaries shall be recessed into the canopy ceiling so that that bottom of the luminaries does not extend below the ceiling buffers and setbacks.

The intent of buffers is to provide a year round visual screen such as evergreen trees between adjacent properties and the new development. All buffers and setbacks shall be as required by this ordinance. Any application for a design plan approval submitted to the Planning & Zoning Director or his/her designee shall include a tree survey and landscape plan, with buffers, prepared by a landscape architect.

#### **4.24 O-QGD Quality Growth Development Overlay.**

The O-QGD Quality Growth Development Overlay District is established to promote high-quality development in areas of the county that are largely undeveloped but in the path of rapid, substantial residential, commercial, or industrial development that is anticipated will radically change the character of the lands within the District boundaries. This District is designed to encourage high-quality development by establishing restrictions and standards to protect the natural environment, promote optimum development, and so that investment values will be maximized and will not be endangered by unsightly, undesirable, or incompatible development on adjacent properties in the foreseeable future.<sup>1</sup>

##### **(1) Applicability**

The O-QGD regulations of this section (Sec. 4.23) apply to all multi-family residential, commercial, office, office distribution or industrial uses within the Quality Growth Development overlay.

##### **(2) Intent.**

The primary goals of the O-QGD overlay district are to provide a positive climate for high-quality investment and development, to provide a sense of place and orientation, to provide an attractive and functional environment, to ensure a harmony of uses and development, and to provide a comfortable, secure, and harmonious developed environment.

##### **(3) Site design requirements.**

###### **a. Landscaping.**

###### **1. Generally.**

Any multi-family residential, commercial, office, office distribution, or industrial use within the O-QGD shall comply with the landscaping requirements of this section in addition to the applicable requirements and standards of Article 2, Article 8 and Article 9.

###### **2. Landscaping requirements.**

The location and detail of all required landscaping shall be depicted on the site landscaping plan (see the Procedures and Permits Article of this Development Code).

###### **a) Minimum required landscaped area.**

Each site shall have a minimum landscaped area of 25 percent. The calculated landscaped area may include tree islands within required parking areas.

###### **b) Frontage landscape strip.**

A minimum 25-foot wide landscape strip adjacent to the street right-of way shall be provided. Every 100 feet of linear landscape strip must include a minimum of 3 canopy trees, 3 understory trees, 2 evergreen coniferous trees, and 18 shrubs. Planting standards may be reduced up to 50% with the provision of a 5 feet tall earthen berm running the entire length of the landscape strip.

###### **c) Side and rear yard landscaping.**

Unless otherwise required in Article 8 of the Unified Development Code, all required side and rear yards shall be landscaped in accordance with the requirements of this article.

###### **d) Other landscape areas.**

All land surfaces other than those covered by permitted buildings, structures, paving, or other required site elements shall be landscaped with well-maintained grass, flowers, shrubs, or other suitable plant materials.

###### **e) Natural buffers.**

Natural buffers shall be supplemented with native plantings when ~~the natural-existing vegetation on the~~

~~site buffer~~ does not provide a minimum of 80% opacity between the proposed use and the adjacent residential district. These plantings shall include a mixture of canopy trees (50% must be evergreen), understory trees, evergreen coniferous trees and shrubs. Canopy trees shall be no less than 3 inches in caliper and no less than 15 feet in height at the time of planting with a mature height of no less than 25 feet.

**b. Screening.**

**1. Generally.**

Any multi-family residential, commercial, office, office distribution, or industrial use within the O-QGD shall comply with the screening requirements of this section in addition to all other applicable requirements and standards of this Development Code.

**2. Requirements for loading areas, service equipment, outdoor storage areas.**

All loading areas, outdoor service equipment, and outdoor storage areas, including those for trucks, busses, automobiles stored more than 48 hours, or the storage of any other vehicles or equipment shall be screened from street or adjacent property view by an attractive solid masonry wall finished on the exterior side by the same material used for the façade of the building. Such wall shall be not less than 5 feet in height and no more than 8 feet in height. Specific height, as dictated by all applicable ordinance provisions, shall be determined during the site plan review process.

**3. Exceptions for loading areas, service equipment and outdoor storage areas.**

a) ~~Exceptionally, a~~ No screening ~~is required shall be required~~ to separate adjacent uses that are the same or similar.

b) ~~A natural or structural buffer may be substituted for up to A portion of the required screening, not to exceed 25 percent of the required screening, may be substituted in the form of a natural or structural buffer.~~

**4. Building landscaping and screening.**

a) ~~For any~~ If a building structure ~~which~~ faces a public street or is directly adjacent to a residentially zoned property, and has less than 25% glazing or openings (doors, windows, and service entries) on the façade facing the public street or residentially zoned property, ~~the lot for such building structure must include~~ a landscape screen ~~shall be provided~~ between the building structure and the residentially zoned lot in addition to any buffers required by Article 8 of this Development Code. Such screen must be a minimum of 15 feet in width and run the entire length of the subject building façade except where there are breaks for building access. Every 100 feet of linear building landscaping screen must include: 6 canopy trees (3 of which must be evergreen), 2 understory trees, 3 evergreen coniferous trees, and 18 shrubs. Canopy trees shall be no less than 3 inches in caliper and no less than 15 feet in height at the time of planting with a mature height of no less than 25 feet. Understory trees shall be ~~any~~ deciduous or evergreen trees that ~~have the potential to typically~~ grow to a mature height of less than 40 feet.

**c. Utility and service equipment.**

1. All industry standard grade utilities shall be located underground. All entry fixtures and other service equipment shall be located in side or rear yards ~~and away from~~ outside of high use or high visibility areas. These fixtures shall be adequately screened by masonry walls, imitation- wood vinyl privacy fences with plantings, or plantings. Such fixtures and service equipment shall be screened ~~as per in~~ accordance with Sec. 208 (e)(3)b.

2. All service equipment including but not limited to air conditioning units and other utility or mechanical equipment that will be located on a rooftop shall be screened from ground level view behind a parapet wall or other architectural extension,

equal in height to the unit requiring screening. Such parapet or extension shall be compatible to, in design, and integrated architecturally to the building. A parapet or extension of up to 8 feet in height will not be included when calculating building height. Ground level view shall be defined as any view of the structure from the property line in any front yard of the property.

**d. Outdoor storage.**

1. Outdoor storage of merchandise or inventory (other than motor vehicles) may be permitted as outlined in Sec. 305 regarding outdoor storage. Such outdoor storage shall be screened as per Sec. 208 (e)(3)b.
2. Outdoor storage of motor vehicles may be permitted only in paved areas shown on the site plan.

**e. Sign regulations.**

**1. Number and size.**

Except for shopping center lots in commercial zoning districts, only one principal freestanding sign, ~~of not more than exceeding 60 square feet in area, per street frontage~~ is permitted per street frontage. ~~Corner lots may use a total of 120 square feet with a maximum of 2 signs, one per frontage.~~

**2. Materials.**

All signs shall be composed of wood, stone or other similar materials. Decorative fences & walls.

**3. Materials permitted.**

Any fences or walls not required for screening under this section shall be composed of stone, decorative metal or decorative block. If located parallel to a street and within 30 feet of that street, these fences or walls shall comply with Article 8 of this Development Code.

**4. Prohibited materials; exception.**

Chain link, unfinished concrete or cinderblock, plastic or fiberglass, barbed or razor wire, and wood fences are prohibited. Paint shall not be used as a finish material. Exceptionally, the above prohibited materials may be utilized on a security fence if located inside an approved screening fence, wall, or other screening element as specified above.

**(4) Building design requirements.**

**a. Bulk & setback requirements.**

**1. Maximum building coverage.**

Except for one-story warehouse, storage, or distribution buildings which are limited to a maximum building coverage ratio of 45 percent, the ratio of building coverage to the total lot area shall in no case exceed a ratio of 55 percent.

**2. Floor area ratio.**

The ratio of total floor area of all buildings on a lot to the total site area (Floor Area Ratio) shall not exceed a ratio of 150 percent (or 1.5 times the total site area).

**b. Building finishes, wall planes and roof planes.**

**1. Wall planes and roof planes.**

Any building facing a public street or directly adjacent to a residentially zoned lot shall not have wall planes exceeding 30 feet in length without a change in plane by means such as a vertical recess, projection, change in material or color or pilaster. Changes in roof planes shall occur at locations with changes in wall planes.

**2. Prohibited finish materials.**

Aluminum, steel, vinyl, mirrored or reflective glass, cinderblock, unfinished concrete, fiberglass or plastic are prohibited, except architectural detailing and decorative trim of not more than 15% of any one façade.

### 3. Permitted finish materials for front-facing

#### facades. a) Principal materials.

~~All~~E exterior finish materials visible from any public street shall be any of the following:

- i. Brick or brick face;
  - ii. Natural stone including granite, marble, sandstone, field stone or any other natural stone;
  - iii. Manufactured stone including imitation field stone, marble terrazzo, and any other manufactured architectural finish stone;
  - iv. Clay tile with baked-on enamel finish; or architecturally treated decorative concrete block; or
  - v. Fiber cement/cementitious siding (board or plank).
- ~~b) Windows and glass doors.~~

~~All front facades shall have a minimum of:~~

- i. At least 25% of the street-façade of all nonresidential buildings shall consist of ~~25%~~ glass windows and glass doors on each floor visible from a public street unless directly screened by an adjacent building landscaping screen.
- ii. At least 25% of the street-façade of all Residential buildings shall consist of ~~20%~~ glass windows and glass doors on each floor visible from a public street unless directly screened by an adjacent building landscaping screen.

### 4. Permitted finish materials for side and rear facades.

~~All~~E exterior finish materials for side and rear facades shall be any of the following: a) Brick or brick face;

- b) Natural stone including granite, marble, sandstone, field stone or any other natural stone;
- c) Manufactured stone including imitation field stone, marble terrazzo, and any other manufactured architectural finish stone;
- d) Clay tile with baked-on enamel finish;
- e) Architecturally treated decorative concrete block;
- f) Architecturally treated slabs or block either fluted or with exposed aggregate;
- g) Stucco on late or an imitation stucco material or an acceptable substitute.
- h) Fiber cement/cementitious siding (board or plank).

#### ~~(4)(5)~~ Other requirements.

- a. Buildings and site elements shall be well maintained and repaired or replaced in a timely manner should damage or deterioration occur. Any damage or deterioration shall be corrected within 60 days.
- b. ~~There shall be no~~ Outdoor loudspeaker systems ~~utilized~~ are prohibited.

- c. For lots which include required landscaped yards, setbacks, buffer, or screens, the developer shall submit a maintenance plan as part of project approval, showing proper maintenance and irrigation of landscaped areas, and providing for dead and underperforming plant material to be removed and appropriately replaced.

**~~(5)(6)~~ Residential development standards.**

Residential densities for R-TC and R-MF ~~zoned property located within the boundaries of the districts in the Sweetwater Master Plan~~ ~~Area shall not exceed only will be~~ 10 dwelling units per acre and ~~shall be~~ subject to the following:

- a. All developments ~~will~~ shall include publicly accessible greenspace for a minimum of 10% of the total lot area and will be mixed use master planned developments with the following options:
  1. For projects greater than 500 feet from the right-of-way of Thornton Road, R-MF of a maximum 50% of units and a minimum 50% of units deed restricted to owner occupied R-TC, R-MD or R-LD, or;
  2. For projects within 500 feet of the right-of-way of Thornton Road, R-MF of a maximum 80% of square footage and a minimum of 20% of square footage commercial zoning. Residential over retail/commercial uses are allowed as part of a mixed use master planned development.
- b. Residential buildings with ground floor units directly facing a public street must front the street and provide direct pedestrian access to the sidewalk at the street.
- c. Residential developments shall utilize building techniques and best site design practices to encourage minimal site grading and maintain existing tree coverage.
- d. Developers who apply the high performance standards listed below to multi-family (R- MF) and townhome-condominium (R-TC) residential projects in the Quality Growth Development ~~District overlay located~~ in the Sweetwater Master Plan ~~Area only area will be are~~ allowed ~~the following: Utilization of all of the following EarthCraft "high performance" standards in the R-MF and R-TC zoning districts will allow for up to~~ a 50% density bonus ~~for that project for R-MF and R-TC~~. Utilizing these standards and receiving this density bonus ~~is to be must be~~ approved prior to any project commencement, and any alteration to those standards may result in revocation of density bonus.
  1. Provision ~~of bike racks~~ at least one bicycle indoor, protected bicycle parking space per 3 ~~for more than 25% of the~~ dwelling units;
  2. Provision of at least one an electric vehicle charging ~~facility~~ station per 50 parking spaces;
  3. ~~Provide~~ Provision of community accessible meeting spaces for tenant use. Areas shall have internet and phone capacity;
  4. Provision of a fenced community garden with access to water and a storage area for tools and supplies. The community garden shall be a permanent fixture and identified on all site plans and shall be in

addition to other required greenspace; and

5. Installation of Energy Star ~~qualified~~ rated appliances at the time of purchase.

~~(6)(7)~~                      **Uses.**

The following uses are ~~not allowed~~ prohibited in the Quality Growth District:

- a. Rooming/boarding houses.
- b. Industrial launderers.
- c. Lumber yards.
- d. Automotive repair and maintenance to include busses and trucks.
- e. Automotive parking lots as principal uses to include busses and trucks.
- f. All automotive parts/accessory/tire stores.
- g. Outdoor storage as a principal use.
- h. Fueling for trucks and busses.

#### **4.25 - Mixed-use master planned developments.**

##### **(a) Legacy Status**

(1) No applications to establish new mixed-use master planned developments or to expand the boundaries of existing mixed-use master planned developments shall be accepted for processing after November 10, 2020, except that any special use application for a mixed-use master planned development that is in process on November 10, 2020 shall continue to be processed and may be approved.

(2) The special use approval, concept plan, and development plan text govern the use and development of existing, approved mixed-use master planned developments. Amendments to existing mixed-use master planned developments require an amendment of the concept plan and development text by the Board of Commissioners following the special use approval procedures of this UDC.

#### **4.26 - Master planned developments.**

##### **(a) Legacy Status**

(1) No applications to establish new master planned developments or to expand the boundaries of existing master planned developments shall be accepted for processing after November 10, 2020, except that any special use application for a master planned development that is in process on November 10, 2020 shall continue to be processed and may be approved.

#### **4.27 Conservation Subdivisions.**

##### **4.27 (a) Conservation subdivisions; where allowed.**

- (1) Conservation ~~development provisions may be applied to~~ subdivisions are allowed for any single-family detached subdivision in ~~the~~ AG, R-A or R-LD zoning districts except in the Dog River Watershed Protection Area and the O-ED overlay district. Conservation subdivisions are not allowed within the Dog River Watershed Protection Area or the O-ED overlay district.
- (2) Conservation subdivisions are reviewed and approved under the same process that applies to conventional subdivisions.
- (3) In addition to any conditions of zoning approval that may apply to a specific property, the provisions of this Section apply to all Conservation subdivisions.

##### **4.27 (b) Maximum number of lots.**

A Conservation subdivision shall not exceed the maximum density of dwelling units per acre allowed for the zoning district in which the Conservation subdivision is located (as shown on Table 4.1 of Article 4), or as otherwise required by an overlay district applicable to the property, whichever results in the lowest density. The maximum density shall be applied to the gross acreage of the entire property, excluding only those areas excluded from maximum density computations under Article 4.

##### **4.27 (c) Minimum dimensional standards.**

###### **(1) AG Conservation subdivision.**

For a Conservation subdivision in the AG zoning district, the minimum lot area, width, setbacks, buildable area, structure height and all other dimensional requirements applicable to the R-A zoning

district shall apply.

**(2) R-A Conservation subdivision.**

For a Conservation subdivision in the R-A zoning district, the minimum lot area, width, setbacks, buildable area, structure height and all other dimensional requirements applicable to the R-LD zoning district shall apply.

**(3) R-LD Conservation subdivision.**

For a Conservation subdivision in the R-LD zoning district, the minimum lot area, width, setbacks, buildable area, structure height and all other dimensional requirements applicable to the R-MD zoning district shall apply.

**4.27 (d) Common Conservation.**

Acreage not utilized for residential lots, roadway access and utilities shall be placed in common Conservation or devoted to recreation amenities. Designated conservation areas required under this Development Code must be included within a conservation easement established in accordance with the conservation and natural resources easements Division of Article 9.

- (1) A minimum percent of the gross project site area shall be reserved for common Conservation, as follows: no less than 40% of the total site must be set aside as Conservation for conservation, preservation or passive recreational use, such as walking trails and picnicking. Buffers, wetlands, bodies of water and otherwise unbuildable areas shall constitute no more than 50% of the minimum required Conservation.
- (2) Additional common Conservation may be provided for active recreation areas for the proposed development, such as swimming pools, tennis courts, community facilities, etc.
- (3) Required zoning buffers on the perimeter of the property may be included in the common Conservation area, provided that such buffer areas may not be counted toward more than 10% of the minimum Conservation requirement of Sec. ~~504~~ (a)(4)511 (d)(1).
- (4) While common Conservation shall not be required to be contiguous, no individual portion of the common Conservation shall be less than 1 acre in size, nor less than 50 feet wide in its narrowest dimension, except as follows:
  - a. The Conservation area, by the very nature of its designated boundaries, is less than 50 feet in width. Examples include strips of steep slopes and "fingers" of floodplains that extend up drainage swales.
  - b. Parkways between road travelways, which must be at least 26 feet in width.
  - c. Viewshed buffers intended to screen the view of the subdivision development, which must be at least 200 feet in width unless the topography of the land adequately screens the view of the buildings in the subdivision from the abutting roadway.
- (5) No portion of the residential lots shall be credited toward the minimum Conservation requirements unless the portion is included within the conservation easement. No portion of any street right-of-way or public or private utility easement shall be credited toward the minimum Conservation requirements.

- (6) The required common Conservation and any applicable conservation easements shall be platted at the same time that adjacent residential lots are platted, in whole or in phases.

**4.27 (e) Residential development standards.**

**(1) Public Water Supply**

Every residence must be connected to a public water system.

**(2) Recreation amenity.**

Every Conservation subdivision having any lots less than 2 acres in size and proposed to contain 50 dwelling units or more must include a community recreation amenity to serve the development, based on the number of lots in the subdivision as delineated in Article 5, Section 504(f) for Conventional subdivisions unless otherwise established as a condition of zoning approval.

**(3) Underground Utilities**

Conservation subdivisions shall be serviced with underground utilities (electric power, natural gas, telephone, TV cable. etc.) unless this requirement is waived by the County Engineer due to physical construction constraints.

~~(4) All dwelling units shall have 100% of the front façade as brick and/or stacked stone, 100% of the side façade shall be brick and rear façades which consist entirely of any combination of brick, and cementitious siding.~~

~~(5) Each dwelling unit must include at least a 2-car garage having no less than a 10-foot by 20-foot area per parking space.~~

**4.27 (f) Internal orientation required.**

All lots within a Conservation subdivision must front upon and gain their access from a street within the subdivision, ~~provided that any lot fronting upon and gaining its access from an existing County street or road shall comply with the dimensional standards of the zoning district within which the Conservation subdivision is located.~~

**4.28 (a) O-ED Estate Density Overlay District.**

The O-ED overlay district is established to protect and promote a suitable environment for rural or "large lot suburban" family life, agriculture including the raising of livestock and poultry, and the development of natural resources and other uses requiring extensive areas of land. This overlay district is required to protect the future development of land in accordance with the comprehensive plan of the county as amended. The O-ED overlay district shall place the following restrictions in addition to those in the overlaid districts. The minimum lot size and density requirements of this overlay district shall be met unless greater area is required for a use by the zoning district in which the property is located.

**(1) Permitted uses.**

All permitted uses that are allowed by this Development Code on a property by the applicable base zoning district are permitted provided they do not conflict with any requirement of this Section.

**(2) District location.**

The O-ED Overlay District is described as all those portions of Land Lots 1 through 6, 31 through 37, 39, 40 and 63 of the 1st District, 5th Section; Land Lots 1 through 3 and 32 of the 2nd District, 5th Section; and Land Lots 1 through 5, 7 through 13, and 23 of the 3rd District, 5th Section of Douglas County that are within the Bear Creek Watershed Protection District as defined on the Official Zoning Map of Douglas County. This area shall exclude parcel numbers 0006-015-0001, 0006-015-0006, 0006-015-0007, 0006-015-0008, 0006-015-0010, 0007-015-0002, 0007-015-0002, 0040-015-0016, 0041-015-0001 located on the official tax map of Douglas County.

(3) Zoning districts excluded:

The O-ED Overlay District specifically excludes all properties zoned PUD as of the date of the adoption of this Development Code.

(4) Area requirements:

The following requirements shall be met before any permits will be issued. When these requirements conflict with those in the R-A and R-LD zoning districts, as applicable to a particular property, the more restrictive shall apply.

a. Minimum lot size, single-family dwellings.

A single-family dwelling shall comply with the following minimum density and lot size requirements:

1. Every lot or subdivision shall achieve an overall density of one dwelling unit per no less than three acres (130,680 square feet) of gross land area.
2. A dwelling unit may be located on a lot containing no less than 43,560 square feet (one acre) of net land area, provided that the minimum density requirement of one dwelling unit per three acres is met for all dwelling units on the property or in the subdivision as a whole.
3. Deviations from the minimum density and lot size requirements of this Subsection may be granted by the Board of Commissioners in cases deemed to constitute a hardship to the property owner or an extraordinary benefit to the public health, safety or general welfare. Deviations shall be considered by the Board of Commissioners upon application of the property owner and following all procedures in conformance with the Procedures and Permits Article of this Development Code as though a zoning map amendment. No deviations will be considered for any financial hardship requests. Deviations may be granted as follows:
  - a) As a condition of approval imposed at the time of rezoning of a property; or
  - b) Upon appeal to the Board of Commissioners by the property owner.

b. Minimum lot size, other uses.

Any use other than a single-family dwelling shall occupy a property containing no less than 3 acres (130,680 square feet) of gross lot area.

c. Minimum buildable lot area.

1. Every property shall provide a single, contiguous buildable area of at least 43,560 square feet (one acre) within the lot exclusive of any land contained within a primary conservation area as defined in the Environmental Protection Article of this Development Code.
2. Additional land contained within a property or subdivision in excess of the minimum buildable area for each lot may be located within a primary conservation area.

(5) Treatment of open space.

Land within a subdivision that is not included within individual building lots shall be set aside as common open space. Such open space and primary and secondary conservation areas shall comply with the following provisions:

a. Conservation areas.

All primary conservation areas, and all secondary conservation areas designated by the developer for protection, shall be included within a conservation or natural resource easement (as applicable) in accordance with the requirements for such easements contained in the Environmental Protection Article of this Development Code

b. Ownership.

All common open space shall be owned by a homeowners' association in accordance with the requirements for such property owners' associations under the Subdivisions and Planned Developments Article of this Development Code.