

## Agenda Item

**DATE:** DECEMBER 20, 2022  
**TO:** DOUGLAS COUNTY BOARD OF COUNTY COMMISSIONERS  
**THROUGH:** DOUGLAS J. DEBORD, COUNTY MANAGER  
**FROM:** TERENCE T. QUINN, AICP, DIRECTOR OF COMMUNITY DEVELOPMENT  
**CC:** CJ GATES, PLANNER  
DAN DERTZ, PLANNING RESOURCES MANAGER  
MICHAEL CAIRY, ZONING COMPLIANCE MANAGER  
STEVEN E. KOSTER, AICP, ASSISTANT DIRECTOR OF PLANNING SERVICES  
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**SUBJECT: SHORT-TERM RENTALS PERMITTING OPTIONS**

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### SUMMARY

Throughout 2022, the Board of County Commissioners (Board) requested that Planning staff develop options to allow for the use of residences as short-term rentals (STRs). Staff prepared two options: a draft amendment to the Douglas County Zoning Resolution (DCZR) and a draft ordinance (Ordinance). Staff is bringing this information back for discussion based on Board direction. The potential options are attached herein.

### BACKGROUND

On February 23, 2022, the Board hosted a live town hall meeting regarding STRs. Over 3,000 participants joined online and in person. Some of the comments received included:

- Any permitting or approval process should be fair and equitable.
- Any new regulations need to be enforceable.
- The process should not require people to tattle on neighbors.
- Several objections to commercial activities in residential areas.
- Absentee owners that are not invested in their community allow for bad behavior by renters.
- STRs have created increased calls for services in the Mountain Communities Fire District. Reasons include lack of understanding of fire restrictions by renters, increased ATV accidents, and noise. (Fire Chief)
- Renters do not respect private roads and other private property.

Following the live town hall, staff and representatives of vrbo and Airbnb attended a work session with the Board to discuss what was heard and possible next steps. The industry representatives encouraged a local approach and advised that it might take more than one attempt to get any

new regulations right. The Board also requested that Planning staff develop options to allow for the use of residences as STRs. Staff prepared two options: a draft amendment to the Douglas County Zoning Resolution (DCZR) and a draft ordinance (Ordinance). Staff is bringing this information back for discussion based on Board direction. The potential options are attached

No additional sessions have occurred since this time.

## **DISCUSSION**

### **Douglas County Zoning Resolution Amendment**

Section 21, Use by Special Review (USR), of the DCZR could be amended to allow homeowners in qualifying zone districts to apply for a USR to operate a STR from a property. Each application would be evaluated and approved by the Board. Annual reviews of USRs are conducted by Douglas County staff to ensure continued compliance with regulations. This DCZR amendment would not automatically apply to the Planned Development (PD) zone district. To operate a STR within a specific PD, the PD guide would need to be amended to allow the use.

The proposed amendment to the DCZR would allow all owners of residences within the Agricultural One (A-1), Large Rural Residential (LRR), Rural Residential (RR), Estate Residential (ER), and Suburban Residential (SR) zone districts the option to apply for a USR. In addition, Section 36, Definitions, of the DCZR, would be amended to include the definitions related to STRs. Proposed DCZR amendment language pertaining to a USR process is attached.

If a STR was approved as a USR, the homeowner and the short-term rental lessee would be required to comply with the DCZR and the USR's site and management plans. If a STR property was not operated in compliance with the regulations and plans, the Douglas County Zoning Compliance staff would have responsibility and authority for enforcement. The process to address zoning violations may not result in an immediate resolution of noncompliance. The Douglas County Sheriff's Office may still field complaints regarding STR properties on more urgent issues, such as excessive noise or unlicensed vehicles on county roadways.

### **Ordinance and Licensing Program**

An Ordinance and Licensing Program could have a broader impact than amending the DCZR. This option could potentially be applied to all residences in the unincorporated areas of the County with minimal or no amendments to zoning regulations.

The Board has authority pursuant to C.R.S. Section 30-15-401(1)(s) to enact ordinances to regulate STRs. Such an ordinance could establish the fees, terms, and manner for issuing and revoking licenses for STR units. With an ordinance and licensing program, there are clear paths to deny, suspend, or revoke a license, as well as issue penalties.

As currently drafted, the proposed Ordinance specifies that the Director of Community Development or a designee (Director) would review each STR license application to determine if the criteria of the Ordinance are met. The Ordinance grants the Director the authority to approve

or deny a STR license and to suspend or revoke a STR license if the Ordinance is being violated. A licensee could appeal a decision of the Director at a public hearing before the Board.

From an enforcement perspective, an Ordinance allows more flexibility and options. The Ordinance allows for a warning and request for voluntary compliance to be issued prior to more severe enforcement steps. A warning may not be provided in certain instances, such as if a violation poses an imminent risk to human health or safety. When voluntary compliance cannot be achieved, the Ordinance allows for the suspension or revocation of a license. It also allows for monetary penalties to be assessed for violations by an owner or lessee on a graduated scale.

Lastly, and significantly, the Ordinance may be enforced by the Director or by the Douglas County Sheriff's Office (DCSO). This would allow Zoning Compliance staff to address issues that can be handled during the day on weekdays. This approach also allows for enforcement by the DCSO of quality-of-life issues that Zoning Compliance staff may not be able to respond to in a timely manner, such as noise complaints late at night or on the weekends or a campfire started by a lessee.

#### **NEXT STEPS**

Staff is prepared to discuss short-term rental regulations with the Board.

#### **ATTACHMENTS**

Draft DCZR Amendment  
Draft STR Ordinance

SECTION 21 USE BY SPECIAL REVIEW

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## 2101 Intent

To provide for uses in specific zone districts that shall require a public notice and hearing and the approval of the Board of County Commissioners subject to such conditions and safeguards as may be imposed by the Board, and to establish procedures for amending an approved use by special review based on the anticipated impact of the change.

## 2102 Approval Standards

A use by special review shall be approved only if the Board of County Commissioners finds that the proposed use:

- 2102.01 Complies with the minimum zoning requirements of the zone district in which the special use is to be located, as set forth in this Resolution.
- 2102.02 Complies with the requirements of this Section 21.
- 2102.03 Complies with the Douglas County Subdivision Resolution.
- 2102.04 Will be in harmony and compatible with the character of the surrounding areas and neighborhood.
- 2102.05 Will be consistent with the Douglas County Comprehensive Master Plan, as amended.
- 2102.06 Will not result in an over-intensive use of land.
- 2102.07 Will provide roadway capacity necessary to maintain the adopted roadway level-of-service for the proposed development concurrently with the impacts of such development.
- 2102.08 Will provide public facilities and services necessary to accommodate the proposed development concurrently with the impacts of such development.
- 2102.09 Will not cause significant air, water, or noise pollution.
- 2102.10 Will be adequately landscaped, buffered, and screened.
- 2102.11 Complies with the following standards regarding water supply:
  - 2102.11.1 If it is demonstrated that the use by special review will not generate any ongoing water demand, no proof of water supply shall be required and no other provisions of Section 18A, Water Supply - Overlay District, herein, shall be applicable. *(Amended 5/26/2015)*
  - 2102.11.2 If it is demonstrated that the use by special review, when located on a conforming parcel within the A-1 or LRR zone district, will generate

a water demand not to exceed three (3) acre-feet per year, and that the demand can be supplied by a groundwater well which has or is capable of receiving a permit from the Colorado Division of Water Resources for such use, this standard shall be met and no other provisions of Section 18A, Water Supply - Overlay District, herein, shall be applicable. Water demands shall be estimated in accordance with the Minimum Water Demand Standards defined in Section 18A, Water Supply – Overlay District, herein. *(Amended 5/26/2015)*

2102.11.3 For all other use by special review applications, the applicant shall demonstrate conformance with Section 18A, Water Supply - Overlay District, herein. *(Amended 5/26/2015)*

2102.12 Will not otherwise be detrimental to the health, safety, or welfare of the present or future inhabitants of the County.

### 2103 Length of Approval

A use by special review shall be permitted for a duration of time specified by the Board or until the land use changes or is terminated, whichever occurs first. The use by special review may transfer with the sale of the land.

### 2104 Annual Review

Each use by special review is subject to yearly review, or as often as the Board deems appropriate, to ensure compliance with the approval standards and conditions of approval.

### 2105 Amendment of An Approved Use by Special Review

An amendment to an approved use by special review may be considered in accordance with the procedures identified herein for either a use by special review amendment or an administrative use by special review amendment.

### 2106 General Provisions

2106.01 The Board may establish lesser setbacks than those required in this Section, and heights greater than those allowed in the underlying zone district, if the Board determines that adequate buffering is or will be provided to mitigate such concerns as noise, visual, dust, or other social or environmental impacts. The burden of proof is on the applicant to demonstrate such adequate mitigation measures.

2106.02 Outdoor storage areas shall be concealed by a solid wall or fence of an appropriate height unless otherwise provided for herein.

- 2106.03 A use by special review may be permitted on nonconforming parcels when such use is permitted, as a use by special review, in the zone district to which the parcel conforms in size.

2107 Allowed Uses by Special Review (Amended 8/28/18)

The Development Plan for a specific Planned Development District shall set forth the permitted uses by special review and any additional requirements therein.

The following uses are listed as uses by special review within the zone districts of this Resolution, and are subject to additional requirements as noted herein:

- 2107.01 Animals - nondomestic, exotic: A-1 and LRR zone districts provided that:
- a security fence surrounds the enclosures to prevent the animals from leaving the premises; and
  - the applicant shall contact the Denver Zoo Curator and State Division of Wildlife to determine the enclosure size needed and any special conditions for species on the site. Each enclosure shall have adequate water and drainage.
- 2107.02 Bar or Lounge: CMTY and MI zone districts
- 2107.03 Batch plant - concrete, asphalt or mortar: LI and GI zone districts
- 2107.04 Bed and Breakfast: A-1, LRR, RR, ER, and MI zone districts
- 2107.05 Campground: A-1 zone district provided that all uses and structures are located at least 100 feet from all property lines
- 2107.06 Cemetery: A-1 zone district
- 2107.07 Chemical/hazardous material storage, transfer, or disposal facility: GI zone district, provided such use complies with all State and federal regulations and is located at least 500 feet from all lot lines (Amended 3/28/01)
- 2107.08 Church with a seating capacity, in the main worship area, greater than 350: A-1, LRR, RR, ER, SR, MF and MH zone districts, provided that such uses are located at least 50' from all lot lines or the zone district minimum setback, whichever is greater
- 2107.09 Club or Country Club: CMTY, D, and MI zone districts
- 2107.10 College or University extension office: CMTY and D zone districts
- 2107.11 Cultural facility: A-1 and LRR zone districts

2107.12 Day-care center, preschool, or day-care home - large: A-1, LRR, RR, ER, SR, MF, and MH zone districts provided that such uses shall be situated on a lot of not less than 10,000 square feet and that a solid fence or wall 6 feet in height shall completely enclose the yard used for playground purposes

2107.13 Dude ranch: A-1 zone district

2107.14 Event Center: CMTY and D zone districts, subject to the following additional requirement:

2107.14.1 A noise study shall be submitted demonstrating compliance with the limits established in Section 1703A of the Noise Overlay District.

A-1 zone district, subject to the following additional requirements:

2107.14.2 Structures used for the event center shall be of a scale and design that is compatible with the surrounding rural environment.

2107.14.3 Structures, outdoor assembly areas, and parking lots used for the event center shall be setback a minimum of 200 feet from all adjacent property lines.

2107.14.4 Noise generated by the event center use shall not result in noise levels which exceed 40 dB(A) between 7:00 a.m. and 7:00 p.m., and 35 dB(A) between 7:00 p.m. and 7:00 a.m., measured in accordance with Section 1705A.

2107.14.5 A noise study shall be submitted demonstrating compliance with the event center noise standard.

2107.14.6 In addition to the management plan components specified in Section 2112, operational limitations for the event center shall address the following:

- (1) Maximum number of event patrons.
- (2) Frequency of events including times of day and days of week.
- (3) The number of outdoor and indoor events.
- (4) Specific mitigation measures to limit the impacts of any exterior lighting.
- (5) Specific limitations or mitigation measures to ensure compliance with the noise standards consistent with the noise study.

2107.14.7 In addition to the information required for the project narrative specified in Section 2111, the event center narrative shall include a discussion of the following:



- (1) The ability of the existing or proposed structures to comply with building and fire code requirements for public assembly uses.
- (2) The ability to provide sanitation service for the proposed use by connection to a sanitary sewer or provision of on-site wastewater treatment.
- (3) The ability to connect to a central water provider or to obtain a well permit for the proposed use.

2107.15 Feed yard - confinement center: A-1 zone district, provided that such use is located at least 500 feet from all property lines, and that such use is approved by Tri-County Health Department

2107.16 Firing range - outdoor: A-1 and G1 zone districts provided that the use is located at least 100 feet from all property lines; an indoor range may be permitted as an accessory use to an outdoor range in the A-1 zone district

2107.17 Golf course legally established as a Use by Special Review prior to June 22, 2005: A-1, LRR, RR, ER, and SR zone districts subject to the following:

- (1) Such use may be amended in accordance with the provisions established herein.
- (2) No amendment shall have the effect of changing the boundary of the area subject to the legally established Use by Special Review as it existed on June 22, 2005. *(Amended 2/12/19)*

2107.18 Greenhouse: A-1 zone district

The following may be restricted based upon compatibility with the surrounding land uses:

- Location, size, height and use of structures
- Number of vehicle trips
- Lighting and hours of operation
- Location and type of materials stored outside
- Retail sale of items
- Parking area setbacks

2107.19 Group Residential Facility: A-1, LRR, MF, MH, B, C, and LI zone districts provided that the Group Residential Facility does not include more than 1 registered sex offender over the age of 18 *(Amended 5/14/03)*

All requests shall be submitted to the Placement Alternative Commission as a referral.

2107.20 Group Home for registered sex offenders: A-1, B, C, LI zone districts, provided the facility is located a minimum of 1,500 feet from a school, park, playground, child-care facility, and youth camp

All requests shall be submitted to the Placement Alternative Commission as a referral.

2107.21 Heliport: B/C/LI/GI zone districts:

- The FAA shall be notified regarding approval of airspace
- A management plan shall be submitted with the application that addresses the following:
  - type and use of aircraft for which the facility is intended;
  - number of planes to be stationed on the site;
  - frequency of flights and diagram of flight patterns; and
  - hours of operation.

2107.22 Home occupation: A-1 zone district where the number of nonresident employees exceeds 2, or more than 1500 sq. ft. of an accessory structure is required - No outside storage shall be allowed.

2107.23 Horse boarding or training facility: A-1, LRR, RR, and ER zone districts where the number of boarded horses exceeds the maximum number of horses permitted by right or by administrative review, or the number of lessons for non-owned horses, or riders not related to the landowner or lessee, exceeds 14 per week

The applicant shall demonstrate a minimum water supply of 20 gallons per horse per day. The applicant must obtain the necessary well permits from the State Division of Water Resources.

On the Plan Exhibit, the applicant shall identify areas of allowable devegetation, pastures proposed for horse grazing, the pasture grazing schedule, manure storage areas, and the method and frequency of manure disposal.

2107.24 Horse rental stable: A-1 and LRR zone districts provided that all uses are located at least 100 feet from all lot lines

2107.25 Hotel: CMTY and D zone districts

2107.26 Hunting or fishing club: A-1 zone district; hunting clubs shall be located on a minimum of 160 acres

2107.27 Jail/correctional facility: GI zone district - Security for the facility may include barb, electric, or concertina wire when located a minimum of 6' 6" in height measured from the ground level outside the fence.

2107.28 Junk, scrap metal, or auto wrecking yard: GI zone district provided all such uses are completely concealed by a solid wall or fence at least 6 feet in height

2107.29 Kennel: A-1 and LRR zone districts provided that all uses are located at least 100 feet from all lot lines

2107.30 Landfill - public or private: A-1 and GI zone districts provided that such use is approved by the Tri-County District Health Department and is located 500 feet from all lot lines or 1,000 feet from any existing residential land use, whichever is greater

Prior to applying for a use by special review, the applicant must first receive a recommendation of approval for the certificate of designation from the Colorado Department of Health. Any proposal must be in compliance with the Douglas County Comprehensive Master Plan, as amended.

2107.31 Landing Field, Private: A private, non-commercial landing field or helipad for fixed or rotary wing craft is permitted as an accessory use in the A-1 and GI zone districts provided:

- Minimum lot/parcel area: 35 acres.
- Minimum setback for landing area: 200' from the sides of the landing strip, and 400' from the ends.
- The landing field shall be for the exclusive use of the landowner and guests.
- Any commercial use, flight training, ground school, or sales, are prohibited.
- Aircraft noise may not exceed 78 db(A) for more than 5 minutes in a 1-hour period.
- The FAA shall be notified regarding approval of airspace.
- The landing strip shall be oriented such that aircraft landing and takeoff do not pass directly over dwellings, schools, churches, or other places of public assembly.
- Minimum setback from existing residences (except landowner's): 1/2 mile from either end of the runway.
- A management plan shall be submitted with the application that addresses the following:
  - type and use of aircraft for which the facility is intended;
  - number of planes to be stationed on the site;
  - frequency of flights and diagram of flight patterns; and
  - hours of operation.

2107.32 Mining, quarry, sand and gravel operation, or similar extractive land use: A-1 and GI zone districts, subject to the following:

- 2107.32.1 The use is judged by the twelve criteria for approval of a use by special review, and the goals and policies of the Douglas County Comprehensive Master Plan, as amended and its Mineral Extraction element, and may be approved with conditions derived from the extraction plan submittals listed herein.
- 2107.32.2 Exemptions from these regulations may be approved by the Director of Community Development in accordance with an approved grading permit, for any one of the following:
- (1) Earthwork performed within public rights-of-way
  - (2) Earthwork performed which is consistent with an approved site plan or an approved and recorded final plat
  - (3) Earthwork performed as part of construction per an approved building permit
  - (4) Borrow site
- 2107.32.3 A narrative that addresses all items listed in Section 2111, herein, and the following:
- (1) a discussion of the quantity and quality of the deposit and its relationship to the supply and demand information contained in the Douglas County Master Plan for Mineral Extraction
  - (2) a discussion of the positive and negative impacts of the operation
- 2107.32.4 A plan exhibit prepared in accordance with Section 2112, herein, and shows the following:
- (1) The relationship of the mine site to other uses/structures in the area
  - (2) The location of all buildings, equipment, on- and off-site haul roads, ancillary facilities, staging areas, and stockpiles
  - (3) The limits of the mine site and the extent of areas to be disturbed
  - (4) The location and dimension of buffers against noise and visual impact to be left in place or created
  - (5) Identified aquifer recharge areas, wetland areas, lakes, rivers
  - (6) Wildlife impact areas as designated in the Douglas County Comprehensive Master Plan, as amended, and areas considered significant by the Colorado Division of Wildlife
  - (7) Areas identified, through independent assessment, as having historic, archaeological, or paleontological resources
  - (8) All Douglas County Comprehensive Master Plan designations
- 2107.32.5 An operational plan shall be submitted that at a minimum addresses the following:
- (1) Start and end dates and the hours of operation

- (2) A program for initial air-quality measurements and an ongoing monitoring program, including dust from equipment and stockpiles
- (3) A program for initial water quality and quantity measurements, including well tests in the area, and an ongoing water-quality monitoring program
- (4) Sources and quantities of water needed on site
- (5) A drainage and erosion control plan in compliance with the Douglas County Storm Drainage Design and Technical Criteria manual
- (6) A program for initial noise measurement, an ongoing noise monitoring program, and a noise abatement program
- (7) Proposed methods and timing of site restoration and their relationship to visual and air-quality impacts
- (8) A phasing plan that:
  - designates areas to be disturbed and the proposed timing or extraction for each area;
  - illustrates the timing of site restoration for each area including revegetation, contouring, and grading;
  - limits the total land area to be disturbed at any one time; and
  - links the availability of adequate transportation facilities to the scope of the operation, specifically identifies off-site infrastructural improvements required for the project, and specifies the time frame for construction in relation to phases of on-site operation.
- (9) A transportation plan that:
  - designates transportation routes (*existing or proposed*) that avoid residential areas and limit the use of local roads;
  - gives traffic counts and the projected level of service along haul routes, at bridges and culverts, and at key intersections both at the start and at peak operation;
  - specifies the hours when material will be transported off site;
  - lists the improvements necessary for the transportation system to accommodate expected traffic;
  - addresses the construction of needed transportation improvements; and
  - lists the actions to be taken at the staging area to allow only safe, clean, and covered trucks onto the transportation system.
- (10) A blasting plan that:
  - Identifies noise and vibration-sensitive uses/structures/activities in the area;
  - includes a pre-blast inspection program for identified structures;
  - includes a program for initial seismic and noise monitoring during the first blast;

- incorporates a method of reviewing data from the initial blast and provisions for amending the blasting program accordingly; and
  - specifies the times and the atmospheric conditions when blasting is permitted.
- (11) An end-state, land-use plan that shows:
- areas to be returned to a natural state;
  - areas to be restored for wildlife habitat, *if applicable*;
  - areas that are appropriate for open space, trails, parks and recreational uses, and are identified on the County's open space and recreational plans;
  - the site's final topography;
  - proposed post-mining land uses, consistent with the zoning of the land; and
  - site restoration phases.
- (12) A site evaluation including:
- wildlife impact analysis conducted in conjunction with the Colorado Division of Wildlife;
  - independent assessment of the historic, archaeological, or paleontological value of the site;
  - drainage studies as required by the Public Works Department, including an erosion and sedimentation control plan, a Phase I drainage report at initial submittal, and a Phase III drainage report prior to each phase;
  - a transportation study that identifies transportation routes, number of trips, critical intersections, traffic volumes, and transportation system improvements necessitated by the application;
  - a visual analysis that documents the visibility throughout the life of the operation; identifies visually sensitive areas and the expected impact at those locations; and lists visual impact mitigation measures; and
  - a copy of all information submitted to the Division of Minerals and Geology, Colorado Department of Natural Resources.

2107.33 Motel: CMTY and D zone districts

2107.34 Motorsports Facility, Private: A-1 zone district (*Amended 4/26/16*)

2107.34.1 All components of the Private Motorsports Facility shall be located a minimum of 200 feet from all property lines. Additional setbacks may be required if necessary to mitigate noise impacts.

2107.34.2 Noise generated by the Private Motorsports Facility use shall comply with the limits established in Section 1703A of the Noise Overlay District ("noise standard").

- 2107.34.3 A noise study shall be submitted demonstrating that the proposed facility can be designed and operated in such a manner as to ensure ongoing compliance with the noise standard.
- 2107.34.4 Maximum land area devegetated, including devegetation resulting from the Private Motorsports Facility, shall comply with the limits established in Section 24, Animals.
- 2107.34.5 In addition to the management plan components specified in Section 2112, operational limitations for the Private Motorsports Facility shall address the following:
- (1) Maximum number of concurrent motorsports vehicles in use
  - (2) Hours and days of use
  - (3) Specific mitigation measures to limit visual impacts of the Private Motorsports Facility from public roadways and abutting properties; and
  - (4) Specific limitations or mitigation measures to ensure compliance with the noise standard and recommendations of the noise study.
- 2107.35 Oil or gas drilling operation: A-1 zone district provided such use is located a minimum of 100 feet from any lot line
- 2107.36 Propane distribution/storage: GI zone district
- 2107.37 Recreation facility - community: A-1, LRR, RR, ER, SR, MF, MH, CMTY, and D zone districts, provided all structures within A-1, LRR, RR, ER, SR, and MF zone districts are located at least 50' from all lot lines or the zone district minimum setback, whichever is greater
- 2107.38 Recreation facility - indoor: CMTY and D zone districts
- 2107.39 Recreation facility - neighborhood: CMTY and D zone districts
- 2107.40 Recreation facility - outdoor: CMTY and D zone districts
- 2107.41 Recreation facility - private: CMTY and D zone districts
- 2107.42 Recycle/trash transfer facility: LI and GI zone district provided all recycling or trash transfer activities are conducted within an enclosed structure.
- 2107.43 Residence:
- For new residential units in the B, C, LI, GI, or MI zone districts, school and park land dedications shall be provided in accordance with the Douglas County Subdivision Resolution, as amended.
- Caretaker - LRR zone district - 1 per lot

- Mobile home - 1 per parcel/lot in the A-1 zone district when a principal dwelling does not exist on the property
- Multifamily - B, C, and MI zone districts
- Single-family attached or multifamily - LI and MI zone district

2107.44 Religious retreat: A-1 zone district.

2107.45 Satellite earth station: A-1 zone district, and in LI and GI zone districts when the equipment exceeds the height limitation or the minimum health standards.

2107.45.1 In addition to the exhibit requirements contained in this Section and Section 27, a report describing the satellite earth station shall be included with the application. The report shall include the following:

- (1) Discussion of proposed number, height, and types of satellite dishes to be accommodated
- (2) Description of output frequency, number of channels and power output per channel for each proposed antenna (if applicable)
- (3) A letter from the applicant stating that an intermodulation study, if required, has been conducted and concludes that no interference problems are predicted
- (4) A five-year plan for the use and estimated life of the proposed telecommunication facility
- (5) A narrative from the applicant identifying technologically feasible locations (search ring or rings) for the proposed facility, and justifying the proposed location to the satisfaction of the County
- (6) A copy of the FCC license and a commitment statement from the applicant to maintain compliance with all FCC regulations, standards, and requirements regarding both radio frequency interference (RFI) and radio frequency radiation (RFR)
- (7) Statement that the proposed facility will be in compliance with all FAA regulations and applicable federal requirements including, but not limited to, those associated with the National Environmental Protection Act (NEPA) as amended, and the National Historic Preservation Act (NHPA) as amended

2107.46 Sawmill - portable: A-1 and LRR zone districts, provided that such use is located at least 100 feet from all lot lines. A portable sawmill is permitted only as accessory to a principal use.

2107.47 Septic waste and domestic sludge application: A-1 and LRR zone districts, with the approval of the Colorado Department of Health, when any of the following apply:



- 2107.47.1 Liquid dewatered or semi-dewatered sludge, as defined by the Colorado Department of Health Domestic Sewage Sludge regulations, would be applied on the soil surface or would be incorporated into the soil at a depth which does not completely cover the sludge. Dried sludge is not subject to this provision.
- 2107.47.2 More than 10 delivery vehicles would be transporting sludge to the site in any 24-hour period.
- 2107.47.3 More than 50,000 gallons of liquid sludge, or 200 cubic yards of any sludge, not defined or transported as a liquid, would be applied to the site in any 24-hour period.
- 2107.47.4 Permanent structures or facilities for further processing, treating or dewatering sludge would be constructed or associated with the site and the application of sludge material.

2107.48 Short-Term Rental Property: In the A-1, LRR, RR, ER, and SR zone districts, subject to the following requirements:

- 2107.48.1 A dwelling within a Planned Development (PD) shall not be allowed as a short-term rental property unless specifically allowed in the PD.
- 2107.48.2 No more than one short-term rental property shall be allowed per parcel. Where a parcel contains a principal residence and accessory dwelling(s), such as a guest house or caretaker residence, the owner shall use only one as a short-term rental property.
- 2107.48.3 No more than two (2) persons per sleeping area are allowed and occupancy shall not exceed the designed capacity of the on-site wastewater treatment system.
- 2107.48.4 The short-term rental property shall meet all applicable local, state, and federal standards and regulations, including but not limited to the requirements and limitations set forth in this Resolution.
- 2107.48.5 No short-term rental lessee shall construct or use any temporary structure, recreational vehicle, or trailer for overnight purposes on the property.
- 2107.48.6 No short-term rental property lessee shall make a campfire or use a portable outdoor charcoal grill, fireplace, or any other ember-producing equipment on the property.
- 2107.48.7 No short-term rental property lessee shall use an ATV or other non-licensed vehicle on the property or any County road.

2107.48.8 No short-term rental property lessee shall discharge a firearm for recreational purposes on the property.

2107.48.9 There shall be no exterior sign advertising the short-term rental property.

2107.48.10 In addition to the management plan components specified in Section 2112, operational plans and limitations for the short-term rental shall:

- (1) Identify the maximum number of occupants.
- (2) Provide a floor plan for the short-term rental property as part of the plan exhibit.
- (3) Identify the maximum number of short-term rental days per calendar year.
- (4) Identify the measures to limit the impacts of trash generated by the occupants of the short-term rental property.
- (5) Identify measures to ensure compliance with the noise standards set forth in Section 17A of this Resolution.
- (6) Demonstrate conformance with the applicable requirements of the County's on-site wastewater treatment system regulations.
- (7) Identify and include contact information for a responsible party, such as a management company or individual, who is available 24 hours per day, 7 days per week. The responsible party shall be the initial point of contact for the short-term rental property.
- (8) Identify measures that shall be taken by the responsible party or owner for disorderly behavior of lessee.

2107.498 Telecommunication facility: A-1 zone district; and in LI and GI zone districts when the equipment exceeds the height limitation or the minimum health standards.

2107.498.1 In addition to the exhibit requirements contained in this Section, a report describing the telecommunication facility shall be included with the application. The report shall include the following:

- (1) Description of the height, design, and elevation of the proposed support tower with a cross section view and description, and a statement as to whether the tower will be structurally designed to accommodate future antennas
- (2) Description of height for all potential mounting positions for antennas. If the support tower is designed for collocation, the minimum separation distances should be shown and noted as possible future antenna locations
- (3) Discussion of proposed number, height, and types of antennas to be accommodated through this application

- (4) A letter from the applicant stating that an intermodulation study, if required, has been conducted and concludes that no interference problems are predicted
- (5) A description of the use and estimated life of the proposed telecommunication facility including additional development and coverage anticipated to meet projected service needs
- (6) A narrative from the applicant identifying and justifying technologically feasible locations (search ring or rings) for the proposed service, and demonstrating to the satisfaction of the County, that the proposed service cannot be accommodated on an existing or approved support tower located within a five mile radius
- (7) The results of the RF drive test, certified as currently in calibration and traceable to National Institute of Standards and Technology, if it was undertaken to verify technologically feasible locations
- (8) Copy of the FCC license and a commitment statement from the applicant to maintain compliance with all FCC regulations, standards, and requirements regarding both radio frequency interference (RFI) and radio frequency radiation (RFR)
- (9) Statement that the proposed facility will be in compliance with all FAA regulations as demonstrated by the response to the "Notice of Proposed Construction or Alteration" or equivalent, unless certified by a qualified, licensed engineer that FAA review and approval is not required
- (10) Statement that the proposed facility will be in compliance with applicable federal requirements including, but not limited to, those associated with the National Environmental Protection Act (NEPA) as amended, and the National Historic Preservation Act (NHPA) as amended
- (11) When required, a letter of intent, in a form approved by the County, committing the support tower owner, its successors or assigns, to allow collocation of the facility under market terms, rates, and conditions
- (12) A Visual Impact Assessment (VIA) demonstrating that the proposed location is in compliance with the criteria contained in Subsection 2107.37.3
- (13) The County may require that an independent, outside consultant be retained, at the applicant's expense, to perform evaluations pertaining to compliance with regulations, standards and requirements stipulated
- (14) The Director may waive or modify one or more of the aforementioned information requirements based on design, size, or overall impact of the proposed facility

2107.498.2 A Visual Impact Assessment (VIA) shall be prepared in accordance with the VIA process contained in Appendix D of this Zoning Resolution.

2107.4~~98~~.3 In addition to the approval standards stipulated in Subsection 2102, proposed telecommunication facilities shall be located and designed in accordance with the following criteria:

- (1) Proposed telecommunication antennas shall be located on existing support towers where feasible and where the visual impacts are minimal.
- (2) The facility shall be sited to minimize impact on the environment and wildlife in the region.
- (3) The facility shall be sited to fade into the predominant backdrop of the vicinity by complementing other features and forms in the backdrop landscape.
- (4) All elements of the facility shall be designed and constructed to result in minimal visual impact. Elements shall be constructed of non-reflective materials that are typical in style and color to area buildings, structures or the backdrop landscape.
- (5) All elements of the facility, including but not limited to the accessory equipment, shall be camouflaged or screened from viewer groups as identified in the VIA. Where proposed, fencing shall be designed to minimize visual impacts.
- (6) Access to the facility shall be designed to minimize land disturbance, (including cut and fill), and visual impacts.
- (7) The height of any tower or structure shall be no greater than the distance to the nearest lot line or lease area, except engineered structures which shall be in compliance with the zone district setback.

2107.4~~98~~.4 The property owner shall be responsible for removing all elements of the telecommunication facility including, but not limited to, antennas, buildings, accessory equipment, driveways and fencing if the facility becomes technologically obsolete or ceases to perform its intended function for a period of 180 consecutive days. This removal shall be completed within 90 days of the end of such 180-day period. The site shall be restored to replicate the existing surrounding vegetation.

2107.~~5049~~ Theatre - indoor or outdoor: CMTY and D zone districts

2107.5~~10~~ Utility - Major Facility: In all zone districts, except GI, provided that the setback requirements of the zone district in which the facility is proposed to be located are met, or such additional setbacks or requirements as the Board determines necessary. Maximum heights and lot area shall be determined through the use by special review process specific to each site.

Final action by the Board must be rendered within 90 days after the submittal date for a Utility Major Facility of a public utility providing electric

or natural gas service, unless the provider and the County reach agreement on an amended time period. [§29-20-108 C.R.S.]

Wastewater Facility: Site approval is required by the Colorado Department of Public Health and Environment.

Water Storage/Treatment Facility and/or Appurtenance(s), except for Major Reservoirs, located within the following areas are exempt from the requirement for a use by special review application:

- Municipal Planning Areas (MPAs) designated by Douglas County Comprehensive Master Plan;
- Separated Urban Areas (SUAs) designated by the Douglas County Comprehensive Master Plan;
- Primary Urban Area (PUA), designated by the Douglas County Comprehensive Master Plan;
- Potential Town Urban Service Area as depicted in the Castle Rock and Douglas County Intergovernmental Agreement;
- Urban Service Area as depicted in the Town of Parker and Douglas County Intergovernmental Agreement;
- Facilities approved as part of a special district's service plan, which are located and serve property within the boundaries of such special district described in its service plan and any subsequent inclusion orders.

2107.5~~24~~ Veterinary clinic or hospital: A-1, LRR, and RR zone districts, provided that such uses are located 100 feet from all lot lines

2107.5~~32~~ Wind energy conversion systems up to 100 kilowatts: A-1, LRR, and RR zone districts as follows:

2107.5~~32~~.1 In addition to the plan exhibit required in Section 2112, herein, the plan exhibit shall include the following:

- Location of all above ground utility lines
- Location of trees or other vegetation on site, described by size and type

2107.5~~32~~.2 The maximum tower height shall be 120 feet. The minimum distance for any portion of the rotor or blades from the ground beneath the system shall be 30 feet.

2107.5~~32~~.4~~3~~ The supporting tower shall be set back from all property lines and overhead utility lines at least the height of the tower, except engineered structures which shall be in compliance with the zone district setback.

2107.5~~32~~.54 Climbing access to the structure shall be limited either by means of a 6 foot high fence around the tower base with a locking gate, or by limiting tower climbing apparatus to no lower than 12 feet above the ground.

2107.5~~43~~ Zoo: C zone district

### 2108 Submittal Prerequisite

The applicant shall attend a presubmittal meeting with the Planning Services Division to discuss the request and the submittal process and requirements for a new use by special review or an amendment to an approved use by special review.

A proposed amendment to an approved use by special review may be considered in accordance with the procedures identified herein. An amendment to a use by special review shall be considered through an administrative process when the Director determines that the change does not represent a substantial increase in the intensity of the use or impacts to the neighborhood. This type of amendment shall be referred to as an administrative use by special review amendment.

If the Director determines that the proposed amendment to an approved use by special review does represent a substantial increase in the intensity of the use or impacts to the neighborhood, the proposed amendment shall be subject to the same submittal and process requirements as required for a new use by special review application. This type of amendment shall be referred to as a use by special review amendment. When making the determination, the Director shall consider the proposed degree of change to the site improvements and management plan as reflected on the approved Plan Exhibit, with specific consideration for potential increased impacts to the surrounding community.

The applicant may appeal the Director's determination on the amendment process for an approved use by special review to the Board of Adjustment in accordance with Section 26A.

### 2109 Submittal Process

The following shall apply to a use by special review or a use by special review amendment. The application shall be submitted only after the presubmittal meeting(s) has been completed and the applicant has received the written staff comment summary from the presubmittal meeting. For a request for a use by special review or a use by special review amendment, the submittal is processed as follows:

2109.01 The applicant shall submit the required submittal information to the Planning Services Division. The submittal shall be reviewed by staff and a determination of completeness shall be made within 15 working days.

The applicant shall be notified in writing if the submittal is incomplete, and any inadequacies shall be specifically identified. An incomplete submittal will not be processed.

- 2109.02 Once the submittal is determined complete, staff will notify the applicant in writing of the number of copies of the submittal information required for distribution to referral agencies. Staff will identify in the written notice which referral agencies are referral agency - regulatory and which referral agencies are referral agency - advisory. The mailing addresses of the referral agencies shall be provided to the applicant. Electronic distribution is preferred. Otherwise, referral packets shall be provided by the applicant in unsealed manila envelopes, without postage, addressed to the appropriate referral agency, with submittal information properly folded and compiled. Staff shall include a referral response sheet and distribute the referral packets to the referral agencies.
- 2109.03 Staff shall send a courtesy notice of an application in process and applicable contact information to all abutting landowners and owners of land separated by 300 feet or less from the property by a platted tract. In Nonurban Areas, staff shall send a courtesy notice of an application in process to the entity or entities responsible for ownership and maintenance of a shared private access. The applicant shall reimburse the County for the cost of materials. Errors in the courtesy notice shall not negatively impact the determination of public notice compliance set forth herein. *(Amended 4/13/2021)*
- 2109.04 If the referral agencies elect to comment, they shall comment within 21 calendar days from the date the referral packets were mailed or electronically distributed, unless the applicant grants, in writing, an extension of no more than 30 calendar days. After the 21 calendar days, if no extension is granted, any referral agency responses received will be accepted for informational purposes only and provided to the applicant, Planning Commission, and the Board. For projects that are critical to public safety, referral agencies shall comment within 10 days of receiving a referral packet.

All referral agency comments shall be provided by staff to the applicant upon receipt. The applicant shall be given an opportunity to address the comments of all referral agencies - regulatory received within the 21 calendar day referral period, or as extended by the applicant, by identifying in writing the extent to which the project has been revised in response to the comments. The applicant is strongly encouraged to provide staff a written response to timely comments of all referral agencies – advisory and any comments received as a result of the courtesy notice.

The applicant is encouraged to meet with the referral agencies and staff to address any concerns. The applicant is required to pay those fees assessed by referral agencies - regulatory.

- 2109.05 Staff will review the referral agency comments, discuss the concerns with the applicant, schedule a public hearing before the Planning Commission, notify the applicant in writing of the hearing date and time, and prepare a staff report for the Planning Commission. The applicant is responsible for public notice of the hearing in accordance with Section 2118 herein.
- 2109.06 The Planning Commission shall evaluate the use by special review request, staff report, referral agency comments, applicant responses, and public comment and testimony, and make a recommendation to the Board to approve, approve with conditions, continue, table for further study, or deny the use by special review request. The Planning Commission's decision shall be based on the evidence presented, compliance with the adopted County standards, regulations, policies, and other guidelines.
- 2109.07 Following the recommendation by the Planning Commission, staff shall schedule a public hearing before the Board, notify the applicant in writing of the hearing date and time, and prepare a staff report for the Board. The hearing shall be scheduled for the earliest available time taking into consideration the 14-day public noticing requirement but no later than 120 days after the final Planning Commission hearing. The applicant is responsible for public notice of the hearing in accordance with Section 2118 herein.
- 2109.08 For applications that propose a water supply from an Existing District, at least 21 days prior to the Board hearing, the applicant shall submit evidence of inclusion of the property into the Existing District. An inclusion agreement may be contingent on approval of the use by special review by the Board.
- 2109.09 The Board shall evaluate the use by special review request, staff report, referral agency comments, applicant responses, the Planning Commission recommendation, and public comment and testimony, and shall approve, approve with conditions, continue, table for further study, remand to the Planning Commission, or deny the use by special review request. The Board's action shall be based on the evidence presented, compliance with the adopted County standards, regulations, policies, and other guidelines.
- 2109.10 If denied by the Board, a resubmittal of a use by special review request for the same or substantially same request, as determined by the Director, shall not be accepted within 60 days of such denial. The applicant may appeal the decision of the Director, in writing, to the Board of Adjustment pursuant to Section 26A of this Resolution. The submittal of a new application and processing fee shall be required to pursue a proposed use by special review.



- 2109.11 Following approval by the Board, the applicant shall submit a signed and notarized Plan Exhibit to the Planning Services Division. Staff shall verify that all conditions of approval have been met and all technical corrections have been made to the satisfaction of Douglas County, prior to the Director's execution of the approval certificate on behalf of the Board. The applicant shall submit the final signed Plan Exhibit no later than 90 days from the date of Board approval, unless the Board allows for a longer period of time as part of its approval of the use by special review. The Director may grant a one-time extension of no more than an additional 90 days. Further extensions shall be submitted for the Board's consideration.
- 2109.12 For applications that propose a water supply from a New Special District that will enter into an intergovernmental agreement with an Existing or Extraterritorial District as described in Section 18A, Water Supply – Overlay District, herein, the applicant shall submit evidence of creation of the New Special District, evidence of execution of the intergovernmental agreement by both parties, and evidence of inclusion of the property into the New Special District prior to approval of the Plan Exhibit. *(Amended 5/26/2015)*
- 2109.13 For applications that propose a water supply from an Existing District or from a New Special District that has entered into an intergovernmental agreement with an Existing or Extraterritorial District as described in Section 18A, Water Supply – Overlay District, herein, the applicant shall submit evidence that the water rights necessary to serve the development have been conveyed to the Existing or Extraterritorial District, and/or that the water credits to serve the development have been purchased from the Existing or Extraterritorial District, prior to approval of the Plan Exhibit. *(Amended 5/26/2015)*

#### 2110 Withdrawal of an Application

A request to withdraw an application shall be submitted, in writing, to the Planning Services Division, staff planner. Withdrawal of the application shall preclude reactivation. The submittal of a new application and processing fee shall be required in order to pursue the proposed use by special review.

#### 2111 Submittal Requirements

The following submittal requirements shall apply to a use by special review and use by special review amendment:

- 2111.01 Completed land-use application *(available from the Planning Office)*
- 2111.02 Application fee *(available from the Planning Office)*

- 2111.03 Proof of ownership that includes an updated or current title insurance policy or title commitment. or other acceptable form of title verification, no more than thirty days old from the date of application
- 2111.04 A notarized letter of authorization from the landowner permitting a representative to process the application
- 2111.05 Narrative to describe the following:
- (1) General project concepts
  - (2) Zoning of the land and compliance with the zone district requirements and any additional requirements for the use by special review as defined in Section 2107
  - (3) Define overall impacts of the proposed use on the adjoining lands
  - (4) Compliance with the Douglas County Comprehensive Master Plan, as amended
  - (5) Compliance with appropriate agency regulations and any necessary permits
  - (6) Proof of water availability
  - (7) Method of wastewater treatment
  - (8) Type or method of fire protection
  - (9) Impacts to existing vegetation and wildlife
  - (10) Impacts on air and water quality
  - (11) Impacts on peace and quiet of neighborhood
  - (12) Provision of buffering, including additional landscaping
  - (13) A description of the availability and adequacy of public services and facilities.
  - (14) Other narrative details unique to the specific type of use by special review
- 2111.06 Plan Exhibit (*per 2112, herein*)
- Plan Exhibit reductions (11"X17") may be required for public hearing packets for the Planning Commission and the Board.
- 2111.07 Development Reports, unless waived by Engineering Services:
- Phase III Drainage Report and Plan
  - GESR Report and Plan
  - Utility drawings(s)
  - Off-site improvement plans, as required
  - Engineering construction drawings
  - Traffic Impact Study

An improvements agreement may be required to identify and financially secure the public and private improvements and other commitments required as part of the use by special review approval.

- 2111.08 Detailed technical studies, based upon the scale and impact of the application, as may be necessary to demonstrate compliance with the approval standards.
- 2111.09 Documentation of a sufficient water supply in accordance with Section 18A, Water Supply - Overlay District, herein.
- For properties in the A-1 and LRR zone districts as identified in Section 2102.11.2 a copy of any existing well permits issued for the property may be requested as part of the submittal, along with an estimate of water demands.
- 2111.10 An analysis of the capacity related to level-of-service for the public facilities and services within the impact area.
- 2111.10.1 A traffic impact study in accordance with the Douglas County Roadway Design and Construction Standards.
- 2111.10.2 Documentation of capacity from the fire protection district in accordance with fire district level of service standards.
- 2111.10.3 For applications proposing additional residential uses, documentation of capacity from the school district in accordance with the school district capacity policy.

### 2112 Plan Exhibit

For a use by special review or use by special review amendment, a Plan Exhibit shall consist of both a site plan and management plan as required herein.

- 2112.01 The site plan shall be prepared in accordance with the subsections of Section 27, Site Improvement Plan of this Resolution listed below. All or portions of the required site plan elements may be waived by the Director if it is determined that the use by special review will occupy an existing structure or will not otherwise require significant public or private improvements:
- General Plan Requirements, except that title blocks and approval certificates shall follow Sections 2112.03 and 2112.04 herein.
  - Site Plan
  - Landscape Plan
  - Grading and Drainage
  - Building Elevations
  - Lighting Plan

For Personal Wireless Communication Facilities, the Design Standards provided in Section 27A shall apply.

2112.02 The management plan shall be provided that addresses all aspects of the day-to-day operation of the use by special review. The degree of detail will depend upon the specific use. The following items shall be included in the plan. The management plan shall be appended to the Plan Exhibit prior to final approval.

2112.02.1 Number of clients/boarders/parishioners/animals

2112.02.2 Hours of operation - whether the use is seasonal and the number of days of the week

2112.02.3 Number of employees

2112.02.4 Required outside storage/parking/loading areas

2112.02.5 Permit requirements from other state, federal or local agencies

2112.02.6 Method of providing fire protection

2112.02.7 Other operational elements necessary to address the potential impacts for the specific special use

2112.03 Plan Exhibit Title

The exhibit title shall include the name and legal description of the proposed development, site acreage, and project file number. The business name shall not appear in the title, rather the title shall reference the legal description when subdivided or the street address as follows:

Subdivided land:

SPRUCE SUMMIT, Filing No. 3, Lot 14  
NW¼ Section 11, Township 8 South, Range 67 West  
Permit Area – 1 acre Total Area 5 acres  
USR Plan Exhibit – US2010-002

Within a PD:

SPRUCE SUMMIT, Filing No. 3, Lot 14  
NW¼ Section 11, Township 8 South, Range 67 West  
**Planning Area 63** – Permit Area – 1 acre Total Area - 5 acres  
USR Plan Exhibit – US2010-002

When unplatted:

***(STREET ADDRESS – Address available from County Addressing Specialist)***

NW¼ Section 11, Township 8 South, Range 67 West  
Permit Area – 1 acre Total Area 5 acres  
USR Plan Exhibit - US2010-002

For a use by special review amendment:

SPRUCE SUMMIT, Filing No. 3, Lot 14 – **1st Amendment**  
NW¼ Section 11, Township 8 South, Range 67 West  
Permit Area – 1 acre Total Area – 5 acres  
USR Amendment  
US2010-002 (**Amendment to US2003-049**)

2112.04 Plan Exhibit Approval Certificate

Provide either a corporate/limited liability corporation (LLC) or individual approval certificate on the first sheet of the plan set, as follows.

**APPROVAL CERTIFICATE**

THE USE BY SPECIAL REVIEW AS DEPICTED HEREON WAS APPROVED BY THE BOARD OF COUNTY COMMISSIONERS ON \_\_\_\_\_, 2 \_\_\_\_.

\_\_\_\_\_  
Director of Community Development

- The use by special review is subject to yearly review, or as otherwise defined by the Board of County Commissioners as part of its approval of the use by special review, to ensure compliance with the approval standards and conditions of approval.
- Construction shall commence pursuant to the use by special review within 3 years from the date of approval, or within the extended effective approval period, or the use by special review shall terminate.
- The use by special review shall terminate when the use of the land changes or when the time period established by the Board of County Commissioners through the approval process expires. The owner shall notify the Zoning Division of a termination of the use. When the Zoning Division is notified of a termination of use or observes that the use has been terminated during the annual review, a written notice of termination shall be sent to the landowner.
- Acceptance of site construction drawings by Douglas County Engineering shall be required (as applicable) prior to issuance of building permits. Acceptance of site construction drawings expires three (3) years after the date of signature.
- Signs shown hereon are NOT approved. All signs require approval of a sign permit in accordance with the Sign Standards section of the Douglas County Zoning Resolution.

The undersigned as the owner or owner’s representative of the lands described herein hereby agree on behalf of itself, its successors and assigns to develop and maintain the property described hereon in accordance and compliance with this approved Plan Exhibit and the Douglas County Zoning Resolution.

(for Corporate or LLC owner)

(print corporation/LLC name)

By: (signature)  
 Title: \_  
 Date: \_

ATTEST: (if corp.)  
 Secretary/Treasurer

STATE OF COLORADO)  
 ) ss.  
 COUNTY OF\_)

Acknowledged before me this \_\_\_ day of \_\_\_\_\_, 20\_\_\_, by \_\_\_\_\_ as  
 \_\_\_\_\_ and \_\_\_\_\_ as \_\_\_\_\_ of \_\_\_\_\_, a \_\_\_\_\_  
 corporation/LLC.

My commission expires: \_\_\_\_\_

Witness my hand and official seal.

-  
 Notary Public

(For Individual Owner)

(signature of owner(s))

Acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_, by \_\_\_\_\_.

My commission expires: \_\_\_\_\_

Witness my hand and official seal.

-  
 Notary Public

An initial block is required on all subsequent Plan Exhibit sheets:

<b>Approval Certificate</b>	
Planning	_____ Initials/Date
Owner	_____ Initials/Date
Lessee <i>(if applicable)</i>	_____ Initials/Date

2113 Public Notice Requirements

The following requirements shall apply to a use by special review and use by special review amendment. The applicant shall be responsible for public notification. In

calculating the time period for public notification the day of publishing, posting, or mailing shall be counted toward the total number of days required. The day of the hearing shall not be counted toward this total.

The degree of accuracy required for the information contained in these public notices shall be that of substantial compliance with the provisions of this section. Substantial compliance for these public notices shall be determined by the Planning Commission or the Board of County Commissioners for their respective public hearings.

#### 2113.01 WRITTEN NOTICE

At least 14 days prior to the Planning Commission hearing and the Board hearing, the applicant shall mail a written notice of the hearing by first-class mail to the address of each abutting landowner as such address is shown in the records of the Douglas County Assessor's Office. The notice shall read substantially the same, as the published notice also required by this section.

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

- alphabetical list of the landowners;
- map showing their relationship to the site;
- copy of the notice sent to the landowners; and
- certificate of mailing.

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

<b>CERTIFICATE OF MAILING</b>
<p>I hereby certify that a true and correct copy of the attached written notice was placed in the U.S. mail, first-class, postage prepaid this ____ day of _____, 20____, and addressed as follows:</p> <p>(list of addresses)</p> <p>_____</p> <p>(signature of person completing the mailing)</p>

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

#### 2113.02 PUBLISHED NOTICE

At least 14 days prior to the Planning Commission hearing and 14 days prior to the Board hearing, the applicant shall:

- publish a notice in at least 1 publication of a daily or a weekly legal newspaper of general circulation, printed or published in whole or in part in Douglas County; and
- provide a publisher's affidavit of said published notice to the Planning Services Division at least 7 days prior to the hearing. The notice shall read:

**NOTICE OF PUBLIC HEARING BEFORE THE  
(PLANNING COMMISSION OR BOARD OF COUNTY COMMISSIONERS)**

A public hearing will be held on (date), at (time), in the Commissioners' Hearing Room, 100 Third Street, Castle Rock, CO, for approval of a use by special review for a (*name the specific use, i.e., church*) in the \_\_\_\_\_ zone district. The subject land is located approximately (*distance and direction from nearest major intersection*). For more information call Douglas County Planning, 303-660-7460  
File No./Name: \_\_\_\_\_

**2113.03 POSTED NOTICE**

At least 14 days prior to the Planning Commission hearing and 14 days prior to the Board hearing, the applicant shall post a notice on the land for which the use is requested. The notice shall consist of at least 1 sign facing each abutting public or private street open for travel, within 10 feet of the property line abutting such street, placed on posts at least 4 feet above ground level. In the event the staff planner determines a sign cannot be placed abutting such street and be visible from such street or that there is no abutting public or private street open for travel, the staff planner may require an alternate location for a sign. Additional signs may be required by the staff planner. Each sign shall measure not less than 3'X4'. Letter size shall be a minimum of three inches high, and a minimum of six inches high for the sentence that reads, "For more information call Douglas County Planning at 303-660-7460." (*Amended 11/6/2018*). Such notice shall read:

**NOTICE OF PUBLIC HEARING BEFORE THE  
(PLANNING COMMISSION OR BOARD OF COUNTY COMMISSIONERS)**

This land shall be considered for a Use by Special Review for a (insert specific use) in the \_\_\_\_\_ zone district. The public hearing is (date), in the Commissioners' Hearing Room, 100 Third Street, Castle Rock, CO, at (time). For more information call Douglas County Planning, 303-660-7460.



File No./Name: \_\_\_\_\_

2113.03.1 An affidavit of sign posting shall be submitted by the applicant for the file in the Planning Services Division at least 7 days prior to the hearings. The sign(s) shall be photographed by the applicant and attached to the affidavit as follows:

*(attach photo here)*  
*(sign lettering must be legible in photo)*

I, (applicant/representative/person posting sign), attest that the above sign was posted on (date) abutting (name of street).

(signature) File No./Name: \_

STATE OF COLORADO)  
 ) ss.  
 COUNTY OF .)

Acknowledged before me this \_\_\_ day of \_\_\_\_\_, 20\_\_ by \_\_\_\_\_ as \_\_\_\_\_.

My commission expires: \_\_\_\_\_

Witness my hand and official seal

\_\_\_\_\_  
 Notary Public

2113.03.2 The sign shall be removed by the applicant within 2 weeks following the final decision by the Board, withdrawal, or closure of the file by the Community Development Department.

2114 Termination of Use

2114.01 Construction pursuant to approval of a use by special review Plan Exhibit shall be commenced within three years from the date of approval, unless otherwise specified by the Board, or the approval shall terminate. The Director may grant an extension of time, for good cause shown, upon a written request by the applicant.

2114.02 The Director may grant time extensions to the effective period of a Plan Exhibit, not to exceed a total of three years beyond the date of original

approval, upon written request by the applicant. As necessary, the Director may include conditions with the time extension in order to ensure that the use by special review remains in compliance with approval standards. Site construction drawings that have expired may require re-approval by Douglas County Engineering.

Further time extensions may be requested by the applicant and considered for approval by the Board at a public meeting.

2114.03 Where a use by special review brings an existing use into compliance with applicable regulations, or is designed to correct a Notice of Violation, all improvements depicted on the use by special review Plan Exhibit shall be completed within six months of approval, unless otherwise approved by the Board.

2114.04 A use by special review shall terminate when the use of the land changes or when the time period established by the Board through the approval process expires, whichever occurs first. The owner shall notify the Zoning Division of a termination of the use. When the Zoning Division is notified of a termination of use or observes that the use has been terminated during the annual review, a written notice of termination shall be sent to the landowner.

2114.05 The termination notice is appealable, in writing, to the Board of Adjustment pursuant to Section 26A of this Resolution.

#### 2115 Inactive Files

Files that become inactive, because the applicant has not responded to staff's request for information or otherwise action in the submittal process, for a period of more than 6 months, shall become void and the resubmittal of a new application and fees shall be required to pursue the special use request. After 5 months of inactivity, staff shall notify the applicant in writing that the application will become void within 30 days. If the applicant fails to submit the required additional information or request a hearing date within 30 days, staff shall notify the applicant in writing that the application is void. This provision shall apply to all applications on file with the County upon the effective date of adoption and any application thereafter. The Director may grant an extension of time, of no more than 6 months, upon a written request by the applicant.

#### 2116 Post Denial Application

If denied by the Board, a resubmittal of the same or substantially same use by special review application shall not be accepted within 60 days from the date of denial by the Board, or in the event of litigation, from the date of the entry of the final judgment. However, if evidence is presented to the Board showing that there has been a substantial change in physical conditions or circumstances, the Board may reconsider the use by special review. A new application and processing fee shall be required.

#### 2117 Revocation

If noncompliance with the approved Plan Exhibit or conditions of approval is demonstrated, the Board may consider revocation of the use by special review at a public meeting. Written notice shall be provided to the landowner and/or lessee at least 14 days prior to the scheduled Board meeting.

## 2118 Administrative Use by Special Review Amendment

### 2118.01 Submittal Prerequisite

Prior to submittal of an administrative amendment, a presubmittal meeting shall be held with the Planning Services Division to discuss the request, to determine if it is eligible for an administrative process, and to provide information on the required submittal items and process steps.

### 2118.02 Approval Standards

Approval of an administrative use by special review amendment shall be in accordance with the approval standards in Section 2102.

### 2118.03 Submittal Process

2118.03.1 The applicant shall submit the required submittal information to the Planning Services Division. The submittal shall be reviewed by staff and a determination of completeness shall be made within 15 working days. The applicant shall be notified in writing if the submittal is incomplete, and any inadequacies shall be specifically identified. An incomplete submittal will not be processed.

2118.03.2 Once the submittal is determined complete, staff will notify the applicant in writing of the number of copies of the submittal information required for distribution to referral agencies. Staff will identify in the written notice which referral agencies are referral agency - regulatory and which referral agencies are referral agency - advisory. The mailing addresses of the referral agencies shall be provided to the applicant. Electronic distribution is preferred. Otherwise, referral packets shall be provided by the applicant in unsealed manila envelopes, without postage, addressed to the appropriate referral agency, with submittal information properly folded and compiled. Staff shall include a referral response sheet and distribute the referral packets to the referral agencies.

Staff shall send a courtesy notice of an application in process and applicable contact information to all abutting landowners and owners of land separated by 300 feet or less from the property by a platted tract. The applicant shall reimburse the County for the cost of materials. Errors in the courtesy notice shall not negatively impact the determination of public notice compliance set forth herein. *(Amended 4/13/2021)*

If the referral agencies elect to comment, they shall comment within the specified referral period, not to exceed 21 calendar days from the date the referral packets were mailed or electronically distributed.

- 2118.03.3 All referral agency comments shall be provided by staff to the applicant upon receipt. The applicant shall address the comments of all referral agencies - regulatory in writing the extent to which the project has been revised in response to the comments. The applicant is strongly encouraged to provide staff a written response to comments of all referral agencies – advisory and other public comments received.

The applicant is encouraged to meet with the referral agencies and staff to address any concerns. The applicant is required to pay those fees assessed by referral agencies - regulatory.

- 2118.03.4 Following Planning and Engineering's review of the response to referral comments and any resubmitted items, staff will prepare a project assessment report for the Director's review. The Director will make a final determination to approve, approve with conditions, or deny the administrative USR amendment request within five (5) calendar days of the receipt of the assessment report, based upon demonstrated compliance with the approval standards.

- 2118.03.5 If an improvements agreement is required, it shall be approved by the County Manager prior to the Director's approval of the administrative amendment.

- 2118.03.6 If the administrative amendment is denied, written findings shall be provided by staff to the applicant within three (3) calendar days of the denial.

#### 2118.04 Submittal Requirements

The applicant shall submit the following information to Planning Services. Incomplete applications shall not be accepted for processing.

- Completed land use application and fee
- Amended Plan Exhibit
- Updated development reports
- Updated technical studies, if applicable
- Current title commitment or other ownership verification as acceptable to staff
- Notarized letter of authorization from the property owner, if applicable
- Stamped addressed envelopes for courtesy notices
- A written narrative explanation of the proposed amendments

2118.05 Title and Approval Certificate

The project title for an administrative use by special review amendment shall be consistent with the original title, as provided in the following example:

SPRUCE SUMMIT, Filing No. 3, Lot 14 – **1st Amendment**  
NW¼ Section 11, Township 8 South, Range 67 West  
Permit Area – 1 acre Total Area – 5 acres  
Administrative USR Amendment  
US2010-002 (**Amendment to US2003-049**)

The following approval certificate shall accompany the required Plan Exhibit for an administrative use by special review amendment to an approved use by special review.

**Administrative USR Amendment Approval Certificate**

US \_\_\_\_-\_\_\_\_ is hereby amended this \_\_\_\_ day of \_\_\_\_, 2\_\_\_\_. The use by special review continues to meet all approval criteria and is subject to all original conditions of approval, unless specifically noted hereon.

\_\_\_\_\_

Director of Community Development

The undersigned as the owner or owner’s representative of the lands described herein hereby agree on behalf of itself, its successors and assigns to develop and maintain the property described hereon in accordance and compliance with this approved Plan Exhibit and the Douglas County Zoning Resolution.

*(for Corporate or LLC owner)*

(print corporation/LLC name)

By: (signature)  
Title: \_  
Date: \_

ATTEST: (if corp.)

Secretary/Treasurer

STATE OF COLORADO) \_\_\_\_\_ ) ss.  
COUNTY OF .) \_\_\_\_\_

Acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by \_\_\_\_\_ as \_\_\_\_\_ and \_\_\_\_\_ as \_\_\_\_\_ of \_\_\_\_\_, a \_\_\_\_\_ corporation/LLC.

My commission expires: \_\_\_\_\_

Witness my hand and official seal.

Notary Public

*(For Individual Owner)*

(signature of owner(s))

Acknowledged before me this \_\_\_ day of \_\_\_\_\_, 20\_\_\_, by \_\_\_\_\_.

My commission expires: \_\_\_\_\_

Witness my hand and official seal.

Notary Public

An initial block is required on all subsequent exhibit sheets:

<b>USR Administrative Amendment Approval Certificate</b>	
Planning	_____ Initials/Date
Owner	_____ Initials/Date
Lessee <i>(if applicable)</i>	_____ Initials/Date

2118.06 Notice of Final Action

The final status of an administrative use by special review amendment shall be set forth via the Notice of Action - Final Status using the following process:

- 2118.06.1 The date considered to be the final action on the administrative use by special review amendment shall be the date on the Notice of Action - Final Status.
- 2118.06.2 Should a discrepancy exist between the dates on the administrative use by special review amendment and Notice of Action - Final Status, the date of the Notice of Action - Final Status shall control.
- 2118.06.3 The Notice of Action - Final Status shall be mailed to the applicant, the abutting landowners who received courtesy notices, and any homeowner’s associations that received courtesy notices, as described herein. The Notice of Action - Final Status shall be mailed via first class mail, within three (3) calendar days of final determination.
- 2118.06.4 An appeal of the Director’s determination regarding A Notice of Action – Final Status for an administrative use by special review amendment may be submitted to the Board of Adjustment pursuant to Section 26A of this Resolution.

2118.06.5 If an administrative use by special review amendment is denied, any new amendment request shall require submittal of a new application and processing fee.

**ORDINANCE NO. O-022-00X**

**THE BOARD OF COUNTY COMMISSIONERS  
OF THE COUNTY OF DOUGLAS, COLORADO**

**AN ORDINANCE REGULATING SHORT-TERM RENTALS**

*WHEREAS*, the Board of County Commissioners of the County of Douglas (“Board”), Colorado has authority pursuant to C.R.S. Sections 30-15-401(1)(s) to enact ordinances which license and regulate an owner or owner's agent who rents or advertises the owner's dwelling unit for a short-term stay, and to fix the fees, terms, and manner for issuing and revoking licenses issued for such dwelling units; and

*WHEREAS*, the Board respects the rights of private property owners to use and enjoy their property, but desires to ensure that dwellings rented for short-term stay are operated in a manner that protects the health, safety, and quality of life of the residents and visitors of Douglas County; and

*WHEREAS*, the Board hereby finds, determines, and declares that adoption of this Ordinance is necessary for the preservation and protection of the public health, safety, and welfare of the inhabitants and visitors of Douglas County, Colorado; now therefore,

**BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF THE  
COUNTY OF DOUGLAS as follows:**

**Section I. Scope of Ordinance and Authority**

This Ordinance shall apply to short-term rental property, as defined herein, in all zone districts in unincorporated Douglas County. A dwelling within a Planned Development (PD) shall not be licensed as a short-term rental property unless such PD specifically allows the use. This Ordinance shall not apply to lodging services in hotels, motels, campgrounds, or bed and breakfast establishments, or to properties with long-term leases. This Ordinance is authorized pursuant to Colorado Revised Statutes Section 30-15-401(1)(s).

**Section II. Definitions**

As used in this Ordinance, unless the context otherwise requires:

“Dwelling” means: A building or portion thereof permitted for, and used exclusively for, residential occupancy, including single-family, two-family, and multi-family dwellings, but not including garages, barns, recreational vehicles, tents, or similar structures not intended for residential use.

“Department” means: The Department of Community Development.

“Director” means: The Director of Community Development, or the Director's designee.

“Lease” means: An agreement or act by which an owner gives to a tenant, for valuable consideration, possession and use of property or a portion thereof for a definite term, at the of which term the owner has a right to retake control and use of the property.



“Lessee” means: The party to a lease that has obtained the temporary right to use and occupy property or a portion thereof.

“Licensee” means: the Owner(s) or owners of record of a Short-Term Rental Property regulated under this Ordinance. “Licensee” and “Owner” or “Owner(s)” may be used interchangeably in this Ordinance.

“Owner” means: The owner or owners of record of a Dwelling in unincorporated Douglas County.

“Local Responsible Agent” means: A local management company or local individual residing within Douglas County who is not a tenant and who is designated by a licensee as the licensee's Local Responsible Agent, who can be contacted by telephone and is available at all times when the Short-Term Rental Property is leased, regarding any violation of the provisions of this Ordinance, and has authority to act on behalf of the Owner(s).

“Short-Term Rental” means: Use of a Dwelling for lease terms of less than thirty (30) consecutive days.

“Short-Term Rental Property” means: A Dwelling available for lease for a term of less than thirty (30) consecutive days.

### **Section III. Short-Term Rental License Required, Transferability**

- A. It shall be unlawful for an Owner to use a Dwelling for Short-Term Rentals or to lease or advertise for lease, or to permit the leasing or advertising for lease any Short-Term Rental Property within the County without a valid license for the same issued pursuant to this Ordinance.
- B. Short-Term Rental license applications that comply with the license application provisions herein for existing Short-Term Rental units shall be submitted to the County no later than thirty (30) days from the effective date of this Ordinance.
- C. No license issued under this Ordinance shall be transferable and no license is valid as to any person or entity other than the person or entity named thereon.
- D. Tenants of the Short-Term Rental Property may not be issued a Short-Term Rental License.

### **Section IV. License Application, Term and Renewal, Local Responsible Agent, and Noticing Requirements**

- A. License Application.
  1. Applications for a Short-Term Rental Property license shall be submitted to the Director on a form provided by the Department.
  2. The application shall not be deemed complete until all required information identified in this subsection is submitted.
  3. Incomplete applications shall not be accepted and will be returned to the applicant.
  4. An application may be submitted by the Owner or by a non-Owner applicant with notarized written consent of the Owner.
  5. It is the duty of each Short-Term Rental Property Owner to ensure that all information provided in a license application is always kept up to date and it shall be unlawful for

- an Owner to fail to provide updated information to the County within ten (10) days after the date upon which the information provided is no longer accurate.
6. Applications shall be made on the form provided by the Department and shall provide the following on the application form or as a separate attachment:
    - a. The address of the Dwelling proposed to be used as a Short-Term Rental Property.
    - b. The full name, address, and telephone number(s) of the Owner(s) and Local Responsible Agent for the Short-Term Rental Property.
    - c. A copy of the notarized writing authorizing the Local Responsible Agent to act, in the Owner's absence, as the representative of the Owner on issues related to Dwelling, Short-Term Rental, and the Short-Term Rental Property and agreeing that the Owner(s) and Local Responsible Agent shall comply with requirements and limitations of this Ordinance.
    - d. The license application review fee, which shall be set by an approved resolution of the Board of County Commissioners.
    - e. A copy of the Renter Information Interior Signage and Renter Written Instructions that comply with the requirements of Sections V.N. and V.O. that will be posted on and placed in the subject Dwelling respectively.
    - f. A copy of the parking plan that complies with the requirements of Section V.H.
    - g. An affidavit signed by the Owner, under penalty of perjury, certifying that the Short-Term Rental Property complies with the life safety standards set forth in Section V.E, and that the Renter Information Interior Signage required by Sections V.N. and V.O. will be posted and placed at a conspicuous location on or in the Short-Term Rental Property and will remain there in good condition for the duration of the license term.
    - h. For the first licensing year, a copy of an inspection report prepared by an inspector certified by the National Association of Wastewater Technicians that states the on-site wastewater treatment system is functioning correctly and can be operated safely for the proposed use.
    - i. For the first licensing year, copies of inspection reports and a determination from the Douglas County Building Division, the Douglas County Health Department, and local fire district that such use of the Dwelling is acceptable.
  7. Such other information as the application form, as it may be amended from time to time, shall require.
  8. Such other information determined necessary or desirable by the Director to evaluate compliance of the application and the proposed Short-Term Rental Property with the requirements of this Ordinance, any other Ordinance, or regulation.
- B. License Term and Renewal
1. A Short-Term Rental license shall expire one (1) calendar year after its issuance, or when title of the Short-Term Rental Property transfers to a new Owner, whichever occurs first. Each change in ownership of a Short-Term Rental Property shall require a new license.
  2. An application for renewal of a Short-Term Rental license shall be submitted at least thirty (30) days prior to expiration of the existing license.
  3. An application for renewal of a license shall have the same submittal requirements as detailed in Section IV.A. and shall be considered in the same manner as the original application. All required documents shall be submitted anew for a license renewal.

4. Failure to file a renewal application and pay license application review fee(s) less than 30 days prior to expiration of the existing license will result in revocation of the license.
- C. Local Responsible Agent Required
1. As a condition of receiving a Short-Term Rental license, the Owner shall appoint a Local Responsible Agent or Agents for the Short-Term Rental Property.
    - a. The Owner shall notify the Director in writing of the appointment of a Local Responsible Agent(s) within five (5) days of such appointment or modification of any such appointment providing the Local Responsible Agent's name, address, and telephone number.
    - b. It is the Owner's responsibility to update any information pertaining to the Local Responsible Agent throughout the term of the license.
    - c. The Owner(s) may appoint themselves as the Local Responsible Agent.
    - d. No license shall be issued under this Ordinance prior to the appointment and written notice to the Director of a Local Responsible Agent.
  2. If the Local Responsible Agent cannot be contacted or is unavailable, the Owner is deemed the Local Responsible Agent unless an alternate Local Responsible Agent is identified on the application.
  3. Either the Local Responsible Agent or the Owner shall be available 24 hours per day, 7 days per week. Failure of the Local Responsible Agent or Owner to be available as the need arises shall result in suspension of the Short-Term Rental license.
- D. Notice Requirements
1. The Department shall send a courtesy notice of an application in process and applicable contact information to all abutting landowners and owners of land separated by 300 feet or less from the property by a platted tract. In Nonurban Areas, staff shall send a courtesy notice of an application in process to the entity or entities responsible for ownership and maintenance of a shared private access.
  2. The Department will send referral response requests to other agencies, for review and comment on the application. Such agencies may include, but are not limited, to the following: the affected fire district, the affected water and/or sanitation district, the affected metropolitan district, the health department, and homeowners associations. The applicant will be asked to address all referral comments received prior to the Director's decision on the license application.

#### **Section V. Requirements and Limitations**

In addition to the other requirements of this Ordinance, a Short-Term Rental Property licensed pursuant to this Ordinance shall, as a condition of such license, be subject to the following requirements and limitations:

- A. Where a lot contains a single-family residence and an additional residence(s) of any kind, such as a guest house or a caretaker residence, the Owner is allowed to use only one residence as a Short-Term Rental Property. No more than one Short-Term Rental Property license shall be issued for a single lot
- B. No outdoor sign of any kind advertising or identifying the Short-Term Rental Property as a Short-Term Rental is allowed.
- C. The Owner or Local Responsible Agent is responsible for ensuring the Dwelling, Short-Term Rental, and Short-Term Rental Property meets all applicable local, state, and federal

standards and regulations, including but not limited to the requirements and limitations of this Ordinance.

- D. No Short-Term Rental license shall be issued for a Dwelling that has not been issued a Certificate of Occupancy.
- E. Life Safety Standards: Each Short-Term Rental Property licensed under this Ordinance shall:
  - 1. Conform to the requirements of the County's on-site wastewater treatment system regulations, if applicable. No Short-Term Rental license shall be issued for any Dwelling for which an on-site wastewater treatment system was not permitted and approved by the County for use consistent with the proposed use; or for which the inspection report required by Section 4.A.6 indicates that the system is not functioning properly or does not otherwise conform with applicable regulations. If the on-site wastewater treatment system shows signs of failure or malfunction, then the Owner shall consult with the Douglas County Health Department within two (2) business days.
  - 2. Not use any building, structure, or room for purposes other than those for which they were designed or intended.
  - 3. Have roofs, floors, walls, foundations, ceilings, stairs, handrails, guardrails, doors, porches, and all other structural components and all appurtenances that are capable of resisting any and all forces and loads to which they may be normally subjected and are in sound condition and in good repair.
  - 4. Have smoke detectors, carbon monoxide detectors, and fire extinguishers installed, operable, and in working condition. If the residence has a fire sprinkler system, it shall be operable and in working condition.
  - 5. Have an operable toilet, sink, and either a bathtub or shower located within the same building as the Short-Term Rental, and every room containing a toilet, bathtub, or shower shall be completely enclosed by walls, doors, or windows that will afford sufficient privacy.
  - 6. Have electrical panels that are clearly labeled.
  - 7. Not have on the premises any portable outdoor charcoal grills, fireplaces, fire rings, or any other ember-producing equipment.
  - 8. Provide in the Short-Term Rental lease with any lessee that the following are prohibited: campfires and the use of portable outdoor charcoal grills, outdoor fireplaces, or any other ember-producing equipment; shooting of weapons for recreation; and the use of ATVs and other non-licensed vehicles on the rental property or on County roads.
- F. Trash Handling. There shall be a sufficient number of trash receptacles to accommodate all trash generated by those occupying the Short-Term Rental Property. Instructions identifying outdoor trash containers, proper storage, trash pickup locations and times, shall be posted within the interior of the Short-Term Rental Property.
- G. Occupancy. Occupancy of a Short-term Rental Property served by an on-site wastewater treatment system shall not exceed the design capacity of said system. Occupancy of a Short-Term Rental Property served by a central sanitation system shall not exceed 2 guests per bedroom. The permitted occupancy shall be stated on the Short-Term Rental license. It shall be unlawful for the Owner or lessee of a Short-Term Rental Property to allow the overnight occupancy of a Short-Term Rental Property by more than the maximum number of people permitted by the license.

H. Parking:

1. The motor vehicles of all occupants of the Short-Term Rental Property shall be parked only on the permitted and approved driveway of the short-term rental property. No motor vehicles shall be parked on the vegetated areas of a short-term rental property, or in the public right of way. While occupying a short-term rental property, no person shall park in violation of this Ordinance or in violation of the parking plan the owner must submit in accordance with Section V.H.2.
2. The Owner of a Short-Term Rental Property shall provide a parking plan for the property, and it shall be unlawful for a person renting a Short-Term Rental Property to park or allow the parking of vehicles other than in locations set forth in the plan.

I. Noise. While occupying a Short-Term Rental Property as a Short-Term Rental Lessee, no person shall amplify music outdoors or make any noise that violates any provision of C.R.S. Section 25-12-101, et seq.

J. Camping and temporary structures. While occupying a Short-Term Rental Property as a Short-Term Rental Lessee, no person shall construct or use any temporary structure or recreational vehicle or trailer, for overnight purposes.

K. Fires and Grills. While occupying a Short-Term Rental Property as a Short-Term Rental Lessee, no person shall make a campfire or use a portable outdoor charcoal grill, fireplace, or any other ember-producing equipment.

L. ATVs. While occupying a Short-Term Rental Property as a Short-Term Rental Lessee, no person shall use an ATV or other non-licensed vehicle on the property or any County road.

M. Shooting. While occupying a Short-Term Rental Property as a Short-Term Rental Lessee, no person shall shoot a firearm for recreational purposes.

N. Renter Information Interior Signage. An Owner shall post and maintain a copy of the approved permit in a conspicuous location within the interior of the Short-Term Rental Property that contains the following information:

1. The Short-Term Rental license number.
2. The maximum number of people permitted for overnight occupancy.
3. Physical address number of the Short-Term Rental Property.
4. Contact information for law enforcement, fire, and ambulance service in case of an emergency.
5. Contact information for the Owner and Local Responsible Agent, including a phone number for 24-hour response to emergencies.

O. Renter Written Instructions.

1. An Owner shall maintain Written Instructions within each Short-Term Rental Property that includes and addresses the following:
  - a. A copy of this Ordinance.
  - b. Description of location of fire extinguishers and emergency egress.
  - c. The location, by description or depiction, for vehicle parking and maximum number of parked vehicles permitted for the property.
  - d. Alternative parking locations (if any) for extra vehicles, trailers, and campers.
  - e. The location of trash and recycling receptacles and the rules and regulations regarding handling of the same.
  - f. Snow removal instructions or information.
  - g. Policies regarding noise.
  - h. Policies regarding pets.

- i. Applicable homeowners' association policies, if any, specific to the property or community.
    - j. Good neighbor/renter guidelines regarding property boundaries, noise, parking, ATV use (not allowed), trash handling, wildlife guidelines, and fire restrictions.
    - k. Any other information deemed necessary by the County to ensure the public's health and safety.
  2. Renter's Written Instructions shall be maintained in a plastic folder or on laminated paper and or in a binder and placed in a conspicuous location within the Dwelling.
  3. It is the Owner's responsibility to ensure that the Renter Written Instructions described herein is maintained in a readable form at the Short-Term Rental Property.
- P. Advertising. All advertising for a Short-Term Rental Property shall include a description of the Short-Term Rental Property, including the permitted occupancy, and the County Short-Term Rental Property license number.
- Q. Taxes. The Owner or Local Responsible Agent shall collect and remit all applicable local, state, and federal taxes on each Short-Term Rental Property.
- R. Notice to Owner. Any notice required by this Ordinance to be given to an Owner is sufficient if provided in-person or sent by first-class mail to the address provided by the Owner on the most recent license or renewal application. Notice given to the Local Responsible Agent, in-person or sent by first-class mail to the address provided by the Owner, shall also be sufficient to satisfy any required notice to the Owner under this Ordinance.
- S. Owner Liable. Compliance with and ensuring compliance with the requirements set forth in this Ordinance shall be a nondelegable responsibility of the Owner of a Short-Term Rental Property. Each Owner of a Short-Term Rental Property shall be strictly liable for complying with, and ensuring compliance with, the conditions and limitations set forth in this Ordinance.
- T. Inspection. Because Short-Term Rental Properties are, by their nature, intended to be occupied by numerous guests for short periods of occupancy, it is determined that the County's ability to inspect Short-Term Rental Properties is in the interest of public health, safety, and welfare. Therefore, whenever it is necessary or desirable to inspect to enforce the requirements of this Ordinance, an authorized public inspector may enter such Short-Term Rental Properties at all reasonable times as scheduled with the Owner or Local Responsible Agent to inspect the same for the purpose of enforcing such Ordinance. If such Short-Term Rental Property is occupied, the authorized public inspector shall first present proper credentials and request entry, and if such Short-Term Rental Property is unoccupied, shall first make a reasonable effort to locate the Owner, the Local Responsible Agent, or occupant of the Short-Term Rental Property and request entry. If such entry is refused, or if the Short-Term Rental Property is locked, the authorized public inspector shall have recourse to every remedy provided by law to secure entry. When an authorized public inspector has obtained authority provided by law to secure entry, no Owner, Local Responsible Agent, or occupant having charge, care, or control of any Short-Term Rental Property shall fail or refuse, after proper request is made as herein provided, to promptly permit entry therein by the authorized public inspector for the purpose of inspection of the Short-Term Rental Property. No warrant or permission shall be required for an authorized public inspector to enter and inspect a Short-Term Rental Property in the case of an emergency involving the potential loss of property or human life.

## **Section VI. Denial of License**

- A. A Short-Term Rental license application shall be denied by the Director based on any of the following grounds:
  - 1. All applicable provisions of this Ordinance or any applicable County regulation or State law have not been met.
  - 2. The required application fee or license fee have not been paid.
  - 3. The application is incomplete or contains false, misleading, or fraudulent statements.
  - 4. Any reason that would justify suspension or revocation of a license as set forth herein.
- B. In the event of a denial, the Director shall mail or deliver to the applicant a written order of denial stating the reason or reasons for the denial within ten (10) days of the denial.

## **Section VII. Suspension or Revocation of License**

- A. Suspension. The Director may suspend a Short-Term Rental license upon determining that:
  - 1. This Ordinance has been violated on more than one occasion since the Short-Term Rental license was issued.
  - 2. The Owner operated the business in violation of a building, fire, health or safety code adopted by the County, said determination being based on investigation by the Department, division, or agency charged with enforcing said code.
    - a. In the event of such a code violation, the Director shall promptly notify the Owner and/or Local Responsible Agent of the violation and shall allow the Owner or Local Responsible Agent a ten (10) day period in which to correct the violation.
    - b. If the licensee fails to correct the code violation before the expiration of the ten (10) day period, the Director shall forthwith suspend the license and shall notify the licensee of the suspension.
  - 3. The Owner failed to pay any taxes due to the County.
  - 4. The Owner failed to pay the application review fee or annual license fee at the time of initial application.
  - 5. The Owner failed to apply for renewal of the Short-Term Rental license including completing a new application and paying the application review fee and annual license fee.

The Director may suspend a Short-Term Rental license for a period not to exceed ninety (90) days or until such time as the code violation and/or Ordinance violation causing suspension has been corrected, whichever is later. In the event that an enforcement or a revocation proceeding is commenced, the Short-Term Rental license shall remain suspended until the conclusion of said proceedings.

- B. Revocation. The Director shall revoke a short-term rental property license upon determining that:
  - 1. The short-term rental property license has been suspended more than once within the preceding twelve (12) months since the Short-Term Rental license was issued.
  - 2. A licensee gave false or misleading information in the materials submitted as part of the application process.
  - 3. A licensee knowingly operated the business during a period of time when the licensee's short-term rental property license was suspended.
  - 4. Any fact or condition exists that, if it had existed or had been known to exist at the time of the application for the license, would have warranted the denial of the license.

When the Director revokes a Short-Term Rental license, the revocation shall continue for one (1) year during which time the Short-Term Rental Property shall be ineligible for use as a Short-Term Rental and the Owner(s)/licensee shall not be issued a Short-Term Rental license for other property for one (1) year from the date revocation became effective.

### **Section VIII. Appeal; Hearing on Denial, Suspension or Revocation**

- A. Appeal. An applicant or licensee may appeal a license application denial, license renewal application denial, license suspension, or license revocation of his or her Short-Term Rental license to the Board of County Commissioners and shall be entitled to a hearing before the Board of County Commissioners. Said request for appeal shall be made in writing, stating the grounds for appeal, within twenty-eight (28) days of the decision of the Director. In the event that a licensee requests a hearing to appeal a suspension or revocation, the subject Short-Term Rental Property may not continue to be operated as a Short-Term Rental during the hearing process.
- B. Hearing. At the hearing, the Board of County Commissioners shall hear such statements and consider such evidence as is offered that is relevant to the grounds alleged for denial of the license or the violation alleged for suspension or revocation. The Board of County Commissioners shall make findings of fact from the statements and evidence offered as to whether such grounds exist, or such violation occurred. If the Board of County Commissioners determine that grounds for denial or a cause for suspension or revocation exists, the Board of County Commissioners shall issue an order denying, suspending, or revoking the license within twenty-eight (28) days after the hearing is concluded, based on the findings of fact. A copy of the order shall be mailed to or served on the Licensee at the address on the license.
- C. Final order. The order of the Board of County Commissioners made pursuant to subsection B above shall be a final decision and may be appealed to the district court pursuant to Colorado Rule of Civil Procedure 106. Failure of a licensee to appeal said order in a timely manner constitutes a waiver by him or her of any right he or she may otherwise have to contest the denial, suspension, or revocation of the short-term rental property license.
- D. Hearing powers. The Board of County Commissioners shall have the power to administer oaths, issue subpoenas, and when necessary, grant continuances. Subpoenas may be issued to require the presence of persons and production of papers, books, and records necessary to the determination of any hearing that the Board of County Commissioners conducts. It is unlawful for any person to fail to comply with any subpoena issued by the Board of County Commissioners. A subpoena shall be served in the same manner as a subpoena issued by the District Court of the State of Colorado.
- E. Recording. All hearings held before the Board of County Commissioners regarding denial, suspension, or revocation of a Short-Term Rental license issued under this Ordinance shall be recorded by an electronic recording device. Any person requesting a transcript of such record shall post a deposit in the amount required by the County Manager and shall pay all costs of preparing such record.

### **Section IX. Fees**

- A. The Short-Term Rental property application review fee and Short-Term Rental annual license fee shall be set by Resolution of the Board of County Commissioners. No Short-



Term Rental license shall be issued until the applicable fee(s) has been received by the Department.

- B. Return of fees. Upon denial of any license, the application review fee shall remain the moneys of the County. In the event that a Short-Term Rental license is revoked or cessation of business, all moneys paid for a Short-Term Rental license shall be and remain the moneys of the County and no refund shall be made to any licensee.
- C. The Short-Term Rental property application review fee shall be used to cover the cost associated with reviewing the application for compliance with this Ordinance.
- D. The Short-Term Rental annual license fee shall be used to cover the administrative and personnel costs associated with developing and implementing the Short-Term Rental license program and enforcing the regulations in this Ordinance, including but not limited to responding to complaints and inspecting Short-Term Rental Properties.

### **Section X. Violations, Penalties and Enforcement**

- A. It is unlawful for any Owner, Local Responsible Agent, or occupant of a Short-Term Rental Property to violate or allow a violation of any provision of this Ordinance, as applicable.
- B. A warning may be used to request voluntary compliance with this Ordinance, prior to suspension or revocation actions, or issuance of civil infractions. The warning may be provided in-person, over the phone, digitally (such as e-mail or text), or in writing. The warning may include a request that immediate action be taken by the Owner(s), Local Responsible Agent, or occupant(s).
- C. When any of the following occur or is imminent, a warning may not be provided:
  - 1. The violation poses a risk to human health or safety, or a risk of degradation of the natural environment that must be remedied in an expedited manner.
  - 2. The violation is determined to be affecting the quality of life of residents or visitors within the area of the Short-Term Rental Property.
  - 3. Time is of the essence and authorized by the Director or the Director's designee or Douglas County Sheriff.
- D. In addition to suspension and revocation actions pursuant to Section VII of this Ordinance, violations of this Ordinance are subject to the penalties set forth below. Each day or portion thereof during which any violation is committed, continued, or permitted shall constitute a separate offense and shall be punishable as a separate offense.
- E. Any violation of this Ordinance may be separately, concurrently, or together enforced through this Ordinance, other applicable County Ordinances, the Douglas County Building Code, the Douglas County Health Department Regulations, and the Douglas County Zoning Resolution by the Director, Director's designee, Douglas County Sheriff, or both.
- F. Any person who violates any provision of this Ordinance commits a civil infraction and is subject to the penalty assessment procedures of Section 16-2-201, Colorado Revised Statutes and upon conviction thereof, shall be punished by a fine of two hundred fifty dollars (\$250.00) for a first violation, a fine of five hundred dollars (\$500.00) for a second violation, and a fine of one thousand dollars (\$1000.00) for the third and subsequent violations.
- G. In addition to the penalties prescribed above, persons convicted of a violation of this Ordinance shall be subject to a surcharge of ten dollars that shall be paid to the clerk of the court by the defendant as provided by Section 30-15-402(2)(a), C.R.S.

**Section XI. Severability**

Should any section, clause, sentence, or part of this Ordinance be adjudged by any court of competent jurisdiction to be unconstitutional or invalid, the same shall not affect, impair or invalidate the ordinance as a whole or any part thereof other than the part so declared to be invalid.

**Section XII. Effective Date**

In order to preserve the immediate health and safety of Douglas County and its residents, this Ordinance shall take effect immediately upon its adoption on Second and Final Reading as provided in § 30-15-405, C.R.S.

**INTRODUCED, READ, AND ADOPTED ON FIRST READING** on XXX, and ordered published in the DOUGLAS COUNTY NEWS-PRESS.

**THE BOARD OF COMMISSIONERS  
OF THE COUNTY OF DOUGLAS, COLORADO**

By: \_\_\_\_\_  
    , Chair

**ATTEST:**

\_\_\_\_\_  
Deputy Clerk

**ADOPTED ON SECOND AND FINAL READING** on XXX, and ordered published by reference to title only in the DOUGLAS COUNTY NEWS-PRESS.

**THE BOARD OF COMMISSIONERS  
OF THE COUNTY OF DOUGLAS, COLORADO**

By: \_\_\_\_\_  
    , Chair

**ATTEST:**

\_\_\_\_\_  
Deputy Clerk

**CERTIFICATE**

I hereby certify that the foregoing Ordinance No. O-022-00X was introduced, read, and adopted on first reading at the regular meeting of the Board of County Commissions of the County of Douglas on XXX, and the same was published in full in the Douglas County News-Press, a newspaper of general circulation published in Douglas County, on XXX, and thereafter was adopted on second and final reading at a regular public hearing of the Board of County Commissioners of the County of Douglas on XXX. Said ordinance was published by reference to title only on XXX. Said ordinance shall become effective as of XXX.

\_\_\_\_\_  
Deputy Clerk

State of Colorado    )  
                                  )ss.  
County of Douglas    )

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 2015, by \_\_\_\_\_, Deputy Clerk.

\_\_\_\_\_  
Notary Public

My commission expires: \_\_\_\_\_

**CERTIFICATION**

I, \_\_\_\_\_, Douglas County Deputy Clerk, do hereby certify that the foregoing Ordinance No. O-022-00X, entitled: **AN ORDINANCE REGULATING SHORT-TERM RENTALS**, is a true, correct, and complete copy from the records in my office, that said ordinance was duly adopted by the Board of County Commissioners of Douglas County and is in full force and effect.

\_\_\_\_\_  
Deputy Clerk