# SECTION 3 A1 AGRICULTURAL ONE DISTRICT

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## 301 Intent *(Amended 8/11/09)*

To provide areas for a wide range of farming, ranching, or tree farming activities and the preservation of such land for its open rural character providing a physical and visual separation between urban centers.

Urban development within this district is strongly discouraged. Agricultural land use can be an efficient means of conserving natural resources, constituting an important physical, environmental, social, aesthetic, and economic asset to both the urban and rural residents of the County. Expansion of urban development into rural areas is a matter of public concern because of the potential of unnecessary increases in service costs, conflicts between agricultural and urban activities, and the loss of open space and the natural landscape. Development consideration may be given where it would serve to preserve agricultural land or open space, and promote a design that is sensitive to the natural land features in accordance with the intent of the Douglas County Comprehensive Master Plan, as amended.

The A-1 zone district is characterized by large-acreage farms, ranches, open areas, farm houses, units for agricultural workers and their families, and other uses allowed which enhance and promote the openness and general rural nature characteristic of the County. Development or use of land in this district is permitted only in accordance with the provisions herein. Land disturbance activities may require permit(s).

## 302 Principal Uses

On parcels of 35 acres or greater, the following uses shall be allowed by right: *(Parcels smaller than 35 acres are limited to the principal and accessory uses allowed in the residential zone district to which the parcel conforms in size.)* *(Amended 5/14/03)*

302.01 Agricultural recreational activities

302.02 Agriculture *(Amended 1/28/14)*

302.03 Animals - *(refer to Section 24)*

302.04 Community Uses:

- Church - maximum seating capacity of 350 in main worship area *(Site Improvement Plan required per Section 27)*Fire station - no on-site training *(Site Improvement Plan required per Section 27)*
- Library *(Site Improvement Plan required per Section 27)*
- Open Space/trails
- Park/playground
- Recreation facility – private *(Site Improvement Plan required per Section 27)* *(Amended 9/9/08)*

- School - public/private kindergarten thru 12th grade *(Site Improvement Plan required per Section 27 for private school; location and extent required for public school per Section 32)*
- Sheriff substation - no training or detention (*Site Improvement Plan required per Section 27)*
- Temporary Emergency Shelter *(Approval letter required from the Director; the use must comply with applicable regulations)* *(Amended 10/14/02)*

302.05 Construction office – temporary

302.06 Event Center on a parcel of 80 acres or greater *(Site Improvement Plan required per Section 27, unless conducted as an accessory use to an agricultural use on a parcel 160 acres or greater) (refer to Section 324)* *(Amended 4/28/15)*

302.07 Greenhouse - a maximum of 1 acre *(43,560 sq. ft.)* total area including warehouse and shipping facilities

302.08 Hay sales *(Site Improvement Plan required per Section 27)* *(Amended 4/28/15)*

302.09 Residence *(Amended 4/28/15)*

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

302.10 Residential sales office - temporary *(refer to Section 22)*

302.11 Training of non-owned horses, or riders not related to the landowner or lessee, limited to 14 lessons per week

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

303 Accessory Uses

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

303.01 Accessory uses and buildings

303.02 Day-care home – small

303.03 Entertainment Event – *(refer to Section 22B)* *(Amended 1/28/14)*

303.04 Event Center on a parcel of 160 acres or greater with a principal agricultural use *(Amended 4/28/15)*

303.05 Farmers Market – *(refer to Section 22A)* *(Amended 1/28/14)*

303.06 Garage - private, limited to a maximum size of 3,000 sq. ft.

303.07 Guest house

303.08 Home Occupation - Class 1 and Class 2 *(refer to Section 23*)

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

303.10 Sale of Agricultural Products and Value-added Agricultural Products produced or raised on site *(Amended 1/28/14)*

303.11 Satellite receiving dish accessory to a residence

303.12 Value-added Agricultural Processing – limited to a maximum of 1,500 square feet devoted to this use *(Amended 1/28/14)*

304 Uses Permitted By Special Review *(Amended 1/28/14*)

On parcels of 35 acres or greater, the following uses are permitted, upon the approval of the Board, in accordance with Sections 21-Use By Special Review and 27-Site Improvement Plan of this Resolution. *(Parcels smaller than 35 acres are limited to the uses by special review allowed in the residential zone district to which the parcel conforms to in area.)*

304.01 Animals - non domestic, exotic

304.02 Campground

304.03 Cemetery

304.04 Church - greater than 350 seating capacity

304.05 Cultural facility

304.06 Day-care center/preschool, or day-care home – large

304.07 Dude Ranch

304.08 Event Center on a parcel of less than 80 acres *(Amended 4/28/15)*

304.09 Feedlot/confinement center

304.10 Firing range

304.11 Golf course legally established as a Use by Special Review prior to June 22, 2005 *(Amended 2/12/19)*

304.12 Greenhouse - greater than 1-acre total area including warehouse and shipping facilities

304.13 Hunting/fishing club

304.14 Home occupation that exceeds 2 nonresident employees or requires more than 1500 sq. ft. of an accessory structure

304.15 Horse boarding or training facility that exceeds the maximum number of horses permitted by right or by administrative review in Section 24. *Exempt from Section 18A: Water Supply-Overlay District (Amended 10/14/02)*

304.16 Horse rental stable

304.17 Kennel

304.18 Landfill - public/private

304.19 Landing field – private

304.20 Mining, quarry, sand/gravel operation, or similar extractive land use

304.21 Motorsports Facility, Private *(Amended 4/26/16)*

304.22 Oil or gas drilling operation

304.23 Recreation facility – community

304.24 Religious retreat

304.25 Residence *(Amended 4/28/15)*

- Bed and Breakfast
- Group home for registered sex offenders *(Amended 9/12/00)*
- Group Residential Facility
- Mobile Home – 1 per lot when a principal single-family residential dwelling does not exist.

304.26 Satellite earth station *(Amended 4/24/02)*

304.27 Septic waste and domestic sludge application

304.28 Telecommunication facility

304.29 Utility - major facility

304.30 Veterinary clinic/hospital

304.31 Wind energy conversion system

305 Uses Permitted by Administrative Review *(Amended 4/24/02)*

Agricultural worker housing (excluding mobile homes) in addition to the housing permitted by-right, may be reviewed and approved administratively provided the applicant meets the threshold criteria contained in this subsection, and can further demonstrate the need in the narrative as required by this Section. The thresholds listed are based on general industry standards.

305.01 Agricultural Worker Unit (one dwelling with one to four bedrooms, or one to four attached efficiency units/apartments in one footprint) as follows:

305.01.1 Horse Ranch or Boarding/Training Facility provided the required narrative demonstrates a need based on the general criteria of one worker per 25 horses.

305.01.2 Cattle ranch provided the required narrative demonstrates a need based on the general criteria of one worker per 300 head of cattle.

305.01.3 Farm provided the required narrative demonstrates a need based on the general criteria of one worker per 1200 acres of farmed land.

305.01.4 Combination farm/ranch activities provided the required narrative demonstrates a need based on the general criteria cited for each activity.

305.02 Applications for agricultural worker housing shall be reviewed in accordance with the thresholds contained in subsection 305, and the criteria and process set forth in subsections 316 through 323.

305.03 The Director shall determine threshold criteria for uses, or combinations of uses, not specifically listed.

306 Minimum Lot Area: 35 acres *

Lots less than 35 acres in area shall be limited to the uses allowed in the agricultural or residential zone district to which the lot conforms in area.

*The minimum lot area may be decreased with a clustered design through the exemption process. *(Amended 4/28/15)*

## 307 Minimum Setbacks

| Parcel Size | SETBACK FROM: | | | |
|---|---|---|---|---|
| | Street | Side Lot Line | Rear Lot Line | 115+KV Power Line |
| LESS than 2.3 | regional/maj. arterial: 100' other: 25' | 15'* | 25'* accessory: 15' | 100' |
| 2.3-4.49 ac. | regional/maj. arterial: 100' other: 25' | 25'* | 25'* | 100' |
| 4.5-8.9 ac. | regional/maj. arterial: 100' other: 50' | 25'* | 25'* | 100' |
| 9-34.9 ac. | 100' | 50' | 50' accessory: 25' | 100' |
| 35+ ac. | 100' | 100' accessory: 50' | 100' accessory: 50' | 100' |

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

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

## 308 Encroachments

308.01 A cornice, canopy, eave, fireplace, wing wall or similar architectural feature may extend 3 feet into a required setback.

308.02 An open, unenclosed, uncovered deck/porch at ground level may extend 6 feet into a required setback, except for a side setback.

308.03 An open unenclosed, uncovered deck/porch greater than 4 feet in height, above ground level, may extend 3 feet into a required setback, except for a side setback.

308.04 A building permit shall not be issued for any structure which is to be located within an easement unless written approval by the easement holder(s) is provided.

308.05 Utility distribution lines and related equipment commonly located along property lines may be located within a required setback. A neighborhood substation or gas regulator/meter station shall meet the required setbacks.

309 Building Height

Maximum building height: 35 feet

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

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

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

310 Water - Refer to Section 18A of this Resolution *(Amended 3/13/02)*

311 Street Standards

Public streets shall be constructed in accordance with the Douglas County Roadway Design and Construction Standards. Private streets shall be constructed either in accordance with Appendix 58 of the International Building Code, as amended and adopted by Douglas County, or the Douglas County Roadway Design and Construction Standards.

Both public and private streets shall be constructed in accordance with the provisions of the Douglas County Storm Drainage Design and Technical Criteria manual and the County's clearing, grading, and land disturbance regulations. *(Amended 6/14/06)*

312 Parking Standards - Refer to Section 28 for non-residential parking standards *(Amended 4/24/02)*

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

313 Fencing Standards

313.01 Fences, walls, or hedges shall not be erected in the public right-of-way, but shall be allowed within the setback, on private land.

313.02 Fences, walls, or hedges shall be erected and maintained in a manner which does not obstruct the vision of automobile traffic on the adjacent

streets, rights-of-way, or driveways in accordance with the Douglas County Roadway Design and Construction Standards manual.

313.03 A building permit is required for any retaining wall greater than 4 feet in height or any fence or wall greater than 6 feet in height, or as required by the Building Code, as amended and adopted by Douglas County. *(Amended 12/18/12)*

313.04 Fences, walls or hedges shall be maintained in good structural or living condition. The landowner is responsible for the repair or removal of a fence, wall or hedge, which constitutes a safety hazard, by reason of inadequate maintenance, dilapidation, obsolescence or abandonment, or which constitutes a zoning violation.

313.05 Barbed wire or electrically charged fences shall be allowed. Any electrically charged fence shall be clearly and conspicuously posted to warn those outside the fence that it is electrically charged. Concertina or razor wire is prohibited.

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

314 Sign Standards - Refer to Section 29 of this Resolution

315 Lighting Standards - Refer to Section 30 of this Resolution

316 Administrative Review - Prerequisite *(Amended 4/24/02)*

A landowner/lessee seeking to construct agricultural worker housing shall schedule a pre-submittal meeting with the staff to discuss the application, submittal procedures, and information required.

317 Administrative Review - Approval Criteria *(Amended 4/24/02)*

Administrative review of the application shall be based on the following criteria:

317.01 Whether the proposed use is in harmony and compatible with the character of the surrounding area;

317.02 Whether the proposed use will not result in an over-intensive use of the land;

317.03 Whether the proposed use will not require a level of community facilities and services greater than that which is available;

317.04 Whether the proposed use will not cause undue traffic congestion or traffic hazards;

317.05 Whether the proposed use will not cause significant air, water or noise pollution:

317.06 Whether the proposed use is adequately landscaped, buffered, or screened;

317.07 Whether the proposed use will not be otherwise detrimental to the health, safety or welfare of the neighboring landowners.

318 Administrative Review – Procedure *(Amended 4/24/02)*

318.01 Following the pre-submittal meeting, the applicant shall submit to the Planning Division a copy of the documents required per subsection 321. The submittal shall be reviewed for completeness and the applicant notified of any inadequacies.

318.02 Once determined complete, staff will notify the applicant of the number of copies of the plan and narrative required to be submitted for distribution to referral agencies. Referral packets shall be provided by the applicant in unsealed manila envelopes, addressed to the appropriate referral agency. Staff shall mail the referral packets. Referral agencies shall comment within 21 days.

318.03 Written Notice

318.03.1 At least 10 days prior to the Director's decision, the applicant shall mail a written notice of the request by first-class mail to the address of each abutting landowner as such addresses are shown in the records of the Douglas County Assessor's Office and shall submit a certificate of mailing to Douglas County Planning 7 days prior to the date of the Director's decision. The notice shall indicate:

- the proposed date of the Director's decision;
- the nature of the request;
- the location of the land that is the subject of the request *(distance and direction from nearest major intersection)*;
- the file name and number; and
- a statement that comments and questions should be directed to Douglas County Planning, 100 Third Street, Castle Rock, CO 80104 (303) 660-7460.

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

CERTIFICATE OF MAILING

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:

(list of addresses)

(Signature of person completing the mailing)

318.03.3 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 landowners who did not receive such complying notice may waive such notice by submitting a written waiver to Douglas County Planning Division.

318.04 The staff planner will review the referral comments, discuss the concerns with the applicant, and prepare a staff report and present it to the Director for a decision.

318.05 An appeal of the Director's decision regarding an administrative review request may be submitted to the Board of Adjustment pursuant to Section 26A of this Resolution. *(Amended 4/10/12)*

319 Administrative Review - General Submittal Requirements *(Amended 4/24/02)*

319.01 A completed application form, including a copy of the completed pre-submittal form *(available from the Planning Office)*

319.02 Application fee *(fee schedule available from the Planning Office)*

319.03 Proof of ownership by copy of deed or title insurance commitment no more than 30 days old; or in the case of a lessee, a copy of the lease

319.04 A Narrative *(per Section 320 contained herein)*

319.05 A Plan Exhibit *(per Section 321 contained herein)*

319.06 A notarized letter or authorization from the landowner permitting a lessee or representative to process the application, when applicable

320 Administrative Review - Narrative *(Amended 4/24/02)*

320.01 The type and description of the residential unit proposed

320.02 The maximum number of individuals to be accommodated

320.03 A detailed description of the agricultural activities of the subject site focusing on the intensity of the operations, and on those work elements necessitating on-site agricultural labor including the following:

320.03.1 Number and type of livestock raised

320.03.2 Grazing plan and pasture rotation

320.03.3 Crop types and number of acres farmed

320.03.4 Other income-producing activities occurring on the site

320.04 A description of the sanitary service to be provided and evidence that the system is in accordance with Tri-County Health regulations

320.05 A description of the water service to be provided and evidence of the ability of the water to be used in the manner proposed

320.06 A description of the increase or reduction in traffic anticipated in trips per day as a result of the housing units

320.07 A description of community services or facilities (libraries, medical facilities, schools, etc.) that may be required or accessed by the occupants of the unit

321 Administrative Review - Plan Exhibit *(Amended 4/24/02)*

A site plan shall be submitted, drawn to scale that includes the following:

321.01 a vicinity map showing the site and the relationship to adjacent properties and major roads;

321.02 the total acreage owned or leased by the applicant;

321.03 the zoning and use of the contiguous parcels owned, and the zoning and use of adjacent land;

321.04 the location of the proposed agricultural worker unit with dimensions to the nearest property lines, and dimensions of the proposed unit;

321.05 a sketch of the floor plan for all units proposed, along with a notation restricting the residential use of the units to agricultural workers as defined and approved;

321.06 the location and dimensions of all property lines, existing and proposed structures, existing and proposed wells, septic systems, and leach fields noting separation distances as necessary;

321.07 access to proposed units - delineate public and private roads, dimensions, and note surface material, and;

321.08 all drainage ways affecting the site and designation of any 100-year floodplain on or adjacent to the site.

322 Administrative Permit - Annual Inspection *(Amended 4/24/02)*

Agricultural housing approved by administrative review shall meet all applicable regulations associated with residential development and shall be subject to an annual compliance inspection. A copy of the landowner/lessee's federal 943 Tax Form indicating that the occupants of the unit are indeed agricultural workers, may be required as part of the annual review and inspection.

323 Administrative Permit - Revocation *(Amended 4/24/02)*

The administrative permit may be revoked by the Director, after written notice, for failure to operate the use in accordance with the approved plan or narrative or other zoning regulation. A revocation may be appealed to the Board of Adjustment pursuant to Section 26A of this Resolution. (*Amended 4/10/12)*

324 Event Center Standards *(Amended 4/28/15)*

324.01 Where event centers are permitted with approval of a Use by Special review, the standards within Section 21 shall apply.

324.02 Where event centers are permitted with approval of a Site Improvement Plan, the following standards shall apply:

324.02.1 Structures, outdoor assembly areas, and parking lots shall be setback a minimum of 200 feet from all adjacent property lines.

324.02.2 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 of the Noise Overlay District.

324.02.3 Maximum capacity shall not exceed 350 persons per event. Event centers that exceed this capacity shall be processed in accordance with Section 304.08.

324.03 Where event centers are permitted as accessory uses, the following standards shall apply:

324.03.1 The landowner shall obtain a written Event Center certification prior to commencement of the use.

- The certification request shall be submitted by the landowner in the form of a written request and accompanying exhibit.
- The exhibit shall depict the property, points of access, and the location of the proposed event center to structures and use areas. Structures, outdoor assembly areas, and parking lots shall be setback a minimum of 500 feet from any existing, separately-owned residence on adjacent parcels.
- The written request shall confirm that a principal agricultural use exists on the property and that legal and physical access is provided.
- The Director shall provide a written Event Center certification upon review of the request which confirms that the property meets the minimum size required, that there is a principal agricultural use, and that access is provided. The certification shall include a statement that the event center use is vested, for purposes of setbacks, regardless of subsequent development on adjacent parcels.

324.03.2 Noise generated by the event center use shall comply with the limits established in Section 1703A of the Noise Overlay District.

324.03.3 If a land division reduces the parcel size to below 160 acres, approval of an application under the provisions of Section 302.06 or 304.08, as applicable, shall be required for continued event center use.