

SECTION 12 C – COMMERCIAL DISTRICT

Section Contents

1201 Intent ..... 12-2

1202 Principal Uses..... 12-2

1203 Accessory Uses..... 12-3

1204 Uses Permitted by Special Review..... 12-3

1205 Minimum Lot Area ..... 12-3

1206 Water and Sanitation Requirements..... 12-3

1207 Utilities..... 12-4

1208 Land Dedication..... 12-4

1209 Street Standards..... 12-4

1210 Parking Standards..... 12-4

1211 Landscape Requirements..... 12-4

1212 Minimum Setbacks ..... 12-4

1213 Encroachments..... 12-5

1214 Building Height ..... 12-5

1215 Fencing Standards ..... 12-6

1216 Outdoor Storage Standards..... 12-7

1217 Sign Standards..... 12-7

1218 Lighting Standards..... 12-7

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

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

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

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

### 1202 Principal Uses

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

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

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

### 1203 Accessory Uses

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

- 1203.01 Accessory uses and buildings *(Amended 5/27/14)*
- 1203.02 Commercial storage area *(Amended 3/26/24)*
- 1203.03 Satellite dish
- 1203.04 Single or multifamily residence for management or employees

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

The following uses are permitted, upon approval by the Board, in accordance with Section 21, Use by Special Review, of this Resolution. *(Amended 3/26/24)*

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

### 1205 Minimum Lot Area: none

### 1206 Water and Sanitation Requirement

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

**1207 Utilities**

All public utility distribution lines shall be placed underground.

**1208 Land Dedication**

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

**1209 Street Standards**

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

**1210 Parking Standards**

Parking shall be provided as shown on the approved USR Plan Exhibit or Site Improvement Plan prepared in accordance with Section 21, Use by Special Review, or Section 27, Site Improvement Plan; and 28 Parking Standards, of this Resolution. (Amended 3/26/24)

**1211 Landscaping Requirement**

Each lot shall be landscaped as shown on the approved landscape plan prepared in accordance with Section 21, Use by Special Review, or Section 27 Site Improvement Plan, of this Resolution. Areas to be landscaped include the lot area within the required setback from the street, parking areas, and other areas as required. (Amended 3/26/24)

**1212 Minimum Setbacks**

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

\* No parking shall be located within this setback.

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

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

- area zoned for residential use;
- single-family, two-family, or multifamily dwelling;
- church, park, or library
- state-licensed day-care facility (*child or adult*);
- school or educational facility, serving persons age 18 or younger, or

- any other sexually oriented business.

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

### 1213 Encroachments

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

### 1214 Building Height

Maximum building height: 60 feet

- 1214.01 The maximum building height shall not apply to belfries, cupolas, penthouses or domes not used for human occupancy, roof-mounted church spires, chimneys, skylights, ventilators, water tanks, silos, parapet walls, cornices, antennas, utility poles and necessary mechanical appurtenances usually carried above the roof level.
- 1214.02 The maximum height of a roof-mounted church spire shall not exceed 1.62 times the height of the church. The church height shall be measured from the main level finished floor (*walk-out level excluded*) to the highest roof peak. The height of the roof-mounted spire shall be measured from the top of the spire to the finished floor of the lowest walkout level of the church. (*refer to Section 36 building height definition – spire height calculation*)
- 1214.03 The maximum height of a parapet wall shall be established on the approved USR Plan Exhibit or Site Improvement Plan based on overall

mass and bulk and its compatibility with the surrounding area. *(Amended 3/26/24)*

- 1214.04 The height of a ham radio antenna shall be no greater than the distance to the nearest lot line except, engineered structures which shall be in compliance with the minimum setbacks. *(refer to Section 27A for cell sites and Section 21 for telecommunication facilities)*
- 1214.05 All roof-mounted equipment *(mechanical, ventilating, antennas)* shall be properly screened, with the exception of solar collectors/heaters.

1215 Fencing Standards *(Amended 3/26/24)*

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

- 1215.01 Fences, walls, or hedges shall not be erected in the public right-of-way, but shall be allowed within a setback. A building permit is required for any retaining wall greater than 4 feet in height or for any fence or wall greater than 6 feet in height, or as required by the Building Code, as amended and adopted by Douglas County.
- 1215.02 Solid fences, walls, or hedges shall not exceed 4 feet in height when located in the required setback from a street.
- 1215.03 Fences, walls, or hedges shall be erected and maintained in a manner which does not obstruct the vision of automobile traffic on streets, rights-of-way, or driveways in accordance with the Douglas County Roadway Design and Construction Standards manual.
- 1215.04 Fences, walls, or hedges shall be maintained in good structural or living condition. The landowner is responsible for the repair or removal of a fence, wall, or hedge, which constitutes a public safety hazard by reason of inadequate maintenance, dilapidation, obsolescence, or abandonment.
- 1215.05 Fences constructed of woven wire or ornamental iron which are a minimum of 80% open may be constructed with no height limitation; however, a building permit may be required by the Building Code, as amended and adopted by Douglas County.
- 1215.06 Barbed, electrically charged, concertina, or razor wire or other hazardous materials used for fencing shall be prohibited.
- 1215.07 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.

### 1216 Outdoor Storage Standards *(Amended 3/26/24)*

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

- 1216.01 Outdoor storage including but not limited to raw materials, supplies, finished or semi-finished products, or equipment shall be screened from view from abutting properties and public streets or trails bordering the site by a solid fence, wall, or hedge that is a minimum of 6 feet in height. Employee or customer parking or merchandise display areas shall not be considered outside storage.
- 1216.02 Operable vehicles, trailers, or other equipment designed to be towed or lifted as a single component may be visible above the height of a 6 foot tall fence, wall, or hedge without being additionally screened.
- 1216.03 Outdoor storage shall not be allowed within the required setback from a street.
- 1216.04 Outdoor storage shall not be allowed within any required landscaped area, detention or water quality facilities, or drainage ways.
- 1216.05 Where the topography of the land is such that a solid fence, wall, or hedge would not prevent viewing outdoor storage from abutting properties and public streets or trails bordering the site, additional landscaping above the height of the fence, wall, or hedge to mitigate site-specific visual impacts may be required.

### 1217 Sign Standards – Refer to Section 29 of this Resolution

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

### 1218 Lighting Standards – Refer to Section 30 of this Resolution

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