

Chapter 17.51 Dissimilar Residential Interface Regulations.

17.51.010 Purpose and intent.

A. The purpose of this Chapter is to protect the public health, safety, and welfare by establishing regulations to mitigate the impacts between adjacent dissimilar residential properties. This Chapter is not intended to regulate the impacts of an approved Planned Development (PD) that purposely intermixes adjacent dissimilar residential properties within the PD or properties zoned R-1, R-2 or R-3.

B. Residential interface buffers and design standards established in this Chapter are intended to create a visually attractive and interesting buffer between dissimilar residential properties.

17.51.020 Definitions.

For the purpose of this Chapter, certain words or phrases are defined as follows:

Buffer, means the defined area between dissimilar residential properties intended to mitigate visibility between adjacent properties.

Dissimilar residential property, means properties where single family detached is adjacent to either (i) single family attached or multifamily or (ii) where single family attached is adjacent to multifamily.

Mixed-residential development, means a development consisting of one or more lots developed as a cohesive project and designed with a blend of various compatible residential properties, typically referred to as a Planned Development.

Multifamily, means a residential unit defined in the building code as multiple residential units within one building with one foundation.

Residential property, means property within a Zoning District that allows residential uses, or property located in unincorporated Douglas County and identified as a future residential neighborhood in the Town's Comprehensive Master Plan, but excluding property within a mixed-residential development.

Single family attached, means a residential unit defined in the building code as a two-family home including paired home, triplex, fourplex, or townhome.

Single family detached, means a residential unit defined in the building code as a one-family home.

17.51.030 Applicability.

A. These regulations are applicable to development on any residential use property adjacent to any dissimilar residential use property except mixed-residential development, straight zoned R-1, R-2, R-3 properties, or properties located in the Downtown Overlay District.

B. For the purpose of this Chapter, properties are considered adjacent if they share a property line in whole or in part or are separated by an open space parcel less

than 50 feet in width. Properties separated by a railroad right-of-way or a minimum 50-foot road right-of-way width shall not be considered adjacent.

C. If a proposed Site Development Plan or Site Development Plan Amendment request is subject to the Dissimilar Residential Interface Regulations in this Chapter it is also subject to Chapter 17.38.

17.51.040 Buffers.

The minimum width of a buffer is 50 feet, as measured from the developed residential property line to the proposed residential building setback. The buffer may be identified as a separate tract or shown and dimensioned on a site plan.

When a dissimilar residential development is proposed on a property adjacent to developed residential property, 100% of the buffer shall be provided on the proposed residential property.

- A. The following elements are allowed within buffer areas:
 - 1. Utility easements and related facilities therein
 - 2. Drainage facilities
 - 3. Retaining walls
 - 4. Required setbacks

- B. The buffer area shall mitigate the visibility of adjacent dissimilar residential property by:
 - 1. Preserving the natural topography, native vegetation and scale of the adjacent dissimilar residential property;
 - 2. Creating a visually attractive buffer with placement of walls, fences, berms and/or landscaping;
 - 3. Including a landscape design that provides a varied plant spacing, clustering, and height, with berms and decorative walls as needed;
 - 4. Mitigating the view of site elements from dissimilar residential property such as trash enclosures, utility boxes, play fields, play structures, pocket parks, gazebos, playgrounds, trails or gathering areas. Such uses shall be screened so they are not highly visible from adjacent dissimilar residential property, and when possible, located to the interior of a site; and
 - 5. Keeping the buffer free of buildings and parking lots, due to the associated impacts.

17.51.050 Building Design Elements.

In order to mitigate visual impacts of the dissimilar residential development, the follow design elements shall be considered:

- A. Building orientation,

- B. Architectural detailing and incorporation of materials and colors to avoid blank facades, or

C. Other methods to reduce the visual scale of a building.

17.51.060 Town Council Waiver.

The Town Council may waive one or more of the requirements under these regulations as part of the site plan approval process. In determining whether or not a waiver shall be granted, the burden shall be upon the applicant to show that strict application of one or more of the regulations of this Chapter would:

- A. Preclude any reasonable use of the property subject to such application,
- B. Not advance the underlying purpose of these regulations due to unusual or exceptional configuration, size, topography, native vegetation, or buildings on properties affected by such application,
- C. Not advance the underlying purpose of these regulations, or
- D. Conflict with other provisions of the municipal code.