Town of Frederick
Planning Commission Agenda

Frederick Town Hall
401 Locust Street
Thursday, March 19, 2026

6:30 PM

Teams Meeting Information
Meeting ID: 229 286 565 79 Passcode: GXuhzM

Call to Order – Roll Call

Pledge of Allegiance

Approval of Agenda

Special Presentations

Public Comment
This portion of the agenda is provided to allow members of the audience to provide comments to the Planning Commission. Please sign in and you will be called. If your comments or concerns require an action, that item(s) will need to be placed on a later Agenda. Please limit the time of your comments to three (3) minutes.

Staff Reports

Consent Agenda
Consent Agenda items are considered to be routine and will be enacted by one motion and vote. There will be no separate discussion of Consent Agenda Items unless a Planning Commission member so requests, in which case the item may be removed from the Consent Agenda and considered at the end of the Consent Agenda.

A. Approval of Minutes

Action Agenda

B. Public Hearing to Consider the 320 Maple Street (Lot 1, Maplewood Subdivision Filing No. Two Amendment A) PUD Zoning Document

- Open Public Hearing
- Staff Presentation
- Applicant
- Public Comment

- Planning Commission Discussion and Questions
- Close the Public Hearing

Planning Commission Action on Resolution 26-PCR-03. -
Audem Gonzales, Senior Planner

C. Public Hearing to Consider a Resolution of the Town of Frederick Planning Commission Recommending Adoption of the 2026 Land Use Code, Amendment of the Town of Frederick Zoning Map, and Recommending Incorporation of the Land Use Code into the Municipal Code

- Open Public Hearing
- Staff Presentation
- Public Comment
- Planning Commission Discussion and Questions
- Close the Public Hearing

Planning Commission Action on Resolution 26-PCR-04. -
Audem Gonzales, Senior Planner

Discussion Items

Commissioner Reports

Other Business

Adjournment

Town of Frederick Planning Commission

Meeting Minutes
February 19, 2026

Teams Meeting Information :

Call to Order – Roll Call: At 6:30 pm, Chairperson Moe called the meeting to order and requested roll call.
Present were Chairperson Moe, Vice Chair Conroy, Commissioner Scott, Commissioner Kelley, and Commissioner Langford.
Also, present were Planning Manager Ali Lommel, Deputy Town Attorney Christine Francescani, Deputy Town Clerk Emily Nitcher, Town Manager Bryan Oster, Assistant Town Manager Ryan Johnson and Communication and Engagement Director Renae Lehr.

Pledge of Allegiance:

Approval of Agenda: No Changes to the Agenda

Special Presentations:

Road Tax Presentation — Bryan Ostler, Wally Hollimon: Town Manager Bryan Ostler, Assistant Town Manager Ryan Johnson and Communication and Engagement Director Renae Lehr presented to the Commission.

Public Comment: No Public Comment

Staff Reports:

Consent Agenda: Motion by Commissioner Kelley and seconded by Vice Chair Conroy to approve the consent agenda.
Upon roll call vote, motion passed unanimously.

Approval of Minutes:

Action Agenda:

Public Hearing to Consider Affirming the Town of Frederick's Future Land Use Map as the Three-Mile Plan

- Open Public Hearing
- Staff Presentation
- Public Comment
- Planning Commission Discussion and Questions
- Close the Public Hearing

Planning Commission Action on Resolution 26-PCR-01. : Motion by Commissioner Kelley and Seconded by Commissioner Scott to approve 26-PCR-01.
Upon roll call vote, motion passed unanimously.

Public Hearing to Consider Adopting the Town of Frederick Downtown Plan

- Open Public Hearing
- Staff Presentation
- Public Comment
- Planning Commission Discussion and Questions
- Close the Public Hearing

Planning Commission Action on Resolution 26-PCR-02. : Public Hearing Opened at 7:25 pm.
Ali Lommel and Britt Palmberg presented to the Planning Commission.
Public Comment:
Travis Young - Silverstone Development.
Ask for flexibility, as a landowner and developer.
The public hearing was closed at 8:13 pm.

Motion by Vice Chair Conroy and seconded by Commissioner Langford to approve 26-PCR-02.
Upon roll call vote, motion passed unanimously.

Discussion Items:

Commissioner Reports: Commissioner Kelley asked if Planning Commissioners still limited to being on only one committee for the Town?

Other Business: Upcoming Meeting : 5th and 19th in March.

Adjournment: There being no further business, the Planning Commission Chairperson Moe adjourned the meeting at 8:24pm.

TOWN OF FREDERICK
Planning Commission
Staff Report

Built On What Matters

Tracy Moe, Chairperson

Kristie Conroy, Vice Chairperson

Nathan Scott, Commissioner
Roger Kelley, Commissioner

Public Hearing to Consider the 320 Maple Street (Lot 1, Maplewood Subdivision Filing No. Two Amendment A) PUD Zoning Document

- **Open Public Hearing**
- **Staff Presentation**
- **Applicant**
- **Public Comment**
- **Planning Commission Discussion and Questions**
- **Close the Public Hearing**

Planning Commission Action on Resolution 26-PCR-03.

Agenda Date: Planning Commission March 19, 2026

Attachments:

1. 26-PCR-03 320 (approval)
2. 26-PCR-03 (approval with conditions)
3. 26-PCR-03 (denial)
4. Application and Letter of Intent
5. Vicinity Map
6. Future Land Use Plan
7. Zoning Map
8. 320 Maple Street PUD Zoning Document
9. Neighborhood Meeting 1 Transcript
10. Neighborhood Meeting 2 Transcript
11. Neighborhood Meeting 2 categorized comments
12. Town MEMO on history and process
13. Public Comment
14. Published Notice

Reviewed By:

Action Type

3) Quasi-Judicial: Actions of a specific nature or impact to a property interest that require an evidentiary hearing; such as land use applications; may be approved by ordinance or resolution as applicable.

Strategic Plan Alignment:

This request aligns with the following Town of Frederick Strategic Plan focus area:

COMMUNITY AND ECONOMIC VITALITY– Frederick is a community that fosters economic, recreational, cultural, and environmental vitality and builds upon and enhances a variety of economic opportunities. Frederick celebrates its downtown and regards it as a gem in the region.

2.1 Create a funding strategy to facilitate the implementation of the Frederick Recreation Area Master Plan.

2.2 Continue implementing our retail attraction strategy to target regional and destination opportunities, traditional and non-traditional retailers, hospitality, and sit-down eating establishments.

2.3 Begin implementation of revitalization strategies for the downtown with "gazelle like" energy to include short-term, mid-term, and long-term projects.

2.4 Complete the Downtown Plan by mid 2025.

2.5 Continue work on updating the Land Use Code in connection with 1.2 above.

DYNAMIC, INCLUSIVE & CONNECTED COMMUNITY– Frederick is represented by diverse nonprofit, cultural, business, and geographic participation. Residents actively engage in activities and initiatives; they are encouraged and supported to address important community needs and issues.

3.1 Implement new ways to increase accessibility for public engagement including both traditional and non-traditional means.

3.2 Foster and improve the quality of our relationships with all regional partners seeking ways to collaborate and leverage resources.

Summary Statement:

Joshua Huene with JJ Investments, Inc. is requesting approval of a PUD Zoning Document (Planning Unit Development) for 320 Maple Street (Lot 1, Maplewood Subdivision Filing No. Two Amendment A). The property is currently zoned P (Public) with PUD overlay (Planned Unit Development). The applicant is requesting to create

site-specific development standards for a project consisting of 4 duplex buildings and 10,498 SF of private open space.

Detail of Issue/Request:

Applicant/Owner: Joshua Huene / JJ Investments Inc.

Location and Zoning: The property is generally located at the southeast intersection of Maple Street and 3rd Street and is addressed as 320 Maple Street. The property is zoned P (Public) with PUD overlay (Planned Unit Development). The project area is ~1.2 acres in size and the lot is currently vacant and undeveloped.

Surrounding Land Uses and Zoning:

North: Land use: Single-family homes
Zoning: R-1 (Residential Low Density) with PUD overlay (Planned Unit Development)

South: Land use: Former private school/daycare facility
Zoning: P (Public) with PUD overlay (Planned Unit Development)

West: Land use: Single-family homes
Zoning: R-1 (Residential Low Density) and DN-B (Downtown B)

East: Land use: Single-family homes
Zoning: R-1 (Residential Low Density) with PUD overlay (Planned Unit Development)

Historic Background Information:

Platting Process

- Maplewood Subdivision Filing No. One was platted in 1987 with the subject property being part of original Lot 1, Block 4. The 1987 plat contains Certificate of Ownership language and street dedications, but does not contain a “public” or “parks and open space” dedication or designation.
- In 1987, the Town and Grant Brothers entered into a subdivision agreement to govern the development of the subdivision. The agreement makes reference to a dedication of land owned by Carbon Valley Parks and Recreation District for public use, but the District did not own the property at that time, and no dedication was made on the plat for parks or open space.
- Maplewood Subdivision Filing No. Two was platted in 1993. The project replatted Lot 1, Block 4 into a smaller lot labeled Lot 1, Block 8, Maplewood Subdivision Filing No. Two. The replat added additional right-of-way (Linden Street) and created seven additional residential lots from the original Lot 1, Block 4 property.
- The 1993 plat contains the same Certificate of Ownership language regarding parks and open space, but contains no additional dedication or designation.
- In 1993 a new subdivision agreement was approved with a provision stating “No dedication of land for public sites or open space … is required for this filing of the Maplewood Subdivision,” indicating that the land impacted by the replat,

including the subject property, was not subject to a public or open space dedication requirement.
- In 2024, Maplewood Subdivision No. Two Amendment A was approved, which subdivided Lot 1, Block 8 into two separate lots. The separate lots are addressed as 340 Maple Street and 320 Maple Street. 320 Maple Street is the subject property undergoing a PUD zoning document request.
- In 2025, the 320 Maple Street rezoning from P (Public) to R-2 (Medium Density Residential) was denied.

Request:

Joshua Huene with JJ Investments, Inc. has applied for a PUD Zoning Document for 320 Maple Street (Lot 1, Maplewood Subdivision Filing No. Two Amendment A). The subject property is currently vacant and undeveloped. The PUD Zoning Document sets rules and regulations for development within the PUD zoning document boundary.

Comprehensive Plan:

The Town of Frederick Comprehensive Plan designates this property as "Adaptable Neighborhood". This designation is designed to provide a diversity of housing to accommodate a wide range of households in Frederick. These areas may include various types of employee, workforce, and attainable housing. Housing types permitted in this land use designation are single-family detached homes, townhomes, duplexes, and multifamily.

The Comprehensive Plan was updated in 2024. The previous land use designation for this property was “Public/Semi-Public.” Changing community needs and desires have prompted the changes found within the updated Comprehensive Plan’s Future Land Use Plan. Several goals within the Comprehensive Plan promote development beyond single-family detached homes. Three community surveys were conducted throughout the creation of the Plan update. Results from these surveys have all indicated a strong community desire for attainable housing, employee housing, and more affordable housing options.

Zoning:

The Public Zone District is intended to identify and perpetuate the existence of public parks, playgrounds, recreation facilities and public and quasi-public buildings, whether publicly owned or leased. Various uses are permitted by right or conditional use within this zoning district. Uses permitted by right include golf courses, parks, places of assembly, schools, etc. Uses permitted by Conditional Use Review or Limited Review include zoos, daycares, hospitals, jails, structured parking, libraries, wireless communication facilities, etc.

The applicant is requesting to fulfill the existing PUD (Planned Unit Development) overlay by creating a PUD zoning document. The zoning document functions similarly to a final development plan. It contains site-specific development standards and regulations. The current PUD overlay zoning does not include an approved

development plan for this property or any of the Maplewood Subdivision. PUD (Planned Unit Development) would become the official zoning of the property while the zoning document would contain the development standards for this particular area.

PUD Zoning Document:

The zoning document for 320 Maple Street is designed to accommodate an 8-unit duplex development. 4 buildings are proposed, each with 2 units. The applicant is also proposing 20% of the site to be private open space for the residents of this development. A more detailed breakdown of the zoning document and project is below:

- Project area: 1.205 acres
- Permitted uses: duplex residential
- Max density: 7 dwelling units per acre = 8 units (4 duplex buildings)
- Minimum lot area: 2,500 per dwelling unit
- Accessory buildings: not permitted
- Maximum building height: 35 feet

Subdivision. The applicant is proposing the 4 duplex buildings on one lot. The PUD zoning document permits future subdivision of the lot into a maximum of 8 individual lots to create a fee-simple subdivision.

Vehicle and pedestrian access. The PUD zoning document proposes that each dwelling unit connect to the existing sidewalk along Maple and 3rd Streets via a walk. Also, the zoning document proposes that each building have driveway access to the nearest street.

Residential architecture. The applicant is proposing that each building have a front-loaded garage that faces the street. Each dwelling is also required to have outdoor living space in the form of porches and patios. The zoning document proposes that each building may contain the same massing and style, but each building shall alter the placement of materials and coloring to achieve variety within this development.

Garages. Every dwelling unit is required to have a front-loaded garage that shall not comprise more than 58% of the street-facing building frontage. Also, each garage is permitted to project up to 26 feet from the forward most living space of each unit.

Parking. Each dwelling unit is required to have a 2-car garage. No guest parking is required per this PUD zoning document.

Sidewalks and connections. Each dwelling is required to connect the front porch to the driveway that serves that unit. Also, the PUD states that the existing 4-foot attached walk along Maple Street and 3rd Street will be utilized to meet the public street sidewalk requirement of the Land Use Code.

Parks and open space. Properties zoned with PUD overlay are required to provide 20% of the site as parks and open space. The applicant is proposing a 10,498 SF open space on the eastern edge of the site, behind the duplex buildings. The PUD zoning

document requires a minimum width of this open space to be 30 feet. This open space is also intended to function as a buffer to the existing neighborhood to the east.

Street trees. The PUD proposes a maximum separation of street right-of-way trees to be 45-feet. The document contains language for trees that cannot be placed in right-of-way due to easements or other constraints, being allowed to be planted on individual lots. These trees cannot count towards the required individual unit trees.

Fencing. Each rear yard is required to be fenced with a maximum fence height of 6 feet. Each backyard is required to contain a gate that opens east into the open space.

Review Criteria for PUD zoning documents:

(1) Will be in general conformity with the Comprehensive Plan; provided that:
(a) If a Comprehensive Plan update has not occurred in the five (5) years preceding the application date, the Board of Trustees must specifically also find that the public health, safety, and welfare will be advanced by adopting the PUD zoning document to conform to the Comprehensive Plan; or
(b) If a Comprehensive Plan update is underway on the date of the application, the Board of Trustees must specifically also find that the PUD zoning document, on balance, will not undermine the implementation of the updated Comprehensive Plan.

Staff response: The Comprehensive Plan was updated in 2024. The property is designated as adaptable neighborhood, which allows for a wide range of residential uses. The applicant is proposing that only duplex development be allowed within this project area. Duplexes are allowed within the adaptable neighborhood land use designation.

(2) Will provide a net public benefit when compared to the development that is possible under non-PUD zoning districts, considering:
(a) For all planning areas:
i) The stewardship of natural resources and the mitigation of flood risks;

Staff response: There are no identified national resources or flood risks on this property.

ii) The development quality and design aesthetics; and

Staff response: The proposed massing and architecture of the duplex buildings are appropriate for the neighborhood. Where this project is not cohesive with the surrounding neighborhood is with the proposed garages. This zoning document permits front-loaded garages to have a maximum door width of 58% of the front facade of the dwelling unit. The Land Use Code limits garage door widths to a maximum of 50%. The Land Use Code specifically states, "Homes, not garages, shall have the emphasis on residential streets." The zoning document also permits garages to protrude beyond the forward most living plane of the dwelling unit up to a maximum of 26 feet. The Land Use Code limits this protrusion to 6 feet.

These two development standards create a situation where these buildings will not look

cohesive with the surrounding neighborhood. The emphasis is placed on the garage and not the front door of the home. These deviations from the Land Use Code are not supported by Planning staff and have not been since the beginning of this project. Planning staff encouraged the applicant to place the garages behind the homes via a private alley.

iii) The efficiency in layout and provision of roads, utilities and other infrastructure; and

Staff response: The proposed layout requires multiple driveway cuts along Maple Street and 3rd Street. The driveways are shared between each unit in each building, which reduces the number of drives. Although shared drives are encouraged, this project proposes to reduce driveway spacing from a 30-feet minimum to a minimum of 28-feet. This creates a situation where the sidewalk along Maple Street is interrupted more frequently than if the driveways were spaced farther apart. The proposed layout could be improved greatly if a private alley were placed behind the buildings on the east side where each garage could access an alley vs. a public street.

(b) For planning areas that include residential uses:
i) The quantity or quality of common open space or recreational amenities;

Staff response: The applicant is providing the required 20% open space on the east side of the development. The open space is intended to serve the residents of this project. Staff believes this size of open space is insufficient to properly serve this development. A fee in lieu option was presented to the applicant, but the project proceeded with providing open space. This size of open space is too small to contain recreational amenities like playgrounds, walking trails, seating areas, etc. Although the 20% does meet the Land Use Code, the placement of the open space could better serve this development or even the greater neighborhood if it was placed along 3rd Street vs. behind the backyards of the duplex buildings.

ii) The affordability of housing; and

Staff response: There is no way of knowing the future price points of these units. Staff does believe that any option other than single-family is a great asset to the Frederick community. Having a variety of housing products does offer different rental or home prices for different socio-economic classes within the Town.

(c) For planning areas that include nonresidential uses, the creation of new or expanded economic opportunities that will have a positive impact on the fiscal health of the Town or the lifestyle of its residents.

Staff response: Not applicable.

(3) Where the boundaries of the PUD are shared with existing or approved residential development, or when existing or approved residential development is across a street that is sixty (60) feet or less in right-of-way width, the PUD zoning document provides for buffers and/or transitions in land use, density, intensity, and building patterns along the boundaries of the PUD Zoning District to appropriately address the impacts of noise, dust, light, and shadows created by development within the PUD on the existing

or approved residential development.

Staff response: The applicant has proposed a PUD zoning document standard requiring the open space to be placed along the eastern property boundary of the PUD area. The open space has a minimum width requirement of 30 feet. Staff believes this adequately buffers the PUD area to existing residential developments to the east.

Public Notice:

This project has been required to provide several public notices per Section 4.5 of the Land Use Code. See the list of requirements below:
1. Neighborhood meeting - mailed notice with a 1,000 ft. buffer
2. Application initial submittal - posted and mailed notice with a 1,000 ft. buffer
3. Public hearing - posted and mailed notice with a 1,000 ft. buffer

Public Comment:

Attached to this staff report are two summaries from the two neighborhood meetings held for this application. The first meeting was held online on August 7, 2025, and the second was held in person on September 11, 2025. For the second meeting, staff created a report categorizing the comments into themes to better synthesize the feedback that was received. Staff also created an informational memo on the project history and process moving forward. All of these summaries, memos and reports were made available to the public on the planning website. The recordings of both neighborhood meetings were also posted online for the public to access at any time.

Staff has received many public comments with regard to this application. All correspondence has been provided in the staff report packet. The concerns and comments echo the comments and concerns stated during the neighborhood meetings. See the meeting minutes attached to this packet.

Legal Comments:

The Town Attorney's Office reviewed the application materials and has provided comments throughout the review period. All requested changes have been incorporated into the application package.

Alternatives/Options

PUD - Planned Unit Development Zoning Document

Approval:
I move to approve 26-PCR-03, which recommends approval of the 320 Maple Street PUD zoning document request to the Board of Trustees.

Approval with Conditions:
I move to approve 26-PCR-03, which recommends approval of the 320 Maple Street PUD zoning document request to the Board of Trustees and direct staff to draft a

resolution recommending approval with the following conditions: (list conditions of approval).

Denial:
I move to approve 26-PCR-03, which recommends denial of the 320 Maple Street PUD zoning document request to the Board of Trustees and direct staff to draft a resolution recommending denial (list criteria not met).

Financial Considerations

Not applicable

Staff Recommendation

Staff is recommending the Planning Commission make a recommendation based off the approval criteria.

Community Impact

26-PCR-03

A Resolution of the Planning Commission Recommending Approval of the 320 Maple Street (Lot 1, Maplewood Subdivision Filing No. Two Amendment A) PUD Zoning Document

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Be it resolved by the Planning Commission of the Town of Frederick, Colorado:

Section 1. The Frederick Planning Commission finds that:

1.1 An application for the 320 Maple Street (Lot 1, Maplewood Subdivision Filing No. Two Amendment A) PUD Zoning Document has been submitted.

1.2 Said application was found to be complete through the review process.

1.3 Said application was found to be generally consistent with the Comprehensive Plan.

1.4 Said application was considered during a public meeting held March 19, 2026 at which time the public was able to provide testimony.

1.5 Sufficient notice was given according to Section 4.5 of the Frederick Land Use Code.

1.6 Said application conforms with the applicable requirements of Section 16.4.(5)(c) of the Frederick Land Use Code, namely;

1.6.1 Will be in general conformity with the Comprehensive Plan; provided, that:

a. If a Comprehensive Plan update has not occurred in the five (5) years preceding the application date, the Board of Trustees must specifically also find that the public health, safety, and welfare will be advanced by adopting the PUD zoning document to conform to the Comprehensive Plan; or

b. If a Comprehensive Plan update is underway on the date of the application, the Board of Trustees must specifically also find that the PUD zoning document, on balance, will not undermine the implementation of the updated Comprehensive Plan.

1.6.2 Will provide a net public benefit when compared to the development that is possible under non-PUD zoning districts, considering:

a. For all planning areas:

i. The stewardship of natural resources and the mitigation of flood risks;

ii. The development quality and design aesthetics; and

iii. The efficiency in layout and provision of roads, utilities and other infrastructure; and

b. For planning areas that include residential uses:

i. The quantity or quality of common open space or recreational amenities;
ii. The affordability of housing; and

c. For planning areas that include nonresidential uses, the creation of new or expanded economic opportunities that will have a positive impact on the fiscal health of the Town or the lifestyle of its residents.

1.6.3 Where the boundaries of the PUD are shared with existing or approved residential development, or when existing or approved residential development is across a street that is sixty (60) feet or less in right-of-way width, the PUD zoning document provides for buffers and/or transitions in land use, density, intensity, and building patterns along the boundaries of the PUD Zoning District to appropriately address the impacts of noise, dust, light, and shadows created by development within the PUD on the existing or approved residential development.

Section 2.

2.1 The Planning Commission recommendation is based on competent, substantial evidence in the written record and the testimony provided at the public hearing.

Section 3. On the basis of the above, the Town of Frederick Planning Commission recommends that the Board of Trustees approve the application with no conditions.

This resolution is approved this 19th day of March, 2026 by a vote of ___ to ___.

_____

Tracy Moe, Chairperson, Planning Commission

26-PCR-03

A Resolution of the Planning Commission Recommending Approval with Conditions for the 320 Maple Street (Lot 1, Maplewood Subdivision Filing No. Two Amendment A) PUD Zoning Document

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Be it resolved by the Planning Commission of the Town of Frederick, Colorado:

Section 1. The Frederick Planning Commission finds that:

1.1 An application for the 320 Maple Street (Lot 1, Maplewood Subdivision Filing No. Two Amendment A) PUD Zoning Document has been submitted.

1.2 Said application was found to be complete through the review process.

1.3 Said application was found to be generally consistent with the Comprehensive Plan.

1.4 Said application was considered during a public meeting held March 19, 2026 at which time the public was able to provide testimony.

1.5 Sufficient notice was given according to Section 4.5 of the Frederick Land Use Code.

1.6 Said application conforms with the applicable requirements of Section 16.4.(5)(c) of the Frederick Land Use Code, namely;

1.6.1 The development will be in general conformity with the Comprehensive Plan.

1.6.2 The development will provide a net public benefit when compared to the development that is possible under non-PUD zoning districts, considering:

a. For all planning areas:
   i. The stewardship of natural resources and the mitigation of flood risks;
   ii. The development quality and design aesthetics; and
   iii. The efficiency in layout and provision of roads, utilities and other infrastructure; and
b. For planning areas that include residential uses:
   i. The quantity or quality of common open space or recreational amenities;
   ii. The affordability of housing; and

1.6.3 Where the boundaries of the PUD are shared with existing or approved residential development, or when existing or approved residential development is across a street that is sixty (60) feet or less in right-of-way width, the PUD zoning document provides for buffers and/or transitions in land use, density, intensity, and building patterns

along the boundaries of the PUD Zoning District to appropriately address the impacts of noise, dust, light, and shadows created by development within the PUD on the existing or approved residential development.

Section 2.

2.1 The Planning Commission recommendation is based on competent, substantial evidence in the written record and the testimony provided at the public hearing.

Section 3. On the basis of the above, the Town of Frederick Planning Commission recommends that the Board of Trustees approve the application with the following conditions:

This resolution is approved this 19th day of March, 2026 by a vote of ___ to ___.

_____

Tracy Moe, Chairperson, Planning Commission

26-PCR-03

A Resolution of the Planning Commission Recommending Denial of the 320 Maple Street (Lot 1, Maplewood Subdivision Filing No. Two Amendment A) PUD Zoning Document

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Be it resolved by the Planning Commission of the Town of Frederick, Colorado:

Section 1. The Frederick Planning Commission finds that:

1.1 An application for the 320 Maple Street (Lot 1, Maplewood Subdivision Filing No. Two Amendment A) PUD Zoning Document has been submitted.

1.2 Said application was found to be complete through the review process.

1.3 Said application was found to be generally consistent with the Comprehensive Plan.

1.4 Said application was considered during a public meeting held March 19, 2026 at which time the public was able to provide testimony.

1.5 Sufficient notice was given according to Section 4.5 of the Frederick Land Use Code.

1.6 Insert reasons for denial here.

Section 2.

2.1 The Planning Commission recommendation is based on competent, substantial evidence in the written record and the testimony provided at the public hearing.

Section 3. On the basis of the above, the Town of Frederick Planning Commission recommends that the Board of Trustees deny the application.

This resolution is approved this 19th day of March, 2026 by a vote of ___ to ___.

_____

Tracy Moe, Chairperson, Planning Commission

TOWN OF FREDERICK

PLANNING DEPARTMENT
401 LOCUST STREET • P.O. BOX 435 • FREDERICK, CO 80530-0435
PHONE: (720) 382-5500 • FAX: (720) 382-5520
www.frederickco.gov

Built On What Matters

LAND USE APPLICATION FORM

PROJECT NAME: 320 MAPLE ST RE-ZONE

DATE SUBMITTED: APPLICATION FEE: $2,500

TYPE OF APPLICATION:

- ☐ **Annexation, Zoning and Concept Plan** ($1,000 fee plus $10 per acre)
- ☐ **Annexation Agreement Amendment** ($500 fee for the first section; $100 for every additional section)
- ☐ **Appeal of Administrative Decision** ($500 fee)
- ☐ **Code Text Amendment** ($1,500 fee)
- ☐ **Comprehensive Plan/Planning Area Amendment** ($3,000 fee)
- ☐ **Conditional Use** ($1,000 fee)
- ☐ **Construction Plan Review** ($1,000 fee)
- ☐ **Final Development Plan** ($2,500 fee plus $5 per lot)
- ☐ **Final Plat** ($2,500 fee plus $5 per lot)
- ☐ **Maps** (Small - $2.50; Large - $7.00; Street Map - $10.00)
- ☐ **Metropolitan District** ($5,500 fee)
- ☐ **Minor Modification** ($350 fee)
- ☐ **Minor Subdivision** ($1,500 fee)
- ☐ **MOAPI** ($500 fee for the first section; $100 for each additional section)
- ☐ **Preliminary Plat** ($2,500 fee plus $10 per lot)
- ☒ **Preliminary Development Plan** ($2,500 fee plus $10 per lot)
- ☐ **Sign Design Program** ($500 fee)
- ☐ **Site Plan** ($2,000 fee for up to 25,000 sf; otherwise, $2,500 fee)
- ☐ **Site Plan Amendment** ($500 fee for up to 1,000 sf; otherwise, $750 fee)
- ☐ **Sketch Plan** ($2,000 fee)
- ☐ **Special Use Oil and Gas Drilling and Production** ($5,000 fee per well)
- ☐ **Street Name Change** ($750 fee)
- ☐ **Subdivision Amendment** ($1,000 fee)
- ☐ **Vacation of ROW or Easement** ($500 fee for one easement or right-of-way; $100 for every additional)
- ☐ **Variance** ($750 fee for residential; $1,000 for non-residential)
- ☐ **Vesting of Property Rights** ($1,000 fee)
- ☐ **Water Dedication Analysis** ($250 fee)
- ☐ **Waiver** ($1,000 fee for residential; $1,500 fee for non-residential)
- ☐ **Zoning** ($2,500 fee for one district; $500 for each additional district)
- ☐ **Zoning Compliance Letter** ($75 fee)

PROJECT INFORMATION:

Legal Description of Property (location within township, section, and range or Subdivision, Block and Lot):
320 MAPLE STREET, FREDERICK, CO

Applicant's Name (This will be the primary contact):	Phone/Fax:
Joshua Huene	303-725-1530
Address:	**Relation to Property Owner:**
7973 Stroh Rd, Parker CO 80134	OWNER, MANAGING PARTNER
E-mail Address: joshua.huene@gmail.com	

ADDITIONAL CONTACTS:

Property Owner: JJ INVESTMENTS, INC. Joshua and Laura Huene John and Jennifer Jaquish	Consultant Business Name: JOSHUA HUENE
	Consultant Personal Contact: 303-725-1530
Address: 7973 Stroh Road Parker Co 80134	Address: 7973 Stroh Road Parker, Co 80134
Phone/Fax:	Phone/Fax: 303-725-1530
E-mail Address:	E-mail Address: joshua.huene@gmail.com

LAND USE APPLICATION FORM (CONTINUED)

Property Owner:	Consultant Business Name: Consultant Personal Contact:
Address:	Address:
Phone/Fax:	Phone/Fax:
E-mail Address:	E-mail Address:

TOTAL ACREAGE OF PROPERTY UNDER CONSIDERATION: 1.2 ACRE

Is site within Frederick Planning Area?	☒ Yes	☐ No
Project Address (if applicable):		

Existing Use: Public, Daycare	Existing Zoning: PUBLIC
Proposed Use: PUD, Duplex	Proposed Zoning: PUD
Number of Existing Residential Lots:	Number of Proposed Residential Lots: 1
Number of Existing Commercial Lots: 1	Number of Proposed Commercial Lots:
Number of Existing Industrial Lots:	Number of Proposed Industrial Lots:

Is there an existing MOAPI in place? ☐ Yes ☐ No If yes, please provide reception date and number.

COMPREHENSIVE PLAN MAP DESIGNATIONS:

LAND USE & PUBLIC FACILITIES Land Use Designation(s): Public Facilities:	UTILITY AND SPECIAL DISTRICTS Water: Sewer: Fire Protection: Other:
TRANSPORTATION Street Connections:	ENVIRONMENTAL ISSUES Property in Floodplain: ☐ Yes ☐ No Sensitive Wildlife habitat area: ☐ Yes ☐ No
PARKS, OPEN SPACE AND RECREATION Proposed Park and/or trail:	SUBSIDENCE AND OIL AND GAS Subsidence area: ☐ Yes ☐ No Oil and/or gas wells: ☐ Yes ☐ No

CERTIFICATION:

I certify that I am the lawful owner, or represent and warrant that I am authorized to bind the entity that is the lawful owner, of the parcel(s) of land that this application concerns, and consent to this action.

Signature: Joshua Laura Hume

Print Name: Joshua & Laura Hume Date: 9/19/25

I certify that the information and exhibits I have submitted are true and correct to the best of my knowledge. In filing this application, I represent and warrant that I am authorized to bind the applicant and property owner(s). I understand that all materials and fees required by the Town of Frederick must be submitted prior to having this application processed.

Signature: John Jennifer Jaquish

Print Name: John & Jennifer Jaquish Date: 9/19/25

401 Locust Street • P.O. Box 435 • Frederick, CO 80530-0435
Phone: (720) 382-5500
www.frederickco.gov

Applicant's Mineral Rights Certification of Compliance with Article 65.5 of Title 24, Colorado Revised Statutes

Note to Applicant & Planning Department:

This form must be completed for any application for development under the Town of Frederick Land Use Code that is (1) required by Appendix A of the Code, and (2) requires a public hearing before the Planning Commission or Board of Trustees. ("a Subject Application").

I. The Applicant must complete the following certification as a prerequisite to the Planning Department accepting as complete any Subject Application that is tendered for processing to the Planning Department:

I, JJ INVESTMENTS, INC, Applicant for the following named development under the Town of Frederick Land Use Code _____ ("the proposed Development"), hereby certify that I or my agent have examined the records in the Office of the Weld County Clerk and Recorder to determine if any owners or lessees of any severed mineral estate in the property that is the subject of the Proposed Development ("the Subject Property") (i.e., owners or lessees of mineral rights constituting less than full fee title in the Subject Property) can be identified, as required by Article 65.5 of Title 24, Colorado Revised Statutes ("the Act"). Further, based on this examination, I have determined that (check applicable entry):

☒ No such mineral estate owners or lessees exist in the Subject Property.

☐ Mineral estate owners or lessees exist in the Subject Property to whom notice of the Town's initial public hearing on my application will need to be sent as required by the Act.

Certification:

I certify that the information and exhibits I have submitted are true and correct to the best of my knowledge.

Applicant Signature:	**Applicant Name:** Joshua Huene	**Date:** 9/19/25
Applicant Signature:	**Applicant Name:** Laura Huene	**Date:** 9/15/25

Note: The same person(s) signing the development/docket application form on behalf of the Applicant must also sign the foregoing certification.

	John Jaquish	9/15/25
	Jennifer Jaquish	9/19/25

II. If the Applicant has certified above that mineral estate owners or lessees exist in the Subject Property to whom notice of the Town's initial public hearing on the Subject Application will need to be sent as required by Article 65.5 of Title 24, Colorado Revised Statutes, then the Applicant must complete the following additional certification as a prerequisite to the Planning Department proceeding with the initial public hearing on the Subject Application:

I, JJ INVESTMENTS, INC, Applicant for the following named development under the Town of Frederick Land Use Code _____ ("the Proposed Development"), hereby certify that I or my agent have sent a notice, by first-class mail, not less than thirty days before the date scheduled for the initial public hearing on the Subject Application/Proposed Development, to: (1) all mineral estate owners or lessees in the Subject Property, containing the time and place of the initial public hearing, the nature of the hearing, the location of the Subject Property, and the name of the Applicant, and (2) the Town, containing the name and address of all mineral estate owners or lessees in the Subject Property, all as required by the Act. I further acknowledge and agree that while the Town has no obligation whatsoever to check or independently determine my compliance with the Act, to the extent information becomes known to the Town indicating that I have failed to comply with the public hearing notice requirement of the Act, the Town may, in its discretion, refuse to set, continue, reschedule, or vacate any public hearing on the Subject Application to enable proper notice to mineral estate owners or lessees under the Act, and may take such other action regarding any approval of the Subject Application as authorized by the Act. I further acknowledge and agree that to the extent any other state statute or provision of the Town's Land Use Code purport to entitle me to action or a decision on the Subject Application within a designated period of time, this certification and agreement constitute a written waiver of any such entitlement to the extent necessary for me to comply with the public hearing notice requirements of the Act.

Certification:
I certify that the information and exhibits I have submitted are true and correct to the best of my knowledge.

Applicant Signature:	**Applicant Name:** Joshua Huene	**Date:** 9/19/25
Applicant Signature:	**Applicant Name:** Laura Huene	**Date:** 9/19/25

Note: The same person(s) signing the development/docket application form on behalf of the Applicant must also sign the foregoing certification.

	John Jaquish	9/19/25
	Jennifer Jaquish	9/19/25

September 19, 2025

Bailey Arvizu
Town of Frederick
401 Locust Street
Frederick, CO 80530

Re: Letter of Intent; 320 Maple Street PUD

Request:
Easton Homes on behalf of JJ Investments, Inc. requests approval of a Planned Unit Development for the following lot: Lot 1 MAPLEWOOD FG NO. TWO AMD A.

Site Details:
Lot: 1
Address: 320 Maple Street, Frederick, CO 80530
Acreage: 1.19
Zoning: Public District

Location:
The site is located at the southeast corner of Maple Street and 3rd Street in Frederick, Colorado.

Project Description & Context:
The applicant seeks to impose a PUD overlay district on the lot in order to allow the construction of four duplex buildings.

Modification and/or Restrictions:
The following modifications to the Frederick Zoning Code and restrictions will be imposed by the proposed PUD:

320 Maple is intended to provide housing with a maximum of 8 paired homes in 4 duplex buildings.
A. Subdivision. PUD permits future subdivision of the PUD into a maximum of 8 individual lots.
B. Block Development Configuration
1. Number of Structures & Dwelling Units. Lot will be developed with a maximum of four duplex buildings containing a maximum of eight dwelling units total.
2. Vehicle & Pedestrian Access & Circulation.
a. Buildings will be separated to allow for access between and around structures. Pedestrian walkways will connect the front porches or patios of each dwelling unit with the existing sidewalk which borders the western and northern edges of the lot. Resident vehicle ingress/egress will be provided via driveways off Maple Street.
b. Driveway access to a local street from a single-family detached or over-under duplex residential lot, or residential dwelling unit in a side-by-side duplex, or residential dwelling unit in a townhome building in which all dwelling units are thirty (30) feet or greater in width, shall be limited to one driveway curb-cut or driveway access of no greater than 36 feet in width.
III. DEVELOPMENT STANDARDS
A. Residential Architecture
1. Intent. The intent of the architectural requirements at 320 Maple is to provide a series of four duplex homes with some aesthetic variety while maintaining a sense of cohesion and rhythm that identifies the PUD as a community. The duplexes are intended to have front loaded garages from Maple Street and the front facades will face Maple Street, creating an engaged streetscape that aligns contextually with the layout and forms of the existing homes in the immediate vicinity. Homes are required to have outdoor living spaces in the form of porches or attached patios. A minimum of one (1) two-car attached garage is required per dwelling unit. Elevations shall reflect contemporary or traditional regionally-appropriate styles and will be subject to Town staff review and approval at the time of permit.
2. Duplex Dwellings.
a. Streetscape diversity. Duplex building requirements are intended to ensure that an adequate mix of color and materials are offered within the block. Prior to issuance of a building permit, plans are subject to review and approval by Town staff via the included guidelines.
b. Building Diversity.
(1) Developer may construct all four duplex buildings using the same massing and style but must alter the materials or color of adjacent buildings. Duplex buildings may be identical in materials and color provided they are not adjacent to one another.
(2) Degree of diversity. Duplex buildings adjacent to one another will be considered altered to a degree that satisfies the Building Diversity requirements provided there is a variation in either the 1) color, 2) orientation, or 3) product of the cladding at any given location from the building adjacent.
c. Front elevations. Garage doors shall not comprise more than 52% of the street-facing linear building frontage. For purposes of this provision, the width of the garage door(s) shall be measured as the width of the door itself, excluding adjacent walls and trim.
d. Garages. Front-loaded garages will be allowed to allow for Maple Street vehicle access to residences. No more than four adjacent dwellings located on the same block face shall have a protruding garage with street-facing doors.

e. Garage projection. At least one wall comprising the front elevation must be located no further than 36' back from the front elevation wall containing the overhead garage door.

B. Parking

1. Residential parking requirements. Every dwelling unit in the 320 Maple community will be required to include a minimum of a 2-car garage and parking in the driveway to satisfy the guest off-street parking requirements of the Town of Frederick.

2. Guest parking requirements. Guest parking shall be located in the front setback of the driveway.

3. Additional parking requirements. No additional parking will be required.

C. Sidewalks, walkways, multi-use pathways, and trails.

1. General provisions.

a. Walkways.

(1) Private walkways to be provided that connect private drives to front porches.

(2) An existing attached public sidewalk will be provided on the north and west sides of the lot.

D. Parks and open space.

1. General Intent. Due to constraints in the size, a traditional pocket park will not be required in the 320 Maple development. However, the intent of the PUD is to keep a comprehensive and integrated network of open space, interconnecting walkways, to create a community that feels open and inviting to residents, and is visibly appealing from neighboring properties and communities.

2. Open Space. Developer will provide the minimum 20% open space on the east side of the lot behind the structures for use of the residents of the duplexes.

F. Street Trees

1. Street trees shall be provided on Maple Street at a maximum separation of 50'.

2. A minimum of one tree shall be provided for each dwelling unit on the lot.

G. Tree Lawn. Due to the location of the existing sidewalk immediately adjacent to Maple Street, no tree lawn buffer shall be required.

Benefits

The benefit of the proposed PUD is the addition of eight units of affordable housing to the Town of Frederick.

Compatibility with Existing and Proposed Adjacent neighborhoods

The site is compatible with the land uses proposed by Easton Homes and with those found on adjacent properties. The properties to the north and east are low density residential. The lot to the south is Public District, and the lots to the west are a mix of low density residential and Downtown B zoning, but all containing single family homes.

Review Criteria

The Final Development Plan Amendment request is consistent with the criteria in Subsection (2)c of Section 4.9 as follows:

1. The final development plan is consistent with the Frederick Forward Comprehensive plan 2050. It will provide diverse housing options on vacant land within walking distance to many town amenities. It aligns with the strategic growth plan by creating adaptable neighborhoods. This specific lot is also noted in the Future Land Use Plan as a site for an adaptable neighborhood.

The overall intent of the Future Land Use Plan is to provide the foundation for the development of a broader range of housing choices in Frederick, to serve different types of households, and to provide units that are more attainable from a cost perspective, for residents. 320 Maple Street PUD aligns with this intent.

Frederick will support the development and maintaining of strong neighborhoods with a variety of housing options to support existing and future residents. Neighborhoods across Frederick will provide housing options for various types of households and ranges of incomes. By having a diverse range of housing available, Frederick will serve as a great home for residents at every stage of life. 320 Maple Street PUD aligns with the Town of Frederick's vison.

2. All preliminary development plan conditions of approval have been adequately addressed on the final development plan.

Project Contacts:

Owner/Applicant

Joshua Huene
JJ Investments, Inc.
320 Maple Street
Frederick, CO 80530
(303) 725-1539

Consultant

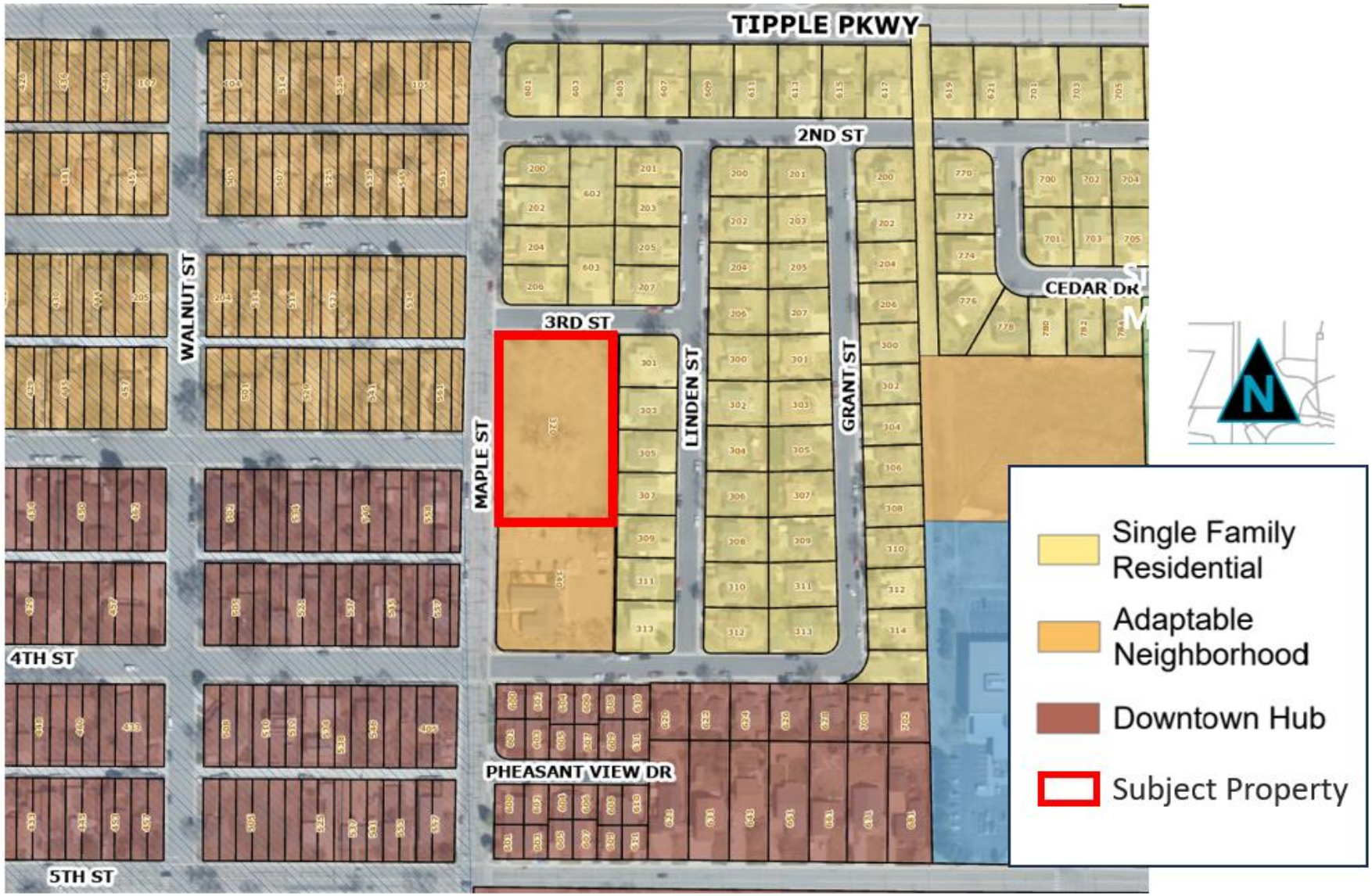
Megan & Scott Easton
Easton Homes, LLC
8245 West I-25 Frontage Road, Unit 3

Frederick, CO 80516
(720) 901-4663

Vicinity Map

Attachment 5

Future Land Use Plan



Zoning Map

TIPPLE PKWY
2ND ST
3RD ST
4TH ST
5TH ST
WALNUT ST
MAPLE ST
LINDEN ST
GRANT ST
CEDAR DR
PHEASANT VIEW DR
N
(PUD-O) Planned Unit Development Overlay District*
(P) Public District
(R-1) Residential Low Density District
(DN-A) Downtown A
(DN-B) Downtown B
Subject Property

320 MAPLE PLANNED UNIT DEVELOPMENT
ZONING DOCUMENT

THE NORTHEAST 1/4 OF SECTION 31, TOWNSHIP 2 NORTH, RANGE 67 WEST, 6TH PRINCIPAL MERIDIAN

1.205 ACRES

OWNER CERTIFICATION BLOCK

_____
SIGNATURE OF OWNER DATE

WITNESS MY AND SEAL THIS ____ DAY OF _____, A.D. _____.

STATE OF _____)
CITY OF _____)
COUNTY OF _____)

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS ____ DAY OF _____, 20___.

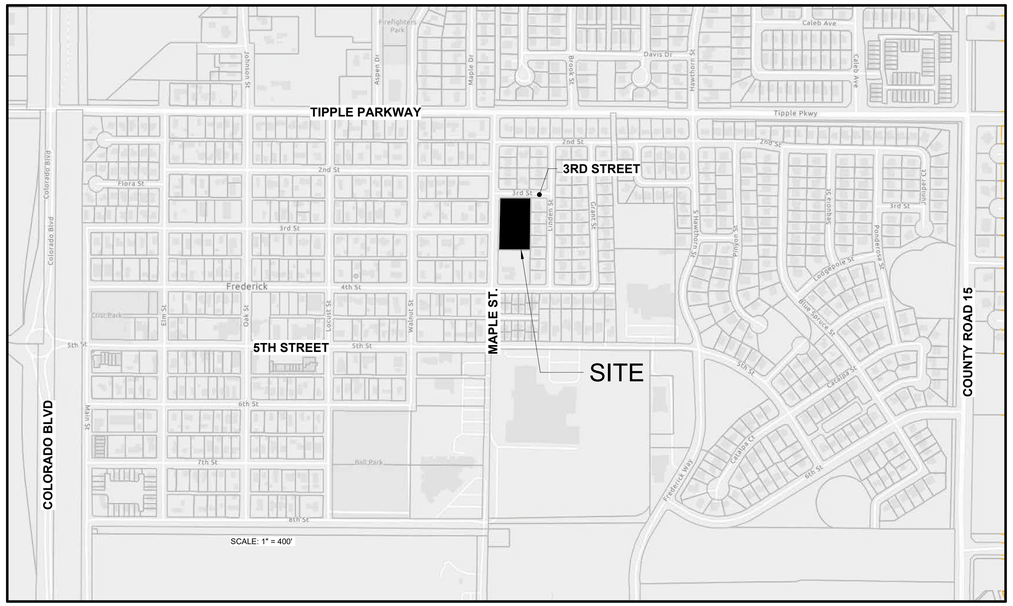
MY COMMISSION EXPIRES: _____.
WITNESS MY HAND AND OFFICIAL SEAL.

_____
NOTARY PUBLIC

LEGAL DESCRIPTION

LOT 1, MAPLEWOOD FILING NO. TWO, AMENDMENT A

VICINITY MAP



SHEET INDEX

1 COVER SHEET
2 PUD ZONING DOCUMENT BOUNDARY MAP AND CONCEPTUAL SITE CONFIGURATION
3 PUD ZONE DOCUMENT DEVELOPMENT PROVISIONS
4 CONCEPTUAL SITE & STREET TREE PLAN

SURVEYOR'S CERTIFICATE:

I, _____, A DULY REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF COLORADO, DO HEREBY CERTIFY TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF, THAT THE PUD ZONING DOCUMENT SHOWN HEREON IS A CORRECT DELINEATION OF THE BELOW-DESCRIBED PARCEL OF LAND.

REFER TO LEGAL DESCRIPTION ON SHEET 1 OF THIS PUD DOCUMENT.

I FURTHER CERTIFY THAT SAID LEGAL DESCRIPTION WAS PREPARED UNDER MY PERSONAL SUPERVISION ON THIS ____ DAY OF _____, 20____, IN ACCORDANCE WITH APPLICABLE STANDARDS OF PRACTICE. THIS NOT A GUARANTY OR WARRANTY, EITHER EXPRESSED OR IMPLIED.

BY _____ (SEAL)
(REGISTERED LAND SURVEYOR)

PLANNING COMMISSION CERTIFICATE:

APPROVED BY THE FREDERICK PLANNING COMMISSION WITH PLANNING COMMISSION RESOLUTION 20____ - _____ THIS ____ DAY OF _____, 20 ___.

_____
CHAIRPERSON

_____
PLANNING COMMISSION SECRETARY

CERTIFICATE OF APPROVAL BY THE BOARD OF TRUSTEES

THIS PUD ZONING DOCUMENT IS APPROVED AND ACCEPTED BY ORDINANCE NO. _____, PASSED AND ADOPTED AT THE REGULAR MEETING OF THE BOARD OF TRUSTEES OF FREDERICK, COLORADO, HELD ON _____, 20_____. ALL CONDITIONS, TERMS, AND SPECIFICATION DESIGNATED OR DESCRIBED HEREIN SHALL BE BINDING ON THE OWNER, ITS HEIRS, SUCCESSORS, AND ASSIGNS.

_____
MAYOR

ATTEST:

_____
TOWN CLERK

CLERK AND RECORDER'S CERTIFICATE:

THIS PUD ZONING DOCUMENT WAS FILED FOR RECORD IN THE OFFICE OF THE WELD COUNTY CLERK AND RECORDER IN THE STATE OF COLORADO AT _____ O'CLOCK ___M ON THE ___ DAY OF _____, 20___.

BY: _____ _____
DEPUTY CLERK AND RECORDER

EASTON HOMES

SHEET NAME

COVER SHEET

DATE

JANUARY 10, 2026

ISSUE RECORD

DRAFT.**01**	**07.15.25**
DRAFT.**02**	**08.28.25**
DRAFT.**03**	**09.19.25**
DRAFT.**04**	**09.22.25**
COMMENT RESP.**01**	**11.13.25**
COMMENT RESP.**02**	**01.10.26**
FINAL ISSUE	**02.03.26**

REVISIONS

1	REVISION	**11.13.25**
2	REVISION	**01.10.26**

DEVELOPER:
EASTON HOMES, LLC
8245 W I-25 FRONTAGE ROAD
UNIT 3
FREDERICK, CO 80530

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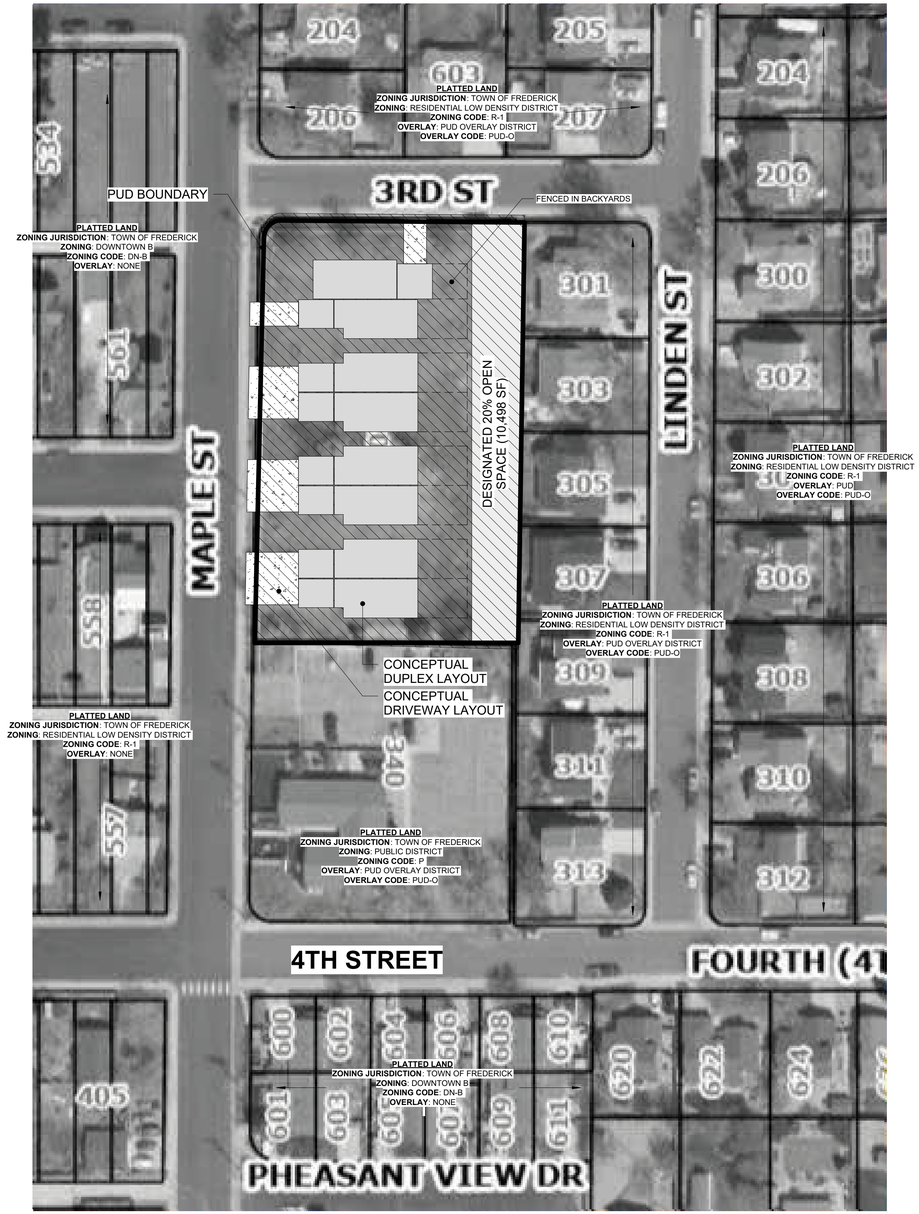
320 MAPLE PUD
FREDERICK, COLORADO

320 MAPLE PLANNED UNIT DEVELOPMENT
ZONING DOCUMENT

THE NORTHEAST 1/4 OF SECTION 31, TOWNSHIP 2 NORTH, RANGE 67 WEST, 6TH PRINCIPAL MERIDIAN

1.205 ACRES



1 ZONE BOUNDARY MAP Copy 1
1" = 50'-0"

LEGEND

PUD BOUNDARY

LOT SIZE	52,490 SF / 1.205 ACRES
STRUCTURES	16,800 SF
DRIVEWAYS	4,925 SF
PRIVACY WALKS	1,200 SF
FRONT & BACK PORCHES	2,116 SF
20% REQUIRED OPEN SPACE	10,498 SF
ADDITIONAL LANDSCAPED AREA	17,151 SF

EASTON HOMES

SHEET NAME

PUD ZONING DOCUMENT BOUNDARY MAP AND CONCEPTUAL SITE CONFIGURATION

DATE

JANUARY 10, 2026

ISSUE RECORD

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8245 W I-25 FRONTAGE ROAD
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FREDERICK, CO 80530

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320 MAPLE PUD
FREDERICK, COLORADO

320 MAPLE PLANNED UNIT DEVELOPMENT
ZONING DOCUMENT

THE NORTHEAST 1/4 OF SECTION 31, TOWNSHIP 2 NORTH, RANGE 67 WEST, 6TH PRINCIPAL MERIDIAN

1.205 ACRES

I. INTRODUCTION

A. General Intent
The 320 Maple PUD Zoning Document is intended to provide housing with a maximum of 8 paired homes in 4 duplex buildings.

B. Relationship to the Town of Frederick Regulations
The provisions of this Planned Unit Development Plan ("PUD") shall prevail and govern the development of 320 Maple, provided, however, that where the provisions of this PUD do not address a particular subject, the Town of Frederick Land Use Code, as amended ("LUC") shall govern. Definitions for all included terms shall match LUC unless otherwise stated in this document.

II. DENSITY AND DIMENSIONAL STANDARDS

A. Subdivision. The area within this PUD may be further subdivided to create individual lots for each duplex unit.

B. Block Development
1. **Number of Structures & Dwelling Units.** Lot will be developed with a maximum of four duplex buildings containing a maximum of eight dwelling units total.

2. **Vehicle & Pedestrian Access & Circulation**
a. Buildings shall be separated to allow for access between and around structures. Pedestrian walkways shall connect the front porches or patios of each dwelling unit with the existing sidewalk which borders the western and northern edges of the lot. Resident vehicle ingress/egress shall be provided via driveways off Maple Street and 3rd Street.

b. Driveway access to a local street from a duplex residential duplex unit, shall be limited to one driveway curb-cut or driveway access of no greater than 37 feet in width. Driveways shall be separated by minimum of 28'-0".

III. DEVELOPMENT STANDARDS

A. Residential Architecture
1. Intent. The intent of the architectural requirements at 320 Maple is to provide a series of four duplex homes with some aesthetic variety while maintaining a sense of cohesion and rhythm that identifies the PUD as a community. The duplexes are intended to have front loaded garages from Maple Street and 3rd Street and the front facades will face Maple Street and 3rd Street, creating an engaged streetscape that aligns contextually with the layout and forms of the existing homes in the immediate vicinity. Homes are required to have outdoor living spaces in the form of porches or attached patios. A minimum of one (1) two-car attached garage is required per dwelling unit. Elevations shall reflect contemporary or traditional regionally-appropriate styles and will be subject to Town staff review and approval at the time of Site Plan.

2. Duplex Dwellings.

a. Building Diversity.
(1) Developer may construct all four duplex buildings using the same massing and style but must alter the materials or color of adjacent buildings. Duplex buildings may be identical in materials and color provided they are not adjacent to one another.

(2) **Degree of diversity**. Duplex buildings adjacent to one another will be considered altered to a degree that satisfies the Building Diversity requirements provided there is a variation in the 1) color of the cladding, 2) orientation of the cladding (eg. vertical or horizontal installation).

b. Front elevations. Garage doors shall not comprise more than 58% of the street-facing linear building frontage. For purposes of this provision, the width of the garage door(s) shall be measured as the width of the door itself, excluding adjacent walls and trim.

c. Garages. Garages shall be allowed vehicle access from Maple Street and 3rd Street.

d. Garage projection. Front-loaded garages are allowed to project up to 26'-0" from the forward-most living space of each duplex unit.

B. Parking
1. Residential parking requirements. Every dwelling unit will be required to include a minimum of a 2-car garage.

3. Additional parking requirements. No additional parking will be required.

C. Sidewalks, walkways, multi-use pathways, and trails.
1. Walkways.
(1) Private walkways shall be provided to connect private driveways to the front porch of each dwelling unit.
(2) The existing attached sidewalk along Maple Street and 3rd Street shall be utilized to meet the public street sidewalk requirement.

D. Parks and open space.
1. General Intent. The required 20% open space of the PUD is intended to serve the residents of this PUD & provides buffer space to the rear of the property that is more visually appealing from neighboring properties and communities.

2. Open Space.
(1.) The developer shall provide a minimum of 20% open space within this PUD boundary.
(2.) The open space shall be located along the eastern edge of the PUD area. The open space shall be a minimum of 30'-0" in width, measured from the east property line.

F. Street Trees
1. Street trees shall be provided along Maple Street and 3rd Street at a maximum separation of 45'-0". Street trees that cannot be planted in the right-of-way due to an easement shall be planted as close to the sidewalk as possible without encroaching into the easement.
Exception: No trees are required within the 45' sight triangle at the intersection of Maple Street & 3rd Street. Maximum spacing of trees may exceed 40' so long as that distance is exceeded for the express purpose of avoiding planting in the sight triangle.

G. Trees Per Dwelling Unit A minimum of one tree shall be provided for each dwelling unit on the lot. Street trees do not count as unit trees. The required dwelling unit tree may be planted in the front or rear yard.

H. Fencing. Each rear yard shall be fenced with a maximum height of 6'-0". Each unit's yard shall be provided with a gate that opens east into the open space.

SITE SUMMARY CHART	
Permitted land use	Duplex residential
Minimum lot area per dwelling (square feet)	2,500
Maximum net density	7 units/acre. 1.2 acre site = 8 units max
Minimum lot width (feet)	30'
Minimum lot frontage (feet)	30'
Minimum front yard setback (feet)	20'
Minimum side yard setback (feet)	5'
Minimum rear setback (feet)	15'
Accessory buildings	Not permitted
Minimum floor area (square feet) per unit	1,200
Maximum Building Height (feet)	35'

(1) Porches, patios, and decks may encroach up to 5' into required front yard setbacks.
(2) Zero lot line setbacks shall be permitted along shared lot line for attached buildings.

MINIMUM OFF-STREET PARKING REQUIREMENTS		
PRINCIPAL USE	**REQ'D PARKING SPACES**	**ADDITIONAL REQUIREMENTS**
DUPLEX DWELLING	2 PER DWELLING UNIT	NO GUEST PARKING IS REQUIRED

EASTON HOMES

SHEET NAME

PUD ZONE DOCUMENT DEVELOPMENT PROVISIONS

DATE

JANUARY 10, 2026

ISSUE RECORD

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REVISIONS

1	REVISION	**11.13.25**
2	REVISION	**01.10.26**

DEVELOPER:
EASTON HOMES, LLC
8245 W I-25 FRONTAGE ROAD
UNIT 3
FREDERICK, CO 80530

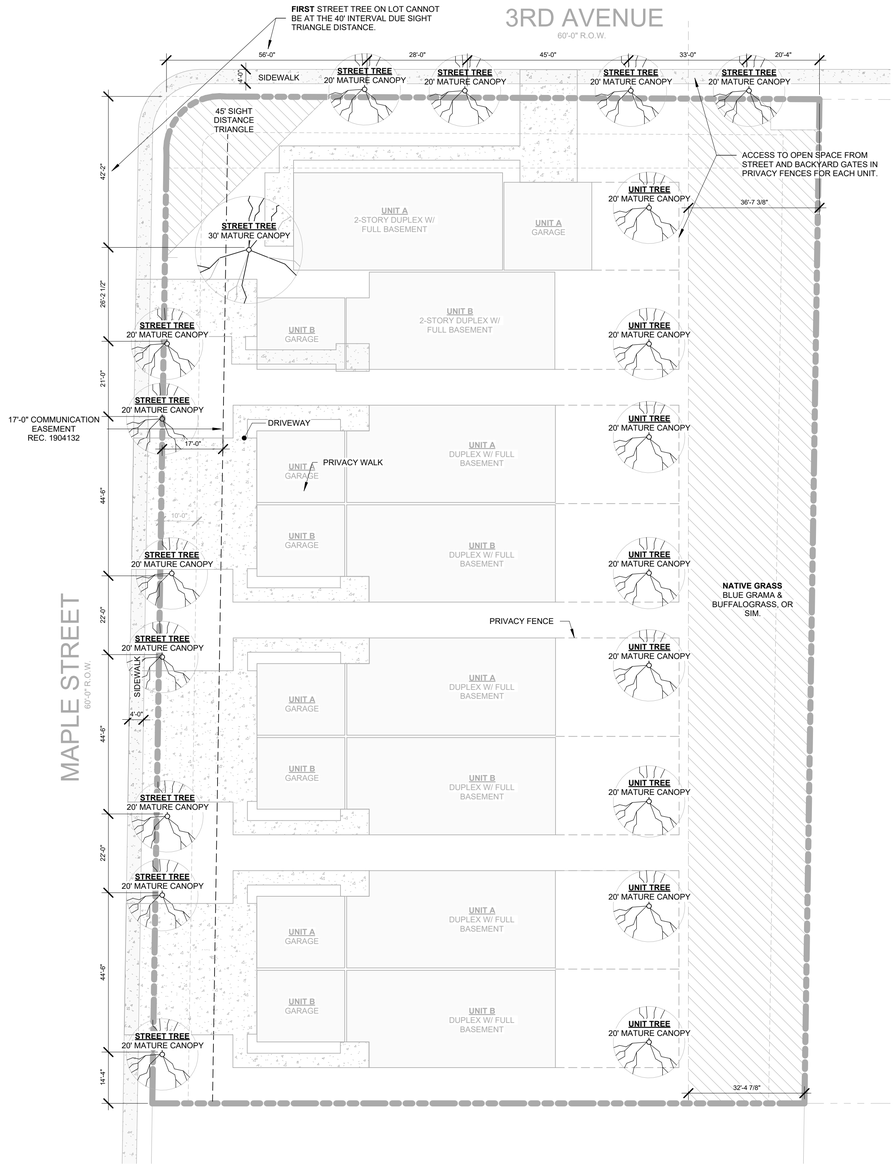
320 MAPLE PUD
FREDERICK, COLORADO

© Users\DrMcgarey\Easton Homes\Project Management - General\RESYF Bishop\DOI\ MAPLE_PUD_7.vt

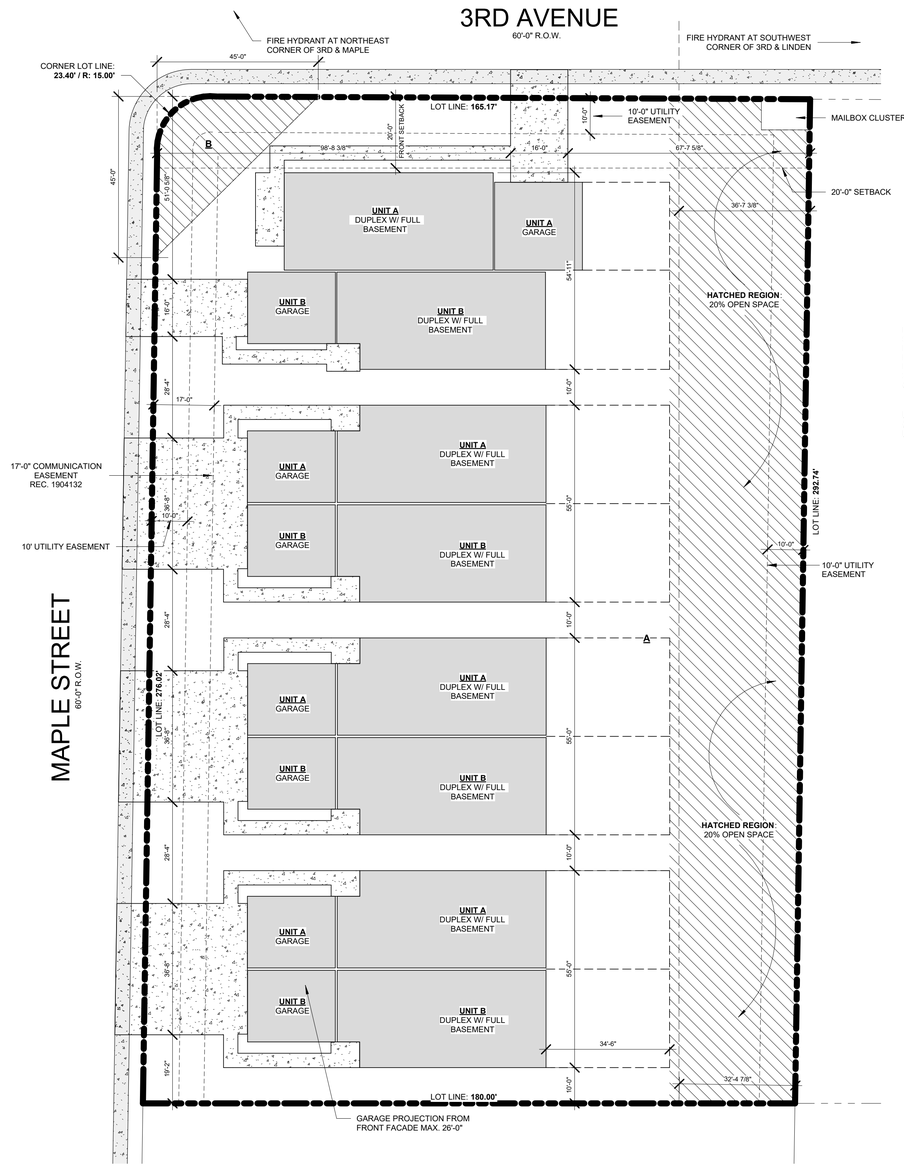
320 MAPLE PLANNED UNIT DEVELOPMENT
ZONING DOCUMENT

THE NORTHEAST 1/4 OF SECTION 31, TOWNSHIP 2 NORTH, RANGE 67 WEST, 6TH PRINCIPAL MERIDIAN

1.205 ACRES



2 CONCEPTUAL SITE PLAN
1" = 20'-0"



1 CONCEPTUAL SITE PLAN
1" = 20'-0"

LOT SIZE	52,490 SF
STRUCTURES	16,600 SF
DRIVEWAYS	4,925 SF
PRIVACY WALKS	1,200 SF
FRONT & BACK PORCHES	2,116 SF
20% REQUIRED OPEN SPACE	10,498 SF
ADDITIONAL LANDSCAPED AREA	17,151 SF

KEYNOTES
A FENCE
B 45'-0" SIGHT DISTANCE TRIANGLE

EASTON HOMES

SHEET NAME

CONCEPTUAL SITE & STREET TREE PLAN

DATE

JANUARY 10, 2026

ISSUE RECORD

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1	REVISION	**11.13.25**
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DEVELOPER:
EASTON HOMES, LLC
8245 W I-25 FRONTAGE ROAD
UNIT 3
FREDERICK, CO 80530

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320 MAPLE PUD
FREDERICK, COLORADO

Neighborhood Meeting - 320 Maple-20250807_170326-Meeting Recording

August 7, 2025, 11:03PM

1h 34m 47s

Bailey Arvizu started transcription

JH **Joshua Huene** 0:03

Certainly talk about that.
Well, go ahead and jump into it.
First of all I want to give you a little background as to the process on the managing partner for JJ Investments and we originally purchased both properties 320 and 340 Maple and we currently run the daycare with a different tenant now this year than we opened.
With and when this land became deemed as adaptable, use for the new Frederick Plan.
We certainly wanted to look at developing this.
When we started the process in January, as you all know, we did not exactly know what we wanted to do.
We were looking for multiple partners to come along this project with us and you know, we obviously I couldn't answer your questions in January and February and March, we did engage with Easton Holmes.
They agreed to be a partner.
They are a local builder.
Not only are they proposing to develop this with us, but long term they will be.
Helping us run this this project.
Property. Should we get it developed? You know upon the request. So there will be local families, multiple local families in and around the Frederick area who are a part of it.
I do live in Parker Co.
I've been living here for about 3035 years or so on the South side of town.
So when we started the project, we initially wanted to go R2. We felt like that there was not an interest in doing an R1 designation with more single family homes.
We thought that having a duplex type concept.
Would would offer more variety for the community and you know, as you guys know,

I kind of modeled out the highest density situation for a duplex situation, which could have been up to, you know, 12 duplexes, 6 buildings and that's kind of what we modeled at the time.
Because we didn't know for sure what we wanted to build.
This particular development request is a plan development meeting.
We're actually required to build it based on the specifications and so.
This is going to be very specific.
The plans will be very thorough and detailed and you guys can ask as many questions as you want. After my presentation about it. But we are proposing what we talked about in the board meeting with the four buildings of two units each and you know we are certain.
Not maximizing the the units that could go on here. You know, if it could be 10 single family homes or up to 12 duplex units.
So we are certainly not even approaching 2/3.
Of the density. Maximum density for this property, which hopefully will will blend and and and be acceptable to to the application process.
Just some some of the community concerns that I heard through the process from you guys is obviously, why couldn't this not continue to be a part for Community access?
Obviously it's private property. There's liability concerns, just like if any of you guys had your own private property of having people on, it's obviously not owned by. Entity anymore.
Obviously there's multiple part parks and walking distance, so there was no reason to make it an additional park. I'm currently as the zone public, so you know, we looked at people who wanted to build a school or an additional daycare or a senior day care, or potentially a.
Church type product on this and you know and just not have to re zone it and build one of those items we did not feel like we wanted to do that nor was that.
Nor did we.
Find a partner who wanted to build something like that.
I know that there was some concern about our developer intentions of this land with an R2 designation.
I know you guys were concerned about obviously going to a maximum density type situation. R2 is very broad.
It could be a huge development, so you know, I wish that we could have been more

specific on the last go around, but we weren't. So certainly appreciate your concern for building height.
I know there's concern about additional population and noise.
Additional traffic, you know, I know.
Thoughtful development came up multiple times to retain the character and the charm of the neighborhood, and obviously just keeping the neighborhood feel with with the kids, you know, coming and going from schools, and certainly, you know, the concern of this development affecting those things.
So here's what our application will you know what we are requesting is is it will be a four building maximum there'll be two units per building.
There will be an inability to build more than 8 units within the lot, so if we obtain a PUD approval, it has to be built according to the specifications.
We cannot pivot and change it to a different format than than than what we proposed.
Our building height will actually align with residential construction codes, so these will be ranch style homes. So you know these will not be the 35 or 40 foot that's currently allowed with public zoning.
These will be substantially lower, which aligns with the residential code.
The Off Street parking, including Ada parking and attached garages, will be included, and connected sidewalks will be a part of of this application.
Here's a picture of the planned development. I know this posted on the fence and I know multiple people have seen this at the at the at the board meeting.
But you know, as I stated, these units will be facing Maple and the parking will be in the rear through an alley, you know, coming in through 3rd Ave.
There's no fire concerns.
We've, we've already vetted that the traffic study has been done.
Yeah. Obviously there's multiple utilities available.
The water shares and you know we've been a couple rounds with the town. So we feel like the the the build is gonna complement the historic Frederick feel. You know, as it relates to the architecture, one question was asked of is could we potentially have the garages facing.
Maple.
And so we took that back to the town, and based on this bill, there's not enough garage.
There's not enough surface area on the front of the homes to have the garage doors

in the front based on the duplex design.
So those garages would wouldn't need to remain in the backside of the property alongside the alley.
Just going a little deeper, you know, this is how it aligns on the.
Planned development.
And if you will.
And then last picture is an overlay of what it would look like from Agps picture as well.
So at this point, I'd like to kind of hand it over to Scott and Megan Easton for them to do an introduction.
And then at that point, we can, you know, open it up for questions.

ME **Megan Easton** 7:09
Yeah. Sorry, this is Scott Easton. And my wife, Megan Easton.
Hi.
We actually are based right here in Frederick.
Our company is and we also live here in Frederick and have lived in Frederick for quite some time since the mid 2000s.
So we we know the property and our invest in the Community.
Mainly looking at this, we did want to present like Josh already said, something that would complement what is already there and and what's in the Community we are primarily.
A custom home builder and remodeler and and we haven't actually done.
Some similar projects townhomes like this over in Longmont.
So we took what we've done with those and what we've done with the custom homes to create this not only this layout, but the design and look of the homes as you saw in the picture there previously. So trying to get something that's really nice looking in there.
And something that's gonna.
Get a compliment and fit and feel well. And then like Josh said, we we heard all the comments and and took a lot of consideration, so.
Only doing the 8 units with barking in the rear, so that really there's no impact to speak up on traffic.
There's no major change to what what we currently see out on the on the public roadways.

In in in the community.
This is also gonna be designed for 55 plus year old residents, so this isn't gonna be, you know, your first time home buyer or first time renter type scenarios.
I don't know if you have anything.
Yeah, there was some community concern with the trees and we we did bring that and we actually our initial one of our initial presentations.
To the planning team at Frederick was trying to preserve those trees. Unfortunately, with the just the way that the town is is.
Requesting us to design these is more in the row style.
And that being said, they also with the cottonwoods being more of an invasive species, they actually kind of encourage that us to replace those they actually even eat there.
The trees would have to be removed with the real housing, but the town would be requiring us to plant additional trees in lieu of that.
And J.
And J did get an arborist to evaluate those last year.
They were required to trim some of the trees, but they also determined that they're kind of getting close to end of life as well and could become potentially a safety concern within the near future.
Future. So we do understand the trees. We understand that we want to maintain that neighborhood, feel we will be planting trees in lieu of those. And we did.
We did make an attempt to try and preserve them, so I just want to speak to that as well.
Yeah, I mean, you know, our general relationship with the town of Frederick in their building department has been great over the years.
I don't know the exact number.
We probably built 35, maybe 40 homes.
In Frederick and then maybe double that in in Weld County.
So I'm very familiar with their process and we enjoy working with the town of Frederick and that's why this partnership with JJ Investments made sense for us as well.

JH **Joshua Huene** 11:03
Thank you guys.

Well, at this point, I'd love to open it up for discussion.
Is that the next step in the process Bailey or?

Bailey Arvizu 11:12
Yes, it is absolutely.
So yes, we'll open it up to to questions.
Feel free to turn on a microphone.
Please be conscious of of others if you're doing so, you can also put questions in the chat or raise your hand and we'll just work through it that way.

Joshua Huene 11:29
Thank you.

Bailey Arvizu 11:33
Looks like we have a question from Patrick. If we want to start there.

Patrick Berrend, NCARB, AIA 11:39
Good afternoon.
I'm Patrick Barron.
I'm a neighbor to the West of this development. First off, I I do appreciate the the scale and the architecture that we're seeing on this elevation right now.
I do think of the potential possible developments that could go here. This is far more in line with the appropriate scale of the neighborhood versus what could have been with the straight R2 which?
Is why we were so vehemently opposed to that.
Blanket are to rezone the first time around so I I do appreciate that this is now being tied to the overall application.
My question is technical, I believe is the reason it's a PUD versus a straight R2 rezone because it's age restricted or some other reason please.

Megan Easton 12:32
The PUD is because.
The R2 rezone is too broad and we, you know, we were we we definitely heard the Community's apprehension about it because we didn't have a site plan or renderings that.

Were part of that application and we heard the residents loud and clear on that and we.
He never intended to build the 12 units that R2 would potentially allow, but we could understand that that would be concerning to us, to the Community.
So in doing the PUD, it allowed us to do the duplexes.
We were intending that PUD stays with this property for its life.
So essentially, no one and no one can come in after us and bid and then tear everything down and decide to build 12 units.
The PUD designates exactly what we can build on it, which is for buildings with duplexes.
Yeah, we thought it would give the residents the comfort of knowing exactly what's going in versus it could be this or it could be that now they know exactly what the plan is and we are not.
We don't.
We won't vary from that, and I mean additionally we we considered that R1 application as well.
But actually this is probably the best case scenario in a residential type construction for this lot.
Because R1 zoning would actually allow us to build five single family residences with five adus, that would actually mean there could be 10 buildings on the property on the on this specific lot, if we actually went R1 so.
Having this limited to 8 buildings or I mean to four buildings with eight units.
Is actually, umm, quite optimal in our opinion as far as what we could do with residential construction. Josh, can you go down back down to slide 18 so that you can see the scale as opposed to what's currently there?

JH **Joshua Huene** 14:52
Yeah. Give me a second here. Yes.

ME **Megan Easton** 14:58
Because one block to the South are quadplexes and those units are or. Those lots are far smaller than what we proposed.
For this PUD.
So we do feel like it's more in line with the scale and the surrounding.
Surrounding properties.

Patrick Berrend, NCARB, AIA 15:22
Thank you for that.
The follow up question is PUD allows a ton of customization. You can write into the PUD, everything from hours of operation to a host of other things.
Are you considering writing anything else into the PUD besides this use please?

Megan Easton 15:42
Autumn. Did they get the PUD file?
The PDF.

Audem Gonzales 15:52
We have no formal application, so I can't comment on what.
Is in the document right?
But I can tell you that a PUD does allow for customization.
You are correct, Patrick.
You can customize building materials, colors, lighting.

Megan Easton 16:06
Thank.

Audem Gonzales 16:08
You can customize everything that's found in code, essentially.
So that would be up to the applicant to.
Take some feedback and build into their PDA PD. Sorry.
PUD custom regulations.

Megan Easton 16:22
Can I?
Am I at liberty to share what our application shows on this? Oh OK.

Audem Gonzales 16:28
Yeah, absolutely, that's.

Megan Easton 16:29

Sorry, I didn't know if that's.
Or not. Let me pull it up here.
Yeah. To my recollection, we we were not modifying.
A whole lot.
The current standards and the codes were.
Good and sufficient for what we were trying to achieve.
And there was really not a need to heavily modify or change that. So, but she's pulling it up here, yeah.
So this the actually the PUD example that we were given from Ottoman Bailey was like 12 pages because there was a lot of specificities and deviations.
Ours is a whopping.
What 2 pages?
3 pages.
The first page designates.
The boundaries, the site description and then all it is is just the.
Approval for a surveyor, the Planning Commission trustees.
It's all just certifications.
And Patrick, we're happy to e-mail this to you as well since you've been more of a spokesperson for your.
Community.
Second page.
Is more just of a zoomed in view of a conceptual layout of what we've previously proposed, and then the third page is the description.
So let me zoom in and make sure you can read.
Yes.
The intent is to provide housing with a maximum of eight paired homes in four duplex buildings.
The let me just skim through and.
A lot of it's reiterating 88 units, 4 buildings. Pedestrian access is discussing that we will be using sidewalks to the duplexes to connect to the existing sidewalk that borders Maple and 3rd.
Instead of adding an additional secondary sidewalk.
Umm.
The 3A.
One is the intent that they will face Maple Street because we're not able to put

garages in the front of the building. The town of Frederick requires that.
Autumn. You can correct me, but it's 50% of the garage.
Can't be more more than 50% of the entire.
Width of the of the unit I believe.

Audem Gonzales 19:30
Yes, that's correct.

Megan Easton 19:32
OK.
It's saying that we're requires at least a minimum one car garage.
The the intent for us is to build A2 car, but it's essentially ensuring that there will be a garage attached to each unit, so there will be parking for each unit.
We will be mixing color materials really this is because.
We we want to be able to to, to build, to paint, to one building a cohesive color as opposed to have each unit alternating colors.
So that would be the.
2.
We will be designing these in similar massing, but altering materials and colors.
So on this rendering you've got some board and batten mixed with some lap siding and then possibly shingle shake.
So we just be mixing those materials up as well to create some more diversity.
We're requiring a covered entry actually, per the code. If we did look into residential code, they don't.
Code doesn't require a covered entry, so we're going above code for that.
Horch patios shall complement the architectural building they are required to have at least 40 square feet.
That's above code.
Riches and patience attach.
The dwelling may encroach up to five feet into the front set back so they don't encroach on any easement or interfere with any necessary sideline restrictions.
That's actually pretty a standard variance.
I believe autumn, if you can correct me for porches and patios as far as encroaching.

Audem Gonzales 21:44
What was your standard again?

Megan Easton 21:47
That they can encroach up to five feet into the front, set back as long as they don't encroach on easement or site line.

Audem Gonzales 21:56
Right. Well, it depends on zone districts and setbacks.
What our standard is?
Hmm.
So I mean, I'm glad that you're putting that in here.
Your maximum encroachment, again, we don't have this application.
We might finagle the language a bit when we actually review it.

Megan Easton 22:20
And then as far as garages, the homes need to have the emphasis on the residential St. per the planning planning Department, so.
Intent is to increase curb appeal.
So we just reiterated that on this PUD application that we wouldn't have St. facing garages.

Audem Gonzales 22:39
Yeah, that's very important for planning is homes relate to the street front doors relate to the street.
That's the historic context of this neighborhood.
That's what we required, yes.

Megan Easton 22:51
Dwelling Minute Unit will be required to have the one car garage, so some of this is just redundance based on just different components of the application.
We would be providing additional off street parking and.
Sorry, I was like I didn't.
I didn't know I was sharing this flat this tonight, so apologies.

Let me get closer and zoom in.
The parking requirements are gonna be calculated based on the number of units.
So our our current site plan accommodates the number of additional parking structures for the 8 total units per the requirement of the town.
So we just reiterated that we would be putting that in.
We're providing the private walkways.
And we just have a minimum length of the driveway because we have to have that alley back there.
The we just shortened that driveway length to five feet to accommodate the alley.
And that was requested by planning.
5 foot duplex buildings. The driveway with will be 12 feet.
Our garages right now are designed at 18 feet wide, so it's just creating that minimum of 12 to accommodate the one car garage.
And we will be putting cash in lieu for parks and open space because the way that this lot is laid out in the duplexes that we have designed, we don't have the ability to have any open space on this property.
So we would be contributing a 20% cash in lieu to the town for parks.
And then this would be the permitted land use would be duplex residential only.
And all of this is in compliance with residential code.
So really that is Patrick.
I'm happy to Josh or I are happy to e-mail this to you, but.
It it's one page of detail. Where is the the other PUD application I think was like 2012 or 20 was quite a few so just wanted to reiterate what actually matches our intent to build.

Patrick Berrend, NCARB, AIA 25:26
Thank you for the review.

Bailey Arvizu 25:26
Megan.

Patrick Berrend, NCARB, AIA 25:28
I I do have a follow up question though I'm still and I think it's more of a technical question.

Bailey Arvizu 25:31
Pat.

Patrick Berrend, NCARB, AIA 25:32
Please for the town.
I'm still not seeing.
And I'm I'm sorry. I'm still not seeing why St.
R2 would not would not allow exactly what the developer's proposing here please.

Megan Easton 25:50
Our two would allow what we're proposing, but what the Community didn't want was 12 buildings.
They also did.

Patrick Berrend, NCARB, AIA 25:59
Understood. Understood.

Megan Easton 25:59
They also didn't want the the broad.
R2 would make it so broad that we could do a lot of other things.
So what we by doing the PUD, it's narrowing it down to just exactly what we're presenting tonight.

Patrick Berrend, NCARB, AIA 26:13
I understand the concept.

Megan Easton 26:13
Our two scared a lot of people, so that's why we didn't.

Patrick Berrend, NCARB, AIA 26:16
Sure.

Megan Easton 26:16
That's why it was ultimately it was voted down.

Patrick Berrend, NCARB, AIA 26:19

I understand the concept, but here's my follow up question back to the town staff please. If they came in with a great R2 zone request and were proposing a site plan application to run concurrently, they would not need the PUD. Is that correct?

Audem Gonzales 26:41

No, that's not correct.

So some of the standards they're proposing do not meet code. They're more strict where there are modifications.

So they cannot come in with this specific applications. What is looks like to me. I haven't seen this formally, so no, they cannot come in with this.

Patrick Berrend, NCARB, AIA 26:59

So is one of those standards the open space? My biggest concern of what I just saw here is typically the smaller the lot, the more important the open space requirement is, not the reverse.

We have a lot here.

That again, I I applaud the product, the scale, the type of neighborhood character that we're seeing.

But there's a couple things about this lot historically that are are baggage items that need to be resolved.

The history of this lot, the original.

Developer.

Of the Library Weld Library District when they developed this, they got an exception from doing stormwater detention on this site because it was a quote, temporary building.

That building is not on permanent foundations etc.

So now we have a lot that has been subdivided and seeking a rezone, and there is no storm water detention here that would comply with Mile High flood district standards for this site.

That would be a sizable portion on this.

I I'd ask why can they buy their way out of open space?

When the loss of the previous use of this is open space, whether designated or not, was one of the biggest contention items for the neighbors.

Secondly, in looking at the site plan, they have a dead end driveway from 3rd St. of over 150 foot long, Frederick Firestone Fire Protection District and our experience follows the IFC.
10 XD exactly you can't have a dead end that long, so my.
Assumption is when this goes for review, they would need to connect the dead end driveway on the South somehow to the daycare lot to get either that or provide a turn around.
So all of that factors in.
I'm not seeing where the open space, stormwater detention and or fire access fits on this site.

Audem Gonzales 28:53
I'll turn to the applicant to talk about fire turnarounds.

Mark N 28:56
OK.

Audem Gonzales 28:57
That was discussed in our pre apps.
You can relate with Fire, District stated, if you'd like.

Megan Easton 29:06
Yes, the fire district looked at this.
We had him on in the chief and them sat on three of the meetings.
We actually proposed exactly what you said to open that up to pass through the parking lot.
They said they did not need that.
They approved what we are showing you guys tonight.
We've already ran that by them as far as stormwater detention. I think autumn can correct me if I'm wrong, but because of the separate units.
With yard and foliage and grass around them, it's being treated as a single family residential home such as Yorla, where there's a house.
With yard that's going to catch that runoff.
I believe autumn, if you want to correct me.

Audem Gonzales 29:56
Yeah, I don't.
I don't know what the discussion was with her engineer on stormwater that will come up during the review, for sure.
A more detailed review when you submit, when it comes to open space, our code requires 20% open space or fee in lieu.
That's currently in our code. When you provide 20% open space, we're looking for Pocket park size open space.
We're looking for neighborhood Park open space.
This subdivision is way too small to provide that, so the option is fee in lieu.

Patrick Berrend, NCARB, AIA 30:32
And and is that a discretionary comment?
Where do you cite?
It's way too small.
Where would that be in the code please?

Audem Gonzales 30:39
We have standards for pocket parks. I believe it's 10,000 square foot minimums.

Patrick Berrend, NCARB, AIA 30:46
But the Open space code.

Audem Gonzales 30:46
20% of this 20% of this site does not trigger a 10,000 square foot pocket park.

Patrick Berrend, NCARB, AIA 30:53
I I think there's a leap there from saying an open space requirement automatically means code Pocket Park.
You have to.
You have to provide open space, period.
We do on commercial projects.

Audem Gonzales 31:05

You don't.
You you don't have to.
There's a fee in lieu open space.
The town wants higher quality open space that can be used by the public.
Our code also says open space can be private which is not good planning right?
So we're updating our code for that provision, but right now you have the option for fee and Liu. If you cannot provide a pocket park or neighborhood park or high quality open space, we absolutely revert to fee and Liu.

Bailey Arvizu 31:35
Patrick, if we can, I'd like to make sure we get these comments in the chat discuss and then we can follow back up.
Excuse me if necessary.
Megan and or Josh?
There's a comment here.
It says how will you eliminate the sound from the alley you plan on putting right behind my house?
This is from Valerie, Valerie. Excuse me.

Megan Easton 32:00
Do you want me to?
Would you like me to answer?
I'm not quite sure I follow the question. Eliminate the sound.
I don't know that there's any requirement for there to be.
No sound.
There's obviously sound coming from Maple Street and Sound coming from every street, so a car pulling into a garage.
Is that the sound we're talking about, or are we talking about during construction?
I'm not sure.
I'm not sure I foul, but anyways, yeah, there would be.
I guess the standard or typical sound that you would expect throughout the rest of the neighborhood.

Bailey Arvizu 32:46
There's also an additional question there.

I'm happy to read it.
We here are on Linden St.
This is from Ron and Heather would like the applicant to eliminate the service road on the East End of the property.
The resulting traffic will lower our property value and necessarily the applicant has not addressed the possibility of future residents or others.
I think these are two separate questions.

Megan Easton 33:08
Yes. Yeah.
So I mean that can't be eliminated.
That's obviously like autumn just spoke to.
It's required by the town.
That that, that be designed. Anyway, there's a buffer there.
We could zoom in on the screen and show it's not a service road, it's it's more of just an access to an alley.
So you're gonna have the 8 residence only using that and that is to simply.
They access their garage, but you can see.
There's a buffer and there might have been one with a measurement error of a fairly large well you can.
You can compare it in scale to the size of the alley coming in.
So that's actually the width of, you know, two cars passing that you see between the current property line and that.
So it's actually quite the quite the buffer there.
It's not open space.
I'm not going to call it an open space or a green space, but that that would be irrigated with grass lawn there would be.
Vegetation landscaping planted in that space, so the alley is not right up against the property lines.
It's actually the way that we the way that we drew it is essentially the same distance that the front of someone's house is to Linden St.
So there's just as much of A buffer between the back of the house and the alley as it is to the front of the house. So as far as St. noise would be the same as what they would potentially experience.
On London St. yeah, you can see this is kind of to scale so.

This dark shaded area is the entry into the residence and this is the open space. This is also.
All landscaped and vegetation between and around, so that kind of goes back to the runoff.
The property itself is is going to kind of be set up to catch that so.

Bailey Arvizu 35:19
All right. We have additional comments in the chat, but we also have a few hands up. If you'd like Megan and.
Josh or anyone else on the applicant side to address some of the additional comments in the chat, because those are related to questions already asked. If you'd like to look through that other we otherwise we can call on someone with a hand up.

Megan Easton 35:44
Sorry, I'm gonna have to get this chat.
Because she's asking to call on someone.

Joshua Huene 35:57
If if Brock isn't.

Megan Easton 35:57
Oh, sorry.

Joshua Huene 35:58
If Brock is available, Brock, I see your chat about the PUD zoning with that recorded plots. Would you like to elaborate on your question?

Broc Swetnam 36:07
That's not a question.
It's a pure statement from one county code.
If this was not approved as a PUD plat prior to December 4th 2020 through the application is Nolan Boyd period. That's what their ordinance says.
That's it.

Audem Gonzales 36:28

So I will take that.
Thank you for pulling that up. That is Weld County.
That's a different jurisdiction.
We follow the town of Fredericks. PUD regulations.

Megan Easton 36:38
Did you hear me?

Audem Gonzales 36:40
Unfortunately, that does not apply here.

Broc Swetnam 36:46
I didn't know that Frederick's code superseded the county.
Interesting. Do you have a home?

Audem Gonzales 36:51
Yeah, we.

Broc Swetnam 36:52
Do we have a home charter?

Audem Gonzales 36:54
We send a lot of people that inquire about.

Broc Swetnam 36:56
Do we have a home charter?

Audem Gonzales 36:59
We are state, state, statute, municipality.

Broc Swetnam 37:04
Hmm.
OK.

Audem Gonzales 37:06

Yeah, it's it's confusing.
I know we we get it everyday.
Weld County has it's own regulations.
We have our own.
We're only municipality.

JH **Joshua Huene** 37:19
I guess we'll go ahead and pivot.
I guess you got your hand raised.
We'll just kind of go through the hands if you'd like to ask your question.

S **Savannah** 37:28
Yeah, sure.
Thank you.
So at the end of the initial rezoning application process, it kind of seemed that this was being presented in a way that the development was for senior living.
Or maybe that's what I perceived it as at the very end, and with a letter enclosed with this meeting notice.
And what's being stated here? It sounds like it.
'S homes for individuals and families that are 55 and up.
And I mean, by definition, those that are age 55 and up are not senior citizens.
Many of these people are still working.
They might be raising children still, so I guess my question would be, how is this going to be managed or marketed as 55 and up?

ME **Megan Easton** 38:06
Please.

S **Savannah** 38:16
And what does that honestly look like?
Can you have just an individual who is 55 or up in your home and there can be several people?
How many bedrooms and bathrooms?
I mean this seems more like a just a.
Single family home based off of what's being presented.

Megan Easton 38:34

So the so the application is for just the structure itself.
The PUD wouldn't have any overarching requirements for that.
The intention for this is for senior housing and yes, I mean 55 year olds are still working generally speaking unless they did a lot of.
Smart business move or whatever got lucky with money.
So I yeah, I agree that.
With that statement, the actual architectural plans that fit this rendering is a two-bedroom 2 bed, 2 bath, two car garage. With the I mean we would be eastern homes would be managing this project. This these properties and there would be limitations on who, how many individuals can.
Live there.
I mean, really, we haven't gotten through that because right now we need to get through the PUD. We don't want to spend an additional funds.
Until we know that this this development is feasible, but the intention of when it is built is for senior housing, it's actually very close to my heart.
I have a mom here in the community and she is not getting to the point where she's really not able to maintain her own, you know, yard and whatnot. And so this this is close to my heart and it was.
Actually close to J&J investments heart and heart and.
Unfortunately, the Community didn't it.
It was some some people said it was a little too late, but I actually reached out to J&J back in December before I even knew that they were due planning to do anything with this property.
Thinking that this might be something that I could do to pay it forward for my mother and potentially other individuals in the community.
So yes, the intention is to do that and.
It's just not part of the PD.

Savannah 40:36

But I guess knowing that that's the intention, though 55 and up is not senior living by definition.
I mean the IRS.
You have to be 65 to even retire.

Or what about those individuals who are in their second marriage, possibly, and raising young children?
This isn't.

Megan Easton 40:51
Yeah.

Savannah 40:52
I mean how will?
How will that be managed?

Megan Easton 40:54
We're.

Savannah 40:55
And you do say that you guys are going Easton homes will be managing these properties?
So are they for sale or for rent?

Megan Easton 41:03
We. So we are gonna hold them.
Our partnership is gonna hold them and they will be for rent and we will mandate that you need to be 55 plus. Whether we're not gonna say you need to be a senior citizen and we're not gonna say you need to be retired, but we will be.
Saying, you know you need to be 55 plus.
There's also two bedrooms in the house.
So they'll have to sign a rental agreement that would say, you know, I'm not gonna have 7:00 or 8:00.
People living in here.
It's a two-bedroom house, so that means it's, you know, feasible for for that.
So yes, we would.
We would manage it through our partnership.
That's how.
That's how that would be achieved, but that's a good question.

Savannah 41:49
And I and I guess in this process, where did it come?
Homes for sale into homes for rent because I believe in the first initial application that applicant and supporters were saying that there needed to be more affordable housing to buy in the Frederick area because that wasn't available.
So when did the transition become homes for sale and?
Managing rentals within a residential area.

Megan Easton 42:18
Yeah, good question.
I mean, we listen to all the feedback and and everything and people wanted to know what they were gonna, what was gonna go there.
So in our minds, in a way to to, to keep it cohesive and to keep it all the same, us holding it and managing it that way would achieve that rather than selling them like you said.
Now if you sell them, someone owns it and and then different scenarios can play out.
And so after the meetings and and we kind of from there, you know, morphed into how, how do we keep this cohesive?
How do we manage this so that you don't have a lot of unknowns and a lot of different scenarios that we can keep this scenario consistent?
So yeah, that's good.

Savannah 43:06
I mean, wouldn't that be the opposite though?

Joshua Huene 43:06
Yeah. So.

Savannah 43:08
I'm sorry. I'm. I'm just there.
There's follow-ups here, the very much unknown are rental rental units.
You have people that are in and out of leases or change in tenants.
Is there going to be a requirement to have a certain?
Length of lease.

I mean, it seems the opposite.
Somebody who buys a home usually purchases it and wants to stay in it, and it's an investment as opposed to a lease agreement where people can be in and out of the the rentals.
Frequently.

Joshua Huene 43:39
Yeah, Savannah, I'll, I'll jump in here because you're right. Halfway through the process, we did talk about purchased and we actually have multiple people interested in this and they're not interested in purchasing it. The 55 and older as they were more interested in in renting it just.
Where where they were financially.
So this has evolved a lot the last six months, no doubt.
I mean, there's been multiple iterations of of what's gotten us to this point.
We kind of got really close to this concept at the board meeting, but things weren't fully baked out with all the feedback we got so.
It definitely has evolved.
But that's kind of been the feedback is, is there's a high preference of rent in this area versus being you know on the edges of town.

Bailey Arvizu 44:24
Savannah we may have to move to some other questions.
I apologize, but we are getting very short on time here.
We've had a couple other hands raised as well.

Savannah 44:30
Yeah, I took my hand down. Yeah.

Joshua Huene 44:33
Up.
Mark, Mark, could you?

Bailey Arvizu 44:36
Josh, feel free to call on someone specific, yeah.

Joshua Huene 44:37
Sure. I'll just jump in on Mark please, mark in.

Mark N 44:40
Yeah, I came a little bit late to this, but my question is say JJ investments runs into some kind of problem and they have to sell this lot if it is rezoned.
Does that mean that the new purchaser could come in there and put up a three story apartment building and there's nothing that the town can do about it?

Joshua Huene 45:06
Yeah. Thanks for the question, mark.
If this PUD gets approved this lot, this this is required to build, they have to build this type of a unit, you know, otherwise they'd have to go go through a new rezone request.
Autumn, could you?
Could you, you know, double check me on that? The way I said it.

Audem Gonzales 45:24
Yeah, you're correct.
PUD is the zone district.
PUD's are a great tool to control development.
And you are correct that if it sells in the future, these are the rules they have to abide by.
They cannot deviate from this.
That would be a new application, a whole new public hearing process. So that is a benefit of Puds.
It locks, locks developers into what they're proposing.
Maybe on your first sheet you can go over what use you're proposing again.
I would like to see what you put on your PUD.

Megan Easton 46:02
On the page one.

Audem Gonzales 46:04

Page two, I think we're three, I don't know.
You had uses proposed.
What is your use?
Was it duplex only?
Was it single family homes? Yeah.

Megan Easton 46:14
Duplex only duplex only it's an expensive page.

Audem Gonzales 46:17
So if this sold only duplexes are permitted, and it would happen to be in this configuration with these rules.

Mark N 46:25
OK.

Megan Easton 46:27
Right here.

Audem Gonzales 46:30
So the word rezoning keeps coming up.

Joshua Huene 46:30
Thanks.

Audem Gonzales 46:33
So the property already has PUD overlay zoning.

Megan Easton 46:38
Thank.

Audem Gonzales 46:39
So that property is zoned public with PUD right now this application is to bring in a PUD zoning document.
That fulfills the PUD that is on the property right now.

Joshua Huene 46:54
Mark, does that answer your question?

Mark N 46:56
Yeah, that's fine.

Joshua Huene 46:57
OK.
I'm just kind of going on the list here, tawny.
Would you like to ask your question?

Tonie 47:04
I would.
But Nick has been waiting much longer than I have.
So we'll go Nick first.

Joshua Huene 47:08
OK, nick.

Nick Williams 47:12
Thank you.
Firstly, I just Adam, I just want the public record to reflect that several neighbors requested this original meeting be in person and the time be moved due to conflicts with most people not getting off work and time to join the meeting. And because this time wasn't moved to.
When other most town meetings are at 6:30 or 7:00 PM, most several neighbors who have concerns are not able to be here and voice these concerns, meaning this quote UN quote neighborhood meeting as the town of Frederick is calling. It is in no way reflective of all those.
Who have opinions or concerns on this?
Now I'll just move into a couple of quick questions. First. Yeah, sure.

Audem Gonzales 47:44
Really, really quick on that.

Really quick, you might not have caught the beginning.
There is a second meeting that will be in person.
The applicant is gonna work with you all to pick a date and a time.
Right now, all of our neighborhood meetings are at 5:00.
This one is a bit special.
I I agree.
And we, the town did request a second meeting to be in person.

Megan Easton 48:06
He can.

Nick Williams 48:07
OK, as long as that meeting is also reflected with detailed minutes and is it goes on the record.

Audem Gonzales 48:12
Yes, absolutely.

Nick Williams 48:14
And just a couple of quick questions for you.
I think Rhonda put something in the chat that's a bit more detailed than this, but I'll just reiterate that.
So I have several concerns when it comes to who will be responsible for maintaining this property post development due to an incredibly shaky track record with proper maintenance over the past several months, the applicant allowed the property to become severely overgrown, which had to be reported before the.
Applicant dealt with it.
The applicant then began turning the property into a junkyard with several rusty vehicles.
And only resolve this once those vehicles were reported. In my experience working with much larger 55 and up Community developments, part of the appeal like the developer said, is that residents don't have to worry about mowing their lawn, shoveling snow, etc.
So I think we as neighbors have several safety concerns regarding proper maintenance. Would like to know, first of all why the applicant has not been properly

maintaining the property thus far, given that they've owned it for well over a year now. And then how we as neighbors can.
Be certain this will change given kids. Walk on the sidewalks, and if those aren't properly shoveled.
Kids can get injured.
Elderly people, we we the developers, claiming that that's a focus of theirs and really close to their heart.
But if they're not already showing a track record of being willing to properly maintain this property when it comes to snow and icy conditions in the in the winter time, how can we be certain that elderly people who are going on walks during the day aren't going to?
Become victims of their inability to properly maintain the property.

Megan Easton 49:32
So E palms. Oh, sorry.

Joshua Huene 49:32
Yeah.

Megan Easton 49:36
Yeah. So Easton Homes is going to be managing this property.
J&J is not going to be managing the property.
In addition, we would be having rental income and have the part of that rental rate for these properties would include ground maintenance on a weekly and as needed basis for some of storm.
So that's all going to be under the scope of Easton homes.

Nick Williams 50:06
OK.

Joshua Huene 50:06
Yeah, Nick, As for your question about the lot, as you guys know, we had we had to change our tent in the daycare to a different tenant and no longer is that is that the land being rented.
So obviously we're not wasting the water bill is not being used for child care

anymore. So we are keeping, we ought we we need to keep it better mode at the 9 inches as required by the by the town.
Which came to my attention a few weeks ago, so we will keep it at that 9 inch 9 inches or lower requirement.

Audem Gonzales 50:39
I believe it's 8 inches just for clarification.

Joshua Huene 50:41
8 inches.
Thank you, autumn.

Nick Williams 50:43
OK, I think my follow up question to that though is if the applicant has a proven track record of violating Community guidelines in Frederick Code, how can we as neighbors be certain that codes won't be violated throughout the development process once the PUD is applied, there are already.
Codes in place that the applicant has violated for several months and so I think that the concern is very legitimate that the applicant will then continue to violate town use codes and land codes.

Megan Easton 51:09
Yeah, that's that's a great concern and that's why they're partnering with us. Easton Holmes 'cause. I am local. I live here.
I can personally keep an eye on it and not only that, I know local companies, they can perform snow removal, they'll perform all the grounds maintenance, make sure irrigation is up to up to snuff.
So that's that's a great question and a good concern.
So that's one of the reasons.
We're getting involved.

Audem Gonzales 51:36
I would like to chime in as well.
So the town recently passed new regulations for enforcement.

I believe we now have a finding capability for enforcement actions throughout our town.

Megan Easton 51:44
He.

Nick Williams 51:50
OK. And then just my OK and my last question, the trees were already discussed and there's an arborist report that was mentioned. First, I would just like to know if that's a report that we're gonna have access to in the fall up to that is it's well Doc.

Audem Gonzales 51:50
We did not have that before.

Nick Williams 52:04
That these trees are currently home to several owls and Hawks.
What is the applicant planning to do to mitigate their habitat loss and loss of life in these animals when you guys do take down these trees, are you planning on setting aside funds to relocate them or are you OK with just chopping down the trees and just trying?
That with no mitigation.

Megan Easton 52:23
That would be with the assistance of an arborist and like I said, we we did consider and attempted to preserve the trees.
Unfortunately, it was at a request of the town that we.
We laid the properties out in the way that is now.
Given their blessing has been given to this to this layout. Yeah, actually our first layout built around the trees.
It was not accepted by the town.
But yes, we would be doing whatever we can to protect whatever animals need to be relocated. And I believe the arborist would be assisting us with that. As far as reports, once again this is a PUD application and we really just want to focus on the PUD at.
This point.

Nick Williams 53:12

OK.

I'll just leave it off with one comment.

I understand this is a PUD application, but I remember in the in person Town hall meeting.

I believe it was a member of Easton Holmes who really wanted the community members to trust them and so just as a bit of advice, I would recommend sharing that report with us just because making these blanket statements, saying that the that an arborist said these trees are.

At the end of their life as reason and as cause for getting rid of these trees, I think just in an effort of transparency, it could go a long way.

If you guys share that report with us.

So so we don't have to take it at face value.

Megan Easton 53:49

I don't know if Josh got a written report or not, but we can ask Josh about that report.

Joshua Huene 53:55

Yeah, I went through an insurance mitigation there last year and they actually recommended taking the trees out because there were going to be children playing there with our previous tenant.

We obviously didn't do it, but we paid significant money to get them trimmed and get them worked up and at the time, the tree expert said there wasn't much life left with them. So and there was concern of a next major, you know, snow storm or something of.

Potentially having those fall down so I don't have a documented report, but certainly I can send you the bill of the company that that we talked to about it.

But more importantly is is, you know, part of the town's requirement is is, you know, moving forward. If this gets developed as those trees, you know obviously are not in what's what's the word?

They're they're not, not organic, but they haven't been. A cottonwoods are not a friendly tree. As you guys know, and they're not a species that, you know, has been in

Colorado forever.
So it's probably not as a desired tree. We want to keep long term.

Megan Easton 54:46
Thanks.

Joshua Huene 54:55
OK.
Thank you for your questions, Nick and spirit of time, Tawny.
Thank you for waiting.

Tonie 55:01
Yeah. Thank you.
I also wanted to talk about the condition of the property, but so thanks Nick for bringing that up.
You mentioned that your your renter is not in the daycare. I walked by the other day and it seemed like there were kids in cars and stuff there so.

Joshua Huene 55:20
No, no, we we have a tenant in the daycare, but this new daycare is not using 320 the the the open space land that's fenced in.
They are not.
They do not have access to that property.

Tonie 55:33
OK, understood. However, the daycare also is an eyesore to the neighborhood. The whole property 32340. It's pretty much an eyesore.
So I hope that you will take care of that. The other question I had was regarding one car garages.
I'm not sure how many families or people just have one car.
You did mention that there is off street parking.
Could you show like where that off street parking is and how much?

Megan Easton 56:09
Two car.

Tonie 56:10
That there is.

Megan Easton 56:11
So we're actually doing.

Tonie 56:12
There.

Megan Easton 56:13
That's why we're doing 2 car garages. Yeah, the application just for for the PUD requirement, the application is saying we will provide a minimum one car.
Our plans are saying that we would we our plans are showing two car I can pull the plans up but.

Tonie 56:31
Oh, also the application will say one car, but you're planning to do 2 car garages.

Megan Easton 56:33
But.
Because that aligns with residential construction.
It's just saying.
It's just reiterating we're aligning with residential construction codes.
But let me.
Pull up the plan.

Audem Gonzales 56:52
That's very confusing to me.
Can you just stay in the PUD?
What your parking proposal is.
What are you requiring for each unit? And then if you can just show the site plan of how you're conforming to that.

Megan Easton 57:05

This change in the two that way it's we can change.
We just said, yeah, it's a minimum of 1 going off the minimum code that we can. We can simply state it's gonna be two. But on the plan, it's clearly showing as two. Yeah, right.

Audem Gonzales 57:16
Can you Scroll down a little bit please?

Megan Easton 57:19
This is do you see my highlights?

Audem Gonzales 57:22
Yeah, just Scroll down on the sheet.
I think you have a parking table.
Yeah, you say.

Megan Easton 57:27
There.

Audem Gonzales 57:27
Two spaces per dwelling unit.
So the requirement is 2 spaces per parking unit, +25 guest spaces, spaces per unit.
OK, that is in our current code right there.

Megan Easton 57:41
Yeah. So this would just be aligning with the current code.

Audem Gonzales 57:45
So if you can show him the site plan, have this two per dwelling is being achieved and then your guest parking.

Megan Easton 57:45
Of what we're providing.

Audem Gonzales 57:52
I think that'll help clarify.

Megan Easton 57:55
Uh.
You have the plan well.
Josh, do you have that?
Should not let me just pull up the PDF.
OK.
So let me can't cancel this here and then.
Yeah. So if you see this, you'll see the two car garages per unit.
And then you see the additional guest parking, which is actually above the beyond the minimum.

Tonie 58:49
Could you just point to where the the Off Street parking is going to be?

Megan Easton 58:55
Right here.

Tonie 58:56
It.

Megan Easton 58:57
12345678 yes, these are the garages, so these.

Joshua Huene 58:58
In the alley.

Tonie 58:59
In the alley I see.

Patrick Berrend, NCARB, AIA 59:02
Yeah.

Megan Easton 59:03
This is a 2 car garage right here and here you have.
Basically what we did was give a additional off St. space per unit.

Tonie 59:12
In the alley, OK.
All right.
Thank you very much.

Megan Easton 59:16
Yeah. You're welcome.

Patrick Berrend, NCARB, AIA 59:16
What is?
What is the rear parking set back please?

Audem Gonzales 59:26
Rear parking set back.
I don't think we have a parking set back in code right now.

Megan Easton 59:27
Sure.
30 feet is the earth. It looks like the on a site plan.
It's about four feet, but we have a 5 foot garage set back.

Audem Gonzales 59:35
Hmm.

Megan Easton 59:37
That's that's the I believe the Co residential code.
You tell me, autumn, but.

Audem Gonzales 59:47
OK.

So I guess the question is, yeah, what user set back on your plan for parking and you said 5 feet?

Patrick Berrend, NCARB, AIA 59:53
Is there not a rear yard set back for parking?

Audem Gonzales 59:59
No, there's not.
There's a rear set back for buildings.

Patrick Berrend, NCARB, AIA 1:00:00
R2 or R2?

Audem Gonzales 1:00:02
We don't have a parking set back.
That doesn't mean the PUD can't include something.
So those are elements that can be written into apud.

Megan Easton 1:00:16
We either also ADA spaces.

Joshua Huene 1:00:23
In the spirit of time, I'll go ahead and ask if if I can move on.
Cassandra, you you've had your hand up twice.

Megan Easton 1:00:43
Finished mute.

Joshua Huene 1:00:47
Cassandra, would you like to ask your question?

Bailey Arvizu 1:00:48
We can't.

Joshua Huene 1:00:49
Sorry, we can't hear you.

Bailey Arvizu 1:00:50
Yeah.

Audem Gonzales 1:01:01
Yeah, maybe she can type it in.

Joshua Huene 1:01:04
OK, we we can go ahead and go to Ron and Heather.
Ron, if you'd like to ask, I know you've asked questions in the chat.
Do you have a verbal question?

Ron & Heather 1:01:12
Can you hear me now?

Joshua Huene 1:01:15
Yes, we can hear you, Cassandra.

Ron & Heather 1:01:15
Hello.
Oh, this is Heather.

Joshua Huene 1:01:19
Oh, Heather. Yes. I'm sorry, Heather.
Yes, hello.

Ron & Heather 1:01:22
OK, my question is about the trash collection. Now you stated that the fire department doesn't need to have a turn around or connection to 4th St.
What about those large trash trucks?
Are they gonna be backing up and beeping right next to my bedroom?

Megan Easton 1:01:45
So Cassandra said.
Or I'm sorry. Is it Heather?
I I can't really. OK.

Ron & Heather 1:01:50
Yes, it's Heather.

Megan Easton 1:01:51
Hi, Heather.
So once again, when we were showing you the.
This alley is just as far away from the rear of the house as the front of the house is from blind St.

Ron & Heather 1:02:06
She's not asking that.
No, I'm not asking that.
I'm saying that because you're not gonna be the fire department didn't require a turn around or a connection to 4th St.
Yeah. Does that mean that the trash truck is gonna pull in there and then have to back out?

Megan Easton 1:02:20
Yeah.

Ron & Heather 1:02:26
Yeah. We're gonna be listening to trash trucks the rest of our life.

Megan Easton 1:02:32
Same scenario as the other homes in the neighborhood, so the.

Ron & Heather 1:02:36
No, they don't have an alley in in between them and the people in the next street.
They don't have trash trucks coming by their bedroom.

They have them coming by the front of the House gives a sound bare buffer. Our other property here. All services are from the front.
They're condos.
Yeah, we don't understand.

ME **Megan Easton** 1:02:57
Track has picked up.

RH **Ron & Heather** 1:02:58
We don't understand the need for a service Rd.

ME **Megan Easton** 1:03:01
Trash is picked up during normal business hours, so most people are not sleeping during pick up hours either.

RH **Ron & Heather** 1:03:04
Hey.

ME **Megan Easton** 1:03:09
Yeah, I'm looking here.
That roads basically gonna be almost.

RH **Ron & Heather** 1:03:11
No, we're asking why this is not OK.
Wait a minute.
Wait a minute. Guys. Guys, guys, guys, guys.
We're asking you why this?
Why don't you have the trash pick up out in the front like like like this on other properties?
Our other property here the the all the services are from the front of the of the condo.

ME **Megan Easton** 1:03:30
Now this is what the town asked for.
This is what they required.

Audem Gonzales 1:03:34
Doesn't require trash to be from the alley.

RH **Ron & Heather** 1:03:36
The town never requires an excess Rd. in the back of the property.
That's your fix on a on a requirement the town has, but you can have service from that from Maple St.

Audem Gonzales 1:03:48
So trash service is not a town requirement to be off the back.
So applicant that is something I think you should take into consideration and decide where that service comes from and then maybe at the neighborhood meeting you can have a definitive answer with your proposal.

RH **Ron & Heather** 1:03:57
Yeah.
If you eliminated that service road, you would eliminate half your problems with the with the residents here.
You understand?

ME **Megan Easton** 1:04:13
Yeah, unfortunately the town is requiring.
There's there's other requirements that the road isn't just for that one, that facet.

RH **Ron & Heather** 1:04:20
Well, you're gonna have to discuss this very slowly and very carefully with the town.
Then after hearing me OK and not stop telling me this is the way it is.

ME **Megan Easton** 1:04:32
Well, I mean the comment was made that the trash sharks can buy vehicles, bedrooms. That's false.
It's going to be over 50 feet away, but you know, if you look at the plane.

RH **Ron & Heather** 1:04:43

What about the mail?
What about our mailboxes?
What happens to our mailboxes?
Are you gonna move those?

Megan Easton 1:04:49
Yes, they'll they'll ship to the West.
Straight just to the West by they're gonna move about 30 feet to the West, but it'd be generally in the same location.

Ron & Heather 1:04:59
OK, I'm saying there's no need for.
There's no real need to have the property that way and.
Despite what?
The despite what the town saying, you know that this is this is half your problem here, kids.
The 200 block.

Megan Easton 1:05:12
The town.
The town's stated they did not want the garages to face the front of May 3rd and Mable so.

Ron & Heather 1:05:19
Well, you got them on on the 200 block.

Megan Easton 1:05:26
Yeah, I don't know.

Audem Gonzales 1:05:26
So for garages to face on the West, you would have to write it to your PUD to modify that portion of code.
That's something we can definitely discuss, but.

Ron & Heather 1:05:37

I'm joking. If you're moving, if you're if you're. Yeah. If you're moving forward, if you're moving forward with the if the applicant is moving forward with the with the with the.

Audem Gonzales 1:05:40
Yeah, there's an option.
There's always an option to accommodate your concerns, Yep.

Ron & Heather 1:05:50
Public hearing process.
You know that would this would by you all kinds of space with the residents. You know, I'm handing you something here and you're I'm handing you a blowjorch here. You're saying you're saying, Gee, what? What do you guys hand me here, you know?

Audem Gonzales 1:06:05
Yeah, I agree.
I agree, like I think the point of tonight is to get the feedback.
I think the Afghan is a lot to think about.

Megan Easton 1:06:09
OK.

Audem Gonzales 1:06:10
It's loud and clear what the residents want in terms of the alley.
The town hears that too, so.
Applicant take it into account. You're hearing it loud and clear.

Ron & Heather 1:06:21
Thank you.
Thanks a lot guys.

Audem Gonzales 1:06:26
Next question.

Ron & Heather 1:06:30
What?

Audem Gonzales 1:06:32
Who's next?

Joshua Huene 1:06:33
Cassandra, did you have a question again?
Is your sound working again?
No. OK, OK.

Ron & Heather 1:06:37
Music.

Joshua Huene 1:06:39
I just saw your hand raised.
I don't see.
I see some questions coming in through the chat.

Ron & Heather 1:06:44
No.
This is beautiful.

Joshua Huene 1:06:51
Ali heard loud and clear.
So I think that's a conversation we need to have with the, with the planning department and you know, either and and just develop the conversation a little further.
Is that fair autumn?
I mean, is that the next step?

Audem Gonzales 1:07:06
Yeah, absolutely.

Again, you're the type. You're getting feedback, so.
We are open to what you want, what you would like to propose and absolutely.

Megan Easton 1:07:12
Yeah.

Joshua Huene 1:07:13
Select.

Megan Easton 1:07:17
Yeah, it was.
It was just put like that because from our initial meetings, it seemed like the best option.

Audem Gonzales 1:07:22
No, agreed, agreed.
Absolutely yes.

Megan Easton 1:07:25
I think the reception of it being close, it's hard. I look at plans every day, so I have an idea of distance and I don't think it's hard for probably most people if you don't seem to know, actually how far that is or you know what, how that.
Would compare to a street.
So it's a little I I get it, I understand.

Joshua Huene 1:07:45
Yeah, we'll have to put the garages facing there or facing Maple St.
I suppose we'll have to figure out the the elevation of the homes and and whether they go up front or the other way.
Patrick, we are recording this.
We will find a way to get this to to get this posted.

Ron & Heather 1:08:02
Got you.

Joshua Huene 1:08:06

I.

I don't know if there's any other questions.

I know there's some stuff coming through the chat, but I we would we have offered the five or six people that have emailed us concerns of the application we've asked for dates and times for an in person meeting.

No one has suggested any.

Four of us have a couple dates in the coming weeks that we'd like to put out there, and then I'll put it in the group chat. But you know, we're happy to dialogue this further.

And and have more conversation for those people who couldn't make it. Or if you want to have further conversation, we obviously need to have more meetings with the town. Probably is the next step.

I don't know if it's if it's healthy to have an in person meeting yet. I think we should probably our team should have a meeting with the planning team next so that we can maybe come back with some feedback there as we talk about this alley and as. We talk about setbacks. I I think would be a logical next step. And then from there maybe set up in person meeting.

You know early, early to mid-september.

Would that be acceptable or would you guys prefer to have a meeting?

Before we do that next step with the town.

Savannah 1:09:09

I guess I have a question.

Is this in person meeting part of like the actual civic process of going through this this application or is this an additional request from the applicant and developers for collaboration?

Joshua Huene 1:09:26

It's collaboration was the ASK because people wanted to have this particular meeting in person.

You know the town does this one virtually, but we are happy to have a collaborative in person meeting.

It's not required, but we've had six or seven people want this in person, so we wanted

volunteer that time to do that. I don't think it's officially a part of autumn's process.
I think it's more of a collaborative conversation.
Is that right, autumn?

Audem Gonzales 1:09:50
So really quick, the town's process.
This is not my process.
This is our land use code process and you are correct.
The second meeting is on your own accord.
The town strongly suggested that you hold that second meeting in person as well.

Ron & Heather 1:10:04
Oh.

Savannah 1:10:05
OK.
So. So I'm just gonna interject here because I'm probably one of the few residents on this call that feel very strongly about.
A collaboration meeting. So to clarify the request that you were you were getting for an in person meeting was this. We didn't like the virtual platform or the town putting it out of five o'clock time frame when people were working most of us. I can speak for myself.
We're not asking for an additional meeting with the applicant.
Or the property owners and this is due to several several instances of disruptive and concerning behavior towards residents.
They all know who they are from the applicant and his supporters during the initial application process. Completely unacceptable and I think because of that, all related meetings need to take place in a public setting hosted by the town as part of the civic process.
With the appropriate site overstaffed.
We do not need to repeat the initial process again, it it was.
Infringing on the safety, security and privacy of the residents, particularly on Linden St. and I think that really needs to be looked at before we're requesting any sort of collaboration meeting.

Ron & Heather 1:11:25
Carrie.
So go and carry.

Bailey Arvizu 1:11:29
Just to clarify, the town is required to administer a process laid out by our land use code, and that's what we're doing.
So we're meeting the minimum requirements, but we did request based on those concerns that the applicant go above and beyond.
So if a in person meeting is requested, the applicant is requesting to do that with residents.

Savannah 1:11:53
And I believe the applicant is more aware of the current situation.

Bailey Arvizu 1:11:54
But the town can't make can't.

Savannah 1:11:57
I understand what's required as part of the land use process with in person meetings.
I totally understand that I was through the whole process and the initial application attended every virtual and in person.

Ron & Heather 1:12:09
Best breakfast, duck.

Savannah 1:12:11
I completely understand that.
But the applicant the applicant is aware of what I'm I'm bringing to light in front of the residents as well as autumn and the developer.

Audem Gonzales 1:12:26
Yeah, loud and clear.

I would like to refocus on some of these questions. The other questions I want as many questions answered as possible. So.

Nick Williams 1:12:38
Pardon me, I just ask something really quickly.

Megan Easton 1:12:38
Thank you.

Nick Williams 1:12:41
Just before we move past that because I do have a concern, I do have a very legitimate concern that I'd like to just quickly voice.
So when I brought up some it'll it'll be fast.

Audem Gonzales 1:12:48
OK.
OK. Really.
Oh, sorry, sorry. I thought you were the applicant.
Sorry, I was gonna cut you off there, but please continue.

Nick Williams 1:12:54
So sort of just going off of what Savannah said.
Earlier, not even 30 minutes ago, when I initially brought up the concern about that meeting being a part of the public record and minutes being taken as well, it was very quickly dismissed with you stating that that would be a part of the public record.
But now in.
Responding to a similar question, you're saying it's just a collaborative meeting between us and the developer?
So I think that there's an issue of transparency and and a lack of clarity between those inconsistency between those two answers.
So just point blank.
Which is it?
Is that a part of the public record where residents who couldn't make a 5:00 PM time tonight?

Audem Gonzales 1:13:27
It is.
It will be part of the public record we are requiring minutes to be taken and supplied as part of the application.
That will be part of the public record, yes.

Nick Williams 1:13:37
So it will be recorded then and shared as a part of the review process with every committee that use it, correct?

Audem Gonzales 1:13:45
Yes, absolutely. It's not required, but we will make them submit it and share it.
Transparency's a huge thing here. I agree with you.
The the applicant is saying they want to have the second meeting.
The town is encouraging it and yeah, let's get more minutes on that, absolutely.

Joshua Huene 1:14:13
I guess I would ask you guys what is the best way for us to communicate on finding a time and location for an in person meeting?
I'm not sure if I you know, I emailed.

Megan Easton 1:14:22
Deeply.

Joshua Huene 1:14:23
Everyone has my e-mail, my personal cell phone. Anyone who has received the application via mail, which hopefully everyone did.
So everyone has that information to reach out to me, to coordinate it. The five or six people that did e-mail me, I responded and asked them to provide dates and times, and no one has responded yet. So I'm not exactly sure if I should just pick a date.
And time.
At 7:00 PM, when someone's when when people are are, are or if you guys would like to collaborate and find a date.

Myself and the Easton's will be present and we're happy to continue to have this conversation.

Patrick Berrend, NCARB, AIA 1:15:06
Josh I I would be willing to participate. As I stated previously with you in earlier conversations, I would.
I would urge a couple of our neighbors at least a handful of us, to also participate.
So it is a broader forum. I would suggest you know midweek evening after work time a reasonable time.
Six 6:30 PM maybe at the local coffee house or something like that where we could all chat or if.
The per.
M.
Savannah's request.
Maybe we could do something at the town hall.
I don't know if town Hall would make make the meeting room open for that type of forum.

Audem Gonzales 1:15:46
Yeah, we can definitely discuss it on our end.
Initially we had thought the developer with the residents build that relationship, but it sounds like transparency is a big issue here and the town should be aware of communications.
So maybe we do bring it back to town hall.
I'll run that by my team and I'll get back to the applicant on that.

Ron & Heather 1:16:06
Thank you.
Thanks.

Joshua Huene 1:16:08
I'm I'm hearing after 6:30 PM.
Is that acceptable to everybody?

Ron & Heather 1:16:13

Yes.
Yeah.

Joshua Huene 1:16:17
OK.

Audem Gonzales 1:16:19
Really quick, there was a question that I I want to answer.
It was about the PUD, I believe.
Mr. Swetnam, you asked the question if there is apud on the public zoning now, what is it?
How does this new PUD conform with the current PUD?
Just for clarification, the existing PUD does not have regulations that PUD never had a PUD document associated with it.
We call those ghost Puds.
We have a few around Frederick.
And they get really complicated.
We have to apply the base zone district versus PUD standards.
So again, this application is to fulfill the PUD and bring in the PUD zoning document with standards.

Nick Williams 1:17:06
I'm sorry, I've just been able to get into the meeting because of the early start time, but this is Carrie Osmanstad.
I just want to piggyback on what Savannah stated because I feel like that was really gleaned over and I think in order for us to feel safe to do a collaborative meeting, we need to understand how this process, this go round is going to look different from the.
First, because I have to tell you.
Right now, we don't feel safe.
So how can we be assured that this go round we can feel safe to have our opposition or our collaborative meetings or whatever that may be, so that we do want to come to a table and talk with you?

Joshua Huene 1:17:56

Gary, thanks for the question.
It's Josh.
I mean, I I I don't other than a move forward strategy.
I think the interactions that you guys have had with me hopefully has not been confrontational.
If anything, I'm open to conversation.
I think the eastons are as well, so I don't know how to give you a guarantee other than find a form that's comfortable to everyone, whether it be the town hall or whether it be the rec center.
And you know, I I can't speak to the safety concern.
S.
That other than you know that's I'm hopeful.
For a better conversation this go around.
I mean we we want to find reasonable development for this.
We try to.
We try to find a project that most people can get behind.
And and that will complement the neighborhood with all these issues, the alley and the trees and the, you know, the, the, the other items.
So I'm open to suggestions and ideas Carrie.
I mean, obviously it's, you know the I I can sense the frustration and I'm not sure how to work through it.

Audem Gonzales 1:18:54
Yeah. So the town takes safety very seriously.
So just hearing that word triggers may, maybe we do have the next meeting at Town Hall.
Again, I'll run it by my team leadership and see if we can coordinate that.
We don't want any resident to feel unsafe with their lining applications. Absolutely not.
So we take that very serious.
Patrick Baron 8 inches is for weeds, not just turf grass.
We have it elsewhere in code for weeds and that's how we go out and enforce properties when their weeds are over 8 inches in height.
Brock Sweatenham you talked about a ghosted. PED probably had open space again.
There were no regulations with the previous PUD.

This applicant is trying to bring in regulations for their PUD open space. Patrick Baron again.
You're stating should not be allowed to be waived.
Applicant please take that into consideration for your application.
Are there any other last minute questions before we close this?
This meeting, I think we've answered most of the questions.
There's a lot of tree stuff.
Cassandra, I believe you had some questions or comments about native trees applicant, I urge you to please read through their comments.
There wasn't a question on that one.

Megan Easton 1:20:24
As far as the trees, just during our planning meeting with the, I forget her name, but she was part of the parks and open space.

Audem Gonzales 1:20:32
Sarah Barnard.

Megan Easton 1:20:32
She. Yeah. She had mentioned that the cottonwoods are not.
I I I can't remember the words she said. But.
They're not preferred or I don't know if you can buy cotton producing cottonwoods anymore. I I don't know.
But she they were very opposed to the cottonwoods. Yeah. And I think at the end of the day, the reassurance would be that when, when it's all said and done, when we go back in with our landscaping plan, that we're gonna plan more trees that probably are there.
Now and then they would be to a mature level and and nice trees.
Obviously, they're not gonna be the size of what's there now, but they they would be.
Typical of what you would see.

Audem Gonzales 1:21:23
A suggestion would be your PUD can also mandate species of trees and plants. You

can list that in your PUD as well, so you can ensure specific trees and plants get planted.

Savannah 1:21:38
There were two questions. Oh, sorry.

Megan Easton 1:21:38
Yeah, we we can.
Yeah, we considered that. But we were just at this point we were going to go with the town's minimum as code.
'Cause basically the PUD is anything that's an exception.

Audem Gonzales 1:21:54
Yeah. Or to lock it.

Megan Easton 1:21:54
But we have to.
We have to submit a landscaping plan in addition to.
The Architecturals and engineering.

Savannah 1:22:07
There were two questions I put in the chat that weren't answered.
There was a traffic study done.
Do you know when that was completed for this project?

Megan Easton 1:22:18
During our pre application meetings with them and that was, I believe 3 traffic studies were completed.

Savannah 1:22:26
OK. And so how long ago was that?

Megan Easton 1:22:29
That was in.
The last one was in April or May.

Savannah 1:22:36
OK.
And does it go along Maple Street then?
'Cause I don't ever remember seeing any sort of.
Surveying or anything being done on Maple St.

Megan Easton 1:22:49
Autumn would have to speak to how the town engineers produced that study.
I believe with this type of size of project they didn't need to do any in person, but that would be on autumn and Bailey to speak to that.

Audem Gonzales 1:23:02
So the town does not provide traffic studies for private development.

Savannah 1:23:06
OK, I would.

Audem Gonzales 1:23:06
So if you did, if you did provide a traffic study, then that is on the applicant to provide the study, not the town.
So unfortunately I can't answer that.

Savannah 1:23:16
OK.
I guess I would be.

Megan Easton 1:23:17
But the town engineer did something.

Ron & Heather 1:23:18
We're just not gonna do that.

Savannah 1:23:20
I mean, I guess I would be curious as far as you know the I guess the most accurate

would be during the school year and on Maple St.
I mean cuz during the school years when there's the most foot traffic in front of that area as well as Rd. traffic. And I mean there are cross streets there. I mean tipple is extremely busy, but I would be curious as to see what the traffic study would.

RH **Ron & Heather** 1:23:34
Thank you.

S **Savannah** 1:23:42
Say about specifically Maple Street during that time frame.
The other question I had.
Was with this being an affordable housing option for 55 and up residents, what would be the proposed monthly rent for these two-bedroom 2 bathrooms?

ME **Megan Easton** 1:24:01
I don't think we've gotten that far yet because with the amount of timeline that we're looking at before they'd actually be ready to rent, the market could be much different at that point in time. But maybe maybe we look into it a little bit, I mean it.

S **Savannah** 1:24:17
I mean, I would.

ME **Megan Easton** 1:24:17
Hard to project if if this is going to take us to 2 1/2 years to get through, we don't. We have no projection on what the market is in the future.

S **Savannah** 1:24:26
OK.
I was just curious if there was gonna be like a set amount if it was considered affordable.
Senior living, you know, or what? The the amount would be to have it be a prop profitable.
Area for you guys to manage.

ME **Megan Easton** 1:24:43

Yeah, I don't think.
I don't think we've gotten that far yet.

Bailey Arvizu 1:24:47
I I am gonna jump in here now because we are well over time.
So we will need to wrap up this meeting, as many of you already know, everything commented on, discussed chatted, all of that will be a part of public record. The town will provide a response regarding whether or not we can host another meeting in person out town hall.

Megan Easton 1:24:59
OK.

Bailey Arvizu 1:25:07
So that's a follow up, but the applicant will continue to coordinate with.
With residents on the best date and time for that.
As a possibility, additional public comment can always be made by e-mail to the emails included on notices that were provided staff emails and applicant emails are also out there.
On the town of Frederick website you can find many staff emails. If you need to locate it that way, applicant has provided emails to multiple residents and I'm sure that can be distributed if necessary. But yes, it is time to wrap up.
We do appreciate your time and everyone being here again.
These are always great opportunities for.
Collaboration and for taking public comments, addressing questions, concerns.
So thank you all for being here.
We look forward to additional meetings in the future.

Ron & Heather 1:25:58
Thank you. Thanks.

Bailey Arvizu 1:26:00
Thank you.

Megan Easton 1:26:00
Thank you.

Audem Gonzales 1:26:02
Yeah. Have a good night, everyone.

Tonie 1:26:03
Thank you.

Bailey Arvizu 1:26:04
Can I?

Bailey Arvizu stopped transcription

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frederickco.gov

Neighborhood Meeting Minutes

Project Name	Maplewood F2 Amd A L1 – PUD – 320 Maple St
Project Location	320 Maple Street
Meeting Date	9/11/25
Meeting Attendees	
Town Staff	Ali van Deutekom, Planning Manager; Audem Gonzales, Senior Planner; Bailey Arvizu, Associate Planner; Justin Ritter, Neighborhood Services Coordinator; Robyn Brown, Development Review Engineer Coordinator; Robert Aronoff, Oil and Gas Liaison.
Applicant Team	Joshua Heune (joined in-person), Representative for JJ Investments – Land Owner Scott Easton (joined in-person), Representative for Easton Homes – Home Builder Megan Easton (joined virtually), Representative for Easton Homes – Home Builder
Neighbor Attendance	15* *see attached in-person sign in sheet and virtual attendance report
Meeting Notes	
Exhibit A – meeting transcription by Microsoft Teams. Exhibit B – meeting summary by AI. Exhibit C – virtual meeting attendance report by Microsoft Teams. Exhibit D – in-person meeting attendance sign-in sheet. Exhibit E – summary of comments collected during breakout groups.	

Meeting Notes should include (LUC Sec. 4.5.2.e):

(1) The substance of the comments and questions;
(2) How the Applicant has addressed or intends to address the comments and questions; and
(3) Comments and questions the Applicant is unwilling or unable to address and why.

Exhibit A

Neighborhood Meeting - 320 Maple Street [In-person]-20250911_190021-Meeting Recording

September 11, 2025, 1:00AM

1h 21m 46s

Bailey Arvizu started transcription

Conference Room 0:04

So she's she's.
She's not.
Standing up, you can't open her eyes.
I know.
I thought you were gonna say something.
I know. OK, everybody.
We're gonna get started to respect everyone's time.
Thank you all for being here.
I just wanted to say a few words before we get started.
A really, really appreciate your engagement in this process.
As we've struggled for a lot of years trying to get people out and hear what they want to say about development review.
And so thank you for being here. We see your passion. We want to hear all of your thoughts and keep it coming, please.
I just wanted to clarify that there has been no submittal on this project.
So staff has not done a review on the project, so we won't know a lot of answers this evening because we haven't had a submittal come to us.
So tonight is for.
Voicing their concerns, asking questions, adding anything you actually like about this project.
Finally, we're here to listen to all of those ideas.
We're not here to come up with solutions this evening.
Also, I just wanted to clarify kind of Staffs staff's perspective. So staff works for you, all staff works for our elected officials, staff works for property owners.
So we're in this, the middle of this, right?

So we try and listen to all these different sides that come up with some sort of a compromise, some sort of a solution that can work the best for the most of us, right?
Staff doesn't care, really, if a project gets approved or here to ensure that it meets the code and it's making the community a better place.
So we don't pick the projects that come in the door.
We are gifted, whichever one comes in the door on a day and then we try and facilitate the process forward.
Let's see.
So we did appreciate a lot of the commentary from the last submittal on this property.
I know that there was some frustrations.
People felt like their voices weren't heard in the process, and maybe some of their questions weren't addressed, but we're going to try something a little different tonight.
You'll see how it's set up this evening, so bear with us.
It's the first time you've ever attempted something like this, but the point is.
That we want to hear everybody voice and we want to make sure we capture your comments exactly how they're coming.
So I'll turn it over to Adam, who's been the planner on this project to explain more, sure.
Thank you for that.
So tonight's agenda is going to be the introduction of Borst.
Thank you. Followed by a brief presentation by the applicant.
We have some people online that will also be able to see the presentation on the screens.
Following the presentation will be question and answer period.
You may ask the applicant questions about their project.
Get those questions answered and then we're gonna do about a 20 minute breakout session with this paper in front of you where we're going to ask for your opinions.
What do you like?
What don't you like? What you concerned with?
What questions do you have?
We're gonna capture those on the paper and then in about a week, we're gonna have available on our website.
A synopsis.

So those questions and potential answers for you.
So if you look at your tables and for those online, we have this handout where you can access the video recording where you can access the meeting minutes and where you can access all the information that we get tonight.
Again, like Allie said, the goal is to capture everyone's thoughts and opinions. They matter.
That's gonna be part of the public record for this project.
We're also gonna give that to the applicant.
So they are 100% aware, aware of what the issues are from the residents.
So with that, we're now gonna transition over to the applicant's presentation.
Joshua, come up and present.
Microphone or no?
Just speak loud needed, OK?
Hi, guys.
Thanks for coming out tonight.
Josh heeney. This is my son, Joshua Heeney.
He's over here listening in this evening.
And Scott Easton, you guys probably met Scott on the on the conference call last time, but he and I are partnered on this project.
This has been quite the journey, so I appreciate the involvement.
Probably should have done this back in January, but Hindsight's 2020.
I missed that.
Obviously, we didn't know what exactly we wanted to do back in January, but come springtime, we kind of found a partner to help us do this.
This request is very specific. As you may know, the PUD outlines it could be very specific.
We changed some of our configuration.
Based on your feedback from last time, so we want to present that to you tonight and certainly more feedback 'cause we are looking for a project where we can find some common ground to where something might be feasible. We wanted to complement the neighborhood. I mean I appreci.
You know each of you that back up to the neighborhood and or back up to this lot etcetera.
So. So with that, I'm gonna go ahead and share my screen.
You got that, Billy?

Let me run a presentation.
So tonight's discussion is on the PUD.
Again, we're still in the planning phase.
We have not submitted an application because we wanted to do this a couple times with you guys and just get really good feedback and and try to address as much as we can in in this submittal, what does the PUD mean? I think Mark you asked on that.
Call last time is. It's very specific, so whatever if we get approved, a rezoning letter or the rezoning document is what it's called.
Will a builder, whether it's us or someone else?
Would be required to build based on these specifications.
So there's no ability for them to go and change it unless they choose to rezone, they could go back through the process again and and seek an R2 or something else if they desired. But I think this is a planned unit development.
It's obviously defines a land use is allowed within that stated area. It limits what can be built.
It ensures the design principles are maintained and it protects the impact of the surrounding community and economy.
And it's obviously useful to.
Tool because this is a very unique property, an open lot in the middle of an established neighborhood.
So it's not like something that's on the fringe of town, so certainly recognize it's very unique and that's why, you know certainly this this request is very.
Unique in in in that manner you guys know the lot 320 Maple.
You know, we're still.
We still like to do the same concept. The four duplex buildings, the two units per building, 88 total livable units. We're going to keep it one story in ranch. It will be ADA accessible.
We still do not anticipate any concerns from fire department with kind of our new redesign.
You guys know the utilities are present.
The water is already there on the lot and it's important to us and to Scott as well.
Is that you know this. This compliments the surrounding community and and looks and feels like.
Like you guys want it to. And Frederick, what we did based on your feedback is we did eliminate the private drive in the back.

And so we were able to reengineer the properties to where the driveways will now come out on Maple and look similar to kind of some of the other homes along that street. We are, we want to preserve as many trees as possible.
We think we know we can on the fringes on the north side and the South side specifically.
Most all of those trees we can, the two in the middle are gonna be tough to to to preserve.
Based on the based on the development you guys gave us that feedback to preserve as much open space feel.
So instead of that private drive in the back, we're gonna keep that kind of dedicated open space. In other words, just to be a land buffer between the residents and Linden and kind of where that private drive was.
Now that's just gonna be all just grass.
We're gonna maintain that area, but it's just gonna be, quote, open space for that for that development.
So you're not gonna.
Hopefully we alleviate the noise and the and some of the concerns that that a lot of. Folks on Linden St. had.
We did clarify that the traffic impact will be evaluated during the planning stage. So should this be approved, the PUD approved and Scott and his team will go through a whole nother planning process in which you know the traffic will be considered.
Obviously the fire department all the.
Other requirements to to to complete the to complete the build and then I know there was some concern from multiple residents about renters versus owners.
And you know, we still would like to do a 55 and older.
Community. It will be maintained by a management company and the Nice thing is it all be maintained.
So we're gonna mow at the same time. We're gonna maintain it.
We're gonna landscape at the same time. I do think there's a lot of residents who prefer to have a maintenance free living situation in that demographic.
So I think it's an alternative to owning a home or an alternative to living in a high rise condominium, potentially. So I we do feel like there still is that need.
We actually have a number of families that are very interested in in this concept and would like to live in, you know.
In in in a development like this.

So with that, I mean this is kind of the the, the meat, the potatoes for tonight is we were able to do away with that private drive coming off 3rd St.
You can see that the driveways now come out on Maple and we're able to keep that land buffer, you know, instead of that private drive.
Now we have that land buffer that hopefully allows the folks on Linden St. to have a little more.
Or or prevent noise or or traffic.
Kind of in that back area.
You guys, you guys understand what's around, you got the quadruplexes, you know, on the one side you have R1 residential and obviously the daycare which which is gonna continue to be at at that location as well.
Well, so that was really the the update that we had for you guys tonight and really just wanted to hear from you guys thoughts on this adjustment and kind of have a conversation.
Scott, do anything you want to add to this? I think you nailed most of pretty well, but.
You could see that kind of shaded area in the back that's open space that was mentioned. You may have seen the initial renditions and the signs have been posted of of kind of how they look.
Which, even with the driveway in the front, we still preserve that general look of the homes and have them coincide with the older homes that are to the east. So that look will be preserved, although we did put the driveways front. So you just, sorry.
And I'm glad for the neighbors on Linden. But you just got to problem with the people in on Maple St.
Yeah, we can go ahead.
That's about all I have. We can open up.
To yeah, somebody else.
Oh yeah, we can open it up to questions, but we kind of anticipated that you know so well, the elevations won't look anything like your your mock ups.
I can.
I can make them look pretty simple.
So there's no varages on the face in your mock up, correct?
Correct. It'll be garage plus half a face, right?
Yes, yes.
Where is your renderings are no branches.

Yes. And before when we were seeking R2, that was a requirement was for the R2 to have that not requirement. But that was a suggestion to have.
The the private drive in the back and then have you know that that's what an R2 would look like versus an R1 obviously would have a driveway in the front, a typical residential home.
So during the planning stages when we were in the R2 concept, they encouraged kind of having that private drive in the back.
It certainly hurt a lot of negative feedback about that with traffic.
And noise and other things that like, well, we can do it this way too.
So you know, there's, you know, some people are gonna like this way. And there's other folks on Maple that aren't gonna like this way.
You know, if they don't wanna be looking at driveways and garages, but open up, can we have a resident state their name we are recording.
Oh, we want an accurate transcript so you can state your name to ask the questions then moving forward.
Showing merit.
Patrick Baron resident.
I still have the same question. First time through you're receiving an R2. This project that's configured today as it was configured before fit R2. Why are you seeking PUD specifically?
We felt like R2 was too general.
I think there was concern that it was going to be more dense or typically a different type of build to your point if it got approved at R2, we could build this certainly or we could build something else that was within the R2.
Requirements. So I think we heard loud and clear that there was concern a bigger, larger two-story potential. You know complex could go in there if we felt like that was the feedback.
But it's our two is coming in current with the site plan application.
The site plan application would commit you to all of the other things.
What are you deviating from R2?
That you need a PUD for.
Are there specific deviations for a mother?
Are two setbacks massing that you are doing specifically in this project that required to do R2 or procedurally? I understand for the town, but there's not an application procedurally. Do they have to do the PUD to lock them in there and just run the site?

Plan conc.
With an R2 zone.
I don't have that answer.
I can get it for you, Patrick, but my understanding was this would be very specific. So you guys would clearly understand what was going to be built with apud. The R2 certainly would have options. This would like lock us into this, I understand, but so would running a site plan concurrently unless I mistreated the code. Staff opine on that without an applic.
Present please.
This question has been on the table since the very first meeting.
And I asked staff in writing, I got no response because there's no application.
I merely asking staff.
Please interpret your code so the way public can understand what we're looking at.
Sure, the current zoning district is people that does not fit understood.
Any residential project moving forward needs settlement that supports residential or apud that supports residential current.
That doesn't answer the question.
The question is the first time through they were seeking R2, which supports residential.
What is different about this application that needs to customize level of PUD?
Are these seeking to deviate from something that would otherwise be allowed in R2 that can't accomplish with straight R2 today?
That's not my understanding.
My understanding is we needed the PUD to be very specific without running the concurrent application because last time it you know we obviously did not do it with the concurrent application. But this would even be more specific and would protect. You know, as you guys consider this, this would lock us into this type US or anyone else into this exact build versus the the concurrent application.
Yeah, I understand from the applicant standpoint what?
What about St. R?
Two zone does not work here. If they if they submitted a site plan application with this very product, the product we saw in the last meeting, could they have brought concurrently and been knocked in with out the umbrella of the PUD policies?
I think that's a pretty straightforward question. The previous project was.
Denied to use a better for work.

To standards that apply, it's probably just not.
The app seeking to fulfill a PUD zoning document to allow residential or teams off the table.
That was denied.
Alright.
They could have done this exact same everybody, all the neighbors who were here supported this project, but it was too broad to go. R2 without a site plan. It's on the record in the board of Trustee hearing as well as the previous Planning Commission hearing that they.
Could have chose to run a site plan application concurrently with an R2 rezone request, and it would have locked the two together.
Why is that not the strategy now, and what is the applicant proposing? Since there's no application, I can't ask the staff that I get that.
What is the opt in proposing that's different from R2, or where we misinformed during the BOT hearing, the Planning Commission hearing?
That they could not have locked these two together by simply doing R2. That's still a mystery.
Are you seeking something outside of the bounds of open space or setbacks or passing or barages or garage fronts? In this case, there's other things in R2 Zone district regulations about a percentage of the building. If you have front loaded garages, there's certain percentage of the house.
Behind it, there's a certain width that has to be achieved.
So are you seeking the PUD to deviate from those standards, please?
Not not to acknowledge no.
Yes, at the end of the day, I understand your question, but at the end of the day, this is what we would like to do. And so whether we go that route, this route, I'm not really sure how that's gonna change this or or maybe the outcome of.
What we're gonna do, because to my knowledge, we're not changing anything from.
We're not trying to do anything other than what you see here or outside of the R2.
I'm sorry I'm not getting an answer again.
Yeah, I I wish I had better clarity for you, but my understanding was the PUD.
Be very specific.
It is versus the the general R2 that we applied for.
We were not prepared to do a concurrent application in January, February. I understand, but we're past.

But I I since it's being denied just the optics of us going for an R2 again, you know. And then with, I don't know if it's the optics, but I just heard you know what I understood was this would be very specific and we would know exactly.
What would be allowed to build?
Which I thought would be more receptive versus, you know, an R2 which could have, you know more, I don't know. But POD also allows you to deviate from other standards that would otherwise be there in R2 Zone district.
Am I correct in that?
Anybody answer that?
It doesn't like anything you want.
You have to request modifications or that's it.
Yeah. OK.
So are there any other requirements that you are requesting to deviate from that would otherwise be in an R2?
No, not my knowledge, no.
And we met the greater than 50% on the garage door versus the face of the home.
So we we met that requirement was in as in R2 we are not aware of any of that.
Is to answer your question.
So I I have another question.
If there's two residences.
Per per unit that I'm looking at here, are there 2 garage doors on the front?
Yes, each each unit.
Self garage garage door. Are they singles or double S now? It'd be a 16 foot wide by 8 foot tall per dwelling unit.
Exactly.
Yep. So it's divided 32 feet of garage doors for each building.
Yeah, I don't recall the percentage, but it was.
Well, well.
Because there's a table peak on the front similar to the.
So the dashed lines that back up to the fences on the London properties, yes, that is green space.
And what is between the green space and the back proposed units?
Those will be their individual backyards.
Patios, yeah.
Grass. You know, potentially small deck.

I don't know 'cause the porch will move from the front to now in the back.
So when do you do you plan to have new renderings to show what this would look like?
Well, we wanted to wait and get feedback, but yes, I mean it's basically gonna be the same look and feel of what's on there.
But now we have to add the garage doors to kind of to to make it look.
So yeah, Scott is prepared to do it, but we certainly wanted more feedback and conversation tonight before we reengineered it again. I guess part of the conversation is option one or two, you know, like we could do it both different ways.
And we're open to that.
The general feel be the same, but we can we can certainly tweak the render.
We can put a little shed move awning roofs over garage doors.
There's like a architecturally there's a lot of things that can be done on those.
Just time spent doing that.
So we wanted to get the feedback.
Before we start.
Dressing that up in different ways.
My name is Sabana Bingaman, he said.
There's a an option one and this is option 2 with option one.
You said that in lieu of open space, a certain dollar amount or percentage was being given up to.
Kind of make up for that difference of the space. Is that still being done with option 2?
No. We meet the 20%.
So that dotted line is is dedicated open space.
We cannot.
It cannot be developed. We cannot.
I mean, people will use it for.
Picnics or grass area?
So an option to there is an in lieu of space, but seeing a certain dollar amount per percentage being given to the town with the development.
That's correct because because we met that that, that grass requirement and the 55 and up community, you said that there's going to be a property manager. And I thought the first meeting that eastern homes was going to be the management of those rentals. Is that still the?

Plan.
Well, we'll manage it.
We'll be under our breath.
Maybe a property maintenance company?
We might not self performing maintenance.
But we would manage a maintenance company.
So would you guys be the managers?
How are we going to meet the invented by the requirement?
How is that going to be managed with renders go to questions. I actually by being renters, we're going to screen them through just like any rental, you have to have a background check.
They'll be screened. And so that's a way we can manage who's gonna be running and who's gonna be in there.
Those are not percent.
No, they're gonna be for rent.
Which all owned by 1 entity.
So we're managing who's in there. So first being for sale, you can get any sort of person, any age, any demographic, anything you can think of.
With our model, we're keeping our arms around.
You know who's gonna be in there renting it.
Will they be getting restricted?
Deed restricted. That's how you oh, that's how you lock in an age restriction. Not just say it.
You need to restart the property so clouds title. You could do that with ownership or with rental. OK support for rent product.
I support 55 and over.
I don't support saying it today and then tomorrow it's not.
So would that something that no, that's great.
Yeah, that's good info.
We we I didn't.
We'll take that note, I mean.
Yeah. So it's, I'm not a developer, Patrick, but I've got people around me can get answers.
So, but no, you bring up a great point.
That's the intent.

We're not.
I'm not developed either.
Yeah, we're custom home builder, you know.
We're working together to try to make something happen. We don't have all the answers, so certainly that's a good idea.
We can look into it and then management concerns with any rental projects. You hear them everywhere is maintenance on, on rental product.
To foreign product, if you have a management company or your own management company or and everything is done well, you essentially right into the PUD effectively like an Asia way type deck.
That's I didn't realize it's on a joints or not owned, right?
It's something like HOA covenants that you, the manager, the workers managing this company long term.
That shall keep up the property, and if you have renters who create creations, you're ground, or any number of things that would be outside of the ordinance.
What challenges that you would be making now?
Yeah. Given that it's rentals, yeah.
I guess to follow up on that, with the 55 enough unity, I think in the original application.
I know we're past that.
It was made to kind of seem like a senior living and it was a question I posed in the virtual meeting. 55 enough is pretty broad and I guess I'm just wondering what was the, what was the reasoning for 55 enough? And in my mind that.
Not retirement.
And that's not seeing her living.
So what is the 55 and up that makes you think that?
That demographic will be a more reliable.
Tool. That's good question.
Yeah, I did.
The terminology senior and retired and all that.
It's all just terminology.
So we just decided.
You know what?
Let's scratch that because some people are still working well into their 70s.
So we just said 55.

And the reason for that is we hope that a person that's at that age #1 is responsible enough to.
Pay rent and take care of their property.
We didn't specifically.
We didn't want the first time renter kids that just got out of high school coming and rent these.
That's that's absolutely what we didn't want.
It's blasting loud music late at night.
You know, I'm, I'm thinking.
I'm just speaking from my opinion. Some of this 55 year old or isn't going to be having parties and having their buddies over late at night.
They're going to be, in general, just more mature and more responsive.
So so we picked that age and we kind of got rid of the terminology as far as senior and and and all that and that was that was really the reasoning behind it also from a marketing perspective, a lot of communities are 55 and up it kind.
Of matches it you know there's not communities or 65 and up or anything.
It's usually 55 and up, so I think it just gives us an alternative for people who want to live in neighborhoods, want smaller development, they can live in these units versus the the larger buildings, so.
Yeah, actually.
His point?
We've had some feedback through people.
We've talked to that. You know, they're they're looking for maintenance free.
Maybe they are still working.
They're they're gonna be ADA, but maybe they.
They're they just wanna work and enjoy their lives.
They don't necessarily wanna maintain shovel snow anymore.
They just wanna kinda go do their job and come home and that's what they want.
Maybe they travel a lot so they're not home.
They don't wanna be. If they I actually just. I have a couple. They go to Michigan for three months in a summer.
They don't have to worry about what's going on with their place for three months, so there's there's those factors too. I guess just a couple of follow-ups.
So essentially the environment will only be that there's one individual in this unit.
That's 55 enough.

There's no other requirement to me, or you also limiting the amount of people that can reside in each unit, because I think that makes a huge difference. Like I said, 55 and up, there's so many people that still have young kids that young kids. Yeah. No, we.
We would.
We wouldn't restrict.
Yeah, someone's, you know, daughter was there living with them or grandchild that needed to stay with. We would limit that deck to we. But the sole renter that would, that person need to be. So as long as the the the main person on the lease is 50.
5 Enough you could have a household of two.
You definitely have a household of six as long as it's meeting the requirements of not exceeding people to rooms.
So that's what I'm understanding correct.
That's only a two-bedroom house.
So I'll be surprised if people do wait in the town of Fredericksburg.
No, there's no basements.
I don't know what the limit is. We can look at certainly look it up, but we would put in there too. And also again the benefit of running limit how many people. So we can say hey, you can't have 12 people in there two-bedroom house it could.
Be, you know, up to four people.
Here 6 or whatever that would mean we could certainly we honestly haven't haven't gone that far yet with it.
These are great questions.
I guess you know you had mentioned. This really isn't like your business. Your customer with your background in your current business that you would be able to manage it efficiently with it not being the linear scope of your business.
Yeah, I don't see the. The management is a big challenge.
I we I built 14 townhous projects.
Actually done the building, it is more of a challenge than managing it, but having managed those buildings that you build in the 14 we have managed it this relatively small Jolie Mary here. I know the lots of Colorado it is very.
It's very.
So I would suggest that maybe you look at getting somebody a property management company.
Oh, I've got a lot of good good contacts.

I certainly know a lot.
Yeah, absolutely. I have a question then so.
There can't be designated parking spots.
They, you know, will be parking along the Maple.
You know they have visitors, if they will.
Or teenage drivers.
Right. So they'll be in the driveway, but there's no other designated parking spots for visitors or anything.
It'll just be a long map, obviously.
Yeah, that's right. Maple or third, if you have an in unit.
But you're right, 'cause. They'll have two spots on each of the driveways for that meets the code or the parkings.
Unit per unit correct?
So they'll be able to get.
More cars in the drive per household.
Well, two in the garage and two in the driveway.
This channel in the back of this hand.
Oh yeah.
You did wrong. Did. Did you wanna speak, Sir?
I'm sorry.
Yes, you're storage material.
Material costs, I mean, they'll go up probably just like everything does.
Yeah, unfortunately, are you looking to service later for 1.5 million bits per what?
Ignore it.
They're renting.
There is such a thing as a final cost to build.
Sorry I was.
I had trouble hearing the last thing he said.
Talk about what?
Yes, Sir, we're.
We're.
Talking about.
We're prepared with the building costs. We we understand that within the range of you know, assuming another COVID doesn't happen and you know wood goes up 40%, but we understand what the cost of goods will be to build these units and.

To say that.
GM didn't know where they were.
Yes.
It's similar to any construction project. You have to have a contingency in there and you have to be prepared to do those costs as they go up.
This process is taking a lot of time so far, and then you get through and you go to the next phase.
So we we know that this could be, you know out here we don't know.
But you have to be prepared to to take that out.
Do you have any idea what you'll be renting for?
Oh gosh.
Haven't gone there yet. With the economics all the way up.
I mean, we understand what we need to do.
Or what? We're gonna need to get based on it, but that's.
How long would it take to build those units?
I think that project there will probably be 15 months to be ready to move into from the time we have the building permit.
So then I have a question.
What are you gonna do to make sure that the neighbors around there are not affected by other construction? That whole property would need fence around it.
Safety signs. So your construction trucks aren't gonna be parking in front of my house.
And you're gonna construction guys aren't gonna be late. Night of entry having lunch.
Sorry, I've seen this before.
That that I the apartments that were built over on Aspen, those neighbors were very disturbed with with all the construction, yes.
Yeah. And so and this is a little bit more dense than over there 'cause, they just have the one Rd. system.
So I curious as to what you're really.
Yeah, it's a great concern.
So we did, if you're familiar with the Long, Athletic Club right across the street, we did all those units.
Yeah, we could not park anything, not at St. whatsoever.
So yeah, it's all gonna be on the lot.

And and we can't be staging up in front of people's houses.
We have working hours, you know.
And all the standards, you know, concrete washouts and so on and so forth.
So that's, yeah, we're definitely not going to take all that into consider.
Ation I can interject.
Can you check if there are any questions online from those online?
Oh yeah, we do want to get to our exercise as well. So I'll keep this long.
Any questions online?
I'm still afraid to unmute questions.
Or you may use the chat as well.

Randolph, Carl 35:37
I did have any question only because I didn't hear the answer.
I heard somebody ask how long it would take to build.
I'm sorry, I didn't hear the answer.

Conference Room 35:44
From the yes.
From the time we pull the building permit, it's probably gonna be around a 12 to 15 month project.

Randolph, Carl 35:52
Understood.

Conference Room 36:01
I just have about 5 more minutes of questions, then we'll break it to the exercise. If there are no more questions, we start the exercise right away.
I had another question just about the consistency of the message problem 1.0 to 2.0 here, but you stated you were in this for the long haul.
I'm questioning why is the daycare now for sale?
Your stating last go round that you're investing in the community steward in the community. Even though you live in Castle Rock or somewhere South.
And now the daycare's for sale.
What? What changed please?
Sure, that's me and us, not Scott.

What JJ investment still owns it, and we're here for the PUD. If we'll talk to.
But we lost our tenant that we plan to have long term.
We switched tenants and just a number of variables have changed and yeah, it's not something we wanted to do, but we're we're we're looking at options for that.
Well, along with that you just try to have one by 3:20. Get rid of this. Get that albatross from around your neck.
No, it's not an albatross. No, it's.
Bogged down like this huge mortgage.
Who? Who said that? You did.
I did not say that, Sir.
I'm not tonight.
In one virtual meeting, you said you have remortgage anything to you know.
To get rid of that.
So it seems like a good opportunity if you're selling library.
Good day care.
Why don't you consider selling 320 as well?
Yeah, that's we're just that's not a conversation.
We have a great partner with the EASTONS and we're looking to develop 320.
So the daycare situation is kind of a separate.
Separate things, but separate situation.
Ready to break out into the sessions?
A staff member will accompany each table and help guide the exercise you have.
Sticky notes in front of you, pens and markers.
What we're going to ask is that you write down your concerns.
You can ask them a question format.
You can just write words like you know, density construction, anything you'd like.
Again, our goal is to capture all of your input.
Document it.
Make it available online and make it part of the public record.
So please have at it with the sticky notes.
Didn't see it.
Also, the laptop was concerned.

BREAKOUT GROUPS 38:57

Conference Room 52:02

Recall right off the top of my head.
All right.
See, I think the measurement we had on there was meaning the 20%, but.
All how wide it was.
We wanted the backyards to be significant, significant enough.
They had a couple of pets or something like that.
Keep them in their own yard.
So we kind of tried to look at dividing that up.
So it's kind of give you a minute.
I'll pull up that.
Correct. Yeah. That's what we were thinking. Yeah.
That's what we were thinking.
Yep. So would there be a buffer on that from London St. Since my fence butts up to that, your fence gonna run right along mine?
No, that's the contract.
No, no, the the open space is the buffer. If they're seeing buffer.
But was your question whether or not that's open space for the community?
Yes, that our understanding, it's private open space.
So the people, the, the folks who.
Because we can't control from a liability perspective, neighbors coming and going.
So it's private open space for those people in those units would be using that that area only the residents of of those 8 units would be would be able to use it because if you open it up to general public, it becomes a huge liability thing 'cause we.
Can't control people coming and going and what they do in there.
I guess I'm trying to figure out how you would stop people from going back there.
Well, I mean it's it's private property.
I mean, but yeah, you're right.
I mean, I think people would figure out as private property, but it it won't be developed.
So we're not, you know, we're not gonna put plants in there.
It'll just be mowed.
Grass will be a nice buffer to kind of meet the requirements of of 20 minimum of 20% per lot should be grass type area measurement. Up on my phone.

Sorry, no, you're fine.
There's also a question online if we wanna.
As well.
So I just wanna make a comment to.
Is that is just like mowed grass or something.
I sure hope that it will look better than the mold, weeds and grass that are in the field now.
No, it'd be actually landscape.
OK, right, right.
I have lived here for over 30 years and got us the worst that that lot was ever looked.
And thank you for having somebody come and ride a ride over around, but it's still.
That was actually awesome to get.
Well, we, we've been trying to keep up on it, but yes, that space, it's not gonna be like that.
It's gonna be actual irrigated. Yeah. Yes. Our last tenant used it for the day care.
That's why they fenced it in for the kids. But the current tenant does not need it, nor want it.
So it it was neglected and I apologize, we should have done better at that.
But yes, when it's professionally managed, it's gonna be mowed.
And of course, kept up.
And you know that obviously will will be a substantial improvement.
Let's get this right here.
Doesn't say it just says how many square Karl you can go ahead with your question if you can give me a report.

RC **Randolph, Carl** 55:15
OK.
Thank you.
Yeah, I wasn't sure when to jump in since I'm online, but yeah, I guess I was just going back off a clinch question about like having it **** right up against those houses on Linden St.
I know that the open space is the buffer, but like will there be a second fence? That's like pretty close to that fence that currently there that separates those houses to that space or. Or is it literally just the open space up against all those houses? Fences.

Conference Room 55:40

Like would you put another fence next to the privacy fence?
I.
I don't know what the condition of those fences are, but.
They're all kind of different. We haven't thought that deep into it. Probably initially was just to put the fence at the back yards and then leave it open to the existing fences.
And I did look that up too. It was.
It's I don't have the whiff, but it's 10,500 square feet of space.
So what's the buffer zone that I can work on my own Ben?
So I can actually upkeep.
The maintenance on my first, that's actually also the question behind the child.
I don't know that answer allowed on there right now. If my friends do that, are you gonna go put the back up for me or?
How is? How does that work?
I don't know the codes and laws to like how to because right.
Good question.
You put your fence on a property line.
How do you access it?
Strong window, yeah.
Yeah, you know what? If my offense does blow down, are you gonna go out there and pick it back up for me?
Or am I gonna be allowed to maintain my nice?
Is that?
Yeah, I know.
I want you to maintain your nice balance and well, the last time, you know, concert poll and I wasn't loud out there, permission was denied and police were involved, which is really unfortunate because yeah, that's not how we're gonna treat. It's a fence.
That's not.
Yeah, look, it does.
Yeah, that's not how we wanna. We wanna operate like neighbors. Like, if your fence between your neighbor blew down, he'd probably let you come fix it.
That's we wanna be that are looking go with the bristle.

Yeah, place. Figure that one out.
Really, if someone called us, I would.
I would welcome that.
So I should go fix your fence. You know, as long as it wasn't being abused, you're walking your dog every morning on it or something.
Just from a liability perspective, we're not allowed out there to fix my fence. Yeah, absolutely not a good word. If I give you a phone call.
Yes, you've got my number, my e-mail and please text me.
Yes, I would love some good at the other half other. Jay, let us know.
In case, yeah, you're gonna be working with me.
You move it forward so he is not involved on this project, that's why.
You mentioned an optional or an option to an option is there.
You know, is there another option that has good attributes of both?
I think this option is radically improved for the benefit of the Linden neighbors, and I was really urging that in our last meeting.
The last meeting, it wasn't Even so much to drive along the back.
It was where the drive was on, along the back lost the parking spaces that were literally.
They're facts are having an issue on street parking in addition to two car garages for as opposed to 50 by plus two-bedroom homes.
So I I really wondered about having four cars in in a 55 plus community.
Posture 2 on in the garage, two off St. given this is APD and you can write your own regulations for setbacks and things. Is there a hybrid that accomplishes more the street front architecture because you have such a good lot old tomod is 125.
Feet minus the tower, right?
Which is 16 feet.
You have 165 feet to deal with. If you push your previous architecture.
Hide to the front.
Not unlike the mystery townhomes across from Chris Park, very close to the street. Really good St. front architecture, front porches on the street. Lots of families walking their kids to school there today. You could still have garages on the rear. You could still, I believe, get a buffer on the back. Frederick Fire allows you to have that dead end or not.
I think that could be an option for you.
That might be the best of both worlds for both sides of the floor.

Yeah. So we actually this is kind of drive me in here because you can push.
You can push.
You're writing your own setup regulations.
Which which those front porches?
Almost typed the Navy St. sidewalk out of your driveway in the back.
They still get their buffer and then I feel that's kind of a works, but your buckler's going to be.
Probably deep. And then the garage, that's are the 16 doors on inside.
Excuse me. Then you have the the street front architecture. I'm wondering if there could be a quick concept explor.
Ation just trying to find common.
Cause we couldn't go here on 3rd St.
One's incorrect.
Let you know. Obviously flooding into the data property can't drive.
Consider so like you know this is one or two but 1 1/2. You know play with it, but it's just you know this this particular private drive that you're taking for the other one.
Just measurement, I'm not sure.
If I recall, last time you had parking spaces that were here Pop St.
So those had to be at least 20 feet deep.
Because they were like this.
Yeah, they are required.
You have to have two parking permits.
Reports per unit.
Well, my understanding is Rush +2 St.
I don't think no, I don't think so.
I can verify that.
They thought, yeah, we're gonna lock St. fits off St.
There's two off St. whether it's garage or circle spray.
Yeah, it's not for because we thought we had to have a generic way to be able to put it.
So I understand.
The best case and could bring drive closer to maintain that and bump.
But you're saying the drive can editable.
I'm saying this must be a fire code because it's 380 feet long.
I can't get that.

This way apart.
Sending out this great love it for our projects.
I would think I would have to come back out today because you cannot turn a fire truck there.
You cannot back a fire truck up there.
So my we we had a we basically asked that you tell us they can't fight fire from above streets we have to fight fire from private property.
But it doesn't.
You might be right.
I'm sitting there for these houses.
That's a whole neighborhood, so private, though.
There's no.
There's no common driveway behind the linen St. homes.
Hey, babe, I can't.
I can't see you.
Yeah. So it's great they allow that and stay down and they say great on that.
I think you've accomplished.
Yeah, I don't wanna pay for it.
When the neighbors left.
I understand the English.
Surgery.
That's really goes in.
There the last time, very little. But that's if it's QD. They can write it any way they want. It's zero. Have this.
Waking up front, gorgeous.
You know, honestly, it's been a graphic, isn't it?
Very paining point.
We at least have a street even between us.
I'll take the parking we do have.
In this case, when you have.
All these garages, all the garage, garage. How tall are these?
Yeah, the top of the table top.
Or.
Which the White House across the street from the house, 26 feet off the it's two Storey.

It's really tall.
Well, I mean, at the peak it would be able to gamble across street is 26.
And it's even below.
It seems to be.
So I thought these were the last elevation to show. These were like 19.
Hey, you're fine.
Well, yeah, we didn't.
I know we didn't go over six.
What?
What is my name Cortana?
OK.
Bye. See you.
Yeah, I put you on the 6th floor, *****.
It's probably 21 feet.
$20.
You know, I can buy all these up.
Course, multi $1,000,000 home even with the.
Cheap.
Things, but he's going to be separated.
Yeah.
Alright, you know.
It would be his.
Not a minute, yes.
There's no junior label.
Out there essentials.
Yeah, maybe off signals, maybe near.
I will.
That's something easy to me.
They really mostly to next days.
Well, this is getting problems.
The PDA is in the building, so let's go do that.
One other thought though, is at your garage.
That's a front. Excuse me.
In the street and you've got 32 view garage door and say 40 feet of driveway and that's whatever.

Let's see that you have room to actually get your street trees and every other, because you're going to see tons of data St. trees versus where even if it's this.
At least one board architecture.
I was just wondering how many St. trees, what that potential St. Scape actually looks like when you have 40 foot of driveway every 60 feet or something.
Just those driveways would touch.
Yeah, that's what I'm saying.
That's what I'm saying.
You can place this. You're very welcome. I'll be there.
Thanks for your patience.
That's all. Thanks for your.
This already, you know, like a planned pace.
But it doesn't always have to be.
Are there any questions from the people online? Any remaining questions?

Randolph, Carl 1:07:38
Nothing remaining for me.
No, thank you guys.

Conference Room 1:07:46
All right. So as a reminder, you can share this one more time with the folks online. We have directions on how to access our website where we're gonna capture all of this input, document it, send it to the applicant. It's part of the public record. If you have other questions or comments, there's an e-mail on there and again submit to.
With that, I'm gonna.
Thank you all.
Oh yes.
Can I ask a question?
Would there be a point person or someone that I could communicate with as we talk through this cause Scott and I would love to have this collaboration as we look at option one, option two option 2.5.
That's because there is a lot of flexibility here and we wanna try to find a product that hopefully meets most needs.
There's I guess I would just ask if no one answers, that's fine too.
But otherwise we'll just we'll pick one of the three. But you know, otherwise we would

love to have more input do it.
I just wanted.
The last meeting I I'm the spokesperson for the neighbors.
I don't.
I don't wanna get that.
I don't wanna infer that we don't wanna put pressure on anyone.
Would it be nice to have put a conversation and an e-mail conversation and a verbal conversation?
Positions. I hope this is more fruitful than the last go.
Well.
The first.
Yeah. So the next step is for us to kind of submit an application.
So based on this feedback, we would kind of hone in on which option we would apply the application for and then at that point the town would review it and then once they approve it then it would go to a Planning Commission meeting like we and then event.
It would go on the board of trustees.
What? What is your timing for submitting an application?
That's right.
Review please.
I mean, in the next few weeks, I mean, we're hoping to kind of hone this in. We we need more feedback from the town.
So we haven't gotten that feedback.
They haven't even seen this this concept yet.
So what we presented tonight, so in the next month or so, I think an application would be submitted.
Do you have?
Do you have submit app? Since you're doing a site plan and a 2D, you have to sit.
So then pull in sharing for person preview.
So I think it's just the PUD right now, Step 2.
So.
On a current occurring, they appear to be as my understanding.
You have an application.
Correct thought was to get the PUD approved once it's approved and we can spend the the time and the effort to actually build out the engineering specs of it.

But.
Just back to my very first question.
You are writing a PUD with custom regulations.
And if you are not spending a site plan concurrently, all of this comes later.
I believe a lot of the regulations part of PUD, the height and like any variation to like the R2.
But if you're not submitting actual site plan, once again we won't be commenting on creating drainage, stormwater control, fire access, all the other things that are normally part parcel traffic study landscape, none of that would be illustrated until you submit a site plan.
We're not sticking around the one, sorry.
Is he right or wrong?
Is he right or wrong?
I think it's a staff question.
Yeah, the I'm not exactly sure on the profits. Exact steps of the code is but.
We're not adverse to running concurrently.
Our understanding was PUD approved first. That limits us to a lot of these restrictions and then comes the site plan with all those other variables that are included.
Yeah, especially if I mean because time is is somewhat of the essence. Question is brought up like what do you guys think about costs?
So if if there's a way to fast track it by doing more at once, we're open to that.
Running them concurrent conversation we had on the front porch after the last four talks to hear and is your concern that if they go ahead and get the PD first then that they can do whatever they can to sell it again. And I love PUD with whatever custom.
Regulations they wrote with no commitment of the actual site plan again.
I recommend writing that as a question, so it's captured.
In an e-mail, if you capture it here, our intentions were gonna respond to questions that are coded like so.
We're more than happy to respond to that question, although with all due respect on I wrote a lengthy letter after the last name of good meeting with 12 technical questions and was told that you can't comment on it because there's no application.
I wasn't asking pertinent application questions.
I was asking technical questions out of the code book and got no answer.
Where is that support for the for the public?

So that it's not a rhetorical question.
Where is the support for the public's questions?
Right. So if you pose a question rhetorical question, where is the, where is the response to valid technical questions on process procedures?
The lay public does not understand this process.
We are asking these questions. We want to take a developer at their word.
I still support this project, but there's a lot of stuff that can happen if they aren't held to the.
Code.
There's multiple options for them to get to an approval they can do.
Them they can do them separate processes they do achieving. If that approved, they do expect that later they can do. Those aren't enough to us, that's up to the applicant to decide those things I understand.
So we can't really answer your question, but the technical questions alley that I asked after the last neighborhood meeting the stormwater.
Question the question.
No, there was like does storm water quality and runoff and MS-4, is it required by this truck? We don't know.
We're processing right now that is a.
That is a question that's specific to any development in color in Frederick, but we haven't reviewed this project yet.
How can I get to that?
I think he's saying you don't need to have project in order to answer that question, I agree.
I agree.
I agree with that.
I think just a little more clarity with the e-mail.
Separating it from the project. Hey in general, how does the code answer these questions?
We're more than happy to answer those.
I'll forward you the exact e-mail that I sent, whatever four weeks ago and tell me how that wasn't specific enough.
They weren't specific to this particular project.
They were general questions about what is, what is deviating from the, you know, what can they write.

That's deviating from the beauty. Why would they get an exemption from fire access when none of our projects get access?
So I think moving forward, I understand where the disconnect was.
I think we do have responsibility to answer questions that are general in nature.
I agree with that.
So moving forward, any step number is happy to answer those questions.
I'm sorry.
We thought it was tied to a project, but he's asking that.
I also asked and and I was also told.
Different from ally than other seppers, I was told by other staffers that.
Couldn't talk about this project once again because the quasi traditional nature of it.
And I said our understanding is they don't have an application that's been submitted.
Why can't the staff who don't vote talk to the residents who have questions? And I was told it's because it's quasi judicial proceeding. Ali Ben, due to Com responded.
No, it is not a quasi judicial proceeding.
We cannot have conversations. We've asked questions of people that staff level that were not. And because there is no application.
We should not be barred from talking to our elected officials. That's correct.
It has not been correct.
So we need.
If you wanna let me know.
Give me that information.
I'll do all these things.
That's all I think. In addition to Patrick asking questions for everything, verbal or a lot of people in this room have done the right thing, maybe even online. Is there a clarification that if we do very much?
Determine that it's an in general very generic question.
What is the town's time frame with responding?
I'm certain.
Ly hours, 72 hours. What is the time frame for this office with responding to very general generic questions from the public about?
Very general matters.
What would be the response?
That's a great question. Before following up with anybody else.
Great question. I believe we aim for 72 hours.

Yes. And then after today, is it appropriate to follow up with?
A reminder e-mail that gentle.
Man, absolutely.
Our our goal is to get information out.
I'm sorry. There's a disconnect, I assure you. If it's general in nature, we have responsibility to answer those questions, absolutely.
There is a fine line between public comment versus asking us questions when it's directed to the board of Trustees or Planning Commission to do that public comment, we don't answer those.
So again, moving forward, clarification, the rules of engagement, general questions and we will respond in 72 hours, yes.
Yeah. And we're willing to do the concurrent application as well.
Patrick, we feel like we have good engagement around the same page and we're happy to do put that time and effort into the project up front.
We're not averse to it, but I still want to do is go through this project again and then we don't get this again. And OK, what do we pivot to, you know, to to another option is that I just reiterate what we talked about on the porch. I.
Think if you would have wanted concurrently, it would've passed last, OK.
Now we have down for yeah, we.
'Re on the record in the first floor.
Rental. Keeping the daycare now that's changed.
You know it's front loaded versus the rear load.
You know, do something very modest and respect the neighbors. And then there's driveways and parking.
So Siskins consistency in messaging.
Well, and and we would love the conversation because it helps us shape our strategy too, because we we guess.
But then we obviously need input.
Yeah, I think that's like this.
This helps, right?
Because now we have a direction to go.
And and we can do all the work to get to that end goal. But if we, if we really don't know what the majority of people want, then we get all the way over here and find out. Most people are over here.
It's just a boss leader for us.

So now.
That's not prompt to put the effort in all the time into and to do it as one complete package. And if that speeds up the timeline for us, it's actually better.
Because this is what we're trying to do.
There's not any other like hidden agenda here, so I'd rather just put it out there.
This is what it is.
But I don't want to put it out there.
This is what is and it's just completely rejected now and wasted.
All that time effort. So but now this is a good.
Yeah, 'cause, there's, there's. There's more than one way to get to.
To the end goal and.
Like you said, it's just we took it up this way.
We could have done a lot.
There's only so much effort you're gonna put in if you don't know if that path is gonna be accept. Understood. But just the duty of round one is what costs you a vote.
The thing the uncertainty of what could have been because you weren't saying we are.
This project.
And we're running.
Yeah. Now it would have matched and that's why now we're we're done. The exact opposite of it. Well, but it didn't sound like it you said.
Now you're gonna do a PUD and do the site plan later.
So.
That's just because I that's the path we were going again. I don't.
I don't know.
I don't know the code like the town, I don't.
I didn't.
You know.
Trying to work on this specific project, I didn't study all the code, all the ways to do it.
I mean, I admittedly I don't trade feedback.
It gives us free correction moving forward.
So we we we know what we need to do.
Thank you for your time not to cut you off.
I really appreciate the the conversation and you guys all have my e-mail.

You have my cell phone.
You're welcome to contact me if anything comes.
There's. Well, Scott Scott. Yep.
So everyone online.
Oh, thank you for everyone joining online as well.
And just wanted to say it will take some time to get dial, but this lane please check within the next week or so. If you're not seeing anything, you're welcome to reach out, but it'll just take a minute.

Bailey Arvizu stopped transcription

Exhibit B

Neighborhood Meeting Summary – 320 Maple Street

Date: September 11, 2025
Format: In-person with online participation
Duration: 1h 21m

Purpose of Meeting

- Town staff clarified no formal application has been submitted yet.
- Meeting was for gathering community feedback before applicant files a PUD application.
- Goal: capture concerns, questions, and positive comments for the public record.

Applicant Presentation (JJ Investments / Easton Homes)

- Proposal: 4 duplex buildings (8 total units), one-story, ADA accessible, designed as 55+ rentals.
- Key revisions since prior meetings:
- - Removed private rear drive; replaced with open green buffer along Linden St.
- - Driveways now face Maple St. to align with existing neighborhood character.
- - Committed to maintaining landscaping and green buffer.
- - Intention to preserve trees on site edges; two large central trees likely cannot remain.
- Management: Rentals to be owned by a single entity and maintained by a management company. Residents screened; aim for maintenance-free living for 55+ demographic.

Key Resident Questions & Concerns

- Process & Zoning: Why pursue a PUD instead of R2 rezoning with concurrent site plan? Concerns about lack of clarity, delayed answers on traffic, drainage, fire access.
- Design & Layout: Concerns about garage-heavy frontage, calls for hybrid options with porches and rear garages.
- Traffic & Parking: Adequacy of parking, lack of guest spaces, timing of traffic study.
- Neighborhood Impacts: Fence access for Linden neighbors, construction disruption, enforcement of 55+ age restriction.
- Management & Affordability: Questions on rental pricing, property management, and daycare property sale’s implications.

Positive Feedback & Suggestions

- Support for eliminating rear drive and creating buffer space.
- Support for one-story design and senior housing concept.

- Constructive ideas: push buildings closer to Maple with porches; hybrid layouts with buffer preserved.
- Interest in exploring additional design variations (e.g., 'Option 2.5').

Next Steps

- Applicant to refine design and decide whether to file PUD with or without concurrent site plan.
- Town staff committed to answering general code/process questions within 72 hours.
- Residents encouraged to continue submitting feedback via email.
- Applicant expects to submit an application within the next month.

Exhibit C

1. Summary

Meeting title Neighborhood Meeting - 320 Maple Street [In-person]

Attended participants 9
Start time "9/11/25, 6:42:20 PM"
End time "9/11/25, 8:22:06 PM"
Meeting duration 1h 39m 46s
Average attendance time 1h 16m 16s

2. Participants

Name	First Join	Last Leave	In-Meeting Duration	Email	Participant ID (UPN)	Role
Bailey Arvizu	"9/11/25, 6:52:41 PM"	"9/11/25, 8:22:06 PM"	1h 29m 25s	barvizu@frederickco.gov	barvizu@frederickco.gov	Organizer
Joshua Huene (External)	"9/11/25, 6:52:49 PM"	"9/11/25, 8:22:02 PM"	1h 29m 12s	joshua.huene@octagoshealth.com	joshua.huene@octagoshealth.com	Presenter
Audem Gonzales	"9/11/25, 6:52:50 PM"	"9/11/25, 8:21:46 PM"	1h 28m 55s	agonzales@frederickco.gov	agonzales@frederickco.gov	Presenter
Megan Easton (External)	"9/11/25, 6:53:13 PM"	"9/11/25, 8:22:06 PM"	1h 28m 53s	[redacted]	[redacted]	Presenter
Laura (Unverified)	"9/11/25, 6:53:14 PM"	"9/11/25, 8:22:06 PM"	1h 28m 52s			Presenter
Rhonda Swetnam (Unverified)	"9/11/25, 6:53:14 PM"	"9/11/25, 8:22:06 PM"	1h 28m 52s			Presenter
"Randolph, Carl"	"9/11/25, 6:53:14 PM"	"9/11/25, 8:21:49 PM"	1h 28m 34s	[redacted]	[redacted]	Presenter
Danya (Unverified)	"9/11/25, 7:01:32 PM"	"9/11/25, 8:02:52 PM"	1h 1m 20s			Presenter
Russell Moore	"9/11/25, 7:13:34 PM"	"9/11/25, 8:21:57 PM"	2m 21s	[redacted]	[redacted]	Presenter

3. In-Meeting Activities

Name	Join Time	Leave Time	Duration	Email	Role
Bailey Arvizu	"9/11/25, 6:52:41 PM"	"9/11/25, 8:22:06 PM"	1h 29m 25s	barvizu@frederickco.gov	Organizer
Joshua Huene (External)	"9/11/25, 6:52:49 PM"	"9/11/25, 8:22:02 PM"	1h 29m 12s	[redacted]	Presenter
Audem Gonzales	"9/11/25, 6:52:50 PM"	"9/11/25, 8:21:46 PM"	1h 28m 55s	agonzales@frederickco.gov	Presenter
Megan Easton (External)	"9/11/25, 6:53:13 PM"	"9/11/25, 8:22:06 PM"	1h 28m 53s	[redacted]	Presenter
Laura (Unverified)	"9/11/25, 6:53:14 PM"	"9/11/25, 8:22:06 PM"	1h 28m 52s		Presenter

Rhonda Swetnam (Unverified) "9/11/25, 6:53:14 PM" "9/11/25, 8:22:06 PM" 1h 28m 52s Presenter

"Randolph, Carl" "9/11/25, 6:53:14 PM" "9/11/25, 8:21:49 PM" 1h 28m 34s [redacted] Presenter

Danya (Unverified) "9/11/25, 7:01:32 PM" "9/11/25, 8:02:52 PM" 1h 1m 20s Presenter

Russell Moore "9/11/25, 7:13:34 PM" "9/11/25, 7:15:50 PM" 2m 15s [redacted] Presenter

Russell Moore "9/11/25, 8:21:51 PM" "9/11/25, 8:21:57 PM" 6s [redacted] Presenter

Exhibit D

Sign-in 320 Maple St.
9/11/25

RON JAGODINSKI
HEATHER JAGODINSKI
Florence Dufour
Keri Aasmundstad
Savannah Bingaman
Clint Bingaman
Mark Novak
JoleneMerritt
JILL FIRRIED.
PATRICK BERREND
Tonie Wenger
Paul Fountain

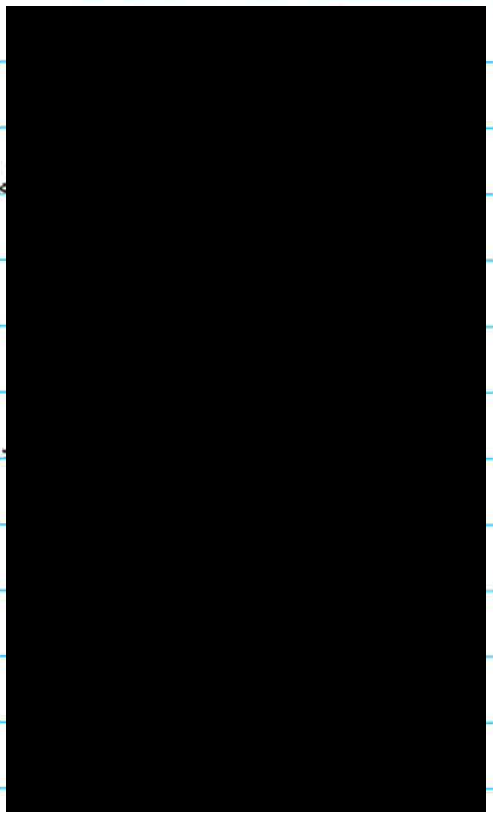

Exhibit E

320 Maple Street Planned United Development Zoning Document

Neighborhood Meeting Comments (Categorized) - September 11th, 2025

1. Positive Feedback & Constructive Suggestions

- Having more details about the project is a positive.
- The greenspace buffer on the rear is a positive.
- Likes the new design without the alleyway or parking over utility easement.
- The removed private drive is a positive.
- Suggestion: Bring the houses up to Maple Street with porch in front and rear garage, green space up to Linden neighbors' fences.
- I like the old design.

2. Traffic, Parking, and Safety

- Traffic impacts and safety issues.

3. Project Design & Layout

- Preference for designs without the alleyway or parking over utility easement.
- Lot too small for 8 units.
- Suggestions to bring houses up to Maple Street with porches in front and rear garages.
- Questions about width of open space on east side of lot.
- Request for alternative designs (Option C, D, or E).
- Loss of promised green space.
- Trust that what is said will be done—past proposals shifted.

4. Land Use & Public Space

- Frustration over past town 'oops'/oversight and failure to correct it.
- Loss of possible park or public space.
- How does this serve the public vs. developer's profits?
- What does Easton Homes stand to gain? Why?

5. Environmental & Natural Features

- Questions about greenspace buffer and preservation.

6. Legal, Administrative & Process Issues

- Suggestion to put deed restrictions in the PUD.
- Deed restrictions cannot be in a Planned Unit Development document.
- Why site plan isn't submitted concurrently with PUD.
- Why developer doesn't file concurrently.
- Transparency and trust concerns—changes in proposals over time.

7. Housing Type & Affordability

- What will the rental price point be?
- Would you consider houses instead of multi-units?
- Renters vs. owners—concerns about turnover and consistency.
- 55+ design, management, and maintenance concerns.
- Cost of materials may threaten competitive pricing.

8. Code Related Questions

- Concerns about only two off-street parking spaces per unit.
    - Minimum parking requirements can be found in Table 2-1 of Section 2.8.3 of the Town's Land Use Code: https://frederick.municipal.codes/LUC/2.8(3). These requirements are based on bedrooms proposed per dwelling unit and guest spaces required.
- Traffic survey should be done earlier, not during development phase.
    - A traffic impact study or memo is not a required document for a Planned Unit Development zoning document application per the Town of Frederick Land Use Code Appendix A. A traffic impact study or memo is required with a Site Plan application per the Town of Frederick Land Use Code Appendix A.
- Questions about fire protection access.
    - Fire access is reviewed and approved by the Frederick-Firestone Fire Protection District as part of a Site Plan application.
- Concern about street character and tree preservation.
    - Tree preservation requirements are outlined in Section 2.14 of the Land Use Code: https://frederick.municipal.codes/LUC/2.14(2)(d). Prohibited trees are listed here: Town of Frederick Prohibited Plant List

- Concern over removal of two large trees (hawks and owls nesting). Who is responsible for mitigation?
    - Any mitigation requirements for the applicant/developer will be provided by Colorado Parks and Wildlife. Colorado Parks and Wildlife is referred applications for Site Plans. This is not part of the Planned Unit Development application.
- Suggestion that the town should purchase the lot to preserve it as neighborhood open space.
    - The authority to purchase lands on behalf of the residents of Frederick lies with the Board of Trustees. Our staff conducts analysis and makes recommendations only when approached by the current landowner or directed by the Board of Trustees. Because staff has neither been approached by the landowner nor directed by the Board, we have not done any formal analysis or recommendation regarding 320 Maple Street.

      The Town of Frederick Parks Director has taken a cursory look at the existing surrounding parks and open spaces. Considering this property's proximity to Firefighter's Park, Coalridge Park, Ironworks Park (CVPRD maintained), Carriage Hills Park (HOA maintained), the Spark Elementary Baseball Field (CVPRD maintained), Centennial Park, and Crist Park, it is unlikely to be recommended for purchase according to our current Land Use Code. This code generally requires new developments to dedicate parks within a quarter to a half mile of the majority of homes, and with all of these nearby existing parks, it appears that most of this area is already served by a nearby park, open space, or other recreational opportunity meeting the intent and requirements of our Land Use Code.

Categorized Neighborhood Meeting Comments

1. Positive Feedback & Constructive Suggestions

- Having more details about the project is a positive. (Carl Randolph)
- The greenspace buffer on the rear is a positive. (Carl Randolph)
- Likes the new design without the alleyway or parking over utility easement. (Heather Jagodinski)
- The removed private drive is a positive. (Heather Jagodinski)
- Suggestion: Butt the houses up to Maple Street with porch in front and rear garage, green space up to Linden neighbors' fences (constructive design idea).
- I like the old design.

2. Traffic, Parking, and Safety

- Concerns about only two off-street parking spaces per unit.
  Minimum parking requirements can be found in Table 2-1 of Section 2.8.3 of the Town's Land Use Code: https://frederick.municipal.codes/LUC/2.8(3). These requirements are based on bedrooms proposed per dwelling unit. Through the PUD application, the applicant can request a modification to any Town code to be approved by the Board of Trustees.
- Traffic impacts and safety issues.
- Traffic survey should be done earlier, not during development phase.
  A traffic impact study or memo is not a required document for a Development Plan Document application per the Town of Frederick Land Use Code Appendix A. A traffic impact study or memo is required with a Site Plan application per the Town of Frederick Land Use Code Appendix A.
- Questions about fire protection access.
  Fire access is reviewed and approved by the Frederick-Firestone Fire Protection District as part of a Site Plan application.

3. Project Design & Layout

- Preference for designs without the alleyway or parking over utility easement.
- Lot too small for 8 units.
- Suggestions to butt houses up to Maple Street with porches in front and rear garages.

- Questions about width of open space on east side of lot.
- Request for alternative designs (Option C, D, or E).
- Loss of promised green space.
- Concern about street character and tree preservation.
- Trust that what is said will be done—past proposals shifted.

4. Land Use & Public Space

- Suggestion that the town should purchase the lot to preserve it as neighborhood open space.
- Frustration over past town 'oops'/oversight and failure to correct it.
- Loss of possible park or public space.
- How does this serve the public vs. developer's profits?
- What does Easton Homes stand to gain? Why?

5. Environmental & Natural Features

- Concern over removal of two large trees (hawks and owls nesting). Who is responsible for mitigation?
- Questions about greenspace buffer and preservation.

6. Legal, Administrative & Process Issues

- Suggestion to put deed restrictions in the PUD.
  Deed restrictions cannot be in a Planned Unit Development document.
- Why site plan isn't submitted concurrently with PUD.
- Why developer doesn't file concurrently.
- Transparency and trust concerns—changes in proposals over time.

7. Housing Type & Affordability

- What will the rental price point be?
- Would you consider houses instead of multi-units?
- Renters vs. owners—concerns about turnover and consistency.
- 55+ design, management, and maintenance concerns.
- Cost of materials may threaten competitive pricing.

401 Locust Street • P.O. Box 435 • Frederick, CO 80530-0435

Phone: (720) 382-5500

www.frederickco.gov

Date: September 17, 2025

Prepared by: The Planning Division

Purpose: Provide responses to development application process questions asked at the 320 Maple Street Neighborhood Meeting from September 11, 2025.

Project History and Application Process

1. 320 Maple Street Project History:

• The applicant previously applied to change the zone district from Public (P) to Residential Medium Density (R-2). The applicant did not apply for a concurrent Site Plan application. The request for R-2 zoning was denied by the Board of Trustees.

2. Concurrent Rezoning and Site Plan Applications:

• The Board of Trustees is the decision maker on rezone applications. The Planning Commissioners make recommendations on rezone applications. Site plan applications are administrative approvals, meaning they are approved by staff and do not require a public hearing process.

• An applicant is under no obligation to construct an approved site plan even when processed concurrently with a rezoning or other request. In the case that a rezone is approved, an applicant can withdraw the Site Plan application or apply for a new Site Plan application that still meets the zoning districts regulations which would override a “concurrent” site plan application.

3. 320 Maple Street Anticipated Application:

• The applicant is intending to apply for a Planned Unit Development Zoning Document. The applicant can specify design standards, number of units, housing types, dimensional standards, parking requirements and more within the Planned Unit Development Zoning Document. Because the Planned Unit Development Zoning Document is an application that goes to public hearing, the Planning Commission and Board of Trustees can review all the standards and specifications put forth by the applicant within that document, unlike a concurrent application for a rezone and Site Plan.

• If a Planned Unit Development Zoning Document is approved, any applicant for a site plan must conform to the standards and specifications put forth in that document.

FAQs

What is a Site Plan?

"*Site plan* means a scale drawing of a lot, showing the actual measurements, the size and location of any existing and/or proposed buildings, the location of the lot in relation to abutting streets, and other details such as parking areas, access points, landscaped area, building areas, setbacks from lot lines, building heights, floor areas, densities, utility locations, and easements." Town of Frederick Land Use Code Article 1.

What is a PUD?

"*Development plan* means the written and graphical documents that detail the provisions for development of a planned unit development. These provisions may include, and need not be limited to, easements, covenants and restrictions relating to use; location and bulk of buildings and other structures; intensity of use or density of development; utilities, private and public streets, ways, roads, pedestrian areas, and parking facilities; and common open space and other public facilities." Town of Frederick Land Use Code Article 1.

What is straight zoning?

"*Zone district* means an area that is governed by standardized zoning regulations as established in Article 3." Town of Frederick Land Use Code Article 1.

All development and activity in a parcel that is straight zoned without a PUD (Planned Unit Development) is subject only to regulations as established within the Land Use Code and cannot deviate unless requested through a Waiver, Variance, or Appeal, all of which are public hearing processes.

From: Jolene Merritt
To: Audem Gonzales; Bryan Ostler
Cc: Joshua.huene@gmail.com; Ali van Deutekom
Subject: In-Person meeting request
Date: Wednesday, July 30, 2025 1:21:30 PM

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Good Afternoon Mr. Gonzales,

I was informed by my neighbors that there will be an online meeting on August 7, 2025 @ 5PM regarding the 320 Maple rezone.

As a working individual that has a 45 minute commute from Denver, I am requesting an in-person meeting as well as a time change to allow as many impacted citizens to attend. I believe Mr. Huene has stated he wants to work with the impacted community so I believe allowing as many citizens to attend the meeting in person is the best way to handle this.

I do believe there is no conflict with either the Carbon Valley Rec Center community room nor the town hall on August 7th.

I would also like to state that my husband and I still have not received any mailings from the town. How do I go about making sure we are included on EVERY mailing that goes out from the town?

Kind Regards,

Jolene Merritt
561 3rd St

From: Audem Gonzales
To: Jolene Merritt
Subject: RE: In-Person meeting request
Date: Wednesday, July 30, 2025 1:47:00 PM
Attachments: image001.png

Good afternoon,

Thank you for reaching out. Town staff has asked the applicant to set up an in-person meeting at a more appropriate time for the surrounding residents. They are currently working on getting that date and time scheduled and sent out to the community. Our digital meeting will still be held on August 7th for those that cannot attend in-person. Please look out for correspondence from the applicant on that second meeting date. I did check the mailing list and your address is shown as being sent a mailer. Mailers went out to 561 3rd Street, Frederick CO, 80530. If you use a P.O. Box, you need to update your mailing information with Weld County. We have no way of knowing anyone's P.O. Box unless it is registered with the County.

Again, there will be a second meeting in-person to help accommodate more of the community. I can have the applicant email you the information if you would like.

Thank You,

Audem Gonzales | Senior Planner
Town of Frederick | 720-382-5651
AGonzales@Frederickco.gov | FrederickCO.gov

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From: Jolene Merritt <jolenerie311@gmail.com>
Sent: Wednesday, July 30, 2025 1:21 PM
To: Audem Gonzales <agonzales@frederickco.gov>; Bryan Ostler <BOstler@frederickco.gov>
Cc: Joshua.huene@gmail.com; Ali van Deutekom <AVanDeutekom@frederickco.gov>
Subject: In-Person meeting request

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I would also like to state that my husband and I still have not received any mailings from the town. How do I go about making sure we are included on EVERY mailing that goes out from the town?

Kind Regards,

Jolene Merritt
561 3rd St

From: Mark Novak
To: Audem Gonzales
Subject: August 7th virtual meeting regarding 320 Maple
Date: Tuesday, July 29, 2025 8:23:47 AM

Caution! This message was sent from outside your organization. Allow sender | Block sender

I am requesting that this meeting be held in person not virtually. Any meeting, virtual or in person. needs to start at a time that will accommodate working people. As you know a lot of people are not even home from their jobs at 5PM. If you or Mr. Huene have scheduling conflicts that do not allow a later start time, then reschedule please.

Thank you

From: Audem Gonzales
To: Mark Novak
Subject: RE: August 7th virtual meeting regarding 320 Maple
Date: Wednesday, July 30, 2025 8:31:00 AM
Attachments: image001.png

Good morning,

Thank you for reaching out. We understand the timing issues the meeting time presents and only being digital. This is our standard meeting time and platform. The Town did request that the applicant set up an in-person meeting at an appropriate time for the residents. The applicant did agree to that. So please look out for an email or mailing with that date and time for that in-person meeting. So to be clear here, there will be two meetings for this new project pre-submittal.

Please let me know if you have any questions.

Thank You,

Audem Gonzales | Senior Planner
Town of Frederick | 720-382-5651
AGonzales@Frederickco.gov | FrederickCO.gov

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From: Mark Novak <nova-k557@hotmail.com>
Sent: Tuesday, July 29, 2025 8:24 AM
To: Audem Gonzales <agonzales@frederickco.gov>
Subject: August 7th virtual meeting regarding 320 Maple

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I am requesting that this meeting be held in person not virtually. Any meeting, virtual or in person. needs to start at a time that will accommodate working people. As you know a lot of

people are not even home from their jobs at 5PM. If you or Mr. Huene have scheduling conflicts that do not allow a later start time, then reschedule please.

Thank you

From: Rhonda Swetnam
To: Audem Gonzales; joshua.huene@gmail.com
Cc: Bryan Ostler; Ryan Johnson
Subject: Concerns Regarding Format and Timing of August 7 Neighborhood Meeting
Date: Tuesday, July 29, 2025 3:10:55 PM

Caution! This message was sent from outside your organization. Allow sender | Block sender

Dear Mr. Gonzales and Mr. Huene,

I am writing to express serious concerns regarding the upcoming Neighborhood Meeting scheduled for August 7, 2025, at 5:00pm, which has been set as a virtual event.

A virtual meeting format is not acceptable for a matter of this importance. The residents of the Maplewood Subdivision deserve a transparent, accessible, and equitable process. Holding a virtual meeting—especially at 5:00pm—creates barriers for many residents who are either still at work or commuting home. A 6:30 or 7:00pm in-person meeting would be far more appropriate and inclusive. As it stands, the current format and timing feel like an intentional attempt to limit public participation.

Furthermore, Mr. Huene, the letter included with the meeting notice reads as a last-minute effort to appear conciliatory toward the Maplewood community. Frankly, it is too little, too late. This kind of outreach should have come long before now. The inappropriate and aggressive behavior exhibited by your partner John Jaquish's associates toward families on Linden Street was completely out of line and deeply troubling.

To add to that, the unprofessional behavior of your realtor in front of the Frederick Town Hall at the last in-person meeting—resulting in her being removed from the property was yet another insult to this community. Incidents like these speak volumes. You and your "team" have not presented the best impression of your character to our neighborhood, yet now you ask us to trust you to decide what is best for our community?

I would also like to know: Who exactly is JJ Investments? Who are the owners, partners, and stakeholders involved? What is the official business address? What does your company actually do, and what is your track record in other communities? You are asking for our trust, but we know almost nothing about your business or the people behind it. That lack of transparency does not inspire confidence.

Additionally, the condition of the properties JJ Investments owns at 320–340 Maple Street reflects a serious lack of respect for this neighborhood. Overgrown weeds, dead landscaping due to lack of watering, and now junk vehicles parked in the open lot at 340 Maple are unacceptable and create a blight on our community.

You are now asking us to trust JJ Investments to build a so-called "beneficial" 55+ community on a narrow parcel of land that was intended to be public space forever. That land was supposed to be part of the Maplewood Subdivision—a commitment that the Town of Frederick failed to uphold when it allowed the sale to a private party. And now it is the homeowners who must pay the price for that failure.

Mr. Huene, persuading us that your plan will somehow "better our community" rings hollow.

You do not live here. We do. You do not raise your children here or walk these streets daily. We do. We value this land as it was—open, wild, and a refuge for birds of prey and safe play for our children. And we are tired of having to defend it over and over again.

I urge you both to reconsider both the timing and the format of this meeting if you wish to have any genuine engagement with the community. We will not be silenced, and we will not be ignored.

Sincerely,

Rhonda L. Swetnam

Maplewood Subdivision Homeowner

From: Audem Gonzales
To: Rhonda Swetnam
Subject: RE: Concerns Regarding Format and Timing of August 7 Neighborhood Meeting
Date: Wednesday, July 30, 2025 2:28:00 PM
Attachments: image001.png

Good afternoon,

Thank you for reaching out to express your concerns with the neighborhood meeting format and location. Town staff did ask the applicant to schedule a second meeting to held be held in-person and at a more reasonable time. The virtual meeting will be for those who cannot attend in-person. The applicant is currently working on securing a location, date and time for that second meeting. So please look out for that invitation from the applicant. The Town agrees that more engagement is a great thing so again, we did ask for a second meeting to reach more of the community.

Thank you and please let me know if you have any questions on the process leading up to this project being submitted.

Best Regards,

Audem Gonzales | Senior Planner
Town of Frederick | 720-382-5651
AGonzales@Frederickco.gov | FrederickCO.gov

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From: Rhonda Swetnam <sunnie901@gmail.com>
Sent: Tuesday, July 29, 2025 3:11 PM
To: Audem Gonzales <agonzales@frederickco.gov>; joshua.huene@gmail.com
Cc: Bryan Ostler <BOstler@frederickco.gov>; Ryan Johnson <Rjohnson@frederickco.gov>
Subject: Concerns Regarding Format and Timing of August 7 Neighborhood Meeting

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Additionally, the condition of the properties JJ Investments owns at 320–340 Maple Street reflects a serious lack of respect for this neighborhood. Overgrown weeds, dead landscaping due to lack of watering, and now junk vehicles parked in the open lot at 340 Maple are unacceptable and create a blight on our community.

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Sincerely,

Rhonda L. Swetnam

Maplewood Subdivision Homeowner

From: wenger@risebroadband.net
To: Audem Gonzales; Joshua.huene@gmail.com
Cc: Ali van Deutekom; Bryan Ostler
Subject: 320 maple Street PUD Zoning Meeting
Date: Wednesday, July 30, 2025 8:13:07 AM

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Hello Mr. Gonzales and Mr. Huene,

We recently received a letter notifying us of a meeting to discuss the proposed rezoning of 320 Maple to PUD.

Meeting Date/Time: Thursday , August 7th @ 5pm
Meeting Location: Virtual via Microsoft Teams

I would like to respectfully request that this meeting be held in person and scheduled for a later time, preferably after 6pm, to allow for more effective community engagement and discussion.

Thank you for your consideration.

Tonie Wenger

From: wenger@risebroadband.net
To: Audem Gonzales
Cc: joshua.huene@gmail.com; Ali van Deutekom; Bryan Ostler
Subject: RE: 320 maple Street PUD Zoning Meeting
Date: Tuesday, August 5, 2025 1:18:56 PM
Attachments: image001.png

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Hello Mr. Gonzales,

Thank you for your response.

Regarding the timing and format of the upcoming meeting: if there are known issues with the current "standard meeting time and platform", I encourage to review and reconsider your process moving forward to better accommodate the residents. As it stands, the meeting appears to be more of a procedural step rather than a genuine effort to engage the community impacted by these changes.

I appreciate that you've asked Mr. Huene to arrange an in-person meeting. I'll look out for the mailing with the confirmed date and time.

Thanks,
Tonie Wenger

On Wed, 30 Jul 2025 14:34:46 +0000, Audem Gonzales <agonzales@frederickco.gov> wrote:

Good morning Mr. Wenger,

Thank you for reaching out to the Town. We understand the timing issues the meeting time presents and only being digital. This is our standard meeting time and platform. The Town did request that the applicant set up an in-person meeting at an appropriate time for the residents. The applicant did agree to that. So please look out for an email or mailing with that date and time for that in-person meeting. So, to be clear here, there will be two meetings for this new project pre-submittal.

Again, thank you for your concerns and please know we are working with the applicant to accommodate the community's needs.

Best Regards,

Audem Gonzales | Senior Planner

Town of Frederick | 720-382-5651

AGonzales@Frederickco.gov | FrederickCO.gov

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From: wenger@risebroadband.net <wenger@risebroadband.net>
Sent: Wednesday, July 30, 2025 8:12 AM
To: Audem Gonzales <agonzales@frederickco.gov>; Joshua.huene@gmail.com
Cc: Ali van Deutekom <AVanDeutekom@frederickco.gov>; Bryan Ostler <BOstler@frederickco.gov>
Subject: 320 maple Street PUD Zoning Meeting

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I would like to respectfully request that this meeting be held in person and scheduled for a later time, preferably after 6pm, to allow for more effective community engagement and discussion.

Thank you for your consideration.

Tonie Wenger

From: Audem Gonzales
To: wenger@risebroadband.net
Cc: joshua.huene@gmail.com
Subject: RE: 320 maple Street PUD Zoning Meeting
Date: Wednesday, August 6, 2025 10:41:00 AM
Attachments: image001.png

Good morning Mr. Wenger,

Thank you for your recommendations on our process for neighborhood meetings. We are amending our Land Use Code right now and we definitely are thinking of how we can improve all aspects of development, including neighborhood input. I know Mr. Huene will be asking the group tomorrow during the digital meeting on what dates/times work best for an in-person meeting, Maybe you can reach out to him directly (his email is on this thread) and provide your input on what works best for you.

Thank you for reaching out.

Best Regards,

Audem Gonzales | Senior Planner
Town of Frederick | 720-382-5651
AGonzales@Frederickco.gov | FrederickCO.gov

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From: wenger@risebroadband.net <wenger@risebroadband.net>
Sent: Tuesday, August 5, 2025 1:18 PM
To: Audem Gonzales <agonzales@frederickco.gov>
Cc: joshua.huene@gmail.com; Ali van Deutekom <AVanDeutekom@frederickco.gov>; Bryan Ostler <BOstler@frederickco.gov>
Subject: RE: 320 maple Street PUD Zoning Meeting

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Again, thank you for your concerns and please know we are working with the applicant to accommodate the community's needs.

Best Regards,

Audem Gonzales | Senior Planner
Town of Frederick | 720-382-5651
AGonzales@Frederickco.gov | FrederickCO.gov

FREDERICK COLORADO
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From: wenger@risebroadband.net <wenger@risebroadband.net>
Sent: Wednesday, July 30, 2025 8:12 AM
To: Audem Gonzales <agonzales@frederickco.gov>; Joshua.huene@gmail.com
Cc: Ali van Deutekom <AVanDeutekom@frederickco.gov>; Bryan Ostler <BOstler@frederickco.gov>
Subject: 320 maple Street PUD Zoning Meeting

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Meeting Date/Time: Thursday , August 7th @ 5pm
Meeting Location: Virtual via Microsoft Teams

I would like to respectfully request that this meeting be held in person and scheduled for a later time, preferably after 6pm, to allow for more effective community engagement and discussion.

Thank you for your consideration.

Tonie Wenger

From: wenger@risebroadband.net
To: Audem Gonzales
Cc: joshua.huene@gmail.com; Ali van Deutekom; Bryan Ostler
Subject: Clarification request on Zoning
Date: Thursday, September 18, 2025 3:16:09 PM

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Hello Mr. Gonzales -

I am trying to understand the zoning options available to applicants and developers in the Town of Frederick and would appreciate your feedback.

Could you please provide the Town's definitions for the following zoning designations:

- PUD zone (with and without a site plan)
- R2 zone (with and without a site plan)

Additionally, I'd appreciate if you could share examples of typical scenarios or project types where each zoning designation - PUD and R2 - is commonly applied.

Thank you for you time and assistance.
Tonie Wenger

From: Audem Gonzales
To: "wenger@risebroadband.net"
Cc: joshua.huene@gmail.com; Ali van Deutekom
Subject: RE: Clarification request on Zoning
Date: Friday, September 19, 2025 8:23:00 AM
Attachments: image001.png

Good morning Mr. Wenger,

Thank you for your questions. Here are some responses to each of your items:

1. Definition of PUD:

Planned unit development (*PUD*) means an area of land, controlled by one (1) or more landowners, to be developed under unified control or a unified plan of development for a number of dwelling units, commercial, educational, recreational, or industrial uses, or any combination of the foregoing, the plan for which does not correspond in lot size, bulk, or type of use, density, lot coverage, open space, or other restriction to the existing land use regulations.

2. Definition of R2 Zoning:

Intent. This medium-density residential zone is intended to preserve the traditional building pattern of mixed residential development, which historically has been integrated to form a vibrant, active and cohesive neighborhood unit. This District provides for attached residential dwelling units in addition to single-family detached dwelling units.

3. Site Plans are a separate document and process from both PUDs and the R2 zone district. There is no option "with a site plan" you as you mentioned in your email.

Here is our definition of a Site Plan:

Site plan means a scale drawing of a lot, showing the actual measurements, the size and location of any existing and/or proposed buildings, the location of the lot in relation to abutting streets, and other details such as parking areas, access points, landscaped area, building areas, setbacks from lot lines, building heights, floor areas, densities, utility locations, and easements.

4. We have had many projects with PUD overlays submit for subdivision, rezoning and PUD development plans. Here is a list of the most recent:
    a. Shores on Plum Creek: Commercial, Single-family, Multi-family and Assisted living
    b. Wheatlands: Single-family and Townhomes
    c. Columbine Heights: Single-family

d. Penrose Place: Duplex
e. Silverstone Filing 6: Duplex
f. Silverstone Filing 7: Single-family
g. Downtown West: Commercial, Mixed-use, Single-family, Townhome
h. Miners Park Town Center: Commercial, Mixed-use, Townhome

5. We have had a few projects which have an R2 zoning component. Here is a list of those projects:
   a. Penrose Place: Currently zoned R-2 and the proposal includes rezoning to PUD to accommodate duplexes.
   b. Shores on Plum Creek: Recently rezoned the property which moved their R2 zone district to a more internal portion of their property to accommodate smaller lot development.
   c. Kickbush Annexation property: Two options to accommodate duplex development, rezone to R2 or rezone to PUD.

Please let me know if you have any other questions.

Thank You,

Audem Gonzales | Senior Planner
Town of Frederick | 720-382-5651
AGonzales@Frederickco.gov | FrederickCO.gov

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From: wenger@risebroadband.net <wenger@risebroadband.net>
Sent: Thursday, September 18, 2025 3:16 PM
To: Audem Gonzales <agonzales@frederickco.gov>
Cc: joshua.huene@gmail.com; Ali van Deutekom <AVanDeutekom@frederickco.gov>; Bryan Ostler <BOstler@frederickco.gov>
Subject: Clarification request on Zoning

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Additionally, I'd appreciate if you could share examples of typical scenarios or project types where each zoning designation - PUD and R2 - is commonly applied.

Thank you for you time and assistance.
Tonie Wenger

From: Mark Novak
To: Audem Gonzales
Subject: Video of Neighborhood meeting from August 7, 2025
Date: Thursday, August 21, 2025 9:30:40 AM

Caution! This message was sent from outside your organization. Allow sender | Block sender

I have searched for the video of the meeting and have been unable to find it. Could you please send me the link.

I have viewed the transcript, but at times it is difficult to determine who was speaking.

Thanks

Mark Novak

From: Audem Gonzales
To: Mark Novak
Subject: RE: Video of Neighborhood meeting from August 7, 2025
Date: Friday, August 22, 2025 8:16:00 AM
Attachments: image001.png
image002.png

Good morning,

We made a folder and are giving access to anyone who requests the video. 320 Maple Street Neighborhood Meeting

Please let me know if you are able to access the video.

Thank You,

Audem Gonzales | Senior Planner
Town of Frederick | 720-382-5651
AGonzales@Frederickco.gov | FrederickCO.gov

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From: Mark Novak <nova-k557@hotmail.com>
Sent: Thursday, August 21, 2025 9:30 AM
To: Audem Gonzales <agonzales@frederickco.gov>
Subject: Video of Neighborhood meeting from August 7, 2025

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I have searched for the video of the meeting and have been unable to find it. Could you please send me the link.

I have viewed the transcript, but at times it is difficult to determine who was speaking.

Thanks

Mark Novak

From: Mark Novak
To: Audem Gonzales
Cc: Ali van Deutekom; Bryan Ostler
Subject: Where is the summary of the September 11,2025 meeting for 320 Maple PUD
Date: Friday, October 24, 2025 10:16:02 AM

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On September 11 there was a meeting between JJ Investments and the concerned citizens, again discussing the latest attempt by JJ Investments to develop 320 Maple. At the end of the meeting, the citizens were told to write down their concerns, and all the points would be compiled and posted on the Frederick website. Can you direct me to the link where this information resides, I have not been able to find it..

Thanks
Mark Novak

From: Audem Gonzales
To: "Mark Novak"
Cc: Ali van Deutekom
Subject: RE: Where is the summary of the September 11,2025 meeting for 320 Maple PUD
Date: Friday, October 24, 2025 11:03:00 AM
Attachments: image001.png
image002.png
image003.png

Good morning Mr. Novak,

Thank you for reaching out. You are correct that we provided a link at the meeting for residents to access the neighborhood meeting materials. Here is that link again: https://www.frederickco.gov/855/Whats-Developing

You will find near the bottom of the page, a table with all projects within the Town. The second tab (see screenshot), contains the applications under review.

What's Going on Around Me?

Neighborhood Meetings | Applications Under Review | Approved Applications

Project Name (Date of Meeting)	Location	Project Proposal	Application Type	Neighborhood Meeting
Circle K Car Wash (9/23/25)	5540 Silverstone Drive	Amendment to approved site plan to add new vacuum pumps and change parking area.	Site Plan Amendment	Recording & Minutes
Victory Valley Subdivision (10/8/25)	3400 Gooding Hollow Parkway	Proposed 124 single-family residential lots.	Preliminary Plat, Final Plat	Recording & Minutes
Mile High Metal Works (10/14/25)	4501 Salazar Ln	Proposed subdivision amendment and site plan for a new industrial building.	Subdivision Amendment, Site Plan	Recording & Minutes

You can navigate to the Maplewood Filing 2, Amendment A application and click on the link to access the documents. You will find the Neighborhood Meeting 2 folder which contains the summary you are looking for. Here is that direct link: Neighborhood Meeting 2

Please let us know if you have any additional questions.

Thank You,

Audem Gonzales | Senior Planner
Town of Frederick | 720-382-5651
AGonzales@Frederickco.gov | FrederickCO.gov

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From: Mark Novak <nova-k557@hotmail.com>
Sent: Friday, October 24, 2025 10:16 AM
To: Audem Gonzales <agonzales@frederickco.gov>
Cc: Ali van Deutekom <AVanDeutekom@frederickco.gov>; Bryan Ostler <BOstler@frederickco.gov>
Subject: Where is the summary of the September 11,2025 meeting for 320 Maple PUD

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Thanks
Mark Novak

From: Ronald Jagodinski
To: Audem Gonzales
Subject: Fw: Town of Frederick Rezoning Virtual Meeting on Thursday, August 7th, 2025 Reflections
Date: Friday, August 8, 2025 7:59:55 PM

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----- Forwarded Message -----
From: Josh Huene <joshua.huene@gmail.com>
To: Ronald Jagodinski <jagrafx@att.net>
Cc: hernandezkim123@gmail.com <hernandezkim123@gmail.com>; aroseferace@gmail.com <aroseferace@gmail.com>; wenger@risebroadband.net <wenger@risebroadband.net>; Attiya Anjum <attiyaanjum12@gmail.com>; Savannah <cubuffgal86@gmail.com>; Carl Randolph <crandolph79@hotmail.com>; Mark Novak <nova-k557@hotmail.com>; Jodie Simek <jodiesimek@gmail.com>; Cassandra Koger <cassandraakoger@gmail.com>; Tanya McCue <tanya.m.mccue@outlook.com>; Keri Aasmundstad <kaasmundstad@yahoo.com>; Angie Stiverson <amstiverson@gmail.com>; Rhonda Swetnam <sunnie901@gmail.com>; Jon Swetnam <brocswetnam@gmail.com>; Jill Firkins <jill_firkins@yahoo.com>; Devona Gooras <devojean@gmail.com>; Nate Stiverson <ndstiverson@gmail.com>; Phil Gooras <philbert_nut@comcast.net>; Clint Bingaman <clint.bingaman@yahoo.com>; Kevin Kenney <kevinkenney0@gmail.com>; Shannon Kenney <smckenney10@gmail.com>; agonzales@frederick.gov <agonzales@frederick.gov>; Scott Easton <scott@eastonhomes.com>; Megan Easton <megan@eastonhomes.com>
Sent: Friday, August 8, 2025 at 01:42:52 PM MDT
Subject: Re: Town of Frederick Rezoning Virtual Meeting on Thursday, August 7th, 2025 Reflections

Thank you Mr. and Ms. Jogodinski for the summarized email and your feedback.

We are looking to have a meeting with the Town's planning department soon to discuss the items summarized below. After that occurs, we will look to select a date/time for an in person meeting in the weeks ahead to garner more feedback and updates on the PUD application submittal.

Secondly, we heard the feedback on the mowing and weeds at 320 and 340 Maple, we will be addressing that in the coming days and work to maintain that better.

I am hopeful this process moving forward will be a better collaboration with safe and effective communication.

Sincerely,
Josh

On Fri, Aug 8, 2025 at 12:27 PM Ronald Jagodinski <jagrafx@att.net> wrote:

- 8 August, 2025

  Dear Mr. Joshua Huene
  Representative for Applicant(s) Regarding 320 Maple Street Rezoning

  SUBJECT: **Town of Frederick Rezoning Virtual Meeting on Thursday, August 7th, 2025 Reflections**

  Many Neighborhood Participants Were Unable To Attend.

  First of all, allow us to thank you for your participation at the virtual meeting last night on August 7th at 1700 hrs. We note that many who have provided significant input to our previously held neighborhood meetings were unable to attend due to the rather arbitrary application of scheduling restraints imposed by our Town of Frederick. Many emails received here indicate that a little more of an effort of accommodation is needed.

  One Modification Could Eliminate Over Half of the Applicants Problems.

  All seem to agree that the Applicant's suggestion of an unnecessary utility roadway and parking area on the East side of the parcel is a no-win situation for everyone. It simply makes more sense to have waste removal as well as other services accessed on Maple Street instead of creating a noisy hazard in the current owner/residents back yard (almost). The Applicants' single-story plot plan needs to be modified to eliminate off-street parking and what many are feeling is an unneeded and unnecessarily noisy access road which can only have the effect of lowering property values. We all find it quite astonishing that the Applicant chooses by design to summarily delete from use real estate nearly the size of a kid's soccer pitch so garbage trucks can drive between the developments.

  We note here that other properties in the designated filing area do not incorporate access roads in the rear in contrast to th 320 Maple Street Applicants. If the proposed access road and parking area are not being dedicated to the Town of Frederick, all operation & maintenance costs will fall on the eventual owners monthly fee structures.

  Odd That Environmental Mitigation Has Not Been Sought By The Town of Frederick.

  This is not in the Applicants corner, but we wish to point out that ostensibly no effort has been evidenced by to Town of Frederick, Colorado to make inquiries into outside corporate funding. Some compensatory funding was received from General Dynamics.Corporation when the construction permit was granted for the Fort St. Vrain power station just a little over 50 years ago.

  The same kind of corporate funding for environmental mitigation can and is used to provide facilities needed for open space areas and to make investors whole. Despite many suggestions in many meetings we have not been able to get anyone downtown to move on this potentially important issue which could be the ultimate solution to everyone's problems & interests.

  Fear From Violent Action(s) Among Participants Has No Place in Frederick, Colorado.

  We took serious note in last night's virtual Town meeting that a number of our neighborhood participants expressed feelings of trepidation in regard to last night's as well as other meetings yet to be scheduled. These feelings are not without merit or substance given some of the impromptu behaviors expressed with emotion in the past. The fact that some of our citizens of this town feel it an unsafe state over a subject like public meeting attendance is actually a call that is coming from inside the house; to use a familiar horror film example.

  The Application For Rezoning May Be Indicative Of A Yet Larger Set Of Town Zoning Problems.

  The rather torturous twist and turns of title and intent of use of 320 Maple Street would make any auditor's head swim with interrogatories & noted exceptions. A management, organizational, as well as a traceable roadmap of documentation needs to be established that would underscore the clarity needed to move ahead with any sort of development in the near or far future.

  During this particular review process, we note that intransigence on the part of some officials may have indeed contributed to an apparent "poisoning of the public well" atmosphere; partially denoted above. Perhaps the Town of Frederick officials need to treat this issue as if this were a grand jury indictment proceeding and provide answers to the hard questions posed. We are now looking forward to participating in future meetings regarding the rezoning of 320 Maple Street with the idea of possibly making investors whole for committed resources and efforts.

  Very truly yours;

  Ronald H. Jagodinski, Retired Auditor
  Heather M. Jagodinski, Retired Loan Officer

  301 Linden Street
  Frederick, Colorado 80530

:

From: Audem Gonzales
To: Ronald Jagodinski
Subject: RE: Town of Frederick Rezoning Virtual Meeting on Thursday, August 7th, 2025 Reflections
Date: Tuesday, August 12, 2025 9:48:00 AM
Attachments: image001.png

Good morning,

Thank you for keeping the Town in the loop with your correspondence. We appreciate it and I will confirm that the Town is looking to meet with the applicant this week to follow up on many of the items listed below.

Thank You,

Audem Gonzales | Senior Planner
Town of Frederick | 720-382-5651
AGonzales@Frederickco.gov | FrederickCO.gov

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From: Ronald Jagodinski <jagrafx@att.net>
Sent: Friday, August 8, 2025 8:00 PM
To: Audem Gonzales <agonzales@frederickco.gov>
Subject: Fw: Town of Frederick Rezoning Virtual Meeting on Thursday, August 7th, 2025 Reflections

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----- Forwarded Message -----
From: Josh Huene <joshua.huene@gmail.com>
To: Ronald Jagodinski <jagrafx@att.net>
Cc: hernandezkim123@gmail.com <hernandezkim123@gmail.com>; aroseferace@gmail.com <aroseferace@gmail.com>; wenger@risebroadband.net <wenger@risebroadband.net>; Attiya Anjum <attiyaanjum12@gmail.com>; Savannah <cubuffgal86@gmail.com>; Carl Randolph <crandolph79@hotmail.com>; Mark Novak <nova-k557@hotmail.com>; Jodie Simek <jodiesimek@gmail.com>; Cassandra Koger <cassandraakoger@gmail.com>; Tanya McCue

<tanya.m.mccue@outlook.com>; Keri Aasmundstad <kaasmundstad@yahoo.com>; Angie Stiverson <amstiverson@gmail.com>; Rhonda Swetnam <sunnie901@gmail.com>; Jon Swetnam <brocswetnam@gmail.com>; Jill Firkins <jill_firkins@yahoo.com>; Devona Gooras <devojean@gmail.com>; Nate Stiverson <ndstiverson@gmail.com>; Phil Gooras <philbert_nut@comcast.net>; Clint Bingaman <clint.bingaman@yahoo.com>; Kevin Kenney <kevinkenney0@gmail.com>; Shannon Kenney <smckenney10@gmail.com>; agonzales@frederick.gov <agonzales@frederick.gov>; Scott Easton <scott@eastonhomes.com>; Megan Easton <megan@eastonhomes.com>
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> SUBJECT: **Town of Frederick Rezoning Virtual Meeting on Thursday, August 7th, 2025 Reflections**
>
> **Many Neighborhood Participants Were Unable To Attend.**
>
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Very truly yours;

Ronald H. Jagodinski, Retired Auditor
Heather M. Jagodinski, Retired Loan Officer

301 Linden Street
Frederick, Colorado 80530

;

I sent the below letter to our elected town officials on September 21st of this year. This was prior to the PUD rezone application now active on the property at 320 Maple Street. I did not receive a single response from any of our town officials regarding my concerns about the rezone application process from a town of Frederick resident's point of view. This is extremely disappointing and disheartening as we are yet again in the process without any changes that ensure our understanding of a PUD rezone, what our role is and how and when we can share our concerns, and that our voices are heard. I am once again left to feel that the developer has the upper hand with ample access to town resources while I, as a private citizen, taxpayer, and voter, have none. I now want this letter a part of the public record in this new PUD rezone application of 320 Maple Street. I feel it extremely important that the Planning Commission is also privy to what I communicated with the Board and town staff following the last go-round and prior to this new application.

Furthermore, R2 was not right for this plat of land; it was not endorsed by the Planning Commission and was vetoed by the Board of Trustees. The proposed PUD overlay without a concurrent site plan is no different–it is still too broad and does not ensure that the existing character of the neighborhood is preserved. I will be following up with additional information to address this point more thoroughly.

September 21, 2025

Mayor and Board of Trustees
Town of Frederick
401 Locust Street
Frederick, CO 80530

Dear Mayor Crites and Trustees,

Over the past several months, I have taken time to reflect on my experience as a private citizen actively opposed to a recent rezoning application in the town of Frederick. I write to share my perspective—not in opposition to any specific future proposal—but in the hope that by understanding my experience, and that of many of my neighbors, we can improve the public process to better serve our entire community.

There were moments throughout this journey that were incredibly uplifting; neighbors came together, many meeting for the first time, bonded by a shared commitment to protect the character of our town. That sense of unity and grassroots civic engagement was truly powerful and reminded me of the good that exists in our community. However, there were also times that felt disheartening. As citizens, I feel we lacked accessible guidance on how to appropriately and

effectively participate in the rezoning process. In contrast, it felt as though the applicant had full support from town planning staff and legal counsel. This imbalance left me feeling disempowered and uninformed. There were also times it felt scary as I worried for my safety and well-being as I was inundated with actions taken by those who were aligned with the applicant that felt threatening. I hope by sharing my experience, it will serve as a catalyst for changes that make the process more transparent, inclusive, and equitable for all.

One of the first concerns raised during the Planning Commission meeting involved the applicant's noncompliance with the Planning Code requirement for first-class mailed notifications to all property owners within 500 feet of the proposed rezoned property. To hear the assigned staff member state on the public record that they do not adhere to this provision was deeply concerning. It left me questioning what other parts of the Code are also ignored or inconsistently enforced. This staff member further stated that the only difference between bulk and first-class mail is the cost of a stamp. That is factually inaccurate. First-class mail provides faster delivery and includes return services, critical components when numerous neighbors reported never receiving notifications. To have this concern dismissed so casually by town staff felt both patronizing and unprofessional. I want to clarify: the reason the public meetings were well-attended was not due to the applicant's efforts, but because we as private citizens utilized our own resources to conduct a proper first-class mailing, create a dedicated Facebook page, distribute flyers, and post signage. While I'm proud of the effort we made, it must be said that citizen-led communication should not be the primary source of public notification; that responsibility lies with the applicant and must be enforced by the town staff.

The Planning Code is currently the only resource available to Frederick citizens seeking to understand the rezoning process. It is insufficient in guiding residents through a process that is often complex and legally nuanced, particularly when it involves a quasi-judicial proceeding. I strongly recommend that the town consider this and take the following action steps to improve the process:

- Revisit and revise the Planning Code to clearly outline the required steps for applicants and the procedural timeline.

- Include plain-language guides for citizens explaining how and when they may participate, what types of correspondence are allowed and when, and the role of the town's attorney, staff, and officials.

- Assign a dedicated staff liaison for public questions during zoning or planning processes—someone who can provide timely, informed, and respectful responses.

I personally sent dozens of emails seeking to understand and navigate this process, often copying the town manager and town attorney. The town attorney frequently responded only to caution me—sometimes retroactively—on procedural missteps. When I reached out with genuine questions, I was advised to seek my own legal counsel. I was not looking for legal advice; I was simply trying to understand my rights and responsibilities as a resident. I do not feel this should ever be the burden of a private citizen in a small town.

I must also raise concern about the conduct of the staff member managing the application. It is entirely appropriate for this individual to ensure the applicant meets procedural requirements. However, I feel the town staff member's conduct went well beyond that. During both the Planning Commission and Board hearings, the staff member did not simply present information, they actively championed the proposal in a manner that felt biased and dismissive of citizen concerns. Given the extensive correspondence I had with this staff member, I found it disheartening that the overwhelming opposition expressed by residents was not acknowledged in any meaningful way. Furthermore, despite consistently copying the town manager on my emails, I never once received a reply or acknowledgment from the town manager; that is simply unacceptable. Delays in staff responses, sometimes exceeding a week, further added to the frustration. I urge the town to revisit and update its expectations and accountability standards for staff performance and responsiveness.

Finally, I strongly advocate for the development and implementation of a comprehensive Code of Conduct for all parties involved in land use applications to address the following:

- For town staff and officials, to ensure objectivity, professionalism, and responsiveness;
- For citizens, to maintain decorum and respect at public meetings;
- For applicants, to uphold community standards and refrain from intimidation or inappropriate tactics.

It was important at the time that I kept my voice specific to why I opposed the rezone, but I feel it now important to share with you what utilizing my voice in that regard cost me. During the process, I was subjected to behavior that felt threatening and invasive. Surveillance cameras were pointed at my home. Unfamiliar vehicles repeatedly drove by with individuals shouting at me, taking photos, and in some instances following me. I reported these actions to the Frederick Police Department on a few occasions, and, while empathetic, the best they could do is advise me to seek a protective order. This was surreal and deeply distressing—not just for me, but for others who had similar experiences. No citizen should feel unsafe for participating in a public process.

When the process concluded in May, I told myself I would never again engage in anything involving town politics; the emotional and physical toll was simply too high. But given time, I have come to realize that disengagement is not the solution. There is much that can be learned from this experience; opportunities to create a more inclusive, transparent, and equitable process for all who call Frederick home. That is why I am writing today–not to re-litigate a specific outcome–but to advocate for thoughtful change that strengthens trust and communication between the town and its citizens.

Thank you for your time and consideration. I appreciate your service to our community and hope you will take my experiences to heart as you continue working to make Frederick an even better place to live.

Sincerely,
Keri Aasmundstad

305 Linden St., Frederick, CO

November 2, 2025

Re: Opposition to PUD Rezone Application for 320 Maple Street and Concerns Regarding Procedural Transparency (Request for Public Record Inclusion)

Dear Frederick Planning Commission Members and Board of Trustees,

I am writing to formally state my opposition to the proposed Planned Unit Development (PUD) Rezone application concerning the property located at 320 Maple Street.

My primary concern is not solely focused on the ultimate use of the property, but critically on the evident lack of procedural clarity and public accessibility to essential information within the Town of Frederick Code regarding PUD applications. This deficiency severely limits the ability of private citizens to engage in a fair and equitable review process.

A clear and significant discrepancy exists in the level of detail provided to citizens regarding the PUD rezone process. Specifically, the town of Frederick Code (please see https://frederick.municipal.codes/LUC/16) does not provide easily discoverable, plain-language guidance detailing the following:

1. **The intended scope and restrictions of the PUD zoning district.**
2. **A step-by-step guide to the citizen's role in the PUD review process.**
3. **A clear explanation of how PUD standards supersede or modify underlying zoning standards.**

In contrast, our neighboring municipality, the Town of Erie, provides a highly effective model of transparency and public service. Their comprehensive PUD Rezoning User's Guide (please see https://www.erieco.gov/DocumentCenter/View/360/PUD-Rezoning) clearly spells out ALL pertinent information, using easy-to-understand language to explain the purpose of the PUD rezone, the precise process steps, and the necessary restrictions and considerations.

This critical difference in documentation raises serious concerns about the fairness of the current process in Frederick. When citizens are left without a basic, accessible framework for understanding the purpose and restrictions of PUD zoning, the review process inherently feels inequitable. It creates a situation where the applicant, possessing access to internal planning resources and specialized legal advice, operates with a complete understanding of the mechanisms, while private citizens are left with very little capacity for meaningful participation or understanding.

A healthy civic process requires transparency and easily accessible information for all parties. The current system, due to its lack of public-facing educational resources, appears to prioritize the applicant's ease of application over the public’s fundamental right to informed engagement.

I urge the Planning Commission and the Board of Trustees to immediately address this systemic lack of procedural documentation in the Town Code to ensure that the process for this, and future, PUD applications is truly fair and equitable for all residents.

Thank you for your time and consideration of these critical procedural matters.

Sincerely,

Keri Aasmundstad

Town of Frederick document:
https://frederick.municipal.codes/LUC/16

Town of Erie document for comparison:
https://www.erieco.gov/DocumentCenter/View/360/PUD-Rezoning

November 2, 2025

Re: Opposition to PUD Rezone Application for 320 Maple Street and Demand for Concurrent, Detailed Site Plan (Request for Public Record Inclusion)

Dear Frederick Planning Commission Members and Board of Trustees,

I am writing to express my opposition to the proposed Planned Unit Development (PUD) Rezone application concerning the property located at 320 Maple Street.

The basis of this opposition stems from the critical lack of detailed, necessary information required for the public to make a well-informed decision, specifically the absence of a concurrent, comprehensive site plan accompanying the PUD rezone application.

We, as concerned citizens, have repeatedly voiced our need for a detailed site plan. We have been informed by Town staff that the current Code may not allow for a concurrent site plan with a PUD rezone. However, this interpretation appears to directly contradict the clear language of the Frederick Municipal Code.

Article 16, Section 3, Point 2 (Contents) of the Frederick Code stipulates:

> *"The PUD concept plan shall include such information as required in the application checklist approved by the Director which shall, at a minimum, include the following:..."* (followed by a list that includes metrics like units/acre, parking calculations, storm water detention, and points of entry).

This provision grants the Town Director the specific and explicit authority to dictate how much information must be included in the concept plan checklist. Given the significant impact of a PUD rezone which sets future binding development parameters, it is highly reasonable for private citizens and the surrounding neighborhood to request that the Director exercise this discretionary authority and require the applicant to provide:

- A detailed site plan addressing setbacks and easements.
- Comprehensive traffic reports specific to the proposed use.
- Surveys and other technical information necessary to evaluate physical impacts.

At present, we have only a conceptual rendering accompanied by general marketing language promoting a "55+ community." This superficial depiction is wholly insufficient for assessing the long-term impacts on existing neighborhood character, infrastructure, and property values.

Without a detailed site plan and supporting technical studies, we lack the necessary data to determine if this PUD rezone is genuinely beneficial or even compatible with the neighborhood. When presented with inadequate information, we cannot responsibly support this application. I ask that you formally vote no on the proposed PUD rezone for 320 Maple Street.

Sincerely,

Keri Aasmundstad

November 16, 2025

Re: Opposition to PUD Rezone Application for 320 Maple Street (Request for Public Record Inclusion)

Dear Frederick Planning Commission Members and Board of Trustees,

I am writing to express my opposition to the proposed Planned Unit Development (PUD) Rezone application for 320 Maple Street. This small parcel of land is situated within an established residential neighborhood, and the proposed rezone is inconsistent with the existing character of this community.

A PUD designation is generally intended for large, complex development projects that require flexibility in zoning standards to achieve a superior, comprehensive design that may not be possible under standard district regulations. The primary reasons for implementing a PUD are to:

- allow for mixed uses or a variety of housing types that integrate better than standard zoning would permit
- provide a process for development on unique or challenging sites, such as irregular topography or specific environmental concerns
- ensure the overall design provides significant public benefit as to enhance open space or preserve natural features

To summarize, PUD designation is intended for large, complex, master-planned developments that require flexibility in zoning standards to achieve a superior, comprehensive design that provides a significant public benefit. The justification for a PUD is to address challenges and opportunities associated with large-scale planning that cannot be met by standard zoning.

The parcel at 320 Maple Street does not present any of these circumstances. In fact the PUD rezone is contradictory to all of the points listed, especially with regard to public benefit. Granting a PUD on such a small, non-unique infill site bypasses the established (and appropriate) underlying zoning presently for public use space.

The following table indicates the present developments under review by the Town of Frederick for this type of PUD use:

PUD Development	Estimated Size & Complexity
Silverstone	1,850 residences
The Shores on Plum Creek	Maximum of 1,100 dwellings in a large, master-planned community
Miners Park	524 Single Family lots, 94 Senior Housing lots, 16 commercial pads, and 200+ apartment units
Wheatland	325 single-family detached lots with additional acreage for up to 200 townhomes
High Glen Property	Annexation of 72 acres with plans for between 186 and 265 residential units
Columbine Heights, Penrose Place, Downtown West	All involve large acreage or significant mixed-use complexity that justifies the PUD process

The application for 320 Maple Street is not for a large master-planned community, a mixed-use center, or a site with unique environmental challenges. A PUD is designed for 72-acre annexations and 1,000+ home communities, not a single-acre lot in the middle of a primarily R-1 neighborhood. To approve this application is to fundamentally misuse the PUD tool.

Furthermore, the Planning Commission and Board of Trustees already deemed that an R2 rezone was not appropriate for 320 Maple Street and its surrounding neighborhood; a PUD rezone is even less appropriate. A PUD, by its very nature, can allow for greater density, different housing types, and reduced setback/parking standards than an R2 district. It is illogical to conclude that a standard density increase like R2 is detrimental to the neighborhood, but that a more flexible, potentially higher-density, and more design-variable PUD is acceptable. The PUD mechanism must not be used as an end-run around the established standards that the Town has already

determined are necessary to protect the integrity and quality of life for the residents of the surrounding neighborhood.

The PUD application for 320 Maple Street lacks the required public benefit and justification for granting special regulatory flexibility on such a small, established infill site. Approving this PUD would set a poor precedent for circumventing standard zoning in older, established neighborhoods. I urge the Planning Commission and the Town Board of Trustees to deny the PUD rezone application for 320 Maple Street.

Thank you for your time and consideration.

Sincerely,

Keri Aasmundstad

From: Keri Aasmundstad
To: Audem Gonzales; Ali Lommel
Cc: Bryan Ostler
Subject: 320 Maple Street Site Plan
Date: Monday, March 9, 2026 8:22:29 AM

Caution! This message was sent from outside your organization. Allow sender | Block sender

Good morning,

In looking at the town's web site, the application under review for 320 Maple Street has not been updated. There is no site plan there for us to review, nor is there record of the upcoming Planning Commission meeting.

Will you please provide the site plan that has been submitted with the PUD application so that we can review?

Thanks so much!

Regards,
Keri Aasmundstad
305 Linden St.

From: Audem Gonzales
To: "Keri Aasmundstad"; Ali Lommel
Cc: Bailey Arvizu
Subject: RE: 320 Maple Street Site Plan
Date: Monday, March 9, 2026 8:33:00 AM
Attachments: image001.png
image002.png

Good morning,

Thank you for reaching out to the Town inquiring about our online resources. The 320 Mapel Street PUD application is online for the public to view. Here is a direct link to the submitted documents: Maplewood F2 Amd A L1 - PUD - 320 Maple St

When you click on each Submittal folder you will find the documents submitted during each round. Please click the Submittal 3 folder and you will find the most up to date Site Plan labeled "320 MAPLE_PUD_02-03-26.pdf".

-
Please let us know if you need additional information for this project.

Thank You,

Audem Gonzales | Senior Planner
Town of Frederick | 720-382-5651
AGonzales@Frederickco.gov | FrederickCO.gov

Please Fill Out Our Satisfaction Survey!

Built On What Matters

This electronic mail message and any attached files contain information intended for the exclusive use of the individual or entity to which it is addressed and may contain information that is proprietary, privileged, confidential, and/or exempt from disclosure under applicable law. If you are not the intended recipient, you are hereby notified that any viewing, copying, disclosure or distribution of this information is strictly prohibited. If you have received this message in error, please notify the sender, by electronic mail or otherwise and delete the original message from your computer.

From: Keri Aasmundstad <kaasmundstad@yahoo.com>
Sent: Monday, March 9, 2026 8:22 AM
To: Audem Gonzales <agonzales@frederickco.gov>; Ali Lommel <alommel@frederickco.gov>

Cc: Bryan Ostler <BOstler@frederickco.gov>
Subject: 320 Maple Street Site Plan

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Thanks so much!

Regards,
Keri Aasmundstad
305 Linden St.

From: Josh Huene
To: Patrick Berrend, NCARB, AIA
Cc: Scott Easton; Megan Easton; Bailey Arvizu; Audem Gonzales
Subject: Re: No Application Materials on FRED Website
Date: Tuesday, March 10, 2026 10:34:17 AM
Attachments: image006788.png
image237819.png
image640316.png
image320419.png
image294722.png
image910002.png
image204901.png
image154226.png
image350570.png

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Hi Patrick

Thanks for catching up with me the other day and I know you received notification in the mail of the upcoming PUD planning commission meeting on March 19. I'm including the Town staff here to provide guidance on the documents available to the public for this application.

Josh

On Mon, Mar 9, 2026 at 11:27 AM Patrick Berrend, NCARB, AIA <patrick.berrend@summitde.com> wrote:

> Josh:
>
> Thanks for getting back with me last week. I am not seeing any application materials posted on the town of Frederick website for this project as yet. I don't know why this would be the case given you have a scheduled hearing date, but nevertheless it should be accessible to the public at this point.
>
> You mentioned that Scott Easton would be willing to send a copy of the packet that's on file. Could you please relay this request to Scott so we may review that packet well in advance of the Planning Commission Hearing?
>
> Thanks,
>
> Patrick
>
> Patrick Berrend, NCARB, AIA

Regional Design Services Manager
Tel: 303-997-4948 x4001
Cell: 303-960-9925

From: Audem Gonzales
To: "Josh Huene"; Patrick Berrend, NCARB, AIA
Cc: Scott Easton; Megan Easton; Bailey Arvizu
Subject: RE: No Application Materials on FRED Website
Date: Tuesday, March 10, 2026 10:41:00 AM
Attachments: image001.png
image002.png
image003.png
image004.png
image005.png
image006.png
image007.png
image008.png
image009.png

Good morning,

All our land use applications under review with the Town are available to the public via our website. Here is the direct link to this project's document page: Maplewood F2 Amd A L1 - PUD - 320 Maple St

You can find the most up to date documents under Submittal 3. You will find the PUD document labeled as 320 Maple PUD 02-02-26.pdf . You will also find the previous submittals and staff comments in the DRC or Submittal folders.

Please let me know how else I can assist.

Thank You,

Audem Gonzales | Senior Planner
Town of Frederick | 720-382-5651
AGonzales@Frederickco.gov | FrederickCO.gov

Please Fill Out Our Satisfaction Survey!

Built On What Matters

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From: Josh Huene <joshua.huene@gmail.com>
Sent: Tuesday, March 10, 2026 10:34 AM
To: Patrick Berrend, NCARB, AIA <patrick.berrend@summitde.com>
Cc: Scott Easton <scott@eastonhomes.com>; Megan Easton <megan@eastonhomes.com>; Bailey Arvizu <barvizu@frederickco.gov>; Audem Gonzales <agonzales@frederickco.gov>
Subject: Re: No Application Materials on FRED Website

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>
> Thanks,
> Patrick
>
> Patrick Berrend, NCARB, AIA
> Regional Design Services Manager

Tel: 303-997-4948 x4001
Cell: 303-960-9925

NOTICE OF PUBLIC HEARING
PLANNING COMMISSION
TOWN OF FREDERICK

NOTICE IS HEREBY GIVEN that the Planning Commission will hold a PUBLIC HEARING commencing on Thursday, March 19th at 6:30 pm. This meeting will be held both in person and virtually

To join virtually, access the meeting through Microsoft Teams using the following information:
Meeting ID: 229 286 565 79 Passcode GXuhzM
The public hearing will be held upon application made by Joshua Huene, 7973 Stroh Road, Parker, CO, 80134; for the purpose of considering the 320 Maple St. Planned Unit Development Zoning Document land use application pursuant to the Codes of the Town of Frederick and applicable State Statues.

The affected property is located at 320 Maple Street.

The legal description of the property is: Lot 1, Maplewood Subdivision Filing No. Two Amendment A.

Interested and affected parties are encouraged to attend. The Planning Commission will be taking written comments submitted prior to the hearing. Comments submitted prior to 5:00PM on the hearing date listed above will be forwarded with the staff report. During a public hearing, public input can be received.

Copies of the Land Use Code update and supporting materials are available for the public to review. Please contact Project Planner, Audem Gonzales, at agonzales@frederickco.gov to receive instructions on how to access the materials.

Dated this 25th day of February, 2026

TOWN OF FREDERICK, COLORADO

By:_____
Tricia David, Town Clerk

Published: Longmont Times Call February 28, 2026-2158105

Prairie Mountain Media, LLC

PUBLISHER'S AFFIDAVIT

County of Boulder
State of Colorado

The undersigned, __Agent__, being first duly sworn under oath, states and affirms as follows:

1. He/she is the legal Advertising Reviewer of Prairie Mountain Media LLC, publisher of the *Longmont Times Call*.
2. The *Longmont Times Call* is a newspaper of general circulation that has been published continuously and without interruption for at least fifty-two weeks in Boulder County and meets the legal requisites for a legal newspaper under Colo. Rev. Stat. 24-70-103.
3. The notice that is attached hereto is a true copy, published in the *Longmont Times Call* in Boulder County on the following date(s):

Feb 28, 2026

Melissa Najera
Signature

Subscribed and sworn to me before me this
2nd day of March 2026.

Shayla Najera
Notary Public

(SEAL)

SHAYLA NAJERA
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20174031965
MY COMMISSION EXPIRES JULY 31, 2029

Account: 1051151
Ad Number: 2158105
Fee: $40.60

1.4

TOWN OF FREDERICK Planning Commission Staff Report

Tracy Moe, Chairperson

Kristie Conroy, Vice Chairperson

Nathan Scott, Commissioner
Roger Kelley, Commissioner

Public Hearing to Consider a Resolution of the Town of Frederick Planning Commission Recommending Adoption of the 2026 Land Use Code, Amendment of the Town of Frederick Zoning Map, and Recommending Incorporation of the Land Use Code into the Municipal Code

- **Open Public Hearing**
- **Staff Presentation**
- **Public Comment**
- **Planning Commission Discussion and Questions**
- **Close the Public Hearing**

Planning Commission Action on Resolution 26-PCR-04.

Agenda Date: Planning Commission March 19, 2026

Attachments:

1. PC Resolution 26-PCR-04
2. Zoning District Map
3. 2026 Land Use Code
4. Proof of Publication

Reviewed By:

Action Type

1) Legislative: Actions that relate to subjects of a long term and general applicability; such as the passing of ordinances/resolutions/policies/etc.

Strategic Plan Alignment:

COMMUNITY AND ECONOMIC VITALITY– Frederick is a community that fosters economic, recreational, cultural, and environmental vitality and builds upon and enhances a variety of economic opportunities. Frederick celebrates its downtown and regards it as a gem in the region.

2.1 Create a funding strategy to facilitate the implementation of the Frederick Recreation Area Master Plan.

2.2 Continue implementing our retail attraction strategy to target regional and destination opportunities, traditional and non-traditional retailers, hospitality, and sit-down eating establishments.

2.3 Begin implementation of revitalization strategies for the downtown with "gazelle like" energy to include short-term, mid-term, and long-term projects.

2.4 Complete the Downtown Plan by mid 2025.

2.5 Continue work on updating the Land Use Code in connection with 1.2 above.

Summary Statement:

The purpose of this request is for the Planning Commission to consider the adoption of the updated Frederick Land Use Code, amendment to the official Town of Frederick Zoning Map and incorporate the Land Use Code into the Municipal Code. The proposed code update represents a comprehensive modernization of the Town's development regulations and is intended to implement the goals and policies of the Comprehensive Plan while improving clarity, usability, and administrative efficiency. The official zoning map amendment reflects changes to the Land Use Code and the evolving needs of the Town. Lastly, the request involves incorporating the Land Use Code into the Municipal Code to facilitate public accessibility and effective code citation.

Detail of Issue/Request:

The Town of Frederick initiated a comprehensive update of the Land Use Code in 2022. Since that time, the Town has adopted amendments to several articles, including but not limited to; oil and gas, the permitted use table, landscaping, Planned Unit Developments, use specific standards, etc. All of these previous amendments have been incorporated into the version included within this packet. The purpose of the code update is to modernize development regulations, align the Town's zoning and development standards with the Comprehensive Plan vision, and improve the clarity and usability of the Town's development regulations.

Over time, incremental amendments to the existing code and or lack of amendments created inconsistencies and made the development review process more difficult for applicants, staff, and decision-makers. The Land Use Code rewrite reorganizes and modernizes the Town's development regulations into a clear, cohesive structure that supports the Town's long-term planning and growth objectives.

Near the end of 2024, the Town retained RICK Engineering to assist with the Land Use Code update while completing significant portions of the drafting and policy development in-house. The rewrite process included multiple stakeholder meetings, work sessions with the Board of Trustees and Planning Commission, and ongoing coordination with Town staff and consultants.

The update reorganizes the Town's regulations into a series of clearly defined articles addressing zoning, development standards, subdivision regulations, sign regulations, development procedures, annexations, metropolitan districts, oil and gas, floodplain management, and historic preservation.

Key improvements to development regulations:

1. Clearer Zoning Districts and Use Table
The updated code establishes a clearer zoning district structure and use table that defines permitted, conditional, and prohibited uses within each zoning district. This improves predictability for property owners, developers, and residents.

2. New Mixed-Use Districts Mirroring the Comprehensive Plan Vision
The code introduces new mixed-use districts that reflect the development patterns envisioned in the Comprehensive Plan that support walkability and integrate areas of residential, commercial, and public uses.

3. Updated Housing Options
The new code expands the range of housing types permitted within the Town while maintaining compatibility with surrounding neighborhoods.

4. Modernized Development Procedures
Development review procedures have been reorganized and clarified to improve transparency and efficiency in the review of land use applications.

5. Improved Design Standards
Updated development and site design standards will help ensure that future development contributes to the quality and character of the Frederick community. These updates include clearer subdivision standards and improved requirements for parks and open space to support higher-quality recreational spaces located in logical and accessible areas of new developments.

6. Stronger Infrastructure Coordination
The code improves coordination between development approvals and infrastructure planning, including transportation, utilities, parks, and other public facilities. The updated procedures also clarify the Town's ability to review the location and extent of public facilities to ensure that development and infrastructure investments occur in a coordinated manner.

7. Administrative Development Guide
An Administrative Development Guide is being created to clearly identify application requirements and submittal materials, improving predictability and efficiency during the

development review process. This document will live outside the Land Use Code so it can be updated more regularly on an administrative level.

Major Changes at a Glance

Topic	What Changed	Why It Matters
1. Clearer Zoning Districts & Use Table	The code reorganizes zoning districts and provides a clearer use table identifying permitted, conditional, and prohibited uses.	Improves predictability for residents, property owners, and developers and reduces interpretation issues.
2. New Mixed-Use Districts	New mixed-use zoning districts were created to reflect the development patterns envisioned in the Comprehensive Plan.	Supports walkable areas where residential, commercial, and employment uses can be integrated.
3. Updated Housing Options	The code expands the range of housing types allowed within Frederick while maintaining compatibility with surrounding neighborhoods.	Encourages housing diversity and supports evolving housing needs within the community.
4. Modernized Development Procedures	Development review processes have been reorganized and clarified.	Improves efficiency, transparency, and predictability for applicants and decision-makers.
5. Improved Design Standards	Updated site design, landscaping, and development standards are included throughout the code.	Helps ensure future development contributes to the quality and character of the Frederick community.
6. Stronger Infrastructure Coordination	Land use approvals are more closely tied to infrastructure planning including transportation, utilities, and public facilities.	Supports responsible growth and helps ensure infrastructure keeps pace with development.
7. Administrative Development Guide	A new administrative development guide outlines application submittal requirements and review procedures.	Provides clear expectations for applicants and helps streamline the development review process.

Project Timeline

The Land Use Code update occurred over an approximately eighteen-month period with RICK Engineering and included the following milestones:

Fall 2024 – Frederick Comprehensive Plan completed
October 2024 – RICK Engineering was contracted to assist with the Land Use Code update
January 2025 – Stakeholder Session #1
April 2025 – Stakeholder Session #2
July 2025 – Work Session #1 with Board of Trustees and Planning Commission
October 2025 – Work Session #2 with Board of Trustees
January 21, 2026 – Work Session #3 with Board of Trustees and Planning Commission
February 4, 2026 – Work Session #4 with Board of Trustees and Planning Commission

March 19, 2026 – Planning Commission Public Hearing
April 1, 2026 – Board of Trustees consideration of Land Use Code adoption

Review Criteria
Section 4.7.9.b of the Land Use Code establishes the criteria for amendments to the text of the Code. The proposed Land Use Code adoption meets these criteria by:

1. Providing updates necessary to accommodate changing administrative practices and community needs.
2. Incorporating modern land use and development practices not contemplated at the time of the original code adoption.
3. Correcting inconsistencies and improving clarity within the Town's development regulations.
4. Further implementing the goals and policies of the Comprehensive Plan.

Staff believes all the criteria are being met with this update.

The proposed Land Use Code will be adopted through a single ordinance replacing the existing Land Use Code in its entirety. The same or separate ordinance will address the amendment to the Town of Frederick Zoning Map. Lastly, a resolution for incorporation of the Land Use Code into the Municipal Code will be created. If adopted, the new code will become effective June 1, 2026.

Public Notice
Public notice for this hearing was provided in accordance with the requirements of Colorado Revised Statutes §24-6-402 and the Town's Land Use Code.

Legal Comments:

The Town Attorney's office has played a key role in helping to develop and review the code language as presented.

Alternatives/Options

Approval:
I move to approve 26-PCR-04, which recommends adoption of the 2026 Land Use Code, amendment to the Town of Frederick Zoning Map and incorporation of the Land Use Code into the Municipal Code.

Approval with Conditions:
I move to approve 26-PCR-04, which recommends adoption of the 2026 Land Use Code, amendment to the Town of Frederick Zoning Map and incorporation of the Land Use Code into the Municipal Code with the following conditions: 1. (list conditions) and to direct the Town Attorney to reduce this motion to writing for prompt execution by Chairman Moe without further action of the Commission.

Denial:

I move to approve 26-PCR-04, which recommends denial of the 2026 Land Use Code adoption, amendment of the Town of Frederick Zoning Map and incorporation of the Land Use Code into the Municipal Code and to direct the Town Attorney to reduce this motion to writing for prompt execution by Chairman Moe without further action of the Commission.

Financial Considerations

The original contract amount, plus 3 amendments to the Comprehensive Plan, Downtown Plan, Land Use Code, and multiple park improvement designs, was in total $589,955.00. The current invoiced amount on these projects is $427,204.91.

Staff Recommendation

Staff recommends approval of the ordinance adopting the Frederick Land Use Code and Official Zoning Map and incorporation of the Land Use Code into the Municipal Code.

Community Impact

26-PCR-04

A RESOLUTION OF THE TOWN OF FREDERICK PLANNING COMMISSION RECOMMENDING ADOPTION OF THE 2026 LAND USE CODE, AMENDMENT OF THE TOWN OF FREDERICK ZONING MAP, AND RECOMMENDING INCORPORATION OF THE LAND USE CODE INTO THE MUNICIPAL CODE

WHEREAS, Town staff have worked to draft updates to the Town's Land Use Code ("Code") to better reflect and implement the evolving needs of the Town and its residents, and to be in conformance with recent State legislation; and

WHEREAS, on January 21, 2026 and February 4, 2026, Town staff presented the draft Land Use Code to the Town of Frederick Board of Trustees for review and comment, which comments staff have incorporated into the Code; and

WHEREAS, on January 21, 2026 and February 4, 2026, Town staff presented the draft Land Use Code to the Town of Frederick Planning Commission for review and comment, which comments staff have incorporated into the Code; and

WHEREAS, on March 19, the Planning Commission held a public hearing for adoption of the Town's updated Land Use Code; and

WHEREAS, the Town's zoning map is in need of updating in order to both reflect changes to the Land Use Code and the evolving needs of the Town; and

WHEREAS, on January 21, 2026 and February 4, 2026, Town staff presented the amended zoning map to the Town of Frederick Board of Trustees for review and comment, which comments staff have incorporated into the Code; and

WHEREAS, on January 21, 2026 and February 4, 2026 Town staff presented the amended zoning map to the Town of Frederick Planning Commission for review and comment, which comments staff have incorporated into the Code; and

WHEREAS, on March 19, the Town of Frederick Planning Commission held a public hearing on the proposed amended zoning map; and

WHEREAS, Town staff have recommended that the Land Use Code be incorporated directly into the Town's Municipal Code to facilitate public accessibility of the Land Use Code and effective code citation; and

WHEREAS, on March 19, the Town of Frederick Planning Commission held a public hearing regarding incorporation of the Land Use Code into the Town of Frederick Municipal Code; and

WHEREAS, the public had the opportunity to present testimony at the hearing on all items addressed by the Planning Commission.

NOW THEREFORE BE IT RESOLVED BY THE PLANNING COMMISSION OF THE TOWN OF FREDERICK, COLORADO, AS FOLLOWS:

Section 1. Land Use Code Adoption. The Town of Frederick Planning Commission hereby adopts the 2026 Land Use Code.

Section 2. Zoning Map Amendment. The Town of Frederick Planning Commission hereby approves the proposed amendment to the Town's zoning map.

Section 3. Incorporation of Land Use Code into Municipal Code. The Town of Frederick Planning Commission recommends to the Town of Frederick Board of Trustees that the Land Use Code be incorporated into the Town Municipal Code as Chapter 16.

Section 4. Basis for Decisions. The Planning Commission's Land Use Code adoption, zoning map approval, and decision on Land Use Code incorporation into Municipal Code is based on competent, substantial evidence in the written record and the testimony provided at the public meeting.

Section 5. Effective Date. This resolution shall become effective immediately upon adoption.

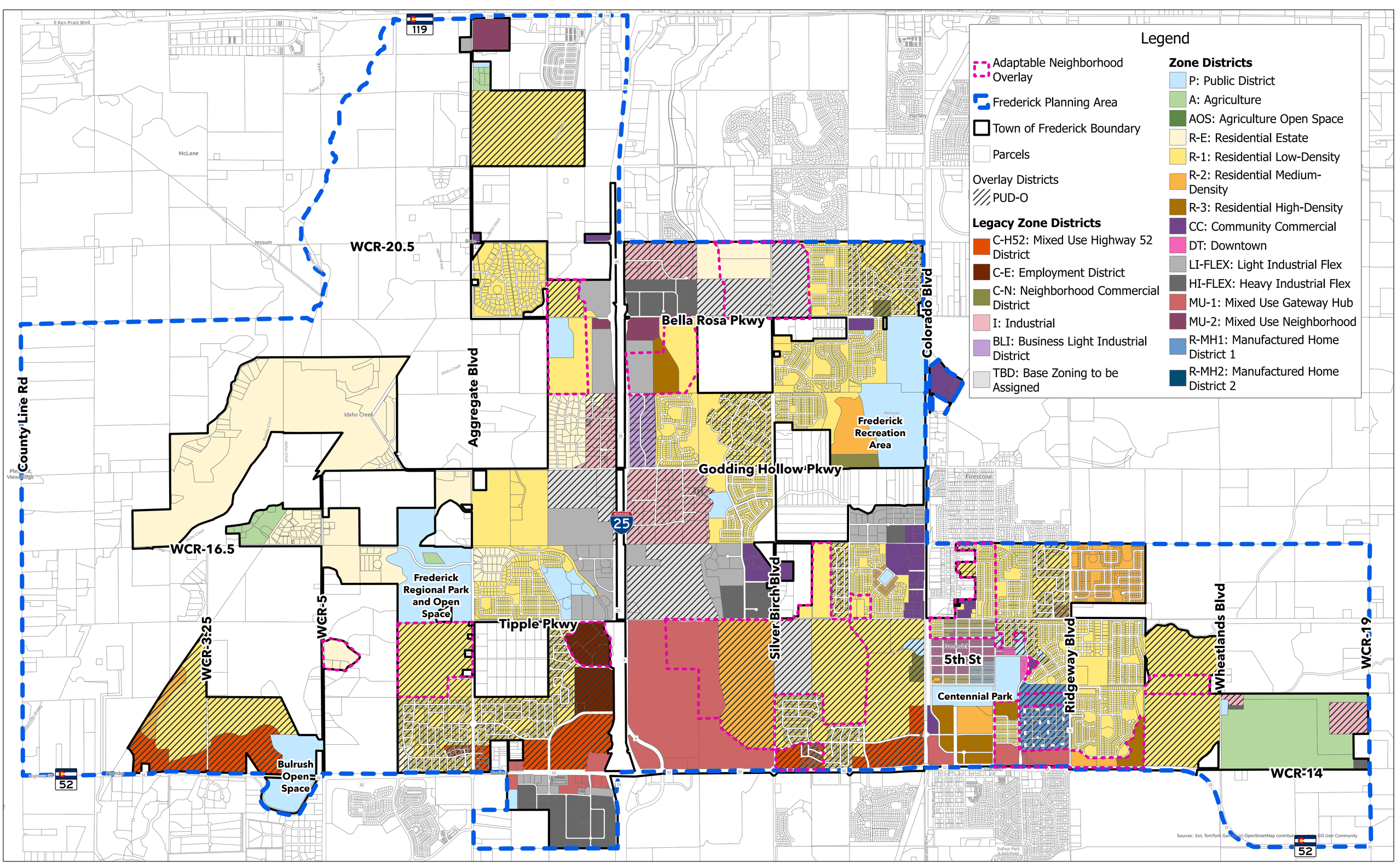
Section 6. Repealer. All resolutions, or parts thereof, in conflict with this resolution are hereby repealed, provided that such repealer shall not repeal the repealer clauses of such resolution nor revive any resolution thereby.

Section 7. Certification. The Town Clerk shall certify the passage of this resolution and make not less than one copy of the adopted resolution available for inspection by the public during regular business hours.

This resolution was approved this 19th day of March, 2026 by a vote of ___ to ___.

_____

Tracy Moe, Chairperson, Planning Commission



ZONING DISCTRICT MAP, TOWN OF FREDERICK

Article I.
General Provisions

Sec. 16-1-10. Title.

This Land Use Code (Code) establishes the regulations and standards governing the use and development of land within the Town of Frederick. Included are provisions for the annexation, subdivision, and zoning of land, as well as the administrative procedures governing the submission of applications, administrative and public reviews, and appeals. Also included are Town standards and requirements for site design, landscaping, signs, parks and open space, oil and gas, historic preservation, specific uses, parking, and public infrastructure.

Sec. 16-1-20. Short Titles.

A. This Code shall be known and may be cited as the Frederick Land Use Code. The Frederick Land Use Code shall simply be referred to as "this Code."

B. The 2024 Frederick Comprehensive Plan shall simply be referred to as the Comprehensive Plan. The Future Land Use Map may be referred to as the Future Land Use Plan; the Town of Frederick Transportation Master Plan Map shall be referred to as the Transportation Master Plan or TMP; and the Parks, Open Space and Trails Master Plan shall be referred to as the Parks and Open Space Map.

Sec. 16-1-30. Authority.

A. This Code is adopted pursuant to the authority contained in state statutes (Colorado Revised Statutes; C.R.S.). Local governments are provided broad authority to plan for and regulate the use of land within their jurisdictions, as authorized in Title 31, Article 23, et seq., C.R.S., as amended.

B. Whenever a section of the state statutes that is referred to in this Code is later amended or superseded, this Code is deemed amended to refer to the amended section or section that most nearly corresponds to the superseded section.

Sec. 16-1-40. Jurisdiction.

A. This Code shall be effective throughout the Town's municipal boundaries. The Town's planning boundaries include all land within the Town, and where applicable, the land within three (3) miles of the Town's municipal boundaries. boundaries.

B. A copy of a map showing the boundaries of the Town and the area within the three-mile planning boundaries shall be av

Sec. 16-1-50. Purpose.

The purpose of this Code is to create a vital, cohesive, well-designed community in order to enhance the Town's character and further the residents' goals as identified in the Comprehensive Plan. This Code is designed to:

A. Encourage the most appropriate use of land through the Town;

B. Encourage innovative, quality site design, architecture, and landscaping;

C. Encourage new developments to relate to the Town's historic development pattern;

D. Promote compact, well-defined, sustainable neighborhoods that enhance the Town's character;

E. Create livable neighborhoods that foster a sense of community and reduce dependency on private vehicles;

F. Encourage the proper arrangement of streets in relation to existing and planned streets and ensure that streets facilitate safe, efficient and pleasant walking, biking and driving;

G. Provide a variety of lot sizes and housing types in every neighborhood;

H. Protect sensitive natural and historic areas and the Town's environmental quality;

I. Integrate a high-quality natural environment into the developed portions of the community;

J. Facilitate the adequate and efficient provision of transportation, water, sewage, schools, parks, and other public requirements;

K. Provide protection from geologic, flood, and fire hazards and other dangers; and

L. Promote the health, safety, and general welfare of Town residents.

Sec. 16-1-60. Interpretation.

In their interpretation and application, the provisions of this Code shall be held to be minimum requirements for the promotion of the public health, safety, and welfare. Whenever the requirements of this Code are at variance with the requirements of any other lawfully adopted rules, regulations, or ordinances, the more restrictive or that imposing the higher standards shall govern.

Sec. 16-1-70. Applicability of Code.

A. The provisions of this Code shall apply to any and all development and use of land within the municipal boundaries of the Town, unless expressly and specifically exempted or provided otherwise in this Code. No development shall be undertaken without prior and proper approval or authorization pursuant to the terms of this Code. Certain uses may also be undertaken only with prior and proper approval or authorization pursuant to the terms of this Code. All development and uses shall comply with the applicable terms, conditions, requirements, standards, and procedures established in this Code.

B. Except as herein provided, no building, structure, or land shall be used, and no building or structure or part thereof shall be erected, constructed, reconstructed, altered, repaired, moved, or structurally altered except in conformance with the regulations herein specified for the zone district in which it is located, nor shall a yard, lot, or open space be reduced in dimensions or area to an amount less than the minimum requirements set forth herein. Whenever both the provisions of this Code and provisions of any other law cover the same subject matter, whichever rule is more restrictive shall govern.

C. This Code establishes procedural and substantive rules for obtaining the necessary approval to develop land, use land, and construct buildings and structures. Applications will be reviewed for compliance with the Comprehensive Plan and with adopted regulations, policies, and other guidelines.

D. Exception for emergencies.

When the Director determines that, because of an emergency, compliance with the normal procedures and requirements of this land use code would threaten life, safety, or property, the Director may exempt land use activities of the town or any town agency, department, district, or utility responsible for the facility involved in the emergency from this development code. The town or agency shall complete any improvements or revegetation that would have been required if normal procedures had been followed as soon as reasonably practicable after the necessary emergency actions are taken.

E. Administrative development guide.

1. The Director shall promulgate, and amend as necessary, a development guide specifying submittal requirements, signature certification blocks, and other pertinent information for development applications under this land use code, in order to ensure that the Director receives sufficient information to evaluate an application and sufficient authorization by relevant parties to ensure that any town approval or condition of approval is effective and binding.

2. The submittal requirements in this development guide shall be considered the minimum information the applicant must submit in order for a review procedure to begin. The applicant may be required to submit additional information in order to demonstrate satisfaction of the applicable review criteria. The Director also may waive or adjust any of the submittal requirements prior to formal application submittal if such requirements are unnecessary to demonstrate satisfaction of the applicable review criteria.

Sec. 16-1-80. Relationship to Existing Ordinances.

All ordinances or resolutions or motions of the Board of Trustees of the Town or parts thereof in conflict with this Code are to the extent of such conflict hereby superseded and repealed, provided that no such repealer shall repeal the repealer clauses of such ordinance, resolution, or motion, nor revive any ordinance, resolution, or motion thereby. The adoption of this Code shall not adversely affect the Town's right to seek remedies for any violation of previous ordinances that occurred while those ordinances were in effect.

Sec. 16-1-90. Relationship to Comprehensive Plan.

It is the intention of the Town that this Code implement the planning policies adopted in the Comprehensive Plan for the Town and its extraterritorial planning area. While this relationship is reaffirmed, it is the intent of the Town that neither this Code nor any amendment to it may be challenged on the basis of any alleged nonconformity with the Comprehensive Plan.

A. It is the intent (but not the obligation) of the Town that a Comprehensive Plan update occur at intervals of not more than ten (10) years.

B. Requirement for Comprehensive Plan amendment.

Where a development or use proposal would be in substantial conflict with the Comprehensive Plan, an amendment to the Comprehensive Plan will be required prior to any zoning or subdivision approvals. A substantial conflict will exist when a development proposal would result in changes from the designations of the Land Use Plan Map, Transportation Plan Map, or Parks and Open Space Map in the Comprehensive Plan.

C. Criteria for evaluating amendment proposals.

Amendments to the Comprehensive Plan resulting from development proposals under this Code shall be evaluated according to the criteria and procedures outlined in Article 6.

Sec. 16-1-100. Effective date.

The provisions of this Code shall become effective June 1, 2026. previous regulations that received vested property rights through a site-specific development plan shall be valid for the duration of that vested property right, provided that all terms and conditions of the site-specific development plan are followed. Existing legal uses that may become nonconforming by adoption of this Code shall become legal nonconforming uses subject to the provisions of Section 16-2-50.

Sec. 16-1-110. Fees.

A. Reasonable fees sufficient to cover the costs of administration, inspection, publication of notice, and similar matters will be charged to applicants for permits, plat approvals, zoning amendments, variances, and other administrative relief. The fee schedule will be adopted periodically by the Board of Trustees and is available from the Town offices.

B. All fees, charges, or assessments owed to the Town shall constitute a prior, perpetual lien upon each lot or parcel of land of the owner, developer, or licensee, from the due date thereof, until paid, as set forth in the Town Municipal Code. Fees, charges, taxes, or assessments shall include, but are not limited to, any development fees and charges assessed under any annexation or subdivision improvement or development agreement or agreement regarding land use application review expenses, development impact fees assessed by ordinance, sewer user fees, and any other financial obligation levied by this Code. The Town reserves the right to withhold or revoke any permits, certificates, or other approvals for any land use or license for which payment of any fee, charge, tax, or assessment is delinquent.

Sec. 16-1-120. Severability.

If any part, section, subsection, sentence, clause, or phrase of this Code is for any reason held to be invalid, such invalidity shall not affect the validity of the remaining sections of the Code. The Board of Trustees hereby declares that it would have passed this Code, including each part, section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that one (1) or more parts, sections, subsections, sentence, clauses, or phrases are declared invalid.

Sec. 16-1-130. Computation of Time.

A. In computing a period of days, the first day is excluded and the last day is included.

B. If the last day of any period is a Saturday, Sunday, or legal holiday, the period is extended to include the next day that is not a Saturday, Sunday, or legal holiday.

C. If a number of months is to be computed by counting the months from a particular day, the period ends on the same numerical day in the concluding month as the day of the month from which the computation is begun, unless there are not that many days in the concluding month, in which case the period ends on the last day of that month.

Sec. 16-1-140. Miscellaneous.

A. As used in this Code, words used in the singular include the plural and words used in the plural include the singular.

B. The words must, shall, and will are mandatory; may, can, should, and might are permissive.

Article II.

Zoning

Sec. 16-2-10. General Provisions.

In their interpretation and application, the provisions of these zoning regulations shall be held to be minimum requirements adopted for the promotion of public health, safety, convenience, comfort, prosperity, and general welfare.

A. Uniformity of regulations. The regulations established by this Article within each zone district shall apply uniformly. Unless exceptions are specified in this Code, any use not listed under a zone district shall not be permitted within that district.
B. Conflict with other provisions of law. Whenever the requirements of this Article are in conflict with another section or article of the Code, the requirement that is more restrictive (in terms of allowable uses, accessory uses, and other metrics articulated in this Article) shall take precedent.
C. Conflict with private covenants or deeds. In case of a conflict between this Code and any private restrictions imposed by covenant or deed, the responsibility of the Town shall be limited to the enforcement of this Code.

Sec. 16-2-20. Zoning Districts and Boundaries.

The following zoning districts are hereby established, along with descriptions of the general intent of each zoning district. They may be referred to throughout the Land Use Code by their name or district letter abbreviations.

A. Residential Zoning Districts.

1. R-E Residential Estate District

   Intent. This is a very low-density residential district intended to encourage the preservation of open space, natural features, and agricultural land in conjunction with the clustering of single-dwelling detached homes.

2. R-1 Residential Low Density District

   Intent. This is a low-density residential district intended primarily for single-dwelling uses on individual lots. This zone is characterized by tree-lined streets, an interconnected grid network of streets, an interconnected pedestrian circulation system, and proximity to schools and parks.

3. R-2 Residential Medium Density District

Intent. This is a medium-density residential district intended to preserve the traditional neighborhood pattern that includes a variety of housing styles and formats to create vibrant, active, and cohesive neighborhoods. This district allows attached as well as detached dwelling units.

4. R-3 Residential High Density District

   Intent. This is a high-density residential district intended primarily for multi-dwelling uses on individual lots including uses such as apartments, townhomes, paired homes, and related product types. The intent is to design higher density residential development to provide for the same level of quality as lower density residential zones.

5. R-MH1 Manufactured Home District 1

   Intent. This is a high-density residential district on a parcel of land under single ownership or control on which two (2) or more manufactured homes are occupied as residences.

6. R-MH2 Manufactured Housing Development District 2

   Intent. This is a low-density residential zoning district intended primarily for single-dwelling uses on individual lots within a subdivision, consisting of dwellings partially or entirely manufactured in a factory.

B. Mixed Use Zoning Districts

1. MU-1 Mixed Use Gateway Hub District

   Intent. This is a vibrant area of activity in and around the Highway 52 and I-25 area, at the southern gateway to Frederick. The district includes a wide range of detached and attached residential and multi-dwelling units of various densities, a range of retail and commercial uses, and well-integrated public spaces and destinations. The intent of the Mixed Use Gateway Hub District is to not compete with the Downtown District.

2. MU-2 Mixed Use Neighborhood District

   Intent. These districts will include a wide range of housing units and densities as well as limited areas of mixed-use buildings integrating commercial and other uses. The districts will be connected to adjacent neighborhoods and areas in Frederick through a grid network of street, bicycle, and pedestrian facilities. This zoning district encompasses the “Community Hub” and “Neighborhood Village” land use classifications from the Future Land Use Map within the Comprehensive Plan.

3. DT Downtown District

Intent. This district includes the historic portion of Downtown Frederick as well as areas for potential expansion to the south and west. This district includes a wide range of housing types and densities as well as retail and commercial uses and civic destinations. Trails, sidewalks, and a grid of streets shall connect the Downtown district to surrounding neighborhoods and to the broader Frederick community.

C. Commercial Zoning Districts

1. C-C Community Commercial District

Intent. This is a commercial district intended to provide for the location of auto-oriented and auto-dependent uses and/or uses that provide a wide range of general retail goods and services for residents of the entire community, as well as businesses and highway users, primarily inside of enclosed structures.

D. Industrial Flex Zoning Districts

1. LI-Flex Light Industrial Flex District

Intent. This zoning district is intended to provide locations for a variety of workplaces, primarily including light industrial uses, research, and development offices and institutions. This District is also intended to accommodate limited secondary uses that complement primary uses, such as breweries / distilleries, hotels, restaurants, convenience shopping, entertainment, and child-care facilities. Additionally, this District is intended to encourage the development of planned office and business parks and to promote excellence in the design and construction of buildings, outdoor spaces, transportation facilities, and streetscapes.

2. HI-Flex Heavy Industrial Flex District

Intent. This zoning district is intended to provide locations for more intensive industrial and manufacturing operations and related accessory uses. Uses in this zoning district have access via collectors and arterial streets, as opposed to local streets, with the intent of orienting and directing the majority of traffic toward the I-25 corridor.

E. Other Zoning Districts

1. A Agricultural District

Intent. This is an ultra-low-density district intended for the pursuit of commercial farm activities and animal raising and grazing activities. This zone is characterized by growing crops, raising animal livestock and related functions, and agricultural-related residential uses (such as traditional farmsteads or farmhouses).

2. AOS Agricultural Open Space District

   Intent. This district is intended to preserve areas that primarily serve as open spaces in the Frederick area but may include limited areas of residential uses and agricultural uses. Areas within floodplains, along creeks, and near related environmental features are well suited for the AOS designation.

3. P Public District

   Intent. This District is intended to identify and perpetuate the existence of public parks, playgrounds, recreation facilities, and public and quasi-public buildings, whether publicly owned or leased.

4. PUD Planned Unit Development District

   Intent. The Planned Unit Development (PUD) District is intended to permit and encourage innovative design and high-quality developments. The PUD District replaces the PUD-O Overlay District (see below) for new developments and is intended to encourage the development of compatible uses to be developed in accordance with a unified development plan that integrates with the surrounding neighborhood and the environment.

F. Overlay Districts

Overlay districts are applied on top of, or in addition to, the regulations of underlying zoning districts pertaining to specific parcels. The overlay districts include additional design guidance or restrictions on the use of land or parcels.

1. PUD Planned Unit Development Overlay District

   Intent. The Planned Unit Development Overlay (PUD-O) District is enacted pursuant to the Planned Unit Development Act of 1972, as amended (C.R.S. § 24-67-101-108). The PUD-O is intended to be used as an overlay zone district that supplements the underlying standard zone district. The intent and purpose of this District is to permit and encourage innovative design and high-quality master-planned developments on larger parcels of land. This Overlay District is created to allow and encourage compatible uses to be developed in accordance with a unified development plan in harmony with the environment and surrounding neighborhood.

   The PUD-O District includes several existing developments within the Town of Frederick. Since adoption of new code provisions on October 8, 2024, the Town will not approve any new developments using the PUD-O Overlay District designation. Instead, the new PUD District classification will be used going forward to replace the PUD-O designation for new developments. Refer to Article 6 for additional guidance regarding the administering of the PUD-O Overlay District.

2. Adaptable Overlay District

   Intent. These overlay districts are applied on top of parcels with underlying zoning of RE, R-1, P, LI-Flex, or PUD. When an adaptable overlay district applies to a non-residential zoning, single dwelling detached residential units shall be allowed as a conditional use. In accordance with the guidance within Article 4, parcels within an Adaptable Overlay District shall include a mixture of housing (single-dwelling homes, paired homes, multi-plex, townhomes, and multi-dwelling units). For properties not located within the municipal boundaries of Frederick that seek to be annexed by the Town, the zoning classifications of properties shown in the Future Land Use Map as Adaptable Neighborhood shall be zoned as RE or R-1 upon completion of the annexation.

G. Legacy Zoning and Overlay Districts

1. Intent. The following zoning districts were approved as part of PUDs prior to the adoption of the current version of the code. The following represent zoning classifications tied to specific areas within previously approved PUDs. The Town will not use these zoning districts for any new applications following the adoption of this code. Instead, these legacy zoning districts will remain as part of approved PUD documents and may be consulted for reference going forward.

2. Hazard Overlay District. This is a legacy overlay district previously established by the Town. See Article 4 Section 16-4-150 for regulations and standards pertaining to mine subsidence hazards previously identified with the Hazard Overlay District designation. See Article XII for regulations and standards pertaining to floodplains previously identified within this overlay zone district.

3. Commercial Zoning Districts:
   a. C-N: Neighborhood Commercial District
   b. C-H52: Mixed Use Highway 52 District
   c. C-E: Employment District

4. Industrial Zoning Districts:
   a. BLI – Business Light Industrial District
   b. I – Industrial District

H. Zoning District Map

The boundaries and classifications of districts established are as depicted on a map titled the Zoning District Map, Town of Frederick, as may from time to time be revised, updated, or redrafted.

1. The Official Zoning District Map is available and on display at the Town Hall during normal business hours.

2. Zoning district boundaries. In the event a zoning district splits a parcel, the district must be amended to encompass the entire parcel before development occurs.

3. In the event uncertainty is deemed to exist on the zoning district map, district boundaries shall be on section lines, lot lines, the centerlines of highways, streets, alleys, railroad rights-of-way, or such lines extended; municipal corporation lines; natural boundary lines, such as streams; or other lines to be determined by the use of scales shown on the map.
4. Where a lot is divided by a zoning district boundary line at the time of enactment of the ordinance codified in this Article or by subsequent amendments to that ordinance or this Article, either zone district may be applied to the entire lot at the discretion of the Director.

I. Annexation

The zoning of land during annexation shall be done in accordance with the provisions of Colorado State statutes and the procedures for annexation outlined in Article 6. No annexation of property to the Town shall become final until designation of a zoning classification for the property to be annexed has been established per CRS § 31-12-115, as amended.

J. Zoning Map Amendments

All amendments to the zoning map shall be made by ordinance. The Director shall, within a reasonable time after adoption of any such amendment by the Board of Trustees, revise the prior existing Official Zoning Map to include the annexed area with the proper zoning classification or show the amended classification, as the case may be. The Official Zoning Map shall be that map bearing a table containing the date, initials of the person who checked and approved the change, the number of the ordinance amending it, and the signature of the Director.

Sec. 16-2-30. Use Regulations.

A. General categories of land uses. The Code organizes the zoning districts and associated regulations by four general categories of land use: Residential, Commercial, Industrial, and Public / Institutional.

B. Use Table. The use tables describe the uses that are “allowed” (P); “allowed with additional use-specific standards” (P*); allowed under a “conditional use” (C); or are not allowed (having a blank in the use table). Uses shall be allowed within the lot encompassed by approval of the use. Approved uses must remain within the boundaries of the associated, approved lot and shall not extend into adjacent properties.

C. Multiple Uses. Proposed uses that combine more than one listed use, except those that qualify as “mixed-use,” shall meet the requirements for each listed use that applies.

D. Use-Specific Standards

1. “Use-specific standards” are those standards that apply to individual, conditional, or permitted uses, as set out in this Section. For the purposes of applying use-specific standards, the phrase “all zoning districts” means all zoning districts where the use is designated as a permitted use or a conditional use.

2. Use-specific standards in this Section are applied in addition to the general criteria that are applicable to all uses and to the general development and subdivision standards stated in Articles 3 and 4 (as applicable), respectively. In the case of any conflict between a use-specific standard and a general development standard, the use-specific standard applies unless otherwise expressly provided.

E. Table of Allowed Uses

The uses listed in Table 2-1 Table of Allowed Uses are organized into four Use Categories: Residential, Commercial, Industrial, and Public or Institutional.

Table 2-1 Table of Permitted Uses

Land Use Category	A	AOS	R-E	R-1	R-2	R-3	R-MH1	R-MH2	MU-1	MU-2	DT	LI-Flex	HI-Flex	CC	P
RESIDENTIAL															
Single-dwelling detached	P	P	P	P	P			P	P *	P *	P *				
Paired Homes			C *	C *	P*	P*			P *	P *	P *				
Townhome			C *	C *	P*	P*			P *	P *	P *				
Multi-plex				P*	P*	P*			P*	P*	P*				
Multi-dwelling					C *	P			P	C	P				
Live/Work					C	C *			P *	P *	P *	P *		C *	
Manufactured Home							P	P							
Assisted Living or Congregate Care				P *	P*	P*			C *	C *	C *	C *		C *	
Nursing Home, Memory Care, Alzheimer's Care				C	P*	P*			P*	P*	P*	C *			
Protective Care (homeless group shelters)												C *			

Group Homes	P *	P *	P *	P *	P *	P *	P *	P *	P *	P *	P *	C *			
Boarding and Rooming Houses						C *				C *	C *				

	A	AOS	R-E	R-1	R-2	R-3	R-MH1	R-MH2	MU-1	MU-2	DT	LI-Flex	HI-Flex	CC	P
COMMERCIAL															
Accommodations - Bed and Breakfast	P *	P *	P *		C	C			P *	P *	P *				
Accommodations - Hotel or Motel									P *	C	C	C		P *	
Agricultural Cultivation	P	P	C*												
Agricultural Event Center	C														
Agricultural Grazing	P*	P*	C*												
Agricultural Processing	P											C*	P*		
Animal Hospital, Large Animals	P*											P*			
Animal Hospital, Small Animals	P*								C*	C*		P*		P*	
Auction Yard													C		
Bar or tavern									P *	P *	P *	P *		P *	
Breweries and Distilleries	C								P *	P *	P *	P *		P *	
Campgrounds and Recreational Vehicle Parks	C														

	A	AOS	R-E	R-1	R-2	R-3	R-MH1	R-MH2	MU-1	MU-2	DT	LI-Flex	HI-Flex	CC	P
COMMERCIAL															
Car Wash									C *	C *		C *		P *	
Check-Cashing Facility															
Child Care Center, Commercial				C	C	C			P *	P *	P *	C		P *	P *
Commercial Amusement and Recreation, Indoor									P *	C	C	C		P *	
Commercial Amusement and Recreation, Outdoor									C		C	C		C	
Commercial Stables	P *	C	C												C
Dental or Medical Office, Clinic, or Lab									P	P	P	P	C	P	
Financial Institution									P *	P *	P *	P *		P	
Fueling Station									P *	P *		P *	P *	P *	
Funeral Parlor, Mortuary or Crematory												C *		C *	
General Retail									P *	P *	P *	P *		P *	
Golf Course (Privately Owned)	C	C	C	C	C										
Hospital									C	C	C	C		C	
Kennel or Animal Day Care (Indoor and Outdoor Facilities)	P											P *	P *	P *	
Laboratory (Research)									C	C	C	C		C	
Natural Medicine Manufacturing									P*	P*	P*	P*	P*	P*	
Natural Medicine Healing Center									P*	P*	P*	P*	P*	P*	
Office, General									P	P	P	P	P	P	
Parking Structure									C *	C *	C *	C *		C *	

Pawnbroker Business															
Personal Service Establishment									P	P	P	P		P	
Recording or Broadcasting Studio												C *		C *	

	A	AOS	R-E	R-1	R-2	R-3	R-MH1	R-MH2	MU-1	MU-2	DT	LI-Flex	HI-Flex	CC	P
COMMERCIAL															
Restaurant (with drive-up or drive-through)									P *	P *		P *		P *	
Restaurant (without drive-up or drive-through)									P *	P *	P *	P *		P *	
RV Storage												C *	C *		
Sexually-oriented business												C *	C *		
Shooting Range, Indoor												P *	P *		
Substance Abuse Treatment Facility, Outpatient									C*	C*	C*	C*		C*	
Towing and Storage Facility													C *		
Urgent Care Facility									P	P	P	P		P	
Vehicle Sales and Rental, Heavy													C *		
Vehicle Sales and Rental, Light												C *	C *	C *	
Vehicle Service and Repair, Heavy													C *		
Vehicle Service and Repair, Light									P*	P*		P *	P *	P *	
Vocational School	C *								C *	C *	C *			C *	

	A	AOS	R-E	R-1	R-2	R-3	R-MH1	R-MH2	MU-1	MU-2	DT	LI-Flex	HI-Flex	CC	P
INDUSTRIAL															
Airport and related uses	C														C
Building Materials and Lumber Sales												C	P		
Contractor's Shop or Storage Yard												P *	P *		
Heavy Equipment Sales, Service and Rental												C	C		
Helistop	C								C			C	C		C
Industrial, Heavy													C		
Industrial, Light												P *	P *		
Large Vehicle Transportation Center / Maintenance Facility												C *	C *		
Light Equipment Sales, Service and Rental												P	P	C *	
Mining and Mineral Extraction	C														
Oil and Gas Operations	C	C	C	C											C
Outdoor Storage Facility												P*	P*		
Recycling Center												C	C		C
Research and Development Facility									C *			C *	C *	C *	
Salvage Yard / Junkyard													C *		
Sanitary Landfill															C
Self Storage												P *	P *	P *	
Utility Facility, Major	C	C	C	C	C	C			C	C	C	C	C	C	
Utility Facility, Minor	C	C	C	C	C	C			C	C	C	C	C	C	
Wholesale Distribution Center												C *	P *		
Wireless Communication, Alternative Tower Structure	C	C	C	C	C	C	P	P	P	P	P	P	P	P	P
Wireless Communication, Attached	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Wireless Communication, Free Standing							C	C	C	C		C	C	C	C
Wireless Communication, Small Cell	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P

	A	AOS	R-E	R-1	R-2	R-3	R-MH1	R-MH2	MU-1	MU-2	DT	LI-Flex	HI-Flex	CC	P
PUBLIC OR INSTITUTIONAL															
Auditorium	C	C	C	C	C	C			C	C	C	C	C	C	C
Botanical garden or Zoo	C	C							C	C	C	C			C
Cemetery	C	C													C
College or University	C	C							C	C	C			C	C
Community Garden	P *	P	P	P	P	P			P	P	P	P	P	P	P
Essential Infrastructure Facilities	P	P	P	P	P	P			P	P	P	P	P	P	P
General Assembly	C	C	C	C	C	C			P *	P *	P *	C	C	P *	P *
Governmental Office / Services	P *	P *	P *	P *	P *	P *			P *	P *	P *	P *	P *	P *	P *
Library or Museum	C	C							C	C	C				C
Park	P	P	P	P	P	P			P	P	P	P	P	P	P
Public Works Facility												P	P		P
Recreation Center (Indoor / Outdoor)			P	P	P	P			P	P	P	P		P	P
Residential Assembly (HOA)	P	P	P	P	P	P			P	P	P				
School - Private	C	C	C	C	C	C			C	C	C	C		C	C
School - Public	P	P	P	P	P	P			P	P	P	P	P	P	P
Transit Center									C			C	C		C
Wastewater and Water Treatment Facilities													P *		P *

F. Use-Specific Standards for Residential Uses

1. Single-Dwelling Detached
   a. Within the MU-1 and MU-2 zones: No new single dwelling detached units shall be developed along primary streets.
   b. Within the DT zone: No new single dwelling detached units shall be developed on: 5th St; Oak St between Tipple Pkwy and 6th St; Locust Street between 4th St and Colorado Blvd; Elm Street between 4th and 6th, or along Main Street.

2. Paired Home
    a. Within the R-E and R-1 districts: Paired homes shall only be allowed within the Adaptable Neighborhood overlay area.
    b. Within the MU-1 and MU-2 districts: Paired homes shall only be allowed if they are part of a horizontal mixed-use development.
    c. Within the DT district: No new paired home units shall be developed on: 5th St, between Main and Locust Street; Oak Street between Tipple Pkwy and 6th Street; Locust Street between 4th Street and Colorado Blvd; Elm Street between 4th and 6th, Streets or, along Main Street. See Figure 2-1.
    d. Outside of the DT district, an additional setback of fifty (50) feet shall be applied for any paired home development adjacent to an existing property containing single dwelling detached residential units. The setback shall be measured from the shared property line into the site of the proposed townhomes. The setback shall include the landscape components outlined in Article 4, Section 16-4-90 for land use buffers. The setback area shall not include buildings or improvements (such as outdoor storage or drive aisles) within the buffer area. Trails and sidewalks may be allowed within the land use buffer area. These regulations for paired homes shall apply unless exempted or amended by the Director.

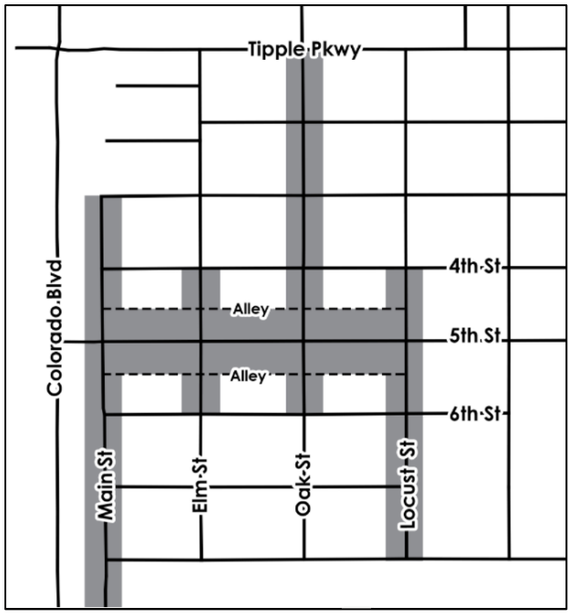


Figure 2-1 Map Where Paired Homes Are Not Permitted

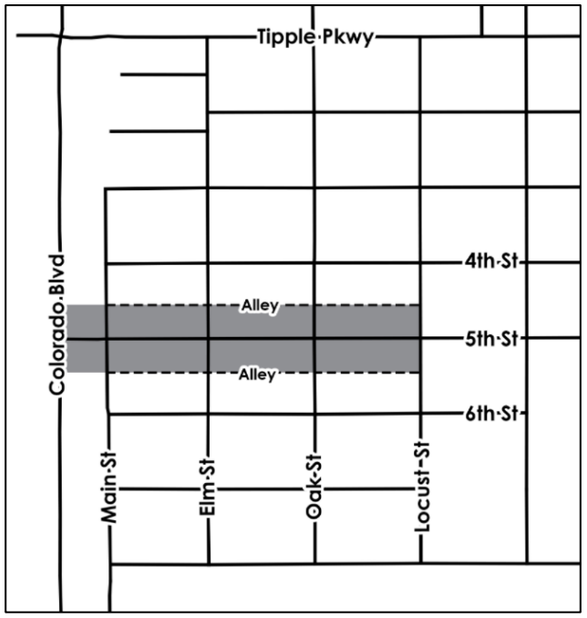


Figure 2-2 Map Where Townhomes Are Not Permitted

3. Townhomes
    a. Generally: Townhome buildings shall not contain more than eight (8) dwelling units.
    b. Within the R-E and R-1 districts: Townhomes shall only be allowed within the Adaptable Neighborhood overlay area.

c. Within the DT district: Townhomes shall not be allowed along 5th St., between Colorado Blvd. and Locust Sreet. See Figure 2-2.
d. Outside of the DT district, an additional setback of fifty (50) feet shall be applied for any townhome development adjacent to an existing property containing single dwelling detached residential units. The setback shall be measured from the shared property line into the site of the proposed townhomes. These regulations for townhomes shall apply unless exempted or amended by the Director.

4. Multi-dwelling.
    a. The primary traffic access to the development shall be located within one thousand two hundred (1,200) feet of an arterial right-of-way.
    b. A land use buffer of fifty (50) feet shall be applied for any multi-dwelling development adjacent to an existing property that contains single-dwelling detached residential units. The buffer shall be measured from the shared property line into the site of the proposed multi-dwelling residential units. The buffer shall include the landscape components outlined in Article 4, Section 16-4-90 for land use buffers. The buffer area shall not include buildings or improvements (such as outdoor storage or drive aisles) within the buffer area. Trails and sidewalks may be allowed within the land use buffer area.

5. Multi-plex dwelling units
    a. The design of multi-plex dwelling units shall resemble single dwelling units in terms of architecture.
    a. The design of multi-plex dwelling units shall have one driveway and one principal entrance serving all individual units.
    b. Any parking lot or garage for multi-plex dwelling units shall be located to the side or to the rear of the principal building.
    c. No more than two garage bays shall front onto the principal street.
    d. No more than three garage bays total.

6. Live-work units
    a. The commercial portion of live-work units shall comprise a minimum of twenty-five (25) percent of the total gross square footage and shall not comprise more than fifty (50) percent of the total gross square footage.
    b. The commercial component of live-work units shall be located on the ground level floor. The main entrance into commercial components shall front onto the adjacent street.
    c. Parking regulations shall follow the residential parking requirements for live-work units specified in Article 4, Section 16-4-110. In addition, parking requirements shall apply to the work area calculated by the applicable nonresidential use. Residential and commercial parking standards shall be applied for all parking spaces provided for live-work units.
    d. The building shall function as a single unit, and internal connections (stairs) shall be required between different floors within the building.

7. Assisted Living or Congregate Care
    a. Within the R-1, R-2, and R-3 districts: Assisted living or congregate care units shall be located within one thousand five hundred (1,500) feet of an arterial or collector street.
    b. Within the LI-Flex district: Assisted living or congregate care units shall not be located within one thousand (1,000) feet of an arterial street or the right of way of I-25.
    c. Within the DT district: Assisted living or congregate care units shall not be located along 5th Street, from Main Street to Locust Street.
    d. Within the CC district: Assisted living or congregate care units shall be located within one thousand (1,000) feet of an arterial street.

8. Nursing Home, Memory Care, Alzheimer's Care
    a. Within the R-1, R-2, and R-3 districts: Development shall be located within one thousand five hundred (1,500) feet of an arterial or collector street.
    b. Within the MU-1 and MU-2 districts: Development shall not be located along high streets.
    c. Within the DT district: Development shall not be located along 5th Street, from Main Street to Locust Street.
    d. Within LI-Flex districts: Development shall not be located within one thousand (1,000) feet of an arterial street or the right of way of I-25.

9. Protective Care (homeless group shelters)
    a. Shall include a one hundred (100)-foot landscaped buffer from the property line of adjacent residential uses or residential zoned property to the building including the protective care use. The landscaping buffer shall incorporate landscaping at the following rate: One (1) evergreen tree and three (3) shrubs for every twenty (20) feet of linear distance of buffer length (i.e., If the property line between uses is one-hundred (100) feet in length, five (5) evergreen trees and thirty-three (33) shrubs are required to be planted within the buffer.). Landscaping contained within this buffer shall not count towards the overall required site landscaping outlined in Article 4.
    b. Within LI-Flex districts: Development shall not be located within one thousand (1,000) feet of an arterial street or the right of way of I-25.

10. Group Homes
    a. The development and operation of residential group homes shall comply with all state and federal laws.
    b. Group homes shall be limited to eight (8) or fewer residents.
    c. Group homes for persons with behavior or mental disorders, including sober homes, shall be separated by at least seven hundred fifty (750) feet from other similar group homes.
    d. Group homes shall comply with the residential architecture standards listed in Article 4, Section 16-4-130 of the permitted residential uses within the zoning district where the group home is proposed.
    e. Within LI-Flex districts: Group homes shall not be located along arterial streets or I-25.

11. Boarding and rooming houses

a. A building may not have more than eight (8) rooms, unless approved through the conditional use process.
b. The design of boarding and rooming homes shall follow the residential architecture standards for multi-dwelling residential listed in Article 4, Section 16-4-130.
c. Buildings including boarding or rooming units shall have one (1) common, primary exterior entrance.
d. The primary entrance to sleeping rooms shall be provided from the interior of buildings.
e. Sleeping rooms shall not include cooking facilities.
f. No greater than eight (8) roomers or boarders shall be allowed at one time.

G. Use-Specific Standards for Commercial Uses.

1. Accommodations - Bed and Breakfast:

a. A, AOS, R-E, R-1, MU-1, MU-2, MU-3, DT, and LI-Flex Districts. Bed and breakfast uses may be approved in these districts if it is demonstrated that:

1. All parking that is required for the use is provided on-site and not in the street, unless permitted in an off-site property (see parking section).

2. The number of rentable rooms shall not exceed ten (10).

3. If located within the A, R-E, or R-1 districts, the use follows applicable residential architecture requirements stated in Article 4.

2. Accommodations – Hotel / Motel
   a. If a hotel or motel is located within one thousand (1,000) feet of I-25, building height of up to eighty (80) feet is allowed with conditional review.
3. Agricultural Cultivation
   a. Within the R-E district: Agricultural cultivation shall be allowed on lots exceeding ten (10) acres in size.
4. Agricultural Grazing
   a. Within the A & AOS districts:
      1. Limitations on quantities of livestock.
      2. The limitations in Table 2-2 may be exceeded through review and approval by the Director.

Table 2-2 ANIMAL UNITS PER ACRE IN THE A AND AOS DISTRICTS

ANIMAL	Number of Animals Equivalent to One Animal Unit	Animal Units per Acre
Cattle	1	6
Bison	1	6
Mule / donkey / burro	1	6
Ostrich / emu	1	6

Elk	1	6
Horse	1	6
Yak	1	6
Camel	1	6
Swine	5	2
Sheep	10	2
Llama	10	2
Goat	10	2
Alpaca	10	2
Poultry	20	2
Rabbit	20	2

b. Within the R-E district:
    1. Agricultural grazing shall be limited to lots exceeding 10 acres.
    2. The containment facility for newly established grazing uses adjacent to residentially zoned lots (such as a fence) shall be set back fifty (50) feet from adjacent residentially zoned lots or parcels.
    3. Limitations on quantities of livestock. Refer to animal unit table within the Keeping of Animals accessory use in Section 16-2-40.

5. Agricultural Processing
    a. All buildings shall be set back one hundred (100) feet from property lines.
    b. Meat-processing and packaging activities shall be prohibited.
6. Animal Hospital, Large Animals
    a. All facilities, including all treatment rooms, cages, pens, kennels, training rooms, and exercise runs, shall be maintained within a completely enclosed, soundproof building and shall be sufficiently insulated so that, to the maximum extent feasible, noise or odor cannot be detected off premises.
    b. The outdoor facilities shall be appropriately secured to prevent animal escape.
    c. Outdoor use must be subordinate in size to the indoor use unless approved to be larger through the conditional use approval process.
7. Animal Hospital, Small Animals
    a. General. All facilities, including all treatment rooms, cages, pens, kennels, training rooms, and exercise runs, shall be maintained within a completely enclosed, soundproof building and shall be sufficiently insulated so that, to the maximum extent feasible, noise or odor cannot be detected off premises.
    b. Outdoor components shall be fully screened with a solid wall or fence a minimum of six (6) feet in height. The screening material shall complement the materials used in the principal building.
    c. Outdoor use must be subordinate in size to the indoor use unless approved to be larger through the conditional use approval process.

8. Bar or Tavern
    a. All zone districts. Outdoor patios and outdoor spaces abutting residential uses shall be fully enclosed with a fence or screen. The setback from existing residential zoning or use shall be at least one hundred

(100) feet, unless reduced by the Director in instances of new development, except within the DT zone district.

9. Breweries and Distilleries
    a. All zone districts. Outdoor patios and outdoor spaces abutting residential uses shall be fully enclosed with a fence or screen. The setback from existing residential zoning or use shall be at least one hundred (100) feet, unless reduced by the Director in instances of new development, except within the DT zone district.
    b. Within the DT district, breweries and distilleries exceeding five thousand (5,000) SF shall require conditional review for approval.
    c. Outside of the DT district, breweries and distilleries exceeding fifteen thousand (15,000) SF shall require conditional review for approval.
10. Child Care Center, Commercial
    a. General. All child-care centers shall comply with state laws, including without limitation C.R.S. § 26-6-101, et seq., as amended, and the Regulations of the Colorado Department of Human Services (12 CCR 2509-9, as amended).
    b. Within MU-1 and MU-2 districts. Commercial child-care centers shall not be located along a primary street.
    c. Within the DT district. Commercial child-care centers shall not be located along 5th St, between Main and Locust.
11. Commercial Stables
    a. Within the A district. Commercial stable buildings in excess of ten thousand (10,000) square feet shall be prohibited.
12. Commercial Amusement and Recreation (Indoor):
    a. All facilities shall be maintained within a completely enclosed building, should comply with the Town's noise standards, and shall not constitute a nuisance.
    b. Notwithstanding the general dimensional standards in Article 3, the building setback to an existing residential zone or use shall be at least one hundred (100) feet.
13. Financial Institution
    a. Free-standing ATMs shall not be located between a building facade and an adjacent street, unless set back twenty-five (25) feet from the right-of-way.
14. Fueling station
    a. Fuel pump canopies
        1. Fuel pump canopies (including columns, all roof components, and other supports) shall utilize brick or masonry materials.
        2. The fuel pump canopy area shall be set back a minimum of two hundred (200) feet from the property line of adjacent existing residential uses or zoning districts.
    b. Car wash facilities

1. All service areas, bays, and equipment shall be set back one hundred (100) feet from the residential use or zone.
2. Service areas, bays, etc. shall not be oriented toward a street or a residential use unless approved by the Director.
3. All equipment (vacuums, etc.) shall not be allowed between the primary building and the primary street. Equipment associated with a car wash bay or vehicle repair bay is only allowed to the side or rear of buildings.
4. Vehicle wash or service bays facing adjacent residential properties shall include an opaque wall or fence of at least six feet in height.

15. Funeral Home, Mortuary, or Crematory
    a. A five hundred (500) foot setback shall be required from any adjacent residential use or district.
16. Heavy Motor Vehicle Sales or Rental
    a. This use shall meet the use-specific standards pertaining to light vehicle sales or rental.
17. Heliports and Helistops. Heliports may be approved in the A, LI-Flex and HI-Flex zoning districts if it is demonstrated that the application complies with standards established by the Federal Aviation Administration regulations, a noise impact assessment is provided, and other studies (as required by the Director) are provided as part of the application.
18. Kennel or Animal Day Care (Indoor and Outdoor Facilities)
    a. Within the LI-Flex, HI-Flex, or CC districts. Outdoor facilities shall be set back a minimum of two hundred (200) feet from any adjacent land uses. Outdoor facilities shall be screened by an exterior fence of a minimum of six (6) feet in height. Outdoor facilities shall be limited to operate between the hours of 7AM and 7PM. Outdoor facilities shall be subordinate in size to the primary kennel or animal day care facility.
    b. Indoor facilities, including cages, pens, kennels, training rooms, and exercise runs, shall be maintained within a completely enclosed, soundproof building, and shall be sufficiently insulated so that, to the maximum extent reasonably feasible, such that noise or odor cannot be detected off premises.
    c. A kennel or animal day care facility with outdoor facilities shall be set back from any existing residential zone district or any existing residential use by three hundred (300) feet. An additional landscape buffer of thirty (30) feet in width shall be located adjacent to any existing residential zone or district or any existing residential use. The landscape buffer shall follow the requirements outlined in Article 4, Section 16-4-80.
    d. Any outdoor facilities (such as dog runs) shall be appropriately secured to prevent animal escape.
19. Natural medicine manufacturing and natural medicine healing centers.
    a. A one thousand (1,000) foot setback shall be provided from the property line of adjacent residential uses to any buildings associated with natural medicine manufacturing or a natural medicine healing center.
    b. These uses shall obtain proper licenses through the State of Colorado.
    c. These uses shall operate out of a building that is not located within one thousand (1,000) feet of a child-care center; preschool; elementary, middle, junior or high school; or a residential child-care facility (collectively “school”).

d. These uses shall have a security plan for the secure storage of natural medicine and natural medicine products approved by the State of Colorado Natural Medicine Division and shall provide the plan to the Town prior to the commencement of operations. The operating entity shall provide any updated plans to the Town within ten (10) business days of the completion of updated plans.
e. All natural medicine manufacturing operations shall install window bars on all exterior windows.
f. All natural medicine manufacturing operations shall install a video surveillance system that provides coverage of all facility entrances and exits.
    1. All surveillance recordings shall be retained for a minimum of sixty (60) days and shall be in a digital format that can be easily accessed for viewing and that ensures authentication of the recording as being legitimately captured without alterations.
        (a) In addition to maintaining surveillance recordings in a locked area on the licensed premises, a copy of the surveillance recordings must be stored at a secure off-site location or through a network "cloud" service that provides on-demand access to the recordings. The off-site location or network service provider shall be included in the security plan submitted to the Town and updated within seventy-two (72) hours of any change to the location or provider.
        (b) Video surveillance records and recordings must be made available immediately upon request of the state licensing authority, local licensing authority, or the Town's Police Department.
        (c) If video surveillance or storage equipment becomes inoperable, or storage network service becomes disabled, the natural medicine manufacturing operation shall cease all operations until the equipment or network service is made operable.
    2. These businesses shall have a security alarm system that provides coverage of all facility entrances and exits, rooms with exterior windows, rooms with interior walls or walls shared with other building tenants, roof hatches, skylights, and storage rooms containing safes or vaults.
g. The hours of operation of natural medicine manufacturing and natural medicine healing centers are restricted to 7:00 a.m. to 7:00 p.m.
h. All doorways, windows, and other openings into these businesses shall be located, covered, or screened in such a manner to prevent a view into the interior from any exterior public or semi-public area.
i. Primary entrances, parking lots, and exterior walkways shall be clearly illuminated with security lights to provide after-dark visibility for facilitators, participants, and employees. Lighting shall be compliant with Article 4, Section 16-4-140.
j. All storage facilities for natural medicine manufacturing and natural medicine healing centers shall be located within a permanent building and may not be located within a trailer, tent, or motor vehicle.
k. All storage of regulated natural medicine and regulated natural medicine products shall be in a secured and locked container. The operation of cultivation facilities shall ensure that any natural medicines under cultivation are kept in an enclosed, locked area.
l. Natural medicine manufacturing and natural medicine healing centers shall use an air filtration and ventilation system designed to ensure that any odors from natural medicine and natural medicine products are confined to the premises and are not detectable beyond the property boundaries on which the facility is located.
m. Natural medicine manufacturing and natural medicine healing centers shall provide secure disposal of natural medicine and natural medicine product remnants or by-products. Natural medicine and natural medicine product remnants or by-products shall not be placed within the facilities' exterior refuse container.

n. The processing of natural medicine or natural medicine products that includes the use of hazardous materials, including, without limitation, and by way of example, flammable and combustible liquids, carbon dioxide, and liquified petroleum gases, such as butane, is prohibited.
o. The disposal of, discharge out of or from, or flow from any facility associated with natural medicine or natural medicine product, any foul or noxious liquid or substance of any kind whatsoever, including, without limitation, by-products of the natural medicine process, into or upon any adjacent ground or lot, into any street, alley or public place, or into any municipal storm sewer and/or system in the Town, is prohibited.
p. Wherever possible and for any new construction, the primary entrance to a natural medicine manufacturing operation and natural medicine healing center shall face the primary street frontage.
q. Legal nonconforming use. Any person who is the owner and/or operator of an existing business within the Town and is seeking to expand that business in that location by operating a natural medicine healing center may apply to the Town through a conditional use process as outlined in Article 6 for an exemption from the distance restrictions set forth in Section 16-2-30.G.19.a and/or the distance restriction set forth in Section 16-2-30.G.19.c if such person:
    1. Submits information in a form reasonably acceptable to the Town demonstrating that such person:
        (a) Has filed an application for a natural medicine healing center license with the State of Colorado Natural Medicine Division and any other required State licensure; and
        (b) Has employed or contracted with, or will employ or contract with, at least one (1) natural medicine facilitator licensed by the State of Colorado Natural Medicine Division; and
    2. Submits information in a form reasonably acceptable to the Town demonstrating that such person:
        (a) Has been issued a valid natural medicine healing center license by the State of Colorado Natural Medicine Division; and
        (b) Is currently employing or contracting with at least one (1) natural medicine facilitator licensed by the State of Colorado Natural Medicine Division.
    3. No person may commence the operation of a natural medicine healing center under an exemption granted pursuant to this Section unless and until each of the requirements of this Section have been met and such person has submitted a diagram or map of the physical location of the Natural Medicine Healing Center to the Town.
    4. For purposes of this Section, a natural medicine healing center that is granted an exemption by the Town pursuant to this Section shall be considered a legal nonconforming use within the meaning of Section 16-1-100, and shall be subject to restrictions governing continuance of a nonconforming use set forth in Section 16-2-50.

20. RV Storage
    a. RV storage may be approved in the LI-Flex or HI-Flex districts if it can be demonstrated that the facility is at least three miles from an existing storage yard, salvage yard, RV storage, or self-storage facility within the Town of Frederick or in another jurisdiction, measured from lot line to lot line.
    b. All storage, equipment, and refuse areas shall be concealed from view from less intensive land uses, residential areas, abutting public rights-of-way and trails or trail corridors.
    c. The storage or parking of trailers, semi-trailers, cargo containers, or shipping containers outdoors, walk-in coolers or similar containers outdoors, or the warehousing of goods in such containers, shall not be permitted as a principal use. Goods stored in an approved outdoor storage area shall be limited to storage of materials associated with the business on the lot; vehicle storage; or storage of businesses' vehicles and equipment.

d. All storage facilities shall be concealed through the use of a solid fence or wall that shall not have an uninterrupted length exceeding fifty (50) feet. The minimum height shall be six (6) feet and the maximum height of the fence shall be eight (8) feet where permitted.

e. Outdoor storage shall meet all of the design standards in Article 4, including fence articulation standards along all public or private streets or when abutting residential zoning, parks and open space, trails, or other public areas. Areas not abutting these public areas do not need to be articulated every fifty (50) feet but shall still include screen fencing.

f. Outdoor storage areas shall be set back from the right-of-way or private street a minimum of twenty (20) feet.

g. Outdoor storage areas shall be set back a minimum of one hundred (100) feet from any residential zone district or residential use. The setback shall be measured from the outdoor storage use shown on the site plan.

h. Outdoor storage areas must be located behind the front facade of the principal building located on the site.

i. Outdoor storage shall not be permitted within any applicable building setback or required landscape area.

j. A twenty (20) foot wide landscaped buffer is required along all perimeter streets if storage is adjacent to the right-of-way. The landscape buffers shall include one (1) evergreen tree and three (3) shrubs for every twenty (20) linear feet along streets, drives, or other public areas. Outdoor storage landscape buffers shall be in addition to landscaping requirements for gateways or site landscaping.

k. Outdoor storage areas shall not cover more than fifty (50) percent of the site or lot, unless one of the two options is pursued:
    1. Option 1 – One additional evergreen tree and three shrubs are provided (outside the outdoor storage area) for every two thousand (2,000) square feet of outdoor storage area. The landscaping shall not be counted toward requirements for right-of-way, gateway, or site landscaping.
    2. Option 2 – The exterior fencing around outdoor storage areas shall include a masonry column as the method of articulation.

l. Outdoor loudspeaker systems associated with outdoor storage facilities shall be prohibited.

m. The access gates into outdoor storage areas shall be fully screened and may not include chain link or other open-style fencing.

21. Parking structure

    a. Ground-floor pedestrian-oriented uses required. A ground-floor parking garage in any commercial zone district or any parking structure in any of the mixed-use zone districts shall, unless modified by the Director, provide a first-floor pedestrian-oriented use that:
        1. Has a minimum depth of twenty-five (25) feet;
        2. Fronts onto each street, except alleys, for the full length of the building, except for places necessary for pedestrian and vehicle entrances and exits; and
        3. Is designed for retail, restaurant, and other pedestrian-oriented uses otherwise permitted or approved in the zone district.

22. Recording or Broadcasting Studio

a. If any outdoor receiving and/or transmission facilities are provided, the use requires conditional use approval under Article 6.

23. Restaurants (with or without drive-throughs)
    a. Outside of the DT, MU-1, and MU-2 districts, a two hundred (200) foot setback shall be required from any residential uses or districts.
    b. Outdoor seating areas must be fully screened from adjacent residential uses or districts.
    c. If a restaurant without a drive-through has a patio, the patio shall be fully screened from adjacent residential uses or districts.

24. Sexually oriented business. None of the following conditional uses may be established, operated, or maintained within one thousand (1,000) feet of a public use or public zone district, uses within a residential zone district, park (public or private), library, state licensed day-care facility, religious assembly, or a school that meets all requirements of the compulsory education laws of the state; nor shall more than two of the following uses be established, operated, or maintained within one thousand (1,000) feet of each other.
    a. Adult bookstore
    b. Adult photo studio
    c. Adult theater or mini-motion picture theater
    d. Adult novelty store or adult retail store
    e. Adult cabaret or restaurant
    f. Adult hotel or motel
    g. Other similar adult uses as determined by the Director

25. Shooting Range – Indoor
    a. A setback of 300 feet shall be required from any adjacent residential use or district.

26. Substance Abuse Treatment Facility, Outpatient
    a. Within the MU-1 and MU-2 districts. Such development shall not be allowed along primary streets.
    b. A one hundred (100)-foot setback shall be provided from the property line of adjacent residential zoned parcels to any buildings associated with an outpatient substance abuse treatment facility.

27. Towing and Storage Facility. Towing and Storage Facility may be approved in the HI-Flex districts if it can be demonstrated that:
    a. The subject property does not have frontage on a state or federal highway or an arterial street.
    b. Trucks that enter and exit the subject property have access to a state or federal highway without traversing local or collector street segments that provide access to residential uses.
    c. The subject property boundary shall only abut parcels located within the HI-Flex zoning district.
    d. The storage component of the property shall be screened by a screen fence of a minimum of eight feet in height.
    e. The use will not accept or deposit hazardous wastes or hazardous materials, except as incidental to the salvage operation, and such operation will be conducted to remove hazardous wastes and materials and dispose of them according to state and federal requirements;

f. The facility is at least three miles from an existing towing and storage facility, storage yard, salvage yard, RV storage, or self-storage facility within the Town of Frederick or in another jurisdiction, measured from lot line to lot line.

g. The lot line of a towing and storage facility shall be set back by a minimum of five hundred (500) feet from the property line of any residential use or residential zoned property.

h. The applicable outdoor storage and screening standards of Section 16-2-30 and Article 4 are met.

28. Vehicle Sales and Rental, Light. Light Motor vehicle sales or rental may be approved in the LI-Flex, HI-Flex, and CC zoning districts if it is demonstrated that:

a. Inventory display areas that are accessible to customers are not required to be screened. Vehicle storage or inventory areas not accessible to customers are required to be screened. These distinct areas shall be labelled on the site plan.

b. Not more than one vehicle display pad, which may be elevated up to three (3) feet in height as measured at the highest point, is provided per one hundred (100) feet of street frontage.

c. No other materials for sale will be displayed between the principal building and the right-of-way or private street.

d. Vehicles shall be stored on impervious parking surfaces

e. No building bay door shall be oriented directly towards residential, public, or private open spaces, or public rights-of-way or private street.

f. Washing areas shall be enclosed and have drains that are connected to the sanitary sewer system. The drains and all treatment facilities shall be approved by the St. Vrain Sanitation District.

g. Vehicle sales areas (including display areas) shall be set back a minimum of two hundred (200) feet from the property lines of adjacent residential uses or zones.

h. Vehicle repair services shall be clearly incidental to vehicle sales and rental and shall be located indoors.

i. Outdoor storage of equipment, tires, materials, and other similar items shall not be permitted on the site or lot.

j. Overflow lots may be allowed on a separate lot if under the same ownership, included under the same site plan and same business license, and be located within one hundred (100) feet of the principal lot, unless approved by the Director.

k. Site plans denote the locations for parking. Parking spaces used as display areas shall not be counted toward the parking requirement. Parking spaces designated to meet the parking requirement shall be denoted clearly on the site plan.

29. Vehicle Sales and Rental, Heavy. Heavy Motor vehicle sales or rental may be approved in the HI-Flex zoning district if it is demonstrated that:

a. All provisions pertaining to Vehicle Sales and Rental, Light, shall apply. In addition, the following provisions shall apply:

1. Inventory display areas that are accessible to customers are not required to be screened. Vehicle storage or inventory areas not accessible to customers are required to be screened. These distinct areas shall be labelled on the site plan.
2. Screening required around vehicle storage or inventory areas shall be a minimum of eight (8) feet in height.
3. No other materials for sale will be displayed between the principal building and the right-of-way or private street
4. Vehicles shall be stored on impervious parking surfaces

30. Vehicle Service and Repair, Heavy
    a. Access shall be provided only from arterial streets and shall not be provided from collector or local streets.
    b. Access shall not traverse any residential streets.
    c. Access to the use shall not be provided directly from Highway 52.
    d. A five hundred (500) foot setback shall be provided from residential uses or districts.
31. Vehicle Service and Repair, Light
    a. A two hundred (200) foot setback shall be provided from residential uses or districts.
    b. All service areas, bays, and equipment shall be set back one hundred (100) feet from the residential use or zone.
    c. Service areas, bays, etc. shall not be oriented toward a street or a residential use unless approved by the Director.
    d. All equipment (vacuums, etc.) shall not be allowed between the primary building and the primary street. Equipment associated with a car wash bay or vehicle repair bay is only allowed to the side or rear of buildings.
    e. Vehicle wash or service bays facing adjacent residential properties shall include an opaque wall or fence of at least six feet in height.

H. Use-Specific Standards for Industrial Uses

1. Contractor's Shop or Storage Yard
    a. May be approved in the LI-Flex or HI-Flex zoning districts if it can be demonstrated that:
        1. The facility is at least three (3) miles from an existing contractor's shop or storage yard, salvage yard, RV storage, or self-storage facility within the Town of Frederick or in another jurisdiction, measured from lot line to lot line.
        2. All storage, equipment, and refuse areas shall be concealed from view from less intensive land uses, residential areas, abutting public rights-of-way and trails or trail corridors.
        3. The storage or parking of trailers, semi-trailers, cargo containers, or shipping containers outdoors, walk-in coolers or similar containers outdoors, or the warehousing of goods in such containers, shall not be permitted as a principal use. Goods stored in an approved contractor's shop or storage yard shall be limited to storage of materials associated with the business on the lot; vehicle storage; or storage of businesses' vehicles and equipment.

4. All storage facilities shall be concealed through the use of a solid fence or wall that shall not have an uninterrupted length exceeding fifty (50) feet. The minimum height shall be six (6) feet and the maximum height of the fence shall be eight (8) feet where permitted.
5. Outdoor storage shall meet all of the design standards in Article 4, including fence articulation standards along all public or private streets or when abutting residential zoning, parks and open space, trails, or other public areas. Areas not abutting these public areas do not need to be articulated every fifty (50) feet but shall still include screen fencing.
6. Outdoor storage areas shall be set back from the right-of-way or private street a minimum of twenty (20) feet.
7. Outdoor storage areas shall be set back a minimum of one hundred (100) feet from any residential zone district or residential use. The setback shall be measured from the outdoor storage use shown on the site plan.
8. Outdoor storage areas must be located behind the front facade of the principal building located on the site.
9. Outdoor storage shall not be permitted within any applicable building setback or required landscape area.
10. A twenty (20) foot wide landscaped buffer is required along all perimeter streets if storage is adjacent to the right-of-way. The landscape buffers shall include one (1) evergreen tree and three (3) shrubs for every twenty (20) linear feet along streets, drives, or other public areas. Outdoor storage landscape buffers shall be in addition to landscaping requirements for gateways or site landscaping.
11. Outdoor storage areas shall not cover more than fifty (50) percent of the site or lot, unless one of the two options is pursued:
    (a) Option 1 – One additional evergreen tree and three shrubs are provided (outside the outdoor storage area) for every two thousand (2,000) square feet of outdoor storage area. The landscaping shall not be counted toward requirements for right-of-way, gateway, or site landscaping.
    (b) Option 2 – The exterior fencing around outdoor storage areas shall include a masonry column as the method of articulation.
12. Outdoor loudspeaker systems associated with outdoor storage facilities shall be prohibited.
13. The access gates into outdoor storage areas shall be fully screened and may not include chain link or other open-style fencing.

2. Industrial, Heavy
    a. Heavy industry may be approved in the HI-Flex zoning district if it is demonstrated that:
        1. Setbacks for buildings and outside activity areas from the property lines of adjacent residential uses are at least five hundred (500) feet.
        2. The proposed use demonstrates mitigation with the best available design and technology of potential nuisances associated with the use, including but not limited to noise, light/glare, vibration, dust, and odors.
        3. The subject property shall be at least five (5) acres in area.
        4. Trucks that enter and exit the subject property have access to an arterial street without traversing local or collector street segments that provide access to residential uses.

5. The applicable outdoor storage and screening standards of Section 16-2-40 are met.
6. The gateway landscape standards for frontage along arterial streets are met.
7. A fifteen (15)-foot wide gateway landscaping buffer shall be provided along collector streets, with a planting calculation equivalent to that of the arterial gateway landscape requirement (see Section 16-4-80).

3. Industrial, Light
   a. Generally. Manufacturing and light industrial uses may be approved, if the setback for buildings and outside activity areas associated with the use from adjacent residential uses is at least one hundred (100) feet. Adjacent right of ways may count toward the required one hundred (100) feet of setback.
   b. The principal use shall be contained indoors and the only outdoor use allowed shall be outdoor storage.
4. Large Vehicle Transportation Center / Maintenance Facility
   a. Facilities shall be located on a lot of at least five (5) acres in size.
   b. No access shall be provided from local streets
   c. No access shall traverse residential streets.
   d. A five hundred (500) foot setback shall be provided from residential uses or districts.
5. Light Equipment, Sales, Service, and Rental
   a. Light Equipment, Sales, Service, and Rental may be approved in the LI-Flex, HI-Flex, and CC zoning districts if it is demonstrated that:
      1. No outdoor service shall be provided. All service and repair shall be performed indoors.
      2. Inventory display areas that are accessible to customers are not required to be screened. Vehicle storage or inventory areas not accessible to customers are required to be screened. These distinct areas shall be labelled on the site plan.
      3. Not more than one vehicle display pad, which may be elevated up to three (3) feet in height as measured at the highest point, is provided per one hundred (100) feet of street frontage.
      4. No other materials for sale will be displayed between the principal building and the right-of-way or private street.
      5. Vehicles shall be stored on impervious parking surfaces
      6. No building bay door shall be oriented directly towards residential, public, or private open spaces, or public rights-of-way or private street.
      7. Washing areas shall be enclosed and have drains that are connected to the sanitary sewer system. The drains and all treatment facilities shall be approved by the St. Vrain Sanitation District.
      8. Vehicle sales areas (including display areas) shall be set back a minimum of two hundred (200) feet from the property lines of adjacent residential uses or zones.
      9. Vehicle repair services shall be clearly incidental to vehicle sales and rental and shall be located indoors.
      10. Outdoor storage of equipment, tires, materials, and other similar items shall not be permitted on the site or lot.

11. Overflow lots may be allowed on a separate lot if under the same ownership, included under the same site plan and same business license, and be located within one hundred (100) feet of the principal lot, unless approved by the Director.

12. Site plans denote the locations for parking. Parking spaces used as display areas shall not be counted toward the parking requirement. Parking spaces designated to meet the parking requirement shall be denoted clearly on the site plan.

6. Outdoor Storage Facility

a. May be approved in the LI-Flex or HI-Flex zoning districts if it can be demonstrated that:

1. The facility is at least three (3) miles from an existing storage yard, salvage yard, RV storage, or self-storage facility within the Town of Frederick or in another jurisdiction, measured from lot line to lot line.

2. All storage, equipment, and refuse areas shall be concealed from view from less intensive land uses, residential areas, abutting public rights-of-way and trails or trail corridors.

3. The storage or parking of trailers, semi-trailers, cargo containers, or shipping containers outdoors, walk-in coolers or similar containers outdoors, or the warehousing of goods in such containers, shall not be permitted as a principal use. Goods stored in an approved outdoor storage area shall be limited to storage of materials associated with the business on the lot; vehicle storage; or storage of businesses' vehicles and equipment.

4. All storage facilities shall be concealed through the use of a solid fence or wall that shall not have an uninterrupted length exceeding fifty (50) feet. The minimum height shall be six (6) feet and the maximum height of the fence shall be eight (8) feet where permitted.

5. Outdoor storage shall meet all of the design standards in Article 4, including fence articulation standards along all public or private streets or when abutting residential zoning, parks and open space, trails, or other public areas. Areas not abutting these public areas do not need to be articulated every fifty (50) feet but shall still include screen fencing.

6. Outdoor storage areas shall be set back from the right-of-way or private street a minimum of twenty (20) feet.

7. Outdoor storage areas shall be set back a minimum of one hundred (100) feet from any residential zone district or residential use. The setback shall be measured from the outdoor storage use shown on the site plan.

8. Outdoor storage areas must be located behind the front facade of the principal building located on the site.

9. Outdoor storage shall not be permitted within any applicable building setback or required landscape area.

10. A twenty (20) foot wide landscaped buffer is required along all perimeter streets if storage is adjacent to the right-of-way. The landscape buffers shall include one (1) evergreen tree and three (3) shrubs for every twenty (20) linear feet along streets, drives, or other public areas. Outdoor storage landscape buffers shall be in addition to landscaping requirements for gateways or site landscaping.

11. Outdoor storage areas shall not cover more than fifty (50) percent of the site or lot, unless one of the two options is pursued:

(a) Option 1 – One additional evergreen tree and three shrubs are provided (outside the outdoor storage area) for every two thousand (2,000) square feet of outdoor storage area. The landscaping shall not be counted toward requirements for right-of-way, gateway, or site landscaping.

(b) Option 2 – The exterior fencing around outdoor storage areas shall include a masonry column as the method of articulation.

12. Outdoor loudspeaker systems associated with outdoor storage facilities shall be prohibited.

13. The access gates into outdoor storage areas shall be fully screened and may not include chain link or other open-style fencing.

7. Research and Development Facility

a. Generally. Research and development facility uses may be approved, if the setback for buildings and outside activity areas associated with the use from adjacent residential uses is at least one hundred (100) feet. Adjacent right of ways may count toward the required one hundred (100) feet of setback.

b. The principal use shall be contained indoors and the only outdoor use allowed shall be outdoor storage.

8. RV storage

a. May be approved in the LI-Flex and HI-Flex zoning districts if it is demonstrated that:

1. The storage component of the property shall be screened by a screen fence of a minimum of 10 (ten) feet in height.

2. The facility is at least three (3) miles from an existing storage yard, salvage yard, RV storage, or self-storage facility within the Town of Frederick or in another jurisdiction, measured from lot line to lot line.

3. The lot line of a RV storage facility shall be set back by a minimum of three hundred (300) feet from the property line of any residential use or residential zoned property.

9. Salvage yard / junkyard

a. May be approved in the HI-Flex zoning district if it is demonstrated that:

1. The subject property does not have frontage on a state or federal highway or an arterial street.

2. Trucks that enter and exit the subject property have access to a state or federal highway without traversing local or collector street segments that provide access to residential uses.

3. The subject property boundary shall only abut parcels located within the HI-Flex zoning district.

4. The storage component of the property shall be screened by a screen fence of a minimum of eight feet in height.

5. The use will not accept or deposit hazardous wastes or hazardous materials, except as incidental to the salvage operation, and such operation will be conducted to remove hazardous wastes and materials and dispose of them according to state and federal requirements;

6. The facility is at least three miles from an existing storage yard, salvage yard, RV storage, or self-storage facility within the Town of Frederick or in another jurisdiction, measured from lot line to lot line.

7. The lot line of a salvage yard and junkyard shall be set back by a minimum of five hundred (500) feet from the property line of any residential use or residential zoned property.
8. The applicable outdoor storage and screening standards of Section 16-2-40 and Article 4 are met.

10. Self-storage
    a. May be approved in the LI-Flex, HI-Flex, and CC zoning districts if it is demonstrated that:
        1. The storage component of the property shall be screened by a screen fence of a minimum of eight (8) feet in height.
        2. The facility is at least three miles from an existing storage yard, salvage yard, RV storage, or self-storage facility within the Town of Frederick or in another jurisdiction, measured from lot line to lot line.
        3. The lot line of a self-storage facility shall be set back by a minimum of three hundred (300) feet from the property line of any residential use or residential zoned property.
11. Wholesale Distribution Center
    a. Wholesale Distribution Centers shall be located on lots of no less than five (5) acres in size.
    b. No access to Wholesale Distribution Centers shall be provided from local streets.
    c. No access to Wholesale Distribution Centers shall traverse through residential areas.
    d. A five hundred (500) foot setback shall be provided from Wholesale Distribution Centers to adjacent residential uses or districts.
    e. Storage bays shall be located to the rear of Wholesale Distribution Centers and shall be buffered from surrounding land uses by landscaping or berming.
12. Wireless telecommunication facilities
    a. All wireless telecommunication facilities shall comply with the procedures of Article 6, Section 16-6-110 and standards of Article 4, Section 16-4-160.

I. Use-Specific Standards for Institutional and Public Uses

1. Correctional Facility
    a. Correctional facilities may be approved in the P zoning district if it is demonstrated that the facility is connected to a courthouse facility and will be used only as a holding facility for people awaiting hearing, trial, or transfer to another facility.
2. General Assembly
    a. Within the DT district. General assembly uses shall not be allowed along 5th Street between Main Street and Frederick Way.
    b. Within the MU-1, MU-2, DT, CC, or P districts. General assembly uses larger than ten thousand (10,000) SF shall be approved as conditional uses.

3. Wastewater and Water Treatment Facilities
    a. All outdoor facilities shall be properly screened.
    b. A one thousand (1,000) foot setback shall be provided from adjacent residential uses or districts.

Sec. 16-2-40. Accessory Use Regulations.

A. Applicability

1. Any accessory use or structure that is not specifically listed in the table that follows is prohibited, unless determined by the Director to be consistent with the accessory use standards and criteria.
2. Any accessory structure that would require a building permit shall adhere to the standards in this section.
3. In the case of any conflict between the accessory use/structure standards of this section and any other requirement of this Code, the more restrictive standards shall control.

B. General standards

1. Location.
    a. An accessory use or structure shall be conducted or located on the same lot as the principal use or structure.
    b. For residential lots less than one-acre, accessory uses shall be located behind the front facade of the principal structure.
    c. For corner residential lots, the sides facing streets shall be considered front facades.
2. Same ownership required. The property where the principal use/structure and the accessory use/structure are occurring shall be under the same ownership.
3. Size of structure. Unless specified below, an accessory structure shall be subordinate in gross floor area. Gross floor area shall not include the areas within porches, basements, or garages. For detached accessory structures, the footprint of the accessory use shall be subordinate in size to the footprint of the principal structure, and to the extent and purpose of the principal structure. When multiple accessory structures are associated with a principal use, the total of all accessory structures shall be subordinate in gross floor area, extent, and purpose to the principal structure.
    a. The following are not required to be subordinate in gross floor area:
        1. Accessory buildings (in the A and AOS Zoning Districts).
            (a) Accessory buildings are those buildings that may or may not be related to the primary agricultural use such as barns or storage buildings for agricultural products. Garages for non-agricultural vehicles and other similar non-agricultural buildings are required to meet these standards.
            (b) Accessory buildings shall have a maximum footprint of five thousand (5,000) square feet and no greater than twice the gross floor area of the principal structure. These buildings do not need to be subordinate in footprint size to the principal structure.

2. Accessory dwelling units. All ADUs shall be exempt from the gross floor area subordination regulation above.

4. Height of structure. The maximum height of accessory buildings shall not exceed the maximum height permitted for principal buildings in the underlying zoning district.

C. Table of accessory uses and structures. Table 2-3 Table of Accessory Uses and Structures lists the accessory uses and structures permitted in all zone districts.

Table 2-3 Table of Accessory Uses and Structures															
	Zoning Districts														
Accessory Use / Structure	**A**	**AOS**	**R-E**	**R-1**	**R-2**	**R-3**	**R-MH1**	**R-MH2**	**MU-1**	**MU-2**	**DT**	**LI-Flex**	**HI-Flex**	**CC**	**P**
Accessory dwelling unit	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Accessory structure, general	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Backyard chicken hens	P		P	P	P	P	P	P							
Beekeeping	P		P	P	P										
Drive-thru or drive up									P	P		P	P	P	
In Home Daycare	P	P	P	P	P	P	P	P	P	P	P				
Home occupations	P	P	P	P	P	P	P	P	P	P	P				
Keeping of Agricultural Animals	P	P	P												
Outdoor inventory display and sales	P								P	P	P	P	P	P	
Outdoor Storage	P											P	P	P	
Swimming Pool / Hot Tub	P	P	P	P	P	P	P	P	P	P	P				
Outdoor Seating Area	P								P	P	P	P	P	P	P
Other accessory use approved by the Director	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P

D. Use-specific standards for specific accessory uses and structures:

1. Accessory dwelling units (ADU)

   a. One (1) ADU is allowed as an accessory to the following:

      1. A single-dwelling detached principal dwelling subject to the following floor area limitations:

         (a) Minimum floor area. Five hundred (500) SF.

         (b) Maximum floor area. Eight hundred (800) SF or fifty (50) percent of the total gross floor area of the principal building, whichever is greater, and not to exceed one thousand (1,000) square feet.

(c) Maximum floor area for basement accessory dwelling units conversions is permitted to match the building footprint. Maximum floor area for basement accessory dwelling units in new construction shall match the provisions in (1) and (2) above.

2. A religious place of assembly building, subject to the following floor area limitations:
   (a) Minimum floor area. Five hundred (500) SF.
   (b) Maximum floor area. One thousand (1,000) SF.
3. A storage facility where the occupant of the ADU is employed by the business and charged with the security of the associated business subject to the following floor area limitations:
   (a) Minimum floor area, Five hundred (500) SF
   (b) Maximum floor area. Eight hundred (800) SF

b. Where alley access to the ADU is available, such access shall be utilized, unless the Town Engineer determines that alley access creates a safety hazard.

c. Accessory Dwelling Units shall have a separate address than the principal building.

2. Accessory structures, general. An accessory structure that is over one hundred and twenty (120) square feet in gross floor area shall meet the following standards:
   a. Facades shall not be constructed of metal materials.
   b. Accessory structures shall be similar in architectural design and character (colors, materials, roof pitches, window styles, etc.) to the principal structure.
   c. Accessory structures for nonresidential uses, such as any above-ground equipment with the exception of typical utility equipment, walk-in coolers, and similar accessory structures shall be screened from public view from streets, alleys, sidewalks, trails, parks, and open space. Screening may be accomplished through the use of fencing and/or walls.
   d. Greenhouses, gazebos, playhouses, and similar structures shall be exempt from this subsection.

3. Keeping of backyard chickens. The keeping of backyard chicken shall be an accessory use to single-dwelling detached units on lots greater than five thousand (5,000) SF in lot area and meet the following regulations:
   a. No more than six (6) backyard chicken hens are permitted per principal dwelling unit.
   b. Roosters are prohibited.
   c. Backyard chicken hens shall be housed in a designated chicken coop and chicken run that meet the following standards:
      1. The chicken coop and chicken run shall be located in the rear yard of a property.
      2. No part of the chicken coop or chicken run shall be located between the rear of the principal structure and the front yard lot line.
      3. The chicken coop and chicken run shall be set back a minimum five feet from any side or rear property line.
      4. The chicken coop shall not be located in any utility easement.

5. The chicken coop shall be predator-resistant with a solid covered roof.
6. Water shall be provided onsite and be accessible at all times.
7. During daylight hours, chicken hens shall have access to a chicken run that is adequately fenced and protected from predators and shall also have access to the chicken coop.
8. From dusk to dawn, chicken hens shall be protected from predators by being enclosed within a chicken coop.
9. The maximum chicken coop is one hundred (100) SF in area.
10. A minimum of four-square feet of area per chicken hen shall be provided in both the coop and run.
11. The maximum height of the chicken coop shall be no more than seven (7) feet at the highest point of the roof.

d. The chicken coop and run shall be maintained and shall regularly be cleaned to control dust, odor, and waste, and not constitute a nuisance, safety hazard, or health problem to surrounding properties.
e. No onsite slaughtering is permitted.
f. Chicken feed shall be stored in metal re-sealable, airtight, predator proof containers.
g. Chicken waste shall be stored in re-sealable, airtight, predator proof containers.
h. The keeping of backyard chicken hens shall not be conducted until a backyard chicken license has been issued by the Director. Said license shall cite the conditions of the approval, if any. The following are the application requirements for a license:
    1. Completed backyard chicken license application.
    2. Non-refundable application fee in the amount set by resolution of the Town Board of Trustees.
    3. Scaled site plan of the property showing the location of the chicken coop and run.

4. Beekeeping. Apiaries / beekeeping is permissible as an accessory use to a single-dwelling detached use with the following conditions.
    a. The lot shall be a minimum of five thousand (5,000) square feet in size.
    b. Maximum hives permitted.
        1. For property less than one (1) acre in size, two (2) hives.
        2. For property one (1) to two (2) acres in size, four (4) hives.
        3. For property more than two (2) and less than five (5) acres in size, twelve (12) hives.
        4. For property five (5) or more acres in size, twenty-four (24) hives.
    c. Africanized bees or hybrids of Africanized bees are prohibited.
5. Drive-through or drive-up.
    a. The standards of this subsection apply to land uses that include drive-in, drive-through, and “app through” facilities, but not to land uses that provide curbside pick-up services.

b. Minimum Number of Vehicle Stacking Spaces. See Article 4, Section 16-4-110.

c. Location and Screening.

1. Drive through service ordering and pick-up windows shall not be located within building setbacks.

2. Drive-in facilities (order stations, pick-up windows, bank teller windows, money machines, etc.) shall be located on the side or rear of principal structures to minimize their visibility from public streets.

3. To the maximum extent practicable, drive-in lanes shall not be located between the primary structure and adjacent public streets or sidewalks. If this is not possible, drive-in lanes and facilities shall be set back a minimum of twenty (20) feet from any adjacent public street or sidewalk.

4. Drive-in lanes adjacent to public streets or sidewalks shall be separated from such streets or sidewalks by walls or landscaping berms.

5. Drive-in lanes adjacent to residential uses shall be separated from such uses by an opaque wall or fence at least six (6) feet high and located so that required land use category buffer landscaping is between the fence or wall and the adjacent residential use.

6. In-Home Day Care. In-home day care shall comply with C.R.S. § 26-6-102, et seq., and any applicable state regulations.

a. In-Home Day Care shall operate as an accessory use and therefore the area that the day care utilizes shall be smaller in size than the principal use.

b. May include provisions that an operator must reside in the residence.

7. Home occupations:

a. A home occupation shall not be conducted until a home occupation has been reviewed and approved and a home occupation business license has been issued by the Director. Said home occupation business license (as amended) shall cite the conditions of the approval, if any.

b. Home occupations shall be:

1. No more than thirty (30) percent of the total square footage (of the dwelling unit and any accessory buildings) to which it is located or one thousand (1,000) square feet, whichever is less. Home occupations may, alternatively, be located in an accessory building.

(a) When proposed within an existing garage, a driveway with enough parking space for two (2) vehicles shall be also be present.

2. Operated entirely from an enclosed structure with the parking of one (1) commercial, non-passenger vehicle allowed on site. The length of commercial, non-passenger vehicles shall not exceed twenty-five (25) feet.

3. The number of permitted customer/client passenger vehicles on site at any given time shall not exceed two (2).

c. Home occupations shall not change or disrupt the residential character of the property or neighborhood (for example through excessive noise, odor, vibration, dust, traffic, etc.).

d. A maximum of one (1) person may be employed at the home occupation in addition to the residents of the home.

e. The following is a non-exhaustive list of activities that are not permitted as home occupations:

1. Vehicle repair, including bodywork and painting;

2. Vehicle towing and storage;
3. Junk hauling or storage;
4. Dance, music, or other types of instruction with more than four students being instructed at one time;
5. Medical or dental offices;
6. Funeral homes;
7. Animal care, including kennels and veterinarian clinics
8. Private schools with organized classes;
9. Barber or beauty shop having more than one (1) chair;
10. Welding and machine shops;
11. Nursing or assisted care homes;
12. Bed and breakfast and other such transient lodging;
13. Restaurants;
14. Sales facilities for psychedelic or other illicit drugs;
15. Adult entertainment;
16. Retail sales and stores;
17. Vehicle rental or car-sharing;
18. Any other uses not listed in this section may be prohibited at the discretion of the Director.

f. Home occupations may accommodate only two (2) customers or clients at any time (with exception for dance, music, etc. Instruction as noted above);

g. Home occupations must operate in accordance with hours stated in the business license.

h. Home occupations shall not use any external signage or external advertising on the exterior or the residential structure.

1. The Director may impose additional use specific standards not listed in this article upon review of the business license application.

8. Keeping of agricultural animals

a. The keeping of agricultural animals, as defined by the animal unit table below, or determined through special review, is permissible in the Agriculture (A), Agricultural Open Space (AOS), and Residential Estate (R-E) zone district if or in conjunction with an established single-family dwelling with the following conditions:

1. The lot shall be a minimum of one-half (1/2) acre in size.
2. A minimum of fifty (50) feet shall be maintained between agricultural animals and the front, rear, and side-yard property lines unless this requirement is waived by the Director.

3. Maximum agricultural animals permitted. Permitted animal density is established by use of an animal unit table where a specified number of each animal is equivalent to one (1) animal unit. A variety of animals may be kept so long as the allowed animal units for the lot is not exceeded.

b. Animal Unit Table:

Table 2-4 Animal Unit Table

Animal	Animals per Animal Unit
Cattle	1
Bison	1
Equine Animals	2
Mule	2
Llama	2
Alpaca	2
Ostrich	2
Swine	4
Sheep	4
Goat	4

Table Notes:

(1) Any animal not listed in Table 2-4 is subject to review and approval by the Director.

(2) Animal density allowed in the Agriculture (A) and Agriculture Open Space (AOS) zone districts.

(a) For property less than one (1) acre in size, a maximum of one (1) animal units.

(b) For property one (1) to two (2) acres in size, a maximum of two (2) animal units.

(c) For property more than two (2) and less than five (5) acres in size, a maximum of five (5) animal units.

(d) For property five (5) to ten (10) acres in size, a maximum of eight (8) animal units.

(e) For property more than ten (10) acres in size, a maximum of ten (10) animal units.

(3) Animal density allowed in the Residential Estate (R-E) zone district.

(a) For property less than one (1) acre in size, a maximum of one (1) animal units.

(b) For property one (1) to two (2) acres in size, a maximum of two (2) animal units.

(c) For property more than two (2) acres in size, a maximum of three (3) animal units.

(4) A minimum lot size of three (3) acres is required for the keeping of bison.

(5) No on-site slaughtering is allowed.

(6) The sale of any products related to or produced by the keeping of agricultural animals onsite is considered a home occupation and is subject to Section 16-2-40.

(7) If the lot is operating as a commercial agriculture use, the animal density conditions do not apply.

9. Outdoor inventory display and sales. The Director may permit outdoor display and sales as an accessory use to all retail uses with site plan approval, subject to all of the following requirements:
   a. Outdoor display of goods shall not be located in parking spaces (unless seasonal), drive aisles, loading zones, or fire lanes. Outdoor display of goods on pedestrian walks shall only be allowed when a minimum of three (3) feet width of walk is maintained free of goods.
   b. The area used for outdoor display or sales shall be limited to no more than one-half (½) of the length of the store-front. The area used for outdoor display or sales for buildings in excess of twenty thousand (20,000) square feet may exceed one-half (½) of the length of the storefront at the discretion of the Director. In the case of a shopping center, the "storefront" shall include the entire frontage of the shopping center, meaning that the total amount of display for all the in-line tenants combined shall not exceed fifty (50) percent of the aggregate store front of the overall shopping center.
   c. The area of outdoor display or sales shall not interfere with pedestrian walkways and entrances into buildings.
   d. The height of the outdoor display shall not exceed six (6) feet, unless an exception to this provision has been granted by the Director.
   e. The outdoor display area shall take place on an improved impervious surface (e.g., concrete or asphalt surfaces).
10. Outdoor storage
   a. All storage, equipment, and refuse areas shall be concealed from view from less intensive land uses, residential areas, abutting public rights-of-way and trails or trail corridors.
   b. The storage or parking of trailers, semi-trailers, cargo containers, or shipping containers outdoors, walk-in coolers or similar containers outdoors, or the warehousing of goods in such containers, shall not be permitted as a principal use. Goods stored in an approved outdoor storage area shall be limited to storage of materials associated with the business on the lot; vehicle storage; or storage of businesses' vehicles and equipment.
   c. All storage facilities shall be concealed through the use of a solid fence or wall that shall not have an uninterrupted length exceeding fifty (50) feet. The minimum height shall be six (6) feet and the maximum height of the fence shall be eight (8) feet where permitted.
   d. Outdoor storage shall meet all of the design standards in Article 4, including fence articulation standards along all public or private streets or when abutting residential zoning, parks and open space, trails, or other public areas. Areas not abutting these public areas do not need to be articulated every fifty (50) feet but shall still include screen fencing.
   e. Outdoor storage areas shall be set back from the right-of-way or private street a minimum of twenty (20) feet.

f. Outdoor storage areas shall be set back a minimum of one-hundred (100) feet from any residential zone district or residential use. The setback shall be measured from the outdoor storage use shown on the site plan.

g. Outdoor storage areas must be located behind the front facade of the principal building located on the site.

h. Outdoor storage shall not be permitted within any applicable building setback or required landscape area.

i. A 20-foot wide landscaped buffer is required along all perimeter streets if storage is adjacent to the right-of-way. The landscape buffers shall include one (1) evergreen tree and three (3) shrubs for every twenty (20) linear feet along streets, drives, or other public areas. Outdoor storage landscape buffers shall be in addition to landscaping requirements for gateways or site landscaping.

j. Outdoor storage areas shall not cover more than fifty (50) percent of the site or lot, unless one of the two options is pursued:

    1. One additional evergreen tree and three shrubs are provided (outside the outdoor storage area) for every two thousand (2,000) square feet of outdoor storage area. The landscaping shall not be counted toward requirements for right-of-way, gateway, or site landscaping; or

    2. The exterior fencing around outdoor storage areas shall include a masonry column as the method of articulation.

k. Outdoor loudspeaker systems associated with outdoor storage facilities shall be prohibited.

l. The access gates into outdoor storage areas shall be fully screened and may not include chain link or other open-style fencing.

11. Swimming pool/hot tub. A swimming pool or hot tub is permitted in any zone district as an accessory structure and shall follow the general standards for accessory structures for the relevant zoning district.

12. Outdoor seating area:

    a. Commercial uses may have outdoor seating areas on private property. The outdoor seating on private property shall meet the following criteria:

        1. In the DT district, a six (6) -foot-high screening fence shall be required for any outdoor seating area adjacent to, or across an alley from, a residential use.

    b. Outdoor seating areas and access to areas shall meet all ADA requirements.

    c. The outdoor seating area shall not impair building access or emergency access and all features (which shall be movable) shall be maintained in accordance with the character of the surrounding neighborhood or district and comply with health department regulations. Outdoor seating areas may include chairs, tables, umbrellas, planters, and trash receptacles.

    d. Outdoor seating areas may include fences no taller than four (4) feet in height, delineating the outdoor seating area.

    e. Alcoholic beverages shall only be served or consumed within the outdoor seating area in conformance with state and local law.

    f. The Director may impose additional conditions relating to the design, location, configuration, and operation aspects of the outdoor seating to ensure that such area is compatible with surrounding uses.

E. Storage and Shipping Containers.

1. The use of storage and shipping containers shall be limited as provided in Table 2-5 Use of Storage and Shipping Containers.

Table 2-5 Use of Storage and Shipping Containers

Zoning District	Number of Permanent or Transitory Containers Permitted on Subject Property	Additional Regulations
R-E, R-1, R-2, R-3, R-MH1, R-MH2, C-C, DT, MU1, MU2, AOS, and P	0	(c)
A	1/acre	(a), (b)
LI-Flex	4/acre	(a), (b)

2. Permanent containers are containers that remain on the subject property at all times. Permanent containers in the LI-Flex and A, zoning districts are considered an accessory structure. Permanent containers shall be:
   a. Identified on an approved site plan and located in an outdoor storage area that meets the requirements set out in Section;
   b. Situated such that they meet all setbacks (contiguous lots under single ownership may be considered a single lot for this purpose);
   c. Located outside of all easements;
   d. Permanently anchored in accordance with the Building Code (a building permit is required);
   e. Painted to complement the main colors of the principal building;
   f. Accessible only to the landowner or employees of the business on the subject property; and
   g. Arranged so that they are not stacked.
3. Transitory containers are containers that are not consistently kept on the subject property. These containers are not considered an accessory structure as they come and go from the site. In the LI-Flex and A zoning districts, transitory containers:
   a. Shall not be present on the subject property for a period of more than one hundred eighty (180) consecutive days;
   b. Shall be located in an outdoor storage area that meets the requirements set out in this Section;
   c. Shall be situated such that they meet all setbacks (contiguous lots under single ownership may be considered a single lot for this purpose);
   d. Shall be located outside of all easements;
   e. Shall be accessible only to the landowner or employees of the business on the subject property.
   f. Shall be arranged so that they are not stacked.
4. In all other zoning districts, transitory containers used for temporary on-site storage shall not be present on the subject property for more than thirty (30) days per year, unless they are:
   a. Used for temporary storage of construction materials or equipment in conjunction with a valid building permit; or

b. Allowed in conjunction with an approved temporary use.

F. Medical Marijuana Cultivation and Processing by Caregivers and Patients.

1. Medical marijuana caregivers and medical marijuana patients may grow up to six (6) plants per person, but not more than twelve (12) plants total in a dwelling unit on a residential property, as defined by Colorado Revised Statutes § 25-1.5-106(2), regardless of the number of persons residing in the dwelling unit.
2. If approved by the State of Colorado, as applicable, medical marijuana caregivers and medical marijuana patients may grow more than six (6) plants, but not more than ninety-nine (99) plants, in an enclosed building in the LI-Flex zoning district; provided, that the outer walls of the building are spaced not less than five hundred (500) feet from:
    a. An R-E, R-1, R-2, R-3, R-MH1, R-MH2, MU1 or MU2 zoning district boundary; and
    b. Existing residential lot lines in any other zoning district.

Sec. 16-2-50. Temporary Uses.

A. Purpose and Intent. This section allows for the establishment of certain temporary uses of limited duration, provided that:
    1. Unless otherwise specified, a temporary use permit is approved according to the temporary use procedures of Article 6;
    2. Such uses do not negatively affect adjacent properties or Town facilities;
    3. Such uses are discontinued upon the expiration of a set time period as defined by the temporary use permit;
    4. Temporary uses do not involve the construction or alteration or any permanent building or structure except for model homes; and
    5. Temporary uses do not involve the altering of the features of the underlying land.

B. Temporary uses allowed: The following temporary uses may be permitted in accordance with the requirements of this section.
    1. Retail sales of products including without limitation seasonal trees, agricultural produce, sidewalk sales, and fireworks, is permitted in any nonresidential district for a period not to exceed the number of days specified in the temporary use permit.
    2. Mobile food vendors including but not limited to food trucks, food carts, and related equipment are permitted in any nonresidential district for a period not to exceed the number of days specified in the temporary use permit.
    3. Temporary office space and equipment storage are permitted when accessory to an approved construction project.
    4. Temporary sales offices and model homes.
    5. Any temporary uses not listed shall require approval by the Director through the temporary use permit process.

C. Temporary use permits

1. Permit required. Unless otherwise specified herein, all temporary uses shall obtain a temporary use permit pursuant to the procedures set forth in Article 6.
2. Permit exceptions. The following temporary uses are permitted in any district and are exempt from the temporary use permit requirements provided the use is in compliance with all Town ordinances and requirements.
    a. Town-sponsored events utilizing Town property, public streets, or public rights-of-way, provided that the organizer shall complete the special events permitting process and coordinate the event with the public works department, police department, and fire district, as applicable, and comply with any conditions required by those departments;
    b. Garage or yard sales lasting no more than three (3) consecutive days; no property shall hold more than five (5) garage or yard sales per calendar year.
    c. Temporary nonprofit fundraising events lasting no more than three (3) consecutive days; no single non-profit shall hold more than five (5) fundraising events per calendar year.
    d. Gatherings of fewer than fifty (50) people, such as personal events and parties, block parties, nonprofit events, and fundraisers, that do not occur within the Town's right of way nor last more than one day, provided that the organizer shall complete the special events permitting process, if applicable, and coordinate the event with the public works department, police department, and fire district, as applicable, and comply with any conditions required by those departments. Such events are subject to Town ordinances including noise, lighting, waste, and other nuisance standards. This exemption applies to no more than three (3) events per calendar year per property; additional events require a temporary use permit.

D. General requirements for all temporary uses: All temporary uses shall meet the following general requirements, unless otherwise specified in this title:

1. Permanent alterations to the site are prohibited. If any alterations to the site occur the site shall be restored to its previous condition.
2. The temporary use shall operate only within the timeframe authorized by the Director.
3. All temporary signs associated with the temporary use shall be required to follow the Town's sign regulations. All signs shall be removed when the activity ends.
4. The temporary use shall comply with any and all conditions of approval that are applied at the time of temporary use permit issuance.
5. All other permits necessary for the operation of the temporary use shall be obtained prior to the temporary use permit start date (e.g., fire department, building department, health department, etc.).
6. If the property is undeveloped, it shall contain sufficient land area to allow the temporary use to occur, as well as any parking and traffic movement that may be associated with the temporary use, without disturbing sensitive or protected resources, including required buffers, one hundred (100)-year floodplains, stream protection setbacks, wetlands, and areas of slope greater than twenty (20) percent.
7. If the property is developed, the temporary use shall not create a negative impact on existing buffers, open space, landscaping, traffic movements, pedestrian circulation, or parking space availability.
8. Off-street parking shall be adequate to accommodate the proposed temporary use.

9. ADA accessible bathrooms shall be provided when required.
10. The Town of Frederick reserves the right to revoke any temporary use permit at any point in time when the Director determines that the temporary use is in violation with the terms of the permit or other Town ordinances or regulations. Upon revocation, the use shall be promptly removed from the specified location.

E. Additional use-specific regulations for certain temporary uses. In addition to complying with the general regulations, the temporary uses listed below shall comply with the additional use-specific regulations below.

1. Construction office and outdoor storage for construction. Construction offices and outdoor storage locations for construction shall be reviewed as a building permit. Permit plans shall be submitted illustrating that the application meets all of the following requirements:
    a. The use shall be located on a lot unless allowed on an unplatted portion of the property per the Director and Town Engineer.
    b. The use shall meet zoning category setback and height requirements.
    c. The use shall provide an all-weather access road to the construction office with a turn-around that is approved by the fire district. The access and turn-around is required to be in place before the construction office is installed.
    d. The construction office is not required to tap into the Town's water and sanitary sewer system. A port-a-let shall be provided.
    e. Outdoor storage shall be fenced; if adjacent to existing or future residential development, such fencing shall be opaque.
    f. The construction office and associated site elements shall be removed by the time the last certificate of occupancy is released within the filing within the development in which the construction office is located. Within thirty (30) days of the construction office being removed from the site, the owner shall either have a building permit(s) issued for the site or the site shall be restored with appropriate ground cover in accordance with Town erosion control standards.
2. Model homes and sales offices: The following standards shall apply to all model homes and sales offices:
    a. Model homes and temporary sales offices associated with residential developments shall be reviewed as a building permit.
    b. Building permits for model homes and sales offices shall be issued after paved streets are completed and accepted by the Public Works Director and the applicant has demonstrated the model homes will be connected to the water and sanitary sewer systems; and off-street parking, sidewalks, and landscape improvements shall be installed prior to the issuance of a certificate of occupancy is issued for any model home.
    c. Model homes and associated parking shall conform to the development and design standards applicable to residential uses in the zone district, and shall provide temporary off-street parking onsite or on an adjacent lot that conforms to the development and design standards for parking lots for similar commercial uses, as may be modified by the Director to reflect the temporary nature of the use. The temporary off-street parking shall have all-weather surfacing. Temporary parking lots shall be removed prior to the issuance of the last certificate of occupancy for a dwelling unit in the development is issued.

d. Access to a temporary sales office and associated parking shall come from a local or collector streets and not from an arterial street.

e. A water and sewer tap is required on the lot where the model home is located.

f. The temporary sales office and associated site elements shall be removed by the time the last certificate of occupancy is released within the filing within the development in which the temporary sales office is located. Within thirty (30) days of the temporary sales office being removed from the site, the owner shall either have a building permit(s) issued for the site or the site shall be restored with appropriate ground cover in accordance with Town erosion control standards.

3. Temporary sales. Temporary sales shall be reviewed according to the temporary use permit process outlined above. Plans shall be submitted illustrating that the application meets all of the following requirements:

a. The use shall be located on a lot, unless allowed on an unplatted portion of the property per the Director and Town Engineer.

b. The use shall meet zoning category setback and height requirements.

c. ADA access is required.

d. Temporary off-street parking shall be provided on-site or on an adjacent vacant lot.

e. Off-street parking shall have all-weather surfacing.

f. Off-street parking shall meet zoning category setback requirements.

Sec. 16-2-50. Nonconforming Uses.

A. Requirements for nonconforming uses. Except as provided in this Section, the lawful use of any building or land existing at the time of enactment of this Article, or of any amendments to this Chapter, may be continued even though such use does not conform to the requirements of this Code, but nonconforming uses may not be expanded, replaced, or altered.

1. Abandonment. When a nonconforming use has been discontinued for a period in excess of one hundred eighty (180) days, such use shall be considered abandoned and shall not thereafter be reestablished. Intent to resume active operations shall not affect the foregoing, and any future use shall be in conformance with the provisions of this Article. The burden of proof an operation has been continuous rests with the owner or operator of the use. The evidence an operation has been continuous must be clear, indicate that at the specific time in question the use was in operation, and must be conclusive.

2. Completion. Any building or structure for which a building permit has been issued prior to the date of enactment of this Article may be completed and used in accordance with the plans, specifications, and permits on which said building permit was granted, if construction is commenced within sixty (60) days after the issuance of said permit and diligently brought to completion.

3. Displacement. No nonconforming use shall be altered, extended, or restored so as to displace any conforming use. A manufactured home or mobile home in any district may be improved or replaced with a newer model manufactured home.

4. Extensions. A nonconforming use shall not be extended, but the extension of a conforming building shall not be deemed the extension of such nonconforming use; however, businesses in R-1 and R-2 zones shall not be extended under any circumstances.
5. Alterations. A nonconforming use shall not be altered.
6. Repairs and maintenance. Ordinary repairs and maintenance of a nonconforming building or structure shall not be deemed an extension of such nonconforming building or structure, and shall be permitted.
7. Restoration. A nonconforming building or structure that has been damaged by fire or other causes may be restored to its original condition, provided, that such work is commenced within one hundred eighty (180) days after such casualty and less than fifty (50) percent of the building or structure is destroyed. If these requirements are met, a nonconforming building or structure shall not be restored and may be required to be removed and/or demolished, which may require a building permit.
8. Unsafe buildings. A nonconforming building or structure or portion thereof that is declared unsafe bythe Building Inspector may be replaced, strengthened, or restored to a safe condition, which may require a building permit.

Article III.

Density and Dimensional Standards

Sec. 16-3-10. Residential Density and Dimensional Standards.

Table 3-1: Residential Density and Dimensional Standards

Lot Standards													
	R-E	R-MH1	R-MH2	R-1			R-2				R-3		
	Single Dwelling			Single Dwelling	Paired Home (per unit)	TH (per Unit)	Single Dwelling	Paired Home (per unit)	TH (per Unit)	Multi-Dwelling	Paired Home (per unit)	TH (per Unit)	Multi Dwelling
Minimum lot area per building (SF)	10,000	4,000	6,250	6,250	1,800	1,250	3,000	1,800	1,250	4,000 (per building)	1,800	1,250	4,000 (per building)
Maximum gross density (units per acre)	1 per 5 acres	8	5	5	12	14	10	12	14	18	14	16	25
Minimum lot width (measured at the front setback)	140	50	50	50	20	20	40	20	20	60	20	20	60
Minimum lot width (measured at the front setback) - corner lots	145	50	50	55	25	25	45	25	25	65	25	25	65
Minimum lot frontage (feet)	70	40	40	40	18	18	35	18	18	50	18	18	50

Minimum Front Setback (Feet)													
	R-E	R-MH1	R-MH2	R-1			R-2				R-3		
	Single Dwelling			Single Dwelling	Paired Home (per unit)	TH (per Unit)	Single Dwelling	Paired Home (per unit)	TH (per Unit)	Multi-Dwelling	Paired Home (per unit)	TH (per Unit)	Multi-Dwelling
Principal building	25	15	15	15	15	15	15	15	15	15	10	10	10
Accessory building	50	40	55	Behind principal building front façade	Behind principal building front façade	Behind principal building front façade	Behind principal building front façade	Behind principal building front façade	Behind principal building front façade	Behind principal building front façade	Behind principal building front façade	Behind principal building front façade	Behind principal building front façade

Minimum Side Setback (Feet)													
	R-E	R-MH1	R-MH2	R-1			R-2				R-3		

	Single Dwelling			Single Dwelling	Paired Home (per unit)	TH (per Unit)	Single Dwelling	Paired Home (per unit)	TH (per Unit)	Multi-Dwelling	Paired Home (per unit)	TH (per Unit)	Multi-Dwelling
Principal building	25	10	5	5	5 (1)	5 (1)	5	5 (1)	5 (1)	5	5 (1)	5 (1)	5
Accessory building	15	15	15	5	5 (1)	5 (1)	5	5 (1)	5 (1)	N/A	5 (1)	5 (1)	N/A

Minimum Rear Setback (Feet)													
	R-E	**R-MH1**	**R-MH2**	**R-1**			**R-2**				**R-3**		
	Single Dwelling			Single Dwelling	Paired Home (per unit)	TH (per Unit)	Single Dwelling	Paired Home (per unit)	TH (per Unit)	Multi-Dwelling	Paired Home (per unit)	TH (per Unit)	Multi-Dwelling
Principal building	20	20	20	20	20	20	20	20	20	20	20	20	20
Alley loaded garages	20	5	5	0-8 or 20 (2)	0-8 or 20 (2)	0-8 or 20 (2)	0-8 or 20 (2)	0-8 or 20 (2)	0-8 or 20 (2)	0-8 or 20 (2)	0-8 or 20 (2)	0-8 or 20 (2)	0-8 or 20 (2)
Accessory buildings	20	5	5	5	5	5	5	5	5	5	5	5	5

Other													
	R-E	**R-MH1**	**R-MH2**	**R-1**			**R-2**				**R-3**		
	Single Dwelling			Single Dwelling	Paired Home (per unit)	TH (per Unit)	Single Dwelling	Paired Home (per unit)	TH (per Unit)	Multi-Dwelling	Paired Home (per unit)	TH (per Unit)	Multi-Dwelling
Maximum building height (4)	35 (3)	35	35	35	35	35	35	35	35	35	35	35	40

Notes - Residential Density and Dimensional Standards

1. Zero setback when buildings are attached.
2. Minimum rear setbacks shall be zero to eight (8) feet, or greater than twenty (20) feet.
3. Thirty-five (35) ft height limit for residences, fifty (50) feet for agricultural related buildings
4. Accessory Dwelling Units (ADUs) shall follow the principal building setbacks.
5. Any non-residential uses allowed within any of these residential districts (R-E, R-MH1, R-MH2, R-1, R-2, or R-3) shall follow the dimensional standards for the R-1 zoning district.

General Table Notes:

1. The standards for live-work units in residential districts shall follow the density and dimensional standards for townhomes.
2. Assisted living or congregate care, nursing home, memory care, Alzheimer's care, protective care (homeless group shelters), group homes, and boarding and rooming houses in residential districts shall follow the density and dimensional standards for multi-dwelling units.

Sec. 16-3-20. DT (Downtown District) Density and Dimensional Standards.

Table 3-2: DT (Downtown District) Density and Dimensional Standards

Lot Standards			
Minimum lot area per building (square feet)	0		
Maximum gross density (units per acre)	25		
Minimum lot width (measured at the front setback)	N/A		
Minimum Front Setback (Feet)	**Residential (North of Fourth St., South of Sixth St.)**	**Non-Residential (North of Fourth St., South of Sixth St.)**	**All Land Uses (South of Fourth St., North of Sixth St.)**
Principal building	15 (Max 20)	10 (Max 20)	0 (Max 5) (1)
Minimum Side Setback (Feet) (2)	**Residential (North of Fourth St., South of Sixth St.)**	**Non-Residential (North of Fourth St., South of Sixth St.)**	**All Land Uses (South of Fourth St., North of Sixth St.)**
Principal building	5	0	0
Accessory building	5	0	0
Minimum Rear Setback (Feet)	**Residential (North of Fourth St., South of Sixth St.)**	**Non-Residential (North of Fourth St., South of Sixth St.)**	**All Land Uses (South of Fourth St., North of Sixth St.)**
Principal building	0	0	0
Garage with its entrance facing an alley	0	0	0
Accessory building	0	0	0
Other	**Residential (North of Fourth St., South of Sixth St.)**	**Non-Residential (North of Fourth St., South of Sixth St.)**	**All Land Uses (South of Fourth St., North of Sixth St.)**
Maximum Building Height	35	35	35

Notes - DT District Density and Dimensional Standards

1. Maximum front setback may be increased to twenty (20) feet with the inclusion of a plaza or patio in front of a building. However, fifty percent (50%) of the lot frontage shall have a zero front setback.
2. Zero side setback when buildings are attached.

General Table Notes:

1. The standards for live-work units in the DT district shall follow the density and dimensional standards for townhomes.
2. General note for assisted living or congregate care, nursing home, memory care, Alzheimer's care, protective care (homeless group shelters), group homes, and boarding and rooming houses in the DT District: The standards for these units shall follow the density and dimensional standards for multi-dwelling units.

Sec. 16-3-30. MU-1 and MU-2 Residential and Non-Residential Density and Dimensional Standards.

Table 3-3: MU-1 and MU-2 Residential and Non-Residential Density and Dimensional Standards

Lot Standards	Zoning Districts							
	MU-1				MU-2			
	Single Dwelling / Multi-Plex	Paired Home (per unit)	Townhomes (per unit)	Multi-Dwelling	Single Dwelling / Multi-Plex	Paired Home (per unit)	Townhomes (per unit)	Multi-Dwelling
Minimum lot area per building (square feet)	2,500	1,800	1,200	4,000 (per building)	3,000	1,800	1,200	4,000 (per building)
Maximum gross density (units per acre)	12	16	18	70	10	14	16	25
Minimum lot width (measured at the front setback)	25	20	20	60	30	20	20	60
Minimum lot frontage (feet)	25	15	15	40	30	15	15	40

Minimum Front Setback (Feet)				
	MU-1		MU-2	
	Primary Streets	Local Streets	Primary Streets	Local Streets
Principal building	0 (5 max) (1)	15	0 (Max 5) (1)	15
Accessory building	Behind principal building front façade	Behind principal building front façade	Behind principal building front facade	Behind principal building front façade

Minimum Side Setback (Feet) (2)				
	MU-1		MU-2	
	Primary Streets	Local Streets	Primary Streets	Local Streets
Principal building	0	5	0	5
Accessory building	5	5	5	5

Minimum Rear Setback (Feet)				
	MU-1		MU-2	
	Primary Streets	Local Streets	Primary Streets	Local Streets
Principal building	0	20	0	20
Garage with its entrance facing an alley	0	0-8 (3)	0	0-8 (3)
Accessory building	0	5	0	5

Other				
	MU-1		MU-2	
	Primary Streets	Local Streets	Primary Streets	Local Streets
Minimum floor area per principal dwelling unit (square feet)	400	600	600	700

Maximum Building Height (feet)	45 (4 stories)	35 (3 stories)	35 (3 stories)	35 (3 stories)

Notes – MU-1 and MU-2 Residential and Non-Residential Density and Dimensional Standards

1. Front setbacks on primary streets in MU-1 and MU-2 may be increased to twenty (20) feet with inclusion of a front patio or plaza.
2. Zero side setback when buildings are attached.
3. Minimum rear setbacks shall be zero to eight (8) feet, or greater than twenty (20) feet.

General Table Notes:

1. The standards for live-work units in mixed-use districts shall follow the density and dimensional standards for townhomes.
2. General note for assisted living or congregate care, nursing home, memory care, Alzheimer's care, protective care (homeless group shelters), group homes, and boarding and rooming houses in mixed-use districts: The standards for these units shall follow the density and dimensional standards for multi-dwelling units.

Sec. 16-3-40. Agricultural, Commercial, Industrial, and Public/Institutional Density and Dimensional Standards.

Table 3-4: Agricultural, Commercial, Industrial, and Public/Institutional Density and Dimensional Standards

Lot Standards	A	AOS	CC	LI-Flex	HI-Flex	P
Minimum lot area	1 acre	35 acres	N/A	N/A	N/A	N/A
Maximum gross density (units per acre)	1 per acre	1 per 35 acres	N/A	N/A	N/A	N/A
Minimum lot width (measured at the front setback)	50	300	N/A	N/A	N/A	N/A
Minimum Front Setback (Feet)	**A**	**AOS**	**CC**	**LI-Flex**	**HI-Flex**	**P**
Principal building	30	50	15	15	15	15
Accessory building	50	50	N/A	N/A	N/A	N/A
Minimum Side Setback (Feet) (1)	**A**	**AOS**	**CC**	**LI-Flex**	**HI-Flex**	**P**
Principal building	30	50	15	15	15	15
Accessory building	50	50	N/A	N/A	N/A	N/A
Minimum Rear Setback (Feet)	**A**	**AOS**	**CC**	**LI-Flex**	**HI-Flex**	**P**
Principal building	30	50	15	15	15	15
Accessory building	50	50	N/A	N/A	N/A	N/A
Other	**A**	**AOS**	**CC**	**LI-Flex**	**HI-Flex**	**P**
Maximum Building Height	35	35	35	35	35	35

Notes – Agricultural, Commercial, Industrial, and Public/Institutional Density and Dimensional Standards

(1) Zero side setback when buildings are attached.

Sec. 16-3-50. Setback Requirements.

A. On "double frontage" lots, both streets shall be considered street frontages for purposes of calculating front yard setbacks.
B. On corner lots, all sides of the lot with street frontage shall meet the applicable front yard setback.
C. For purposes of setback calculations, a single-attached dwelling shall be construed as one (1) building occupying one (1) lot.
D. Appurtenances of buildings (including but not limited to chimneys, bell towers, elevator shafts on top of buildings, etc.) may exceed the allowed building heights in this Article, with the approval of the Director.\
E. Permanent features allowed within setbacks shall include:
    1. Cornices, canopies, eaves, or other similar architectural features if they extend no more than two (2) feet into a required setback and if they do not encroach into an easement.
    2. Steps or ramps to the principal entrance and necessary landings, provided that they do not extend more than six (6) feet into the required setback.
    3. Landscaping.
    4. Fences and walls, subject to height and other restrictions per Article 4.
    5. Utility service lines and utility equipment/structures.
    6. Fire escapes, provided that they do not extend more than six (6) feet into the required setback.
    7. Patios, porches. and decks, provided that they do not extend more than five (5) feet into a required front or rear setback or five (5) feet into a required side yard setback adjacent to a street, provided that they do not encroach into or cross a property line and do not obstruct any sight distance triangle.

Section 16-3-60. Non-Conforming Uses

A. Requirements for nonconforming uses. Except as provided in this Section, the lawful use of any building or land existing at the time of enactment of this Article, or of any amendments to this Chapter, may be continued even though such use does not conform to the requirements of this Code, but nonconforming uses may not be expanded, replaced, or altered.

1. Abandonment. When a nonconforming use has been discontinued for a period in excess of one hundred eighty (180) days, such use shall be considered abandoned, and shall not thereafter be reestablished. Intent to resume active operations shall not affect the foregoing, and any future use shall be in conformance with the provisions of this Article. The burden of proof an operation has been continuous rests with the owner or operator of the use. The evidence an operation has been continuous must be clear, indicate that at the specific time in question the use was in operation, and must be conclusive.
2. Completion. Any building or structure for which a building permit has been issued prior to the date of enactment of this Article may be completed and used in accordance with the plans, specifications, and permits on which said building permit was granted, if construction is commenced within sixty (60) days after the issuance of said permit and diligently brought to completion.
3. Displacement. No nonconforming use shall be altered, extended, or restored so as to displace any conforming use. A manufactured home or mobile home in any district may be improved or replaced with a newer model manufactured home.
4. Extensions. A nonconforming use shall not be extended, but the extension of a conforming building shall not be deemed the extension of such nonconforming use; however, businesses in R-1 and R-2 zones shall not be extended under any circumstances.
5. Alterations. A nonconforming use shall not be altered.
6. Repairs and maintenance. Ordinary repairs and maintenance of a nonconforming building or structure shall not be deemed an extension of such nonconforming building or structure, and shall be permitted.
7. Restoration. A nonconforming building or structure that has been damaged by fire or other causes may be restored to its original condition, provided, that such work is commenced within one hundred eighty (180) days after such casualty and less than fifty percent (50%) of the building or structure is destroyed. If these requirements are met, a nonconforming building or structure shall not be restored and may be required to be removed and/or demolished, which may require a building permit.
8. Unsafe buildings. A nonconforming building or structure or portion thereof that is declared unsafe by the Building Inspector may be replaced, strengthened, or restored to a safe condition, which may require a building permit.

ARTICLE IV.
DESIGN PRINCIPLES AND DEVELOPMENT STANDARDS

Sec. 16-4-10. Purpose and Intent.

The standards in this chapter apply to the physical layout and design of development in the Town. These provisions address the physical relationship between development and adjacent properties, public streets, neighborhoods, and the natural environment. The general intent is to implement the town's comprehensive plan vision of an attractive, efficient, and livable community that features stable neighborhoods and promotes a mix of uses in well-designed community focal points. The specific purposes of this Article include:

A. Vision and intent. The intention of the Town in enacting this Article is to translate the vision articulated in the Frederick Comprehensive Plan to definitive standards and guidance to shape development that creates and maintains the desired character for Frederick.

B. Community design framework. The Frederick Comprehensive Plan outlines a series of community design principles that shape the development and redevelopment process in the community. The following highlights the design principles that inform the regulations in this Article of the Code.

C. Comfortable, Attractive Public Realm Areas. Frederick encourages the creation of street corridors and public areas that feature attractive, well-designed landscapes, including areas of shade, public art, high quality seating areas, attractive lighting, and related features.

D. High Quality Residential Neighborhood Design. Frederick encourages the development of residential neighborhoods emphasizing front porches and greater levels of activity and interactions between residents. The community supports strategies such as locating driveways and garages to the rear of buildings to enhance the quality of streets and the public realm in front of residential dwellings.

E. High Quality Commercial Design. Frederick encourages the development of commercial areas of higher character that include enhanced or elevated architecture, outdoor seating and gathering areas, public art, and other features that distinguish commercial areas in the community from conventional suburban design.

F. Housing Diversity and Innovation. The Town of Frederick encourages the integration of a range of housing types within neighborhoods and the introduction of new, creative forms of housing within existing and new neighborhoods in the community. The overall

goal is to provide a wide range of housing choices to serve the full range of households that wish to live in Frederick in the future.

G. Walkable, Bikeable, and Accessible Community. The design of streets, trails, paseos, and other areas of the public realm in Frederick ensures that high quality access and movement is provided for people walking and biking. The design of the public realm provides for accessible movement for individuals of different abilities in the community. Parks, Recreation, Open Space, and Trails. The design of neighborhoods and developments in Frederick supports and enhances the community's parks, recreation, open space, and trail system and integrates these features into commercial and residential areas throughout the town.

H. Site Design, Architecture, and Landscaping. The Town of Frederick encourages innovation and thoughtful design of the public realm, buildings, and other site features to make the community attractive to current and potential residents, visitors, and employees. The Town provides regulatory guidance to inform landscape designs that support a high quality of life while sustainably using limited resources, such as water.

I. Environmental Sustainability. The Town of Frederick supports the design of developments that enhance the environmental sustainability of the community and support goals to responsibly manage natural resources, minimize pollution, and support healthy ecosystems.

Sec. 16-4-20. Applicability.

A. All development applications, building permit applications, and change of use applications shall comply with the applicable standards contained in this Article.

B. All non-conformities shall comply with Section 16-2-50 Nonconforming Uses.

C. Relation to zone district standards. In the event of a conflict between a standard or requirement contained in Article 2 and this Article, the standard in Article 4 shall prevail.

Sec. 16-4-30. Alternative Compliance.

A. Purpose and intent. Alternative equivalent compliance is a procedure that allows development to occur where the intent of the design-related provisions of this chapter is met through an alternative design. It is not a general waiver of regulations. Rather, the procedure permits a site-specific plan that is equal to or better than the strict application of a design standard.

B. Applicability. The alternative compliance procedure shall be available only for the following sections of this Land Use Code:

1. Section 16-4-80, Landscaping
2. Section 16-6-90, Buffering, Screening and Fencing
3. Section 16-4-110, Off-street Parking and Loading
4. Section 16-4-130, Architectural Standards
5. Section 16-4-160, Wireless Communication Facilities Design Standards
6. Section 16-5-80, Signs

C. Decision-making responsibility. Final approval of any alternative compliance proposed under this section shall be the responsibility of the decision-making body responsible for deciding upon the application.

D. Criteria. To grant approval for alternative compliance, the decision-making body shall find that all of the following criteria are met:

1. The proposed alternative achieves the intent of the subject design standard to the same or better degree than the subject standard.
2. The proposed alternative substantially achieves the goals and policies of the Town's comprehensive plan to the same or better degree than the subject standard.
3. The proposed alternative results in benefits to the community that are equivalent to or better than compliance with the subject design standard.

E. Effect of approval. Alternative compliance shall apply only to the specific site for which it is requested and shall not establish a precedent for assured approval of other requests by this or any other applicant.

Sec. 16-4-40. Subdivision Standards, Design, and Improvements.

The following subdivision standards articulate regulations for the layout and design of components of neighborhood design (such as streets and sidewalks) with the intent of fulfilling the community design objectives outlined in Section 16-4-10 Purpose and Intent.

A. General Subdivision Standards.

1. Name of subdivision. The title under which the subdivision will be recorded shall not duplicate the name of any existing subdivision in the town.

2. It is unlawful to use, file, or record a plat of a subdivision of land with the Weld County Clerk and Recorder until the plat is approved by the Town and signed by duly authorized representatives of the town.

3. Minimum standards. The standards in this chapter are minimum standards. The town may impose more restrictive standards when it finds that they are necessary to conform the design of a proposed subdivision to sound engineering or design standards or other standards in this LUC.

4. Phasing schedule. The Town Engineer or designee may require that a subdivision conform to a phasing schedule based upon the scheduled availability of infrastructure to serve the subdivision. If required, a phasing plan shall be submitted for approval at the time of application for preliminary plat and made a condition of that approval or with a subdivision or development agreement.

5. Compliance with other provisions of this LUC. All subdivisions shall comply with all other applicable zoning, design, and development regulations set forth in this LUC, including without limitation:
   a. The requirements of the zone district in which the property is located; and
   b. Generally applicable Design Standards and Construction Specifications, as amended.

6. Compliance with other adopted plans and policies: The design of subdivisions shall comply with all other adopted plans and policies adopted by the Town, including without limitation:
   a. The Town of Frederick Comprehensive Plan, as amended;
   b. The Town of Frederick Parks, Recreation, Trails and Open Space Master Plan, as amended;
   c. Town of Frederick Transportation Master Plan, as amended;
   d. Town of Frederick Utility Master Plans, as amended;
   e. The Town of Frederick Standards and Specifications for Design and Construction of Public Improvements, as amended.

B. Subdivision Layout and Design.

1. General standards.
   a. Name of subdivision. The title under which the subdivision will be recorded shall not duplicate the name of any existing subdivision in the town.
   b. Natural hazard areas. Land subject to hazardous conditions such as landslides, rock falls, expansive soils, mine subsidence, mine shafts, shallow water table, open quarries, floodplains and floodways, polluted or non-potable water supply shall be identified and shall not be subdivided until the hazards have been mitigated or it is shown that they will be mitigated by the subdivision and construction plans to the Town's satisfaction.
   c. Adjoining subdivisions. A proposed subdivision shall be designed in such a manner as to be coordinated with adjoining subdivisions (existing and proposed) with respect to the alignment of street rights-of-way, utility and drainage

easements, open space, view corridors, pedestrian/bicycle paths, and other relevant design considerations.

2. Blocks.
   a. All contiguous lots bounded by right-of-way, boundaries of the subject property, or designated or dedicated open space shall be grouped and labeled as distinct blocks.
   b. The Town may require one or more easements through a block for the purpose of pedestrian access.
   c. Block length.
      1. The maximum average length of blocks shall not exceed 500 feet.
      2. Block lengths from street to street shall be used to calculate the average, not block depths.
      3. Blocks of 500 feet in length or greater shall include at least one designated corridor running perpendicular to the street. This corridor shall have a width of at least 30 feet and shall serve as a green space corridor or serve as a connector to an adjacent development with the use of trails and/or sidewalks and bicycle routes.
         (a) Sidewalks located within this thirty (30) foot corridor shall be a minimum of eight (8) feet in width.
      4. In cases where physical barriers or property ownership creates conditions where it is appropriate that these standards be varied, the length may be increased or decreased with the approval of the Director.
   d. Residential blocks with Arterial or State Highway frontage.
      1. Along all arterial streets, development design shall allow for homes to face arterial streets, with a setback width of at least 10 feet greater than the standard front setback (for the relevant housing type). Vehicular access for homes that face arterial streets shall be provided from either an alley located to the rear of homes or, in the case of corner lots, from an adjacent local street.
      2. In cases where the rear yards of homes face arterial streets or state highways, buffering along the rear of yards shall be provided as required by Section 16-4-40.B.3.k.2.

3. Lots.
   a. Lot size, width, depth, shape, and orientation and minimum building setback lines shall be appropriate for the location of the subdivision and for the type of development and use contemplated and shall facilitate the placement of buildings with sufficient access, outdoor space, privacy, and view.
   b. Depth and width of properties reserved or laid out for non-residential purposes shall be adequate to provide for off-street parking, landscaping or planting area, and loading areas required by the type of use and development contemplated.
   c. No lot shall be divided by a municipal or county boundary line.

d. No lot shall be divided by a zone district boundary line.
e. No lot shall be divided by a street.
f. Each residential lot shall be provided with lot frontage on a street or garden court. Nonresidential lots shall be provided with lot frontage on a street, private drive, or garden court.
g. Corner lots for residential use shall have extra width to accommodate the required building setback line on both street frontages.
h. Wedge-shaped lots shall not be less than 30 feet in width at the front property line.
i. Side lot lines shall be at substantially right angles and radial to curved streets. Where lot lines are not at right angles to the street lines, it shall be indicated on preliminary and final plats.
j. Triple frontage lots and flag lots are prohibited in residential zone districts.
k. Residential double frontage lots.
    1. Residential double frontage lots are only permitted where no other configuration is practicable.
    2. Subdivisions with residential, double frontage lots shall provide a minimum 30-foot landscape outlot between the rear lot line and the street.
    3. Access shall be required from the lower classification street.

4. Outlots.
    a. Outlots shall be designated for the following uses within a subdivision:
        1. Open space
        2. Parks
        3. Landscaped areas
        4. Stormwater detention areas not part of an individual lot
        5. Trail corridors not part of an individual lot
        6. Monument signs
        7. Future development
        8. Other areas determined appropriate as an outlot by the Town

    b. The preliminary and final subdivision plats shall specify the use for each outlot designated on the plat.
    c. A separate landscape maintenance agreement shall be required at time of final plat specifying ownership and maintenance of each outlot.

5. Streets. In addition to all other applicable provisions of this Code, all streets shall comply with the following requirements.
    a. Overall Street Network Design. All new streets shall be thoughtfully designed in coordination with existing and planned streets, surrounding topography, public safety needs, and the intended land uses they serve. Street layout shall promote

logical circulation, strong internal connectivity, and coordinated connections within and between neighborhoods. Designs shall also preserve opportunities for future street extensions to adjacent undeveloped properties.

1. The street network in new development areas shall complement a traditional grid pattern. Local streets shall be arranged to discourage through traffic. Traffic calming measures may be used, subject to approval by the Town Engineer.

2. The Transportation Master Plan shall serve as the guiding and controlling document for all street design decisions. In the event of a conflict between a proposed street location, alignment, classification, or design and the Transportation Master Plan, the Transportation Master Plan shall govern.

3. All proposed streets shall extend and connect to existing streets and planned future streets in order to create a continuous and interconnected system and to avoid isolated development or traffic patterns. Where future connections are anticipated, street stubs shall extend to the property line of adjacent undeveloped land. The right-of-way for such stubs shall be dedicated at the time of subdivision.

4. Dead-end streets are prohibited.

5. Cul-de-sacs are prohibited unless the applicant provides a written engineering analysis demonstrating that a through-connection is physically impossible due to extreme topography (slopes exceeding thirty (30) percent) or protected environmental features.

    (a) Where permitted, cul-de-sacs shall:

        (1) Comply with the International Fire Code or Frederick Firestone Fire Protection District,

        (2) Not exceed four hundred (400) feet in length, and

        (3) Include a dedicated twenty (20) foot-wide public access easement providing pedestrian and bicycle connectivity from the end of the street to the nearest adjacent public sidewalk or public trail.

b. <u>Subdivision Access and Connectivity</u>

1. All subdivisions shall connect to the public street system.

2. Each new subdivision shall provide at least two (2) separate means of access to the public street system. Each access point shall independently connect to the public street system.

3. Right-of-way shall be fully extended to shared property lines. Access control strips between dedicated public right-of-way and adjacent properties are prohibited.

4. If a group of homes is arranged around a common driveway and later divided into individual lots, the access requirement shall apply to the shared access to the right-of-way rather than to each individual lot.

5. Non-residential lots shall provide shared access points along shared property lines where feasible.

6. Private streets may be permitted provided they meet the design criteria for public local streets, including geometry, intersection spacing, access spacing, and include required pedestrian and drainage improvements.

7. Sidewalks shall be provided along private residential streets. The Director may approve installation of a sidewalk on only one side of the street if alternative off-street pathways provide sufficient connectivity to nearby amenities and the surrounding neighborhood.

8. Pedestrian crossings at intersections and mid-block locations shall comply with ADA requirements. Mid-block crossings are discouraged but may be permitted where necessary to maintain pedestrian connectivity.

c. Street Geometry, Spacing, and Intersection Standards

1. Street right-of-way width, cross-sections, and construction standards shall conform to the Town of Frederick Design Standards and Construction Specifications, as amended.

2. Additional right-of-way or increased street width may be required to address special development conditions, including but not limited to:

   (a) On-street parking needs,

   (b) Sight distance requirements,

   (c) Auxiliary lanes,

   (d) Intersection control such as signalization or a roundabout.

3. Street cross-sections and classifications (arterial, collector, local, rural local) may be modified based on an approved traffic study or the Transportation Master Plan and as approved by the Town Engineer.

4. Horizontal and vertical alignments shall comply with the Town of Frederick Design Standards and Construction Specifications, as amended.

5. To create a functional network, the spacing for streets shall be based upon section lines:

   (a) Major (4-lane) Arterials (Section Lines): 1-mile intervals. Major arterial streets shall, to the extent reasonably feasible, be located along established section lines to support a consistent regional grid and long-term transportation connectivity.

   (b) Arterial (4-lane) (Section Lines): 1-mile intervals. Arterial streets shall, to the extent reasonably feasible, be located along established section lines to support a consistent regional grid and long-term transportation connectivity.

   (c) Minor (2-lane) Arterial (Quarter-Section and Section Lines): Approximately one-half (½) mile intervals between arterial streets, typically aligning with half-section lines.

   (d) Collectors: Approximately one-quarter (¼) mile intervals between major collectors and arterial streets to effectively distribute local traffic.

   (e) Local Streets: Typically spaced between one-eighth (⅛) mile and one-sixteenth (1/16) mile intervals, or approximately 300 to 600 feet, as determined through subdivision design.

   (f) At least one connecting street shall be provided to neighboring vacant land for every 1,320 feet of contiguous property boundary.

6. The number of intersecting streets along Arterials and Collectors shall be held to a minimum. Local streets should generally not intersect Arterial streets unless specifically approved by the Town Engineer.

7. Intersections

   (a) All street access locations shall require approval by the Town Engineer.

   (b) The Town Engineer may require additional right-of-way dedication and/or increased intersection spacing where necessary to address traffic operations, safety, or site-specific conditions.

   (c) Intersections include all street access points, both public and private, and are defined as both a street intersecting with another street and a private driveway intersecting with a street.

   (d) Intersections shall be designed to provide for the safety of pedestrians and motorists.

(e) Unless otherwise approved by the Town Engineer, street-street intersections on the following street classifications shall meet the following minimum spacing requirements:

(1) State Highway (Principal Arterial): per the Colorado State Highway Access Code

(2) Major Arterial: 1,320 feet

(3) Arterial: 1,000 feet

(4) Minor Arterial: 660 feet

(5) Collector: 330 feet

(6) Local: 150 feet

(f) No more than two streets shall intersect at a single point unless designed as an approved roundabout.

(g) Streets shall intersect at approximately 90-degree angles unless designed as an approved roundabout.

8. Visibility at Intersections

(a) Within the required sight distance triangle, as defined in the Town of Frederick Design Standards and Construction Specifications:

(1) No shrubs, ground cover, berms, fences, structures, or other objects exceeding 30 inches in height shall be installed or maintained.

(2) Trees shall not be planted unless they are overstory deciduous trees with reasonable spacing as approved by the Town Engineer.

d. Right-of-Way Dedications and Construction Obligations

1. All required public right-of-way shall be dedicated to the Town at the time of subdivision platting in accordance with the Engineering Design Standards and Construction Specifications.

2. Any area of land located between a public right-of-way and adjacent residential lots or other private property that is not otherwise dedicated as right-of-way, easement, or outlot shall be dedicated as a publicly accessible outlot. These outlots shall have a minimum width of ten (10) feet and shall be owned and maintained by the development's homeowners association or metropolitan district.

3. If a perimeter street requires right-of-way from adjacent property, the subdivider shall:

(a) Purchase the required portion of right-of-way at appraised fair market value and dedicate it to the Town; or

(b) If the adjacent landowner is unwilling to sell at appraised fair market value,

(1) And the subdivider is a metropolitan district, pursue condemnation proceedings at its own expense; or

(2) Request that the Town assist in completing condemnation proceedings and pay for the appraisal and legal fees necessary to complete condemnation.

4. All new developments shall have direct access from the primary entrance(s) of the development to a paved public street owned by the Town and meeting current Town standards for the applicable street classification following development. If the development does not front a paved public street meeting current Town standards, the developer shall be responsible for improving the off-site access street from the development's primary entrance(s) to the nearest paved public street. If the off-site access street does not meet current Town standards for the anticipated post-development classification, the developer shall improve the street to meet those standards.

5. The cost of all required off-site paving and associated infrastructure improvements shall be the sole responsibility of the developer at the time of development. The Town may establish a reimbursement mechanism allowing adjacent or benefiting properties to reimburse the developer for a proportionate share of such improvements upon future development, subject to terms and timelines established by the Town, which may include a declining reimbursement eligibility period not to exceed ten (10) years.

6. Regardless of current street surfacing, any street providing primary access to a development shall be paved and improved to Town of Frederick Engineering Standards if the projected traffic volume, as determined by an approved Traffic Impact Study (TIS), meets or exceeds any of the following:

(a) An Average Daily Traffic (ADT) of 200 vehicles per day or 50 peak-hour trips.
(b) The creation of three or more residential lots where the average lot size is less than 1 acre.

7. The subdivider shall execute an agreement with the Town guaranteeing construction of the street to Town standards.

e. <u>Administrative Requirements</u>

1. Street naming and addressing shall comply with Town of Frederick Ordinance 840.

6. Driveways.
   a. General Requirements
      1. All driveway and access locations shall require approval by the Town Engineer.
      2. The Town Engineer may require additional right-of-way dedication and/or increased intersection spacing where necessary to address traffic operations, safety, or site-specific conditions.
      3. Driveway and street intersection distances shall be measured from the intersection centerlines to the centerline of the driveway.
      4. All measurements of driveway width shall be taken in accordance with the Town of Frederick Design Standards and Construction Specifications, as amended.
      5. Unless otherwise approved by the Town Engineer, no driveway access shall be permitted from a lot directly to a highway, freeway, arterial, or collector street.
      6. Driveway curb-cut widths shall not exceed the following limits:
         (a) Residential zones: maximum thirty (30) feet
         (b) Nonresidential zones: maximum thirty-eight (38) feet

   b. Single-Dwelling, Paired Home, and Townhome Access.
      1. Driveways shall not exceed thirty (30) feet in width.
      2. Garage access shall be taken from the alley when an alley is provided.
      3. Driveways shall be located:
         (a) At least ninety five (95) feet from the intersection of a local street and a collector street; and
         (b) At least two hundred (200) feet from the intersection of a local street and an arterial street.

      4. Single-dwelling detached lots
         (a) Driveway access shall be from a local street.
         (b) Driveway access shall be limited to one driveway curb cut.
         (c) On single-dwelling detached lots with a frontage of eighty-five (85) feet or greater, a circular driveway may be permitted if:
            (1) Each access point to the local street is less than ten (10) feet wide
            (2) The two access points are separated by at least thirty (30) feet
            (3) The circular drive is incorporated as part of the overall architectural design of the residence

      5. Paired homes (over-under, side-by-side)

         (a) Driveway access shall be from a local street.

(b) Driveway access shall be limited to one driveway curb cut.
(c) Shared driveways are encouraged.

6. Townhome dwelling units thirty (30) feet or greater in width

(a) Driveway access shall be from a local street.
(b) Driveway access shall be limited to one driveway curb cut.
(c) Shared driveways are encouraged.

7. Townhome dwelling units less than thirty (30) feet in width
(a) Driveway access shall be from an alley.

c. Multi-Dwelling Residential and Non-Residential Access.
1. Driveways shall not exceed thirty (38) feet in width.
2. Driveways from the lot:
(a) That access local or collector streets, shall be located at least one hundred twenty-five (125) feet from any street intersection; and
(b) That access arterial streets, shall be located at least two hundred fifty (250) feet from:
(1) Any intersection on the arterial street; or
(2) Another non-residential access point.

d. Mixed-Use Residential.
1. Driveways shall not exceed thirty (30) feet in width.
2. Driveway or garage access shall be from an alley.

e. Driveway width and access spacing requirements shall follow Table 4-1 below:

Table 4-1 Driveway Width and Access Spacing Requirements

Development Type	Maximum Driveway Width (ft)	Street Access Requirement	Minimum Distance from Intersection (ft)	Additional Access Limitations
RESIDENTIAL				
Single-Dwelling Detached	30	Must access local street or alley	95 feet from local/collector intersection 200 feet from local/arterial intersection	1 driveway per lot. Circular driveway allowed on lots ≥85 ft frontage if: each access <10 ft wide, access points ≥30 ft apart, and

				incorporated into architecture
Paired Homes	30	Must access local street or alley	95 feet from local/collector intersection 200 feet from local/arterial intersection	1 driveway curb cut; shared driveways encouraged
Townhomes ≥30 ft wide	30	Must access local street or alley	95 feet from local/collector intersection 200 feet from local/arterial intersection	1 driveway curb cut; shared driveways encouraged
Townhomes <30 ft wide	30	Must access alley	N/A	Alley-only access
Multi-dwelling residential	38	Local or collector streets	125 feet from any intersection 250 feet from local/arterial intersection	≥250 ft from another non-residential access
MIXED USE RESIDENTIAL				
Mixed-use residential	30	Must access alley	N/A	Alley-only access
NON-RESIDENTIAL				
Non-residential	38	Local or collector streets	125 feet from any intersection 250 feet from local/arterial intersection	≥250 ft from another non-residential access

7. Alleys
   a. Alleys within developments approved after the effective date of this Land Use Code shall be privately owned and maintained.

b. An easement shall be granted to the Town and other service providers for:
    1. Utility installation and maintenance,
    2. Refuse collection, and
    3. Other similar services.
c. Where an alley is provided, residential and mixed-use residential garage access shall be taken from the alley unless the Town Engineer determines that alley access would create a safety hazard.

8. Curb Ramps.
    a. Accessible curb ramps connecting sidewalks to street grade shall be installed in accordance with the Americans with Disabilities Act (ADA) and other applicable laws, as amended.
    b. All street crossings shall include accessible curb ramps on both sides of the crossing, in direct alignment with each other.

9. Gated Communities.
    a. Gated communities that include guardhouses, access gates across streets, or similar restricted-access features are prohibited.

10. Emergency Access.
    a. Emergency access points required by local fire district shall meet the following requirements:
        1. The roadway shall support the weight of emergency apparatus.
        2. The roadway shall be a minimum of twenty-six (26) feet in width.
        3. The roadway shall consist of an all-weather driving surface.
        4. The roadway shall remain maintained and usable year-round.
        5. Any barricade or access control device shall be approved by the fire district.
        6. Dead-end emergency access roads longer than 150 feet shall include a fire district-approved turnaround.
        7. Emergency access points shall be signed:
            (a) "Emergency Access Point – Emergency Vehicles Only."

11. Traffic Impact Mitigation.
    a. A Traffic Impact Study (TIS) shall be required unless otherwise determined by the Town Engineer. Refer to the Design Standards and Construction Specifications, as amended, for details.

12. Utility Easements.
    a. Utility easements shall follow front, rear, and side lot lines whenever practical. The centerline of an easement should coincide with a shared property line where feasible.
    b. Easements shall be designed to allow efficient installation of utilities and to integrate with the Town's street design standards.

c. Utility installations shall be arranged to:
    1. Accommodate multiple utilities within easements,
    2. Avoid cross connections,
    3. Minimize trenching, and
    4. Maintain adequate separation between incompatible systems.
d. Where a proposed easement or right-of-way adjoins an existing easement, proof of the existing dedication shall be submitted to the Town and approved prior to subdivision approval.
e. Unless otherwise approved by the Town or applicable utility provider, easement widths and locations shall be as follows:
    1. Rear lot line easements: ten (10) feet on each side of the property line
    2. Rear lot lines adjacent to unsubdivided land: ten (10) feet total width
    3. Side lot line easements: ten (10) feet total width (five (5) feet on each side permitted)
    4. Front lot line easements: ten (10) feet total width
f. If drainage, irrigation ditches, or other physical constraints prevent use of rear lot line easements, the subdivider shall provide alternative easements of equivalent width.
g. Utility providers may require easements of different widths with written justification.

13. Overhead and Underground Utilities.
    a. Transmission lines, overhead power lines, and other overhead utilities shall be placed underground unless physical conditions prevent underground installation, as determined by the utility owner.
    b. The developer shall coordinate with the appropriate utility providers and shall be responsible for any installation or construction costs.
    c. Associated utility equipment including transformers, switching boxes, pedestals, meter cabinets, ducts, and similar facilities shall also be placed underground whenever practicable.
    d. Above-ground equipment shall:
        1. Not be located in street medians or on utility poles unless no reasonable alternative exists, and
        2. Be screened in accordance with Section 16-6-90.C.3.
    e. Overhead power lines, except regional transmission lines, shall be placed underground unless physical conditions prevent underground installation.
    f. Utilities located within parks and open space shall comply with the undergrounding requirements of this Article.

14. Street Lighting.
    a. Street lighting and associated underground street lighting supply circuits shall be installed by the Developer per the specifications included in the Town of Frederick Design Standards and Construction Specifications, as amended. A

photometric lighting plan is required to be included with the construction plans for all subdivisions and any other new development.

15. Stormwater Drainage and Easements.
    a. A Drainage Report and/or Floodplain Study may be required per the Town Engineer. Refer to the Design Standards and Construction Specifications, as amended, for details.
    b. Stormwater facilities shall comply with the Town of Frederick Design Standards and Construction Specifications, as amended.
    c. General provisions include:
        1. Drainage areas shall be designed to appear natural in form unless otherwise approved by the Town.
        2. Native revegetation techniques shall be used.
        3. Landscaping shall comply with the live ground cover requirements in Section 16-4-80.E.1.a.
    d. Stormwater detention and retention basins and other stormwater control measures shall have a recorded Drainage and Access Maintenance Agreement, as determined by the Town Engineer, prior to final approval of the land use application.
    e. Drainage easements or dedicated undevelopable outlots shall be provided for all development and shall be sized to accommodate:
        1. On-site drainage,
        2. Off-site drainage,
        3. Drainage conveyances identified in the Frederick-Dacono Outfall System Plan, as amended, or local drainage report.
        4. Other drainage conveyances as identified by any County, State, or Federal agency responsible for administering such conveyances.

16. Potable Water
    a. All residential, commercial, and industrial uses with human occupancy shall be served by potable water provided by the Town or an appropriate water district.
    b. The water system shall be adequately sized and designed to supply potable water to each structure or lot upon which a structure is to be built.
    c. Oversizing of water lines shall comply with the Town of Frederick Design Standards and Construction Specifications and applicable provisions of the Municipal Code, as amended.
    d. Fire hydrants shall meet the standards and specifications of Frederick Firestone Fire Protection District.
        1. The subdivider shall install fire hydrants at street intersections and at other points as per the requirements of the Frederick Firestone Fire Protection District.

17. Sanitary Sewer.

a. All residential, commercial, and industrial uses with human occupancy shall be connected to a public sanitary sewer system.
b. The sanitary sewer system shall consist of a closed system of mains and lateral connections serving each structure or buildable lot and shall be sized to accommodate all sewage generated from all proposed or portable structures within the subdivision or development.
c. The Board of Trustees may approve individual sewage disposal systems on a case-by-case basis if they comply with Weld County Health Department standards.
    1. New installation, upgrades, or major repairs to individual systems shall not be permitted if the property is located within 400 feet of a municipal or sanitation district sewer main as measured through existing sewer easements or utility rights-of-way, unless connection is infeasible or denied by the applicable provider.

Sec. 16-4-50. Public Improvements.

Refer to the Administrative Development Guide and Design Standards and Construction Specifications for submittal requirements, regulations, process, and standards related to public improvements.

Sec. 16-4-60. Parks, Open Space, and Trails.

A. Purpose and Intent.
    1. The purpose of this section is to regulate the planning, development, construction, preservation, and maintenance of parks, open space, and trails throughout the Town with the intent to promote and protect Frederick's community vitality by providing access to quality open spaces and recreation opportunities, foster social connection and belonging, and preserve and steward natural areas and resources for current and future generations. The further intent of this section is to ensure these areas and opportunities are environmentally and fiscally sustainable, are developed as an integrated network of diverse lands and amenities and serve residents and visitors of all ages and abilities.

    2. The location and distribution of parks and open space shall be consistent with the residential density of the area. Safe, equitable, and convenient access to park land, open space, and park improvements is prioritized over payment of a fee in lieu of park land improvements and dedication of land to ensure a deficit in physical park land or an unreasonable demand on park space does not occur within any areas of

the community. In general, pocket parks are intended to serve fewer than one hundred and fifty (150) residents, and neighborhood parks are intended to serve up to six hundred (600) residents. Community parks are intended to serve a larger population.

3. The dedication of park land, park improvements, open space, and trails, as provided herein this section, does not necessarily mean or require said lands and improvements must be transferred for ownership by the Town. Instead, dedication means these lands and improvements are being made available for the use and enjoyment of the residents and visitors of the Town of Frederick.

B. Applicability.

This section applies to any new residential development within the jurisdiction of the Town of Frederick.

C. Dedication of Park Land.

1. Minimum Park Land Standard. It is the policy of the Town that the minimum standard for the provision of local park land for the benefit of the community is 8.5 acres per 1,000 residents (0.0085 acres per resident).

    a. Distribution of Parks by Type: The distribution of this land should generally be as follows:

        1. Pocket parks: 1 acre/1,000 residents (approximately 10% of 8.5 acres per 1,000 residents)
        2. Neighborhood parks: 5 acres/1,000 residents (approximately 60% of 8.5 acres per 1,000 residents)
        3. Community parks = 2.5 acres/1,000 residents (approximately 30% of 8.5 acres per 1,000 residents)

    b. The Town shall have discretion to re-allocate acreage within the above categories for the benefit of the community.

    c. Service Area. It is further the policy of the Town that ninety-five (95) percent of all residential dwellings should be within ¼ mile of a pocket park or a neighborhood park. This shall be measured from the closest edge of the park land to the edge of the closest residential lot line.

2. Park Land Dedication Required. Any new residential development creating 1 or more residential lots or dwelling units that have not previously dedicated park land or otherwise paid a park land dedication fee shall be required to dedicate park land as provided herein this section.

3. Park Land Dedication Calculation. New residential development shall dedicate park land at a rate of 8.5 acres of land per 1,000 residents anticipated to be generated by said new residential development. The estimated number of residents generated shall be calculated by multiplying the number of dwelling units by the average household size estimated for each dwelling unit by type of dwelling unit. The average household size for each dwelling unit type shall be as determined by the Town, calculated on a periodic basis and based upon the latest available Census Bureau information.

    a. (8.5 Acres) X (number of lots or dwelling units) X (persons per dwelling unit) / 1,000 = required park land dedication (Decimals rounded up the nearest hundredth)
    b. Examples (assuming 2.91 estimated persons per household):

        1. A 80-lot single family subdivision would be required to dedicate 1.99 acres of park land.

            (8.5) X (80) X (2.91) / (1000) = 1.99 acres

        2. A 180-unit apartment complex would be required to dedicate 4.45 acres of park land

            (8.5) X (180) X (2.91) / (1000) = 4.45 acres

4. Park Land Dedication General Provisions. The following minimum standards shall apply to all park land dedication unless modified or waived by action of the Town's Board of Trustees.

    a. Minimum size. Any park land dedication shall be a minimum contiguous area of 1.0 acres and of a functional shape. No dimension of the park site shall be less than 60 feet in width.

    b. Dedication by Park Types. When the calculated park land dedication requirement is eight (8) acres or more, the dedication should generally adhere to the park type distribution percentages outlined in Section 16-4-60.C.1.a above.

    c. Street Frontage Required. Park land shall have public or private street frontage along at least a minimum fifty-one (51) percent of the park perimeter. Pocket and neighborhood parks shall not have frontage along arterial streets or alleys.

d. Connectivity. All dedicated land shall, to the maximum extent reasonably feasible, be linked to parks, open space, and trails or adjacent parcels to form a connected system throughout the Town.

e. Adjoining Residential Uses. Residential dwellings, when adjoining, should not front or face towards the park but may back up to a park only if a thirty (30) ft wide buffer is provided between any residential lot and the park property line.

f. Usability. At least seventy-five (75) percent of the dedicated land required by this section shall be well-drained, level (cross slopes no greater than five (5) percent), and suitable for playing fields and recreational facilities.

g. Utility Easements. Utility easements shall be limited to locations that do not impact the function, construction, and maintenance of parks and recreation facilities, structures, and landscaping. Areas encumbered with any easements shall not be included within the parkland dedication area calculations.

h. Water Rights. Water rights sufficient to irrigate and serve the intended uses of the dedicated park land shall follow the provisions prescribed in the Town's Water Dedication Policy, as amended.

i. Areas Not Eligible. Lands within the following areas shall not be accepted for park land dedication:

1. Private yards;
2. Public or private streets or rights-of-way;
3. Designated flood plains or floodways of the Town;
4. Federally protected wetlands;
5. Stormwater retention or detention areas or ponds;
6. Open parking areas and driveways for dwelling units or on-site parking within park areas;
7. Streetscape or buffers and median strips;
8. Overhead transmission lines;
9. Utility easements over ten (10) feet in width;
10. Active oil and gas well sites and setbacks;
11. Mine shafts and associated setbacks;
12. Irrigation ditches and stormwater channels; and
13. Any other area not deemed appropriate by the Director.

D. Construction of Park Improvements.

1. Park Improvements Required. Based upon the calculated park land dedication requirement as provided herein this section, the following park improvement shall be required as part of any park land dedication.

    a. Pocket Park. The dedication of any land for a Pocket Park (generally for a land dedication area that is less than or equal to two (2) acres in size) shall provide the improvements required for a Pocket Park as specified in the Parks and Open Space Standards and Specifications and meets the design intentions as provided in the Park and Open Space Design Guide.

    b. Neighborhood Park. The dedication of any land for a Neighborhood Park (generally for an individual land dedication area that is more than two (2) acres in size) shall provide the improvements required for a Neighborhood Park as specified in the Parks and Open Space Standards and Specifications and meets the design intentions as provided in the Park and Open Space Design Guide.

    c. Community Park. The dedication of any land and improvements for a Community Park shall be in the form of a fee paid to the Town for the provision of Community Park space and park improvements. This fee shall be calculated as provided in Section 16-4-60.G. For the purposes of calculating this fee, the required park improvements shall be the requirements for a Neighborhood Park as specified in the Parks and Open Space Standards and Specifications and meet the design intention as provided in the Park and Open Space Design Guide.

2. Park Improvements Design Standards.

    a. The park and improvements shall be designed per all Town standards including the Parks and Open Space Standards and Specifications and the Park and Open Space Design Guide.

    b. The design shall be completed by a landscape architect, licensed to work in the State of Colorado, and with experience and expertise in designing parks.

    c. The final plans shall be reviewed by, and require the approval of, the Town's Board of Trustees for compliance with these regulations and the Town's Parks and Open Space Standards and Specifications and the Park and Open Space Design Guide.

E. Dedication of Open Space.

1. Minimum Open Space Standard. The broad views and rolling agricultural lands found in and around the Town of Frederick contribute significantly to the Town's character. Preservation of a portion of these natural lands as open space is critical in

addition to protecting these views and ultimately maintaining the character of the community. Doing so will further provide opportunities for education, wildlife protection and observation, hiking, and other passive and active recreation activities for the health and welfare of existing and future residents. It is the policy of the Town that the minimum standard for the provision of open space for the benefit of the community is 17 acres per 1,000 residents.

2. Open Space Dedication Required. Any new residential development creating one (1) or more residential lots or dwelling units that has not previously dedicated open space or otherwise paid an open space dedication fee shall be required to dedication open space as provided herein this section.

3. Open Space Dedication Calculation. New residential shall dedicate open space land at a rate of 17 acres of land per 1,000 residents anticipated to be generated by said new residential development. The estimated number of residents generated shall be calculated by multiplying the number of dwelling units by the average household size estimated for each dwelling unit by type of dwelling unit. The average household size for each dwelling unit type shall be as determined by the Town, calculated on a periodic basis and based upon the latest available Census Bureau information.

    a. (17 Acres) X (number of lots or dwelling units) X (persons per dwelling unit) / 1,000 = required open space dedication (Decimals rounded up the nearest hundredth)

    b. Examples (assuming 2.91 estimated persons per household):

        1. An 80-lot single family subdivision would be required to dedicate 3.96 acres of open space.

            (17) X (80) X (2.91) / (1,000) = 3.96 acres

        2. A 180-unit apartment complex would be required to dedicate 8.9 acres of open space

            (17) X (180) X (2.91) / (1,000) = 8.9 acres

4. Open Space Dedication Standards. The following minimum standards shall apply to all open space dedication unless modified or waived by action of the Town's Board of Trustees. To the maximum extent reasonably feasible, where significant natural and scenic resource assets exist on a property, the subdivider, developer, or owner shall give priority to their preservation as open space.

    a. Minimum size. Minimum contiguous dedication area: ten (10) acres.

b. Minimum Width. A parcel that is no less than three hundred (300) feet at the narrowest width, unless the Town approves a lesser amount for a trail which may be no less than thirty (30) feet in width;

c. Connectivity. All dedicated land shall, to the maximum extent reasonably feasible, be linked to parks, open space, and trails or adjacent parcels to form a connected system throughout the Town.

d. Unencumbered. Unencumbered by overhead utility lines, built structures, and paved surfaces;

e. Permissible Functions and Use. Open space shall serve one or more of the following functions:

1. Preserving rural/agricultural land;
2. Community garden;
3. Protecting significant archeological, historic and cultural resources;
4. Protecting aquatic, wetland and riparian habitat and buffers;
5. Providing hedgerows, feeding, cover, breeding, foraging, and nesting habitat;
6. Preserving native wildlife habitat and their migration and travel corridors;
7. Creating and preserving pastoral-scenic views to mountains, plains, and agricultural lands;
8. Providing corridors and natural area destinations;
9. Providing passive recreational experiences and trails;
10. Providing environmental educational opportunities;
11. Shaping growth;
12. Protecting landmark topographic features;
13. Protecting the public from natural and geologic hazards;
14. Providing visual and physical linkages between community resources;
15. Clearing of underbrush and debris and the provision of walks, fences, and other similar features are permitted within open space;
16. Flood Hazard areas; lakes, rivers, creeks, wetlands, stream/riparian corridors, and similar features; wildlife habitat and migration corridors; and, areas with native and specimen trees and plants.

f. Water Rights. Water rights sufficient to irrigate and serve the intended uses of the dedicated park land shall follow the provisions prescribed in the Town's Water Dedication Policy, as amended.

g. Areas Not Eligible. Lands within the following areas shall not be counted towards required open space dedication:

1. Ranch land, private animal corrals and stables, and raising of livestock;
2. Row crop;
3. Free standing or ground mounted solar or wind energy generation facilities;
4. Overhead transmission lines;
5. Private yards;
6. Public or private streets or rights-of-way not intended for open space-related purposes;
7. Open parking areas and driveways for dwelling units;
8. Pocket, neighborhood, and community parks;
9. Land covered by structures not intended solely for recreational uses;
10. Streetscape or landscape buffers;
11. Median strips;
12. Active oil and gas well sites and required setbacks; and
13. No constructed stormwater management facilities including stormwater channels, irrigation channels, detention, retention, and water quality ponds. Existing and natural, undisturbed drainageways, ponds, and streams may be permitted.
14. Any area deemed not appropriate by the Director.

h. Exceptions. The Town may allow the dedication of open space that includes a prohibited land use if the land dedication otherwise contains significant improvement or other highly desired features that enhance the open space user experience.

5. Open Space Design Standards. The following design standards shall apply to all open space dedication as required herein this section.

a. The design and construction of any open space required herein this section shall be in accordance with all applicable Town standards and the Park Design Guidelines. The open space design shall be completed by a landscape architect or civil engineer, licensed to work in the State of Colorado, and with experience and expertise in designing open spaces. Any open space plan required herein shall be reviewed and require the approval of the Town's Board of Trustees for compliance with these regulations and the Town's Park Design Guidelines.
b. Open space shall not consist solely of undevelopable or "left- over" pieces of the site, but shall be designed as an integral part of the overall development plan, incorporating identified environmentally and historically significant components of the site.
c. Open space shall be organized to create continuous integrated systems that physically and visually connect with the following features dedicated or identified in the Town of Frederick Parks, Open Space and Trails Master Plan:

1. Parks or greenways;

2. School sites;

3. Historic, cultural, or archeological sites and features; or

4. Trail and open space systems.

d. To the extent reasonably feasible, open space shall visually and physically connect to designated open space of adjacent parcels or developments.
e. To maintain strong visual and physical linkages, to the maximum extent reasonably feasible, open space shall not be less than thirty (30) feet in width at the point of connection to adjacent lands or uses as described above. Where topography or other site features would prevent the above standard from being met, the point of connection may be reduced to less than thirty (30) feet for short distances at the discretion of the Town.

F. Construction of Trails.

1. Master Planned Trails. It is the policy of the Town that trails are vital to the health, safety, and welfare of its residents and visitors. Therefore, the owner or developer of any new residential development consisting of one (1) or more residential lots or dwelling units or any new nonresidential development shall construct any and all trails as provided for or otherwise shown on the Town's adopted Trails Master Plan and Transportation Master Plan that are located within the proposed development's property boundary or located within any street right-of-way upon which said property has frontage.

2. Open Space Trails. In addition to the trail improvements required in Section 16-4-60.F.1 hereinabove, all dedicated open spaces shall include a combination of hard and soft trails and interpretive signage. A trail must circulate through and around the open space area and provide a connection to the Town's trail system. At a minimum, four hundred (400) linear feet of trail shall be provided for each one (1) acre of required open space land dedication.

a. (Number of required open space acres) x (400 linear feet) = required linear feet of trail (Decimals rounded up the nearest hundredth)

b. Example:

A 10-acre open space would be required to construct 4,000 linear feet of trail.

(10) x (400) = 4,000 linear feet

3. Trail Design. The design and construction of any trail required by this section shall be in accordance with all applicable Town standards and the Park Design Guidelines. The trail design shall be completed by a landscape architect or civil engineer, licensed to work in the State of Colorado, and with experience and expertise in designing trails. The trail plans shall be reviewed and require the approval of the Town's Board of Trustees for compliance with these regulations and the Town's Parks and Open Space Standards and Specifications and the Park and Open Space Design Guide.

G. Timing of Dedication of Park Land, Park Improvements, Open Space, and Trails.

1. Dedication Timing. The dedication of park land, the dedication of park improvements, the dedication of open space, and the dedication of trails, as provided herein this section, are required at the time of approval of any final plat and prior to recordation of said plat. If no plat is required, said dedications shall be required at the time of approval of the site plan and prior to the issuance of any building permits.

2. Protection and Maintenance Required. The area dedicated or planned to be dedicated and any improvements shall be protected during construction. Any areas disturbed shall be restored and all improvements, including landscaping, shall be maintained and repaired. All landscaping and groundcover shall be irrigated as necessary to ensure the establishment and survival of the vegetation.

3. Surety and Agreement In Lieu of Dedication. All land must be dedicated and all improvements constructed and inspected by the Town for acceptance and/or fees paid prior to final approval of any plat or site plan, as applicable, unless a written agreement and financial surety (in a form acceptable to the Town) is provided to ensure the dedication and completion of improvements in a timely manner.

4. Combining Dedication and Improvements. Subject to approval by the Town Board of Trustees, land dedications and improvements may be combined or timed with other dedication requirements to create a larger park site or open space should that be determined beneficial to meeting the intent of this section.

H. Fee in Lieu of Park Land or Open Space Dedication and/or Park Improvements or Trails

1. Fee in Lieu. Subject to the approval of the Town's Board of Trustees, the developer required to dedicate park land and open space and make park improvements and construct trails may pay a fee in lieu of said dedication and improvements. Fee in lieu may be for all or a portion of either the land dedication and park improvements

or trails. This fee in lieu option may also be used when the calculated dedication results in a land area that is smaller than the minimum park or open space standard as provided herein this section.

2. Land Dedication Fee Calculation: The fee in lieu of land dedication shall be based upon the current, fair market value of the land requirements to be dedicated. The land appraisal fee shall be for a fee simple purchase and this value shall be calculated by a written appraisal provided by a licensed land appraiser. The licensed appraiser shall be approved by the Town and the appraisal fee paid by the developer.

3. Use of Fees Collected: Any fees collected by the Town as provided above shall be deposited into the Parks and Open Space Fund to be used for the acquisition of park land and/or the construction of park improvements for any land or park that will serve the residents of the proposed development. This includes future pocket parks, neighborhood parks, community parks, regional parks, open spaces, and trails.

I. Ownership and Maintenance.

1. Ownership. Park land and open space and park improvements and trails dedicated and constructed under this section shall be owned and maintained by a metro district, homeowner's or condo association (or property owner in the case of a rental multi-family or commercial development), unless otherwise determined by the Town. Any land dedicated to the Town shall be transferred by warranty deed, with title of the land being free and clear of all liens and encumbrances, including the proration of property taxes at the time of conveyance.

2. Maintenance Agreement Required. The owner of the park land and/or open space dedication and the park improvements and trails required under this section shall enter into an agreement to maintain said land and improvements in accordance with the approved plans. The level of maintenance of all park land and open space and all park improvements including but not limited to park shelters and structures, playgrounds, sidewalks and trails, parking lots, signage, lighting, fencing, playfields, lawns, and landscaping shall be as determined and provided by this maintenance agreement.

J. Public Access and Use.

1. Public Access and Use Agreement and Easement Required. A public access and use agreement and easement shall be in place to allow the public to access and use the park site, trails, and open space with reasonable limitations, unless otherwise approved by the Town. This public access and use provision may be waived by the

Town for all or part of a park dedication within an exclusively private development or private area of a development and for open space that is not deemed appropriate for access by the public.

Sec. 16-4-70. Public Sites and Other Dedications.

The subdivider shall dedicate or convey land for a public school site to the St. Vrain Valley School District RE-1J, hereinafter "School District," or in the event the dedication of land is not deemed feasible or in the best interests of the School District as determined by the Superintendent or designee of the School District, the subdivider shall make payment in-lieu of land dedication or conveyance. The amount of contribution of either land or payment in-lieu of land shall be determined annually by the School District.

A. Exemptions from fair contributions for public school sites. The following uses shall be exempt from the fair contributions for public school sites requirements:

   1. Construction of any non-residential building or structure.
   2. Alteration, replacement, or expansion of any legally existing building or structure with a comparable new building or structure that does not increase the number of residential dwelling units.
   3. Construction of any building or structure for limited-term stay or for long-term assisted living, including but not limited to bed and breakfast establishments, boarding or rooming houses, family care homes, group care homes, halfway houses, hotels, motels, nursing homes, or hospices.
   4. Construction of any residential building or structure classified as housing exclusively for older persons, pursuant to the Federal Fair Housing Act, as amended.

B. Land dedication. In the event the fair contribution for public school sites includes the dedication of land, prior to recording the final plat the following items shall be completed by the subdivider:

   1. The subdivider shall convey to the School District, by general warranty deed, title to the land slated for dedication, which title is free and clear of all liens, encumbrances, and exceptions (except those approved in writing by the School District), including, without limitation, real property taxes, which will be prorated to the date of conveyance or dedication.
   2. The subdivider shall provide to the Town proof of the dedication or conveyance.
   3. At the time of dedication or conveyance, the subdivider shall provide a title insurance commitment and policy in an amount equal to the fair market value of the dedicated property.
   4. The development agreement for the subdivision shall provide for the installation of the streets adjacent to the school site, the installation of water, sewer, and other public utilities to the school site, and overlot grading of the school site.

5. Cash in-lieu of land dedication. In the event the fair contribution for public school sites includes payment in-lieu of the dedication of land, prior to the issuance of any building permit for any residential dwelling unit not otherwise exempt under Section 16-4-70.A above, the subdivider shall pay to the School District, on behalf of the Town, the cash to be paid in-lieu of land dedication.

Sec. 16-4-80. Landscaping.

A. Purpose and Intent.
   1. Purpose. The purpose of this section is to establish minimum landscaping and buffering requirements.
   2. Intent. The intent of this section is to preserve and enhance the Town's special character, and promote high quality landscape within new development that:
      a. Reinforces the identity of the community and each neighborhood;
      b. Provides tree-lined and landscaped streets, which contribute to the safety of pedestrians and motorists;
      c. Contributes to desired community character by softening the visual impacts of buildings and development, breaking up the appearance of building mass, and providing contextually appropriate balances among landscaping, buildings, and paved areas;
      d. Screens unsightly land uses and structures from view from public rights-of-way and neighboring residential properties and contributes to the mitigation of off-site impacts including dust, noise, and external lighting;
      e. Provides tree canopies over, and landscaping within, paved areas to enhance community aesthetics, reduce the urban heat island effect, and slow storm water runoff;
      f. Preserves existing trees, conserves and efficiently utilizes water, prioritizes the planting of native species, and enhances valuable habitat, all of which promote natural resource stewardship;
      g. Promotes health, wellness, community vitality, interest, public safety, and physical comfort; and
      h. Provides for structured and nonstructured recreation areas.

B. Applicability. The standards of this section apply to all new development, redevelopment, or substantial improvements to existing sites or buildings.

C. Landscape plan, hydrozone plan, and irrigation plan.
   1. Applicability and exceptions.
      a. All land development or redevelopment applications shall be accompanied by an appropriate landscape plan, hydrozone plan, and irrigation plan. Building permit applications for individual single-family residences will not require landscape plans, hydrozone plans, or irrigation plans, but landscaping on properties

designated for single-family residences shall comply with applicable requirements of this section.

b. Any portion of existing landscaping that is renovated and requires an irrigation system shall comply with this section. Renovations include expansions and rehabilitation of landscape materials (except pruning) and components installed (except replacement of rocks or mulch) prior to the adoption of these regulations.

2. Landscape plan, hydrozone plan, and irrigation plan requirements.
   a. All final and approved landscape plans shall be developed and stamped by a professional landscape architect who is licensed by the State Board of Landscape Architects, or an equivalent approved by the Director. Landscaping improvements on a lot used for single-dwelling detached or paired home purposes are exempt from this requirement, except as may be provided in an agreement between the Town and the developer.
   b. All landscape plans, hydrozone plans, and irrigation plans shall follow requirements outlined in Town of Frederick Development Application User Guides.
   c. Landscape, grading, and utility plans shall be coordinated to ensure consistency.

D. Landscape design principles.
   1. Application of landscape design principles. The landscape design principles of this Section are intended as guidelines for landscape design. They are not intended to be applied to require more landscape material or larger setbacks or buffers than otherwise required by this Code. However, the Town may request redesign or alternative arrangement of required landscaping to optimize the application of these principles.
   2. General landscape design principles. Landscape plans shall be guided by the following design principles:
      a. Building orientation, site design, and planting schemes should address climatic and micro-climatic conditions to promote the wise use of water and energy resources;
      b. Plant and turf selection and placement should prioritize minimizing water use and maintenance requirements, while enhancing the pedestrian experience;
      c. Soil moisture should be maintained, and evaporation reduced, through the optimal use of layered landscaping (e.g., organic mulch, ground cover, shrubs, grasses, and overstory landscaping);
      d. Plant materials should be organized into hydrozones according to microclimatic needs and water requirements;
      e. Soil should be augmented as needed to promote plant health and longevity;
      f. Irrigation systems should be efficient, with weather and rain gauges to minimize resource consumption, waste, and optimize the efficiency of water use;
      g. Landscapes should be attended to with appropriate maintenance, care, and irrigation schedules;

h. Where landscaping is adjacent to a transportation corridor, it should be designed to provide for the safety and comfort of all users of the transportation corridor, provide access to all ages and abilities, and reduce opportunities for illicit activity or behavior;
i. As appropriate to Colorado's climate and to the extent allowed by Colorado water law, materials (e.g., permeable pavers), systems, and landscape designs that minimize storm water runoff and maximize water infiltration while reducing the potential for nonpoint source groundwater pollution should be used;
j. Native species and natural drainage ways should be protected;
k. Landscapes should provide for seasonal variation in interest, as well as framing and buffering of views (as appropriate), and the careful placement of overstory and understory materials to mitigate winter winds and provide shade from summer sun;
l. Where a subject property is adjacent to a natural resource or amenity such as a flood plain, trail corridor, park, or other open space, the landscape plan should be designed to complement the natural character and integrity of the resource or amenity; and
m. Trees and shrubs located adjacent to natural streams and wetlands should be preserved in their current locations in order to filter runoff.

E. Landscape requirements.
1. General.
a. Coverage with living plant material. Covering landscaped areas with living plant material aims to add color and versatility to outdoor landscapes.
1. All distinct landscaped areas shall be designed with a minimum of fifty (50) percent coverage with living plant material at maturity. Living plant materials may include shrubs, ornamental grasses, perennials, and turfgrass. See Figure 4-1.
2. No more than fifty (50) percent may be nonliving material, such as wood mulch, and rock.
3. Areas of the site designated for drainage purposes shall not include wood mulch.
4. Landscaped areas shall not be covered in native seed in the front of principal buildings, unless approved by the Director.
5. Plant material shall be planted or installed as appropriate to meet the requirements of this section and to stabilize soil and prevent erosion.

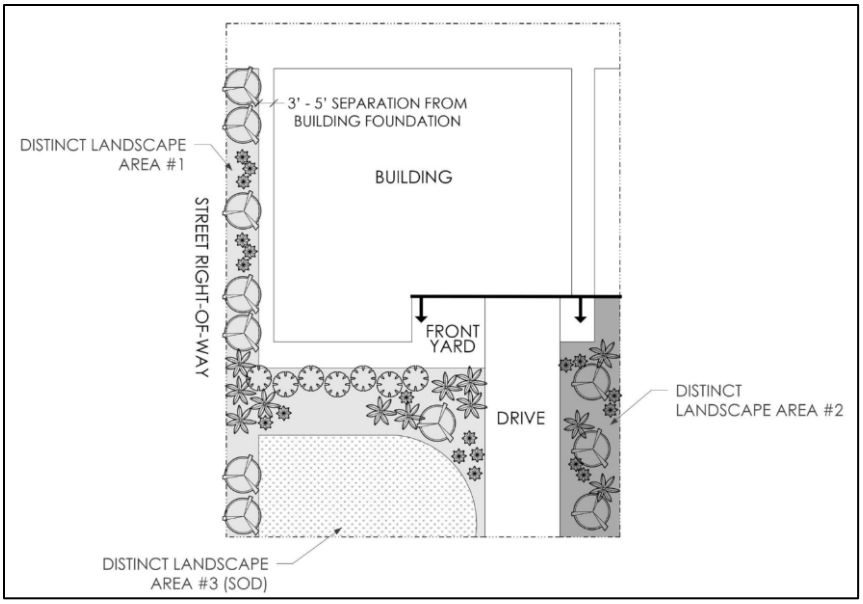


Figure 4-1 Distinct Landscape Area, Corner Lot Landscaping and 50% Coverage.

b. Non-functional turf.
    1. Non-functional turf shall be prohibited in medians and transportation corridor landscaping, commercial, institutional, industrial, or common interest community property and in multi-family developments with over twelve (12) dwelling units.
c. Artificial turf.
    1. Functional artificial turf shall only be permitted in areas per the definition of functional artificial turf.
d. Mulch. Including wood mulch and rock mulch.
    1. Rock mulch placed within one (1) foot of a sidewalk or vehicular use area shall be a minimum of 2" in diameter.
    2. Wood mulch placed within one (1) foot of a sidewalk or vehicular use area must be contained with a border such as a curb or steel edger.
    3. Where used, mulch shall be applied over a weed control barrier to a depth of three (3) inches.
e. Drainage. Landscaping improvements, including any artificial turf, shall not alter the drainage pattern or amount of storm water runoff that is set out in the applicable, approved grading plan, or if there is not a grading plan and one was not required, such improvements shall not alter the drainage pattern or amount of storm water runoff.

2. Size and quality of landscape plants.
    a. In general, plant materials that are installed according to the requirements of this section shall meet the standards that are set out in this section. However, the Town may require larger sizes as it determines necessary to ensure survival, or to implement a condition of approval of a conditional use, or a requirement that is set out in an approved planned unit development document.

b. Shrubs. When grouped in three (3) or more, shall be installed in a shrub bed, which are defined as mulched planter areas.
c. Minimum size of landscape materials. The minimum size of landscape materials used to satisfy the requirements of this section are set out in Table 4-2, Plant Material Requirements.

Table 4-2 Plant Material Requirements

Plant Type	Minimum Planting or Installation Size
Deciduous Shade Tree	1.5 inch caliper measured 6 inches above ground
Deciduous Ornamental Tree	1 inch caliper measured 6 inches above ground; or multi-stemmed clump form with minimum height of 4 feet
Evergreen Tree	6 feet height
Evergreen and Deciduous Shrubs	5 gallon container
Ornamental Grasses and Perennials	1 gallon container
Ground Covers and Vines	1 gallon container

d. Specification of landscape materials. All plant material shall be true to type, form, species, quality, and free of injury, broken root balls, pests, and diseases, as well as conform to the minimum requirements described in the "American Standards for Nursery Stock" (ANSI Z60.1), published by AmericanHort, as may be amended from time to time, and follow the Green Industries of Colorado ("GreenCo") Tree Planting Recommendations, as may be amended from time to time. Plant materials shall have normal, well-developed branches and vigorous root systems.

3. Selection and arrangement of plant material.
   a. Water conservation required. All landscaping plans shall be designed to incorporate water-conserving materials and techniques, including low-water use and native plants, hydrozoning, and efficient irrigation systems. Water conservation does not include or allow nonfunctional artificial turf (except for

residential development of twelve (12) units or less) or artificial plants, large mulched (including gravel) beds, or areas without landscape plant material, paving of areas that are not required for walkways, plazas, or parking lots, bare ground, weed covered or infested surfaces, or any landscaping that does not comply with the standards of this Article.

b. Tree spacing. Trees shall be spaced as outlined in this Section. Exceptions to these requirements may be approved by the Director where utilities are not located in their standard designated locations, or where the landscape design is otherwise incompatible with existing and planned utility installations. Tree and utility separations shall not be used as a means of avoiding the planting of required street trees.
    1. Tree spacing shall allow for adequate growth of plants at maturity and for intersection visibility.
    2. Spacing from street lights.
        (a) Deciduous shade trees and evergreen trees that reach a mature height of fifteen (15) feet or larger shall be located a minimum forty (40) feet from street lights.
        (b) Deciduous ornamental trees and evergreen trees that reach a mature height of less than fifteen (15) feet shall be located a minimum of fifteen (15) feet from street lights.
    3. Spacing from utilities.
        (a) Trees shall be spaced fifteen (15) feet from water and sewer mains and gas collection lines, six (6) feet from water, sewer, gas service lines, and electric lines, and ten (10) feet from fire hydrants. Trees located within the public right-of-way shall be permitted within these space requirements per the Director.
        (b) Trees that reach a mature height of more than twenty-five (25) feet shall not be planted within twenty (20) feet of an overhead utility line.

c. Sight distance triangles. Landscaping near pedestrian and vehicle shall meet sight triangle requirements as noted in the Town of Frederick Design Standards and Construction Specifications.

d. Approved plant species. The Director shall maintain and periodically update an approved plant list, which shall identify approved plant species (including references to family and genus) that may be used to demonstrate compliance with the requirements of this Article. The Director shall also maintain an approved street tree list, which shall identify approved tree species that are permitted for use in right-of-way landscaping.

e. Prohibited plant species. The Director shall maintain and periodically update a prohibited plant list, which shall identify plant species that are prohibited in the Town of Frederick (or prohibited in certain locations as may be specified).

f. Plant selection. Plants shall be selected from the approved plant list. The Director may approve or approve with conditions other plants if the Director finds that they are low maintenance, noninvasive, drought-tolerant, water-wise, and otherwise appropriate for use in the locations in which they are proposed.

1. Native, drought-tolerant, and water-wise plants and turf shall be used where practicable.
2. Plants shall be compatible with project soils.

g. Required biodiversity. Landscapes shall consist of a variety of plant species to enhance biodiversity. No one plant species may make up more than twenty-five (25) percent of the nonturf plant materials on site.

4. Tree Preservation Requirements.
   a. Applicability and exceptions. Existing trees that are preserved on a subject property count towards the planting requirements of this Article; provided, that the applicant selects a Consulting Arborist, registered with the American Society of Consulting Arborists, or a Certified Arborist, registered with the International Society of Arboriculture, to create a tree preservation plan using the most recent version of the Guide for Plant Appraisal published by the International Society of Arboriculture.
   b. Protected trees. Existing significant trees within the development area and within natural habitat buffer zones shall be preserved to the extent reasonably feasible and may count as tree preservation credits. Such trees shall be considered "protected" trees. Streets, buildings, and lot layouts shall be designed to minimize the disturbance to significant existing trees.
      1. Existing trees to be preserved shall not be overmature, diseased, poor in form, leaning heavily over buildings, too close to building foundations, damaging sidewalks and driveways, or impacting utilities.
   c. Tree Preservation Plan. Concurrent with the submission of landscape and irrigation plans during the Development Process, properties subject to this chapter shall submit a tree preservation plan for approval by the Director, or their designee. The tree preservation plan shall be submitted and approved prior to any site activity or disturbances and shall include:
      1. Inventory of all existing trees four (4) inches DBH and larger on the site and specifically note any significant trees.
      2. A chart specifying size, species, condition, disposition for each existing tree, and indicate which trees are candidates for preservation, removal, or relocation.

d. Tree Preservation Calculation of Credits. Preserved trees may count as more than one (1) tree for the purposes of the landscaping requirements of this section, as set out in Table 4-3, Tree Preservation Credits.

Table 4-3, Tree Preservation Credits

DBH of Tree to Be Preserved		**Tree Credit**	**Landscaped Area Where Credit May Be Applied**
Min. Diameter (Inches)	**Up to, But Not Including**		
None	10 inches	1	Location of preserved tree
10 inches	15 inches	2	Location of preserved tree
15 inches	20 inches	3	Location of preserved tree, or any other location except a buffer
20 inches	No limit	5	Location of preserved tree, or any other location except a buffer

e. Tree Protection. Appropriate measures shall be undertaken to protect trees from construction activities. If any of the trees required to be retained or replanted as part of the tree protection plan should die within a period of three (3) years after completion of construction, the property owner shall replace trees within six (6) months of the issuance to the owner of a notice to replace.

1. Restrictions within dripline or critical root zone of trees used for credit. Construction activities around trees that are used for credit pursuant to this Section are restricted, within the larger of the perimeter of the dripline or the critical root zone. The following construction activities are prohibited:
   (a) Cutting or filling;
   (b) Storage of building materials or debris;
   (c) Disposal of waste;

(d) Installation of buildings, structures, or impervious paving.

2. The larger of the dripline or the critical root zone shall be barricaded during construction to prevent damage to the preserved trees and their roots by construction equipment.

5. Mitigation Requirements.
   a. Applicability and exceptions. Where it is not feasible to protect and retain significant existing tree(s) or to relocate them to another on-site location, the applicant shall replace such tree(s) in addition to satisfying the tree planting standards of this Section. To the extent reasonably feasible, replacement trees shall be planted on the development site or, if not reasonably feasible, in the closest available and suitable planting site on nearby public or private property.
   b. Replacement Trees. No tree for proposed replacement shall be less than two (2) inches or more than three (3) inches in caliper and shall be of no less quality species than the tree removed, as determined by the Tree Appraisal.
      1. For example: Two (2), nine (9) inch DBH trees are removed because of site constraints; the tree inches lost equals eighteen (18) inches. These inches can be replaced by planting nine (9) two (2) inch caliper trees or six (6), three (3) inch caliper trees. Evergreen trees (e.g., Fir, Juniper, Pine and Spruce) are to be replaced with trees with the same level of quality by the ISA Guidelines, unless approved by the Director.
   c. Relocation On-Site. If tree relocation within the site it attempted, it shall be performed by a professional forester or nursery operator. All measures shall be taken to ensure the life and good health of the tree(s).
   d. Standard Landscape Requirements. Mitigation shall be in addition to standard landscape requirements established by this Article. In the case of tree removals, the location, species, and caliper of trees to be removed and their replacements shall be included on the landscape/site plan. In the case of tree relocations on site, the placement of the relocated trees shall be included on the landscape/site plan.

6. Landscaping categories and calculations.
   a. Landscaping categories.
      1. Categories established. This section establishes standards for four (4) categories of landscaping:
         (a) Right-of-way landscaping. Right-of-way landscaping is landscaping that is required within public street rights-of-way or adjacent to public street rights-of-way as provided in this Article.

(b) Gateway landscaping. Gateway landscaping establishes a landscaped buffer for developments adjacent to arterial streets.
(c) Site landscaping. Site landscaping is the landscaping that is required on a subject property, excluding parking lots and right-of-way landscaping.
(d) Parking lot landscaping. Parking lot landscaping is the required landscaping within and on the boundaries of surface parking lots.

2. Designation of categories on landscape plans. Landscape plans shall delineate areas within the subject property to which each applicable landscaping category applies and shall provide a table showing the number square feet of land within each landscaping category and the proportion of the subject property (expressed as a percentage) occupied by each landscaping category.

b. Calculations.
1. Counting areas. No area of a subject property shall be counted more than once for the purposes of applying landscaping requirements unless specifically exempted below.
2. Minimum required landscaping.
(a) The minimum required landscaped area of a given multi-dwelling or nonresidential property shall be fifteen (15) percent of the lot area. The areas eligible to be counted toward this minimum are site landscaping and gateway buffer landscaping that are provided within the boundaries of the subject property.
(1) Front yards of single-dwelling, paired home, and multi-plex properties shall be landscaped according to the requirements set out in Section 16-4-80.E.6.e.2.(a).
(2) For corner lots, both yards adjacent to the street shall be defined as front yards and shall meet the minimum landscape requirements.
(3) Side yards, no landscaping is required in side yards.
3. Areas that shall not be included toward required site landscaping.
(a) Areas within and extending up to fifteen (15) feet from plazas, play fields, golf greens and fairways, or other outdoor gathering spaces or recreation areas, the use of which would be diminished by the presence of trees;
(b) Areas within designated outdoor storage areas;
(c) Areas within, and within five (5) feet of, irrigation ditch property or easements, or within thirty-five (35) feet of the outer toe of the ditch bank if the easement does not have delineated boundaries;
(d) Areas used for agriculture or gardens;
(e) Wetlands and waterbodies;
(f) Areas where ground-mounted solar panels (of any type) are installed, and any areas around them that must be kept clear of vegetation to avoid shading of the panels in order to optimize their use;

(g) Permeable areas that are less than eighty (80) square feet that are enclosed by any combination of buildings, structures, impermeable surfaces such as asphalt or concrete; and
(h) Areas in which the soils or topography are not suitable for the establishment and growth of healthy trees, and that cannot reasonably be made suitable using soil amendments or grading. Soil and topography must be appropriate for plant species.
(i) No more than forty (40) percent of the area of vegetated storm water detention ponds and storm water retention ponds may be counted toward the minimum required landscaped area of a site, unless approved through alternative compliance. This percentage shall be calculated based on the plan view of the storm water retention pond.

c. Right-of-way landscaping.
1. Applicability and exceptions. Landscaped areas within the right-of-way shall be provided as set out in this Section. The Town Engineer, after consultation with the Director, may waive or modify the requirements of this Section in order to resolve conflicts with utilities or street design requirements. Such waivers or modifications shall minimize reductions in the overall number of trees required by this Article, and tree plantings outside the right-of-way may be used to mitigate necessary reductions in the right-of-way landscape requirements adjacent to a subject property. Additional exceptions include:
(a) Right-of-way landscaping is not required in the Agricultural (A) zone district, Agricultural Open Space (AOS) and Residential Estate (RE) zone district.
(b) In locations where a landscape master plan has been approved by the Town landscaping shall be consistent with the approved master plan.
(c) Roads intersecting with the I-25 frontage roads are not required to have landscaped medians; however, the other applicable requirements of this Section shall apply along the I-25 frontage.
2. Street corridors. These corridors should feel cohesive. The selection and placement of plant materials shall enhance the aesthetic character of the corridor and adjacent properties. Rhythmic spacing and the use of a variety of tree species is encouraged to meet the intent of this standard.
3. Tree lawns. Landscaped areas within the right-of-way along arterial, collector, and local streets shall be installed by the developer and shall include street trees, coverage with living plant material (shrubs, ornamental grass, or perennials), and mulch. See Figure 4-2.
4. Coverage with living plant material. Refer to Section 16-4-80.E.1.a.
5. Street trees.
(a) Minimum number of street trees. One (1) deciduous shade tree for every forty (40) linear feet of road frontage or curb shall be provided.

(b) Location. Street trees shall be planted within the tree lawn portion of the right-of-way. Where a tree lawn is not available within the right-of-way or when it is not feasible or practical to place trees in the tree lawn, street trees shall be planted on the subject property within ten (10) feet of the right-of-way boundary; if this is not feasible, street trees shall be replaced with shrubs at a rate of ten (10) shrubs per eligible tree.
(c) Spacing. Street trees shall be spaced with adequate spacing to allow for the mature spread of the trees.
(d) Rights-of-way adjacent to parks and open space. Street trees that are required to be located along parks and open space shall conform to the requirements of Section 16-4-80.E.6.c.5.
(e) Permitted tree species. See Town of Frederick approved street tree list.

6. Permitted grasses.
   (a) Native, warm season, and climate adapted grasses are permitted at the discretion of the Director. Factors such as irrigation needs, foot traffic tolerance, appearance, maintenance requirements, shade tolerance, and salt tolerance are all important aspects to consider when selecting the right grass option.
   (b) A maximum of fifty (50) percent of the landscaped area within the tree lawn may be grass per each street corridor. The remaining tree lawn area shall also meet the requirements for coverage with living plant material. The intent of the landscaping within the tree lawn is to provide for an even coverage with both living and non-living material. Large expanses of non-living material are discouraged.
7. Prohibited elements.
   (a) High hydrozones are prohibited within right-of-way landscaping.
   (b) Nonfunctional turf is prohibited within street right-of-way, median, and transportation corridor landscaping.
   (c) Cool season grass varieties that have high water demands are prohibited.
   (d) Wood mulch is prohibited in right-of-way landscaping except up to four (4) feet around trees and shrubs.
8. Medians.
   (a) A minimum of fifty (50) percent of the median shall consist of rock mulch coverage. No portion of the median shall consist of grasses or other living material unless approved below.
   (b) Medians in arterial streets. Medians in arterial streets shall follow the street tree requirement in this Section. Any additional living material is prohibited.
   (c) Medians in streets other than arterials. Medians in streets other than arterials shall follow the street tree and shrub requirements in this Section.
   (d) Street trees.

(1) Minimum number of trees. There shall be a minimum one (1) tree for every forty (40) linear feet of median. Fewer trees may be placed if the Director determines that such reduction will ensure that views of significant cultural, economic, or natural features are preserved and framed.
(2) Spacing. Trees shall be spaced with adequate spacing to allow for the mature spread of the trees.
(3) Shrubs. Shrubs shall be provided at a ratio of one (1) shrub per seventy-five (75) square feet of landscaped area.

9. Roundabouts. Roundabouts should be appropriately landscaped to conserve water, minimize maintenance, promote traffic calming, and maintain visibility for safe pedestrian and vehicle circulation while enhancing and complementing the aesthetic character of the adjacent properties. The use of boulders, variation of rock mulch, artistic vertical elements, and berming are encouraged to meet the intent of this standard.

d. Gateway landscaping.
1. Applicability. Gateway landscaping for all developments adjacent to all arterials is required as set out in this Section.
2. High hydrozones. High hydrozones are prohibited in gateway landscaping.
3. Nonfunctional turf. Nonfunctional turf is prohibited in commercial, institutional, industrial, or common interest community property.
4. Coverage with living plant material. Coverage with living plant material is required within the gateway landscaping area. Refer to Section 16-4-80.E.1.a.
5. Criteria. A minimum gateway landscaping of thirty (30) feet in width shall be provided and measured from the right-of-way line. See Figure 4-2.
(a) No building or parking lot shall be permitted within gateway landscaping.
(b) Signage may be included in gateway landscaping, provided, that it conforms to Article 5 and applicable site triangle requirements.
(c) Gateway landscaping may be reduced to fifteen (15) feet if used in combination with a masonry wall, that is consistent with the site architecture and materials as determined by the Director, between three (3) and four (4) feet in height. The wall shall be articulated every fifty (50) feet per the standards set forth in Section 16-4-90.E.5.c. The gateway landscaping shall be located between the masonry wall and the adjacent right-of-way.
(d) Trees. A minimum of one (1) tree for every fifteen hundred (1,500) square feet of landscaped area shall be required.
(e) Shrubs. A minimum of one (1) shrub for every one-hundred fifty (150) square feet of landscaped area shall be required.
6. For lots equal to one (1) acre or less, the gateway landscaping may count toward the site landscaping requirement per Section 16-4-80.E.6.e. when applicable. For lots over one (1) acre in size, the gateway landscaping shall not be counted towards the site landscaping requirement.

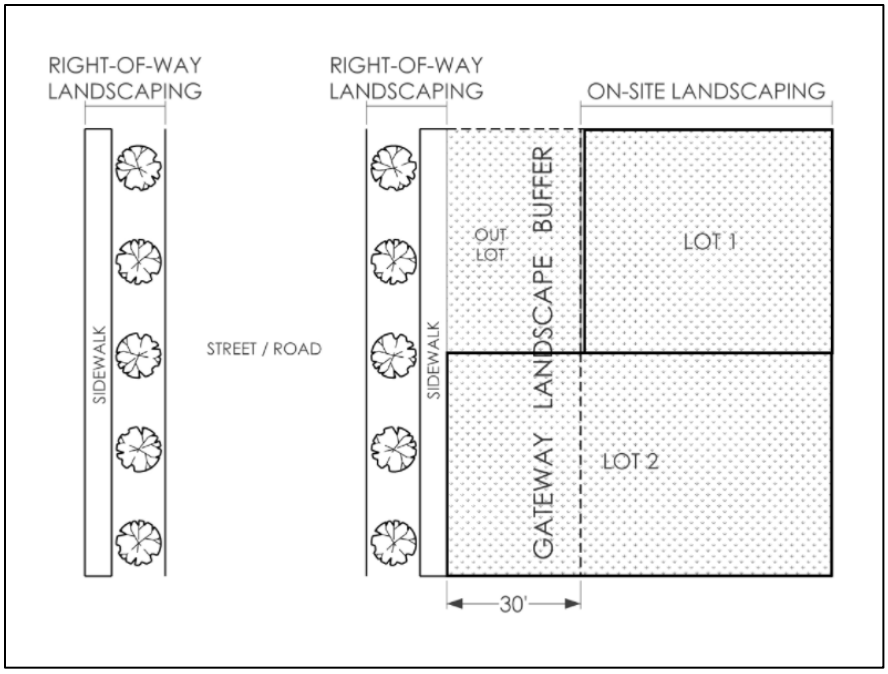


Figure 4-2 Gateway Landscaping, ROW Landscaping and Site Landscaping

e. Site landscaping.
   1. Applicability and exceptions.
      (a) Site landscaping is required as set out in this section. The standards of this section apply in all zoning districts except DT.
      (b) Living plant material shall not be required within five (5) feet of any building foundation.
   2. Use-specific landscape requirements.
      (a) Residential, single-dwelling, paired home and multi-plex.
         (1) High hydrozones. No more than fifty percent (50%) of the landscaped area shall be high hydrozone.
         (2) Coverage with living plant material. Refer to Section 16-4-80.E.1.a.
         (3) Trees. A minimum of one (1) tree per single-dwelling/paired home lot shall be required to be planted within the front yard. Corner lots shall have one (1) additional tree placed in the side yard when practical. See Figure 4-1.
         (4) Shrubs. A minimum of five (5) shrubs per single-dwelling/paired home lot shall be required. Corner lots shall have five (5) additional shrubs placed in the side yard when practical. These shrubs shall count towards the required fifty (50) percent of coverage with living plant material. See Figure 4-1.
      (b) Residential, multi-dwelling, townhome, live/work, and other residential.
         (1) High hydrozones. No more than thirty (30) percent of the landscaped areas shall be high hydrozone.
         (2) Coverage with living plant material. Refer to Section 16-4-80.E.1.a.

(3) Trees. A minimum of one (1) tree for every fifteen hundred (1,500) square feet of required landscaped area shall be required.
(4) Shrubs. A minimum of one (1) shrub for every one-hundred fifty (150) square feet of required landscaped area shall be required.

(c) Nonresidential.
(1) High hydrozones. High hydrozones are prohibited on nonresidential properties, unless otherwise approved by the Director.
(2) Nonfunctional turf. Nonfunctional turf is prohibited in commercial, institutional, industrial, and common interest community property.
(3) Coverage with living plant material. Refer to Section 16-4-80.E.1.a.
(4) Trees. A minimum of one (1) tree for every fifteen hundred (1,500) square feet of required landscaped area shall be required.
i. Areas within vegetated storm water detention ponds and storm water retention ponds that are counted towards landscaping requirements shall be used for the calculation of tree planting requirements. However, the resulting required trees shall be planted elsewhere on the subject property.
ii. Waiver or reduction of tree planting requirements. The Director may waive or decrease planting requirements if the total number of trees that are required exceeds the number that can be reasonably planted on the subject property without materially increasing fire risk, compromising the health of the trees, or diminishing the use of the property.
(5) Shrubs. A minimum of one (1) shrub for every one-hundred fifty (150) square feet of required landscaped area shall be required.
(6) All existing development previously approved through a site plan shall be allowed to remain with existing amounts of high hydrozone plants.

f. Parking lot landscaping.
1. Purpose. Parking lot landscaping shall break up expanses of pavement, provide shade, buffer views of parking lots from adjacent streets and development, and enhance the overall appearance of each project.
2. Applicability and exceptions. All parking lots on a single lot, shall be subject to the requirements of this Section. Parking lot landscaping requirements are in addition to any other landscaping that may be required for the site.
3. Trees and shrubs shall not interfere with driver visibility of pedestrians or drive-aisle traffic.
4. Turfgrass, native seed, artificial turf, and high hydrozones are prohibited in parking lot landscaping.
5. Mulch shall be sufficiently contained within parking lot islands.
6. Coverage with living plant material shall be required for all required landscaped areas. Refer to Section 16-4-80.E.1.a.

7. Required site landscaping set out in Section 16-4-80.E.6.e. shall be installed around the perimeter of parking lots to provide screening from adjacent streets and development, when feasible. Landscape for screening purposes is recommended to be within ten (10) feet of parking lot edge.
8. All developments shall provide:
   (a) A minimum of one (1) parking lot island per ten (10) contiguous spaces. See Figure 4-3.
   (b) Every parking lot island shall have a minimum of one (1) shade tree and five (5) shrubs. When the island consists of two (2) parking lot islands at the end of a two-row parking aisle, each side of the island shall provide one (1) shade tree and five (5) shrubs. See Figure 4-3.
   (c) Parking lot islands shall be at minimum the same dimensions as the adjacent parking stall(s). See Figure 4-3.
   (d) All rows of parking spaces shall terminate in a parking lot island, regardless of the number of contiguous spaces. See Figure 4-3.
   (e) Parking lot lighting shall be located within parking lot islands where feasible. See Figure 4-3.

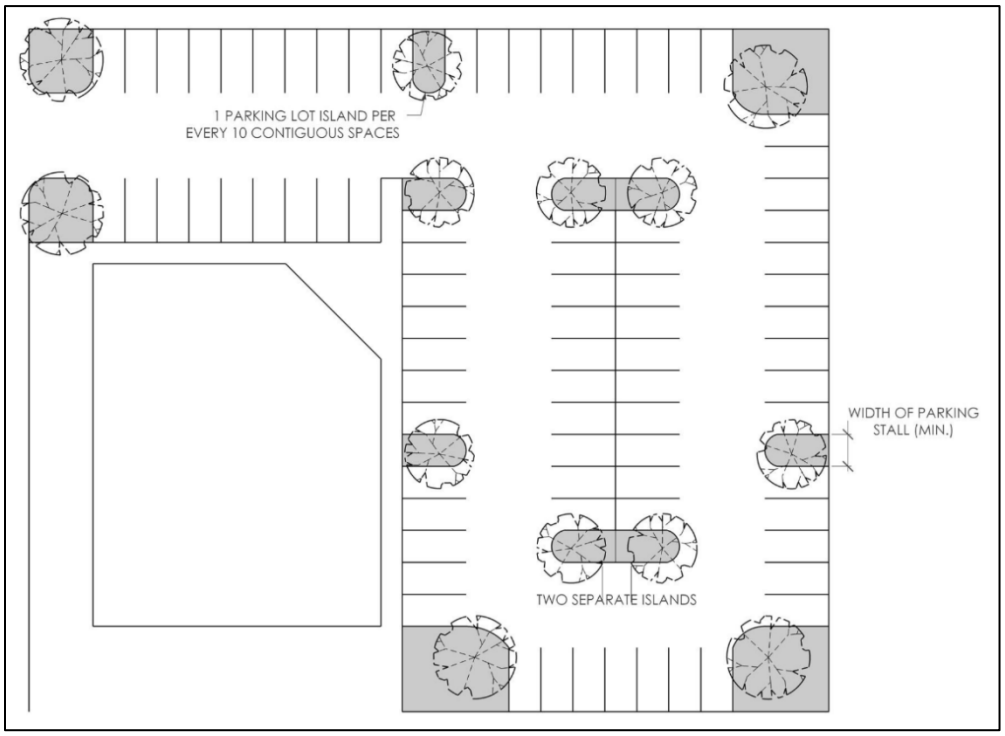


Figure 4-3 Parking Lot Landscaping Elements

9. The Director may waive the planting requirements of this Section, or allow the landscaping to be planted in an alternative location on the subject property (if reasonably available), for any particular landscaped area or portion thereof if:

(a) The tree(s) will block views that are necessary for safe ingress to or egress from the parking lot;
(b) The tree(s) are in conflict with utilities and/or parking lot lighting;
(c) The landscaped area is part of a storm water conveyance system and is not suitable for tree planting.

F. Installation and maintenance standards.
1. Timing of installation – Surety.
a. General. All approved and required landscaping outside of individual lot landscaping (e.g., subdivision outlots, pocket parks, subdivision open space, right-of-way tree lawns, etc.) shall be installed as stipulated in a development agreement with the Town prior to final acceptance of public improvements. For lot-specific development, such as single-family residential, multifamily, commercial, industrial, or other developments, all landscaping shall be installed prior to temporary certificate of occupancy or (in the case of residential development) certificate of occupancy, as applicable, or final inspection.
b. Seasonal delays. In no event shall landscaping be delayed beyond seven (7) months from issuance of a temporary certificate of occupancy or three (3) weeks into the beginning of the next planting season, whichever is sooner.
c. Surety. If landscaping is not installed at the time of temporary or final certificate of occupancy, then the developer shall post a financial guarantee for the installation of the improvements, based on one hundred twenty-five (125) percent of the estimated total cost of installation. The estimated total cost of installation shall include all labor, materials, and necessary activities required for installation of the approved landscaping. The Town will release the guarantee after installation of improvements following a passed final inspection.
2. Maintenance.
a. All landscaping elements and irrigation equipment shall be maintained in good condition. Ongoing maintenance, including but not limited to pruning, replacement of dead or unhealthy plantings, and replenishment of mulches, is required for areas that are landscaped pursuant to an approved landscape plan.
b. Right-of-way landscaping maintenance. All property owners or occupants shall be jointly and severally responsible for the maintenance of landscaping within the portion of the public right-of-way between the back of the curb or street pavement and their adjacent property, unless otherwise specified in a maintenance agreement.
c. Tree pruning techniques.
1. All pruning of trees shall be performed in accordance with ANSI A300, Part 1 (Pruning), as amended from time to time, and Tree Pruning Best Management Practices or Best Management Practices – Utility Pruning of Trees, as applicable (published by the International Society of Arboriculture), as either may be amended from time to time.

2. Other private property. The following pruning techniques are prohibited on trees that are preserved or planted pursuant to an approved landscape plan, and that are not otherwise subject to Section 16-4-80.E.4:
   (a) Topping (cutting large vertical branches of the tree to reduce its height).
   (b) Tipping (cutting branches between nodes).
3. Bark ripping (cutting branches so that the bark rips when the branch falls).
4. Flush cuts (cutting the branch too close to the collar, the area where the branch connects to the tree).
5. Stub cuts (cutting branches too far away from the collar, the area where the branch connects to the tree).

G. Irrigation requirements.
   1. Irrigation.
      a. General. All required landscaping shall be irrigated as required for plant establishment, health, and maintenance. The developer shall install irrigation systems that conform to requirements noted in the approved version of the Town of Frederick Design Standards and Construction Specifications, as they may be amended from time to time.
         1. Irrigation systems shall be placed in irrigation zones appropriate to the type and scope of the landscape improvements and plant requirements, including but not limited to landscaping within the right-of-way.
         2. Irrigation systems shall be capable of supporting multiple irrigation zones and settings, including adjusting for weather conditions and water restrictions.
         3. All irrigation systems shall have central control.
         4. All irrigation systems shall be connected to a back flow prevention device.
      b. Irrigation water. The developer or property owner shall provide water taps, irrigation improvements, and dedicate water as needed to supply the landscaping. Use of nontreated water for irrigation is encouraged if a permanent, suitable supply is available.
      c. Temporary irrigation. Temporary irrigation may be used to establish and maintain ground cover and plantings within natural areas, or areas set aside for later development, or other areas as approved by the Town.

Sec. 16-4-90. Screening, Buffering and Fencing.

A. Purpose and Intent. It is the intent of this Section to integrate adjacent land uses and provide seamless transitions from one (1) use to another through the use of building orientation and access, landscaping, and appropriate architectural elements to minimize the visual impacts on surrounding properties.

B. General.

1. All landscape screening requirements in this section shall be in addition to the landscape buffers required between use categories, gateway landscaping, on-site landscaping, etc.

C. Screening.
   1. Refuse / Recycling Collection and Donation Bin Facilities. This includes dumpsters, garbage cans, trash compactors, recycling receptacles, donation bins, debris piles, or grease containers. This section does not apply to single dwelling detached units and paired-home units or to refuse collection receptacles such as garbage cans and recycling receptacles that are stored indoors and brought outdoors on garbage pickup days.

      a. Location.
         1. Refuse / recycling collection receptacles shall not be located within any area needed to meet the minimum parking and loading area requirements of the Land Use Code or be located in a manner that obstructs or interferes with any designated vehicular or pedestrian circulation routes on-site.
         2. Refuse / recycling collection receptacle gates shall not swing open into a right-of-way.
         3. Refuse / recycling collection receptacles shall be located together when more than one is proposed on a lot as approved on the site plan and shall be made to appear as an extension of the building, where possible.
         4. Refuse / recycling collection receptacles shall be located on the side or rear of buildings.
         5. No more than one donation bin is permitted per lot and shall be located on the side or rear of buildings.

      b. Screening.
         1. All outdoor refuse / recycling collection receptacles, excluding donation bins, shall be fully screened from view on all sides by a durable sight-obscuring enclosure consisting of a solid fence or wall a minimum six (6) feet in height and a maximum height of seven (7) feet.
         2. The enclosure shall match the building materials of the principal building that it serves.
         3. The access shall be screened with an opaque gate.
         4. The enclosure shall be maintained in working order and shall remain closed except during deposit and pick-up times.
         5. Lids are required on all outdoor refuse / recycling collection receptacles in screening enclosures without roof structures. Lids shall remain closed between pick-ups and shall be maintained in working order.
         6. Screening enclosures and gates shall be kept in good repair.

   2. Service and off-street loading areas.

a. For the purposes of this section, “overhead doors / loading areas” includes service doors, loading docks, loading bays, delivery doors, and all other overhead doors except residential garage doors.
b. Location. Overhead doors / loading areas shall not be located along the principal facade of buildings or facing any street.
c. Screening. Overhead doors / loading areas shall be fully screened by use of solid wall, fence, or landscaping from right-of-way and adjacent properties.
    1. When the overhead door/loading area faces and abuts a property with residential use, the door shall be screened by a solid fence that is a minimum six (6) feet in height and is subject to the fencing provisions.

3. Ground mounted mechanical equipment.

    a. Ground mounted mechanical equipment in residential developments, such as air conditioning units, utility boxes, etc., shall be fully screened from public or private streets by use of evergreen landscaping, solid fence, or wall. When not practical or feasible, the director may allow ground-mounted mechanical equipment to be screened through painted murals.

4. Drive through service and stacking drives.
    1. See Section 16-2-40.D.5. Use specific standards for Drive-through or drive-up.

5. Roof-mounted mechanical equipment.
    a. All air conditioning, HVAC systems, exhaust pipes or stacks, elevator housing, satellite dishes, and other telecommunications receiving devices shall be fully screened from view from the public or private streets and from adjacent properties through the use of architectural roof elements (e.g. screens, parapet walls, extended roof lines, etc.).
    b. Architectural roof elements shall match the architecture of the principal building.

6. Wall-mounted mechanical equipment and meters.
    a. Wall-mounted mechanical equipment includes but is not limited to air conditioning, HVAC equipment, and multiple utility meters.
    b. Wall-mounted mechanical equipment shall not be placed on the principal facade of a building.
    c. Wall-mounted mechanical equipment shall be fully screened from view from public and private streets and adjacent property by use of landscaping, solid fencing, or walls except to allow access for maintenance.

7. Outdoor storage.

a. All principal or accessory outdoor storage areas shall be fully screened from view from public streets, private streets, parks and open space, trails, other public spaces, and all residential or mixed-use developments.
b. Screening and articulation standards (see use-specific standards for outdoor storage as a principal or accessory use in Section 16-2-30 and Section 16-2-40.

D. Buffering.

1. Land Use buffers shall be incorporated between contrasting land use categories during time of establishing a new use, change of use, or expansion of a use on a lot or portion of a lot. Land use categories are established in Section 16-2-30.E.
2. The following buffering standards shall apply:
   a. The land use buffer shall be applied along the subject property line, adjacent to the existing use that prompts the need for installing a buffer.
   b. The buffer shall be measured from the common property line into the site of the proposed use. See Figure 4-4.

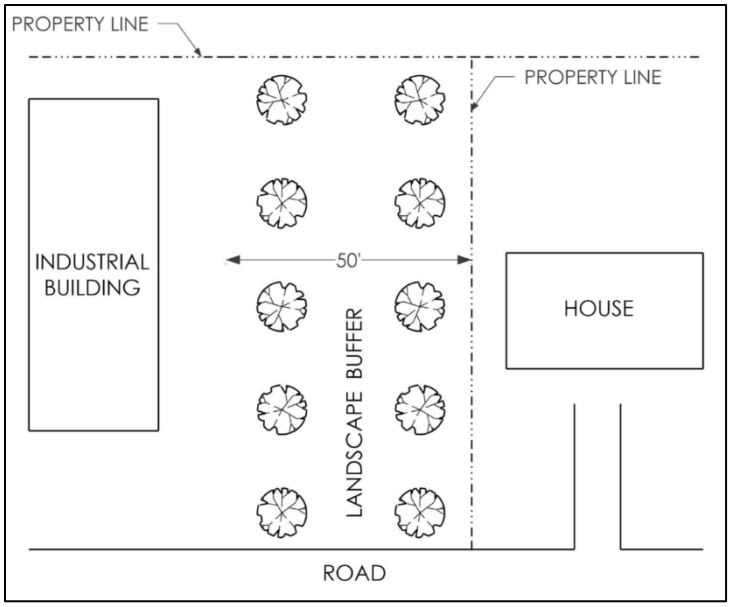


Figure 4-4 Land Use Category Buffers and Measurements

   c. The land use buffer shall incorporate the landscaping requirement below and shall not include buildings or improvements (outdoor storage, drive aisles, etc.) within the buffer area. Trails and sidewalks may be allowed within the land use buffer areas. See Figure 4-5.
   d. The downtown zone district is exempt from the land use buffer requirements.
   e. Buffer width requirements are found in Table 4-4 Land Use Category Buffers below:

Table 4-4 Land Use Category Buffers

	Adjacent Existing Use				
Use Requiring Buffer (New Use)	Residential	Commercial	Industrial	Public/Institutional*	
Residential	-	30-feet	50-feet	15-feet	
Commercial	30-feet	-	-	-	
Industrial	50-feet	-	-	30-feet	
Public/Institutional	15-feet	-	30-feet	-	

Table notes:

1. The Director may impose additional buffering standards to any use that may have any potential adverse impacts on adjacent properties. The Director, at their discretion, may also reduce or eliminate the buffer requirement between any uses.
2. No buffer is required between land uses when a private or public street, outlot, or tract with a minimum width of sixty (60) ft is established or exists. When an outlot or tract of less than sixty (60) feet is between the land uses, the buffer shall still be applied.
3. Land use buffers shall incorporate landscaping within the buffer area at the following rate:
   a. One (1) evergreen tree and three (3) shrubs for every twenty (20) feet of linear distance of buffer length. (i.e. If the property line between uses is one hundred (100) feet in length, five (5) evergreen trees and thirty-three (33) shrubs are required to be planted within the buffer.) The required landscaping shall be generally distributed along the linear distance of buffer length.
   b. Landscaping within the buffer shall not count towards required site landscaping.
4. Earthwork berming of at least three (3) feet in height may be used to reduce any buffer distance by fifty (50) percent. (i.e. a fifty (50) foot land use buffer may be reduced to twenty-five (25) feet when a berm is installed within the buffer area). Landscaping is still required at the rate listed above. The berm shall contain natural contouring vs. installed in an unnatural straight fashion.
5. Required buffers around developments that incorporate vertical mixed-use may be reduced by fifty (50) percent from the otherwise required distance buffer. The required landscaping within these buffers shall be provided at the rates listed above. The land use buffer shall be applicable to the use in the mixed-use development with the greatest square footage, unless otherwise specified by the Director.

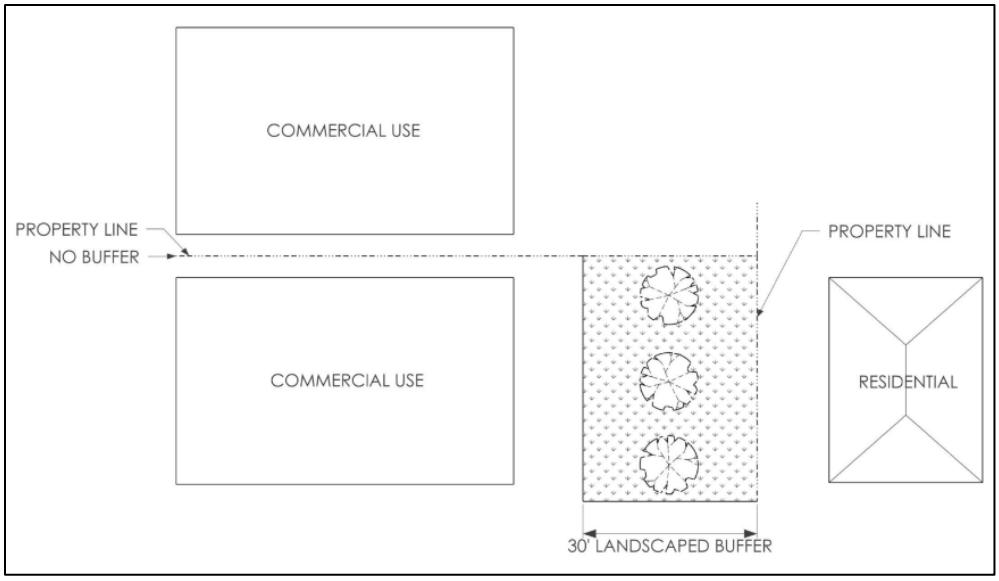


Figure 4-5 Land Use Category Buffer

E. Fencing and walls.

1. Purpose and Intent. The purposes of these fencing and wall standards are:
   a. To ensure that fences and walls properly screen properties and development.
   b. To ensure that fences and walls are attractive and in character with the surrounding neighborhood.
   c. To promote a more open character for development that visually integrates such development with the surrounding community.
2. General provisions.
   a. Fences and walls shall be architecturally compatible with the style, materials, and colors of the principal buildings on the same lot.
   b. The "finished" side of the fence or wall shall face outward while the “unfinished” side shall face inward towards the site.
   c. Upkeep and appearance of all fencing and walls shall be the responsibility of the property owner or designated association or entity.
3. Location.
   a. Fences and walls shall be located within or on property lines of the subject property.
   b. Fences and walls adjacent to sidewalks and other pedestrian walkways shall be placed at least twelve (12) inches from the edge of the sidewalk or walkway. Gates adjacent to these sidewalks and walkways shall open inward to the property.
   c. Opaque solid fences shall be located outside of any site distance triangle.
4. Height limitations. Fences and walls shall be:

a. Front yard. No more than forty-two (42) inches high between the front building face and the front property line (front yard). For corner lots, front yard fence regulations shall apply to both street sides of the lot.
b. Non-residential front yard. No more than forty-two (42) inches high if located on a side property line in the front yard, except if required for demonstrated unique security purposes and approved by the Director.
c. Side and rear yards. No more than seven (7) feet high when located in the side or rear yard.
d. Wing wall or fence. Permitted when attached to a building but not located directly in front of the building front facade. Such fence or wall shall follow the side and rear yard height limitations.
e. No more than thirty (30) inches high when located within any sight distance triangle. Fences and walls located within a sight distance triangle shall be no more than fifty (50) percent opaque.
f. Heavy Industrial Flex. Permitted up to eight (8) feet in height when located in the Heavy Industrial Flex (HI-Flex) zone district.
g. Recreational court. Permitted up to fifteen (15) feet in height when around a recreational court (e.g., tennis, squash racket, squash tennis, badminton, etc.) or around any other similar recreational area.
h. Open space, parks and trails. Limited to four (4) feet in height when abutting open space, parks, and trails. Fences and walls that are not more than fifty (50) percent opaque may be extended up to five (5) feet in height at the Town's discretion.

5. Perimeter fencing. Where perimeter fencing or walls are provided around a subdivision or development adjacent to a highway, arterial, or collector street, such fences or walls shall be subject to the following standards:
   a. The "finished" side of the fence or wall shall face the adjacent street, park, trail, or open space.
   b. Fences or walls shall not exceed seven (7) feet in height.
   c. Articulation. Solid perimeter fencing shall include a recess, projection, plane break, or column every fifty (50) feet along the expanse of the fence or wall.
      1. Where a recess, projection, or plane break is proposed, it shall be of at least one (1) foot off the fence or wall plane. Any recess, projection, or plane break shall be at least six (6) feet in length.
      2. Fence or wall columns shall be at least two (2) feet in width and project at least one (1) foot from the fence or wall plane. The column shall be constructed of stone, brick, CMU, metal (non-reflective), or similar type of

material. The fence column shall also include a column cap made of a similar material as the column. Wood is not permitted as a column material. See Figures 4-6, 4-7 and 4-8.

Figure 4-6 Fence Articulation With Columns.

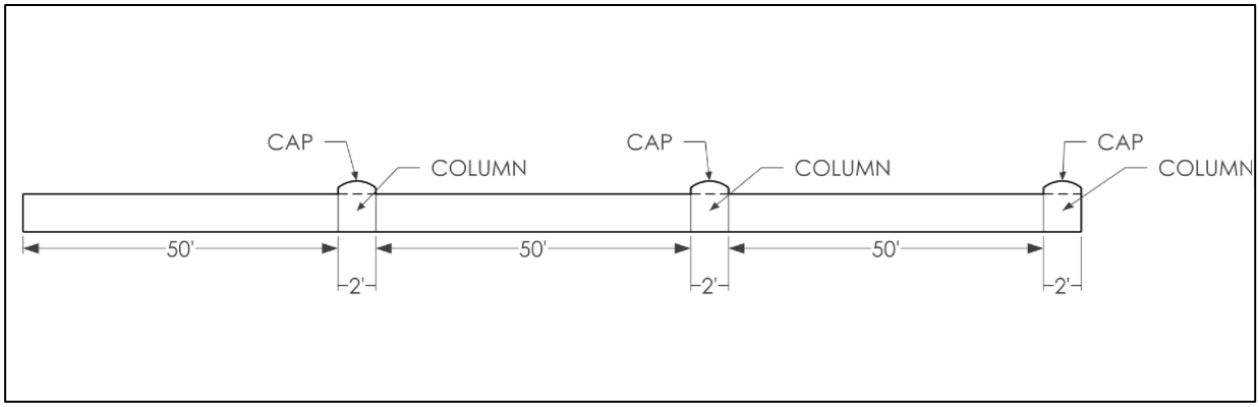


Figure 4-7 Fence Column Side Profile

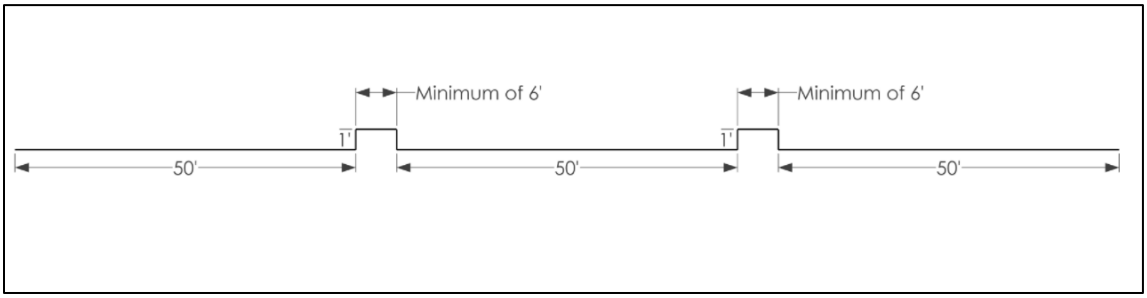


Figure 4-8 Fence Column Plan View

d. When a primary entrance to a structure is oriented toward a perimeter fence or wall, the perimeter fencing or wall shall be limited to less than fifty (50) percent opaqueness and shall not exceed four (4) feet in height. Fences or walls required to screen parking are not subject to this requirement.
e. Chain link, wire mesh, or other similar products shall be prohibited as perimeter fencing. In residential development, light wire mesh may be attached to an open fence such as a wood three rail fence to keep pets and children from crossing through.
f. Landscaped berms may be used in lieu of fencing or walls, or in combination. Landscaped berms shall not be used in the downtown district. Landscape berms shall meet the following standards:
    1. Berms shall incorporate the curvilinear characteristics of natural landforms and shall not exceed four feet in height; and
    2. For visual relief, berms shall incorporate a variety of plantings.

6. Fence and wall materials.
    a. Fences. Treated wood, woodcrete, trex, vinyl, and cast iron are encouraged.
    b. Walls. Stone or simulated stone, brick or simulated brick, and stucco are encouraged. All walls shall include a stone or cast stone cap.
    c. Solid material fences shall be constructed to meet the wind design criteria of the currently adopted building code.
    d. Open fencing styles may include wire mesh attached to the interior of the fence.
    e. Chain link fencing is permitted in the following instances:
        1. In the Heavy Industrial Flex (HI-Flex) zoning district with the following restrictions:
            (a) The chain link fence is set back at least ten (10) feet from the property line;
            (b) The chain link is powder or vinyl coated;
            (c) It is no taller than eight (8) feet anywhere on the premises.
            (d) The chain link fence shall not be used for screening purposes.
        2. Around a recreational area with the following restrictions:
            (a) The chain link is powder or vinyl coated.
        3. Around the playground area of a state licensed child care center with the following restrictions:
            (a) The chain link is powder or vinyl coated.
            (b) The fence is less than five (5) feet tall.

7. Prohibited materials.

a. Security fencing such as concertina or razor wire, barbed wire, or electronically charged fences are prohibited in all zone districts.
b. Corrugated metal and highly reflective materials.
c. Chain link fencing, with or without slats, shall not be used as a fencing material except as listed above.
d. Fences constructed primarily of chicken wire, wafter board, particleboard, or plywood, or other materials determined by the Director, are prohibited along any property line or in any required building setback where visible from a street, park, open space, or trail.

8. Nonconforming fences and walls. Nonconforming fences and walls in existence on the effective date of the ordinance codified in this Article may continue to exist until such time as they are removed, or damaged such that the cost of repairs is greater than fifty (50) percent of their value, at which time the fence or wall must be brought into full conformance with this Land Use Code.

9. Retaining walls. Retaining walls shall be used to retain topography in constrained locations and/or to maximize buildings and recreational areas while being sensitive to a site's natural topography. The following standards shall be followed:
   a. Retaining walls shall be designed to resist loads due to the lateral pressure of retained material in accordance with accepted engineering practice and shall not be unsightly or detrimental to abutting property.
   b. Retaining walls shall be limited to four (4) feet in height and made of stone or masonry material that matches or is complimentary to the architecture of the buildings.
   c. Where multiple retaining walls are required, they shall be terraced with a minimum width of five (5) feet of live landscaping and a maximum of six (6) inches of sloped vertical elevation change on the terrace area between the walls. A maximum of two vertical walls is permitted unless otherwise approved by the Director. Designs with more than two vertical walls shall include enhanced landscaping features or architectural features to be approved by the Director.
      d. Provide a minimum space of three (3) feet of live landscaping between any retaining wall and adjacent walkway or parking lot.

Sec. 16-4-100. Sidewalks, walkways, multi-use pathways, and trails.

A. Purpose and intent. The intent of the standards for sidewalks, walkways, multi-use pathways, and trails is to assure a safe, convenient, and attractive pedestrian/bicycle system that minimizes conflicts between vehicles, bicycles, and pedestrians.

B. Interconnected network. A pedestrian network that interconnects all dwelling units, nonresidential uses, parks, and open space, shall be provided throughout each development. This network is made up of sidewalks, walkways, multi-use pathways, and trails. These networks shall be separate and distinct from motor vehicle circulation to the greatest extent possible. The pedestrian circulation system shall include gathering/sitting areas and provide benches, landscaping, and other street furniture where appropriate.

C. Sidewalks. All street sidewalks shall follow the design regulations outline in the Town of Frederick Design Standards and Construction Specifications.

D. Walkways.
   1. Pedestrian walkways shall form an on-site circulation system that minimizes conflict between pedestrians and traffic at all points of pedestrian access to streets, on-site parking, and building entrances.

   2. Site plans shall be designed with focus on pedestrian access points and connections to surrounding street and trail networks, destinations such as schools or shopping, and to pedestrian linkage points on adjacent parcels, including building entrances, transit stops, walkways, and signalized street crossings. On-site pedestrian walkways shall connect:
      a. Building entrances to one another; and
      b. From building entrances to public sidewalk connections and existing or planned transit stops. If buildings are not placed directly adjacent to the public sidewalk, then pedestrian walkways shall link the principal pedestrian site access to building entrances. All developments that contain more than one building shall provide walkways between the principal entrances of the buildings.
   3. Walkways. Walkways are sidewalks that are not within a dedicated street right-of-way. Walkways may be found in both residential and non-residential developments and shall be a minimum of five (5) feet in width.
      a. Walkways along non-residential buildings and within parking lots shall be raised and curbed, where suitable. A direct pedestrian connection to building entries, public space, and parking areas shall be provided from public sidewalks.
      b. Walkways shall be constructed of the same materials as sidewalks, except that walkways internal to asphalt surfaced parking lots may be of asphalt construction. Walkways crossing driveways in parking lots shall be clearly delineated by a change in pavement color, texture, or paint striping.

E. Multi-use pathways. Multi-use pathways (bike lanes) shall be provided to link internal open space areas with peripheral open space areas and shall connect to multi-use pathway routes throughout the community. Multi-use pathway routes shall be designated between residential areas and commercial and employment centers and schools.

1. Multi-use pathways on local streets may be delineated by painted "bicycle only" lanes.
2. Sidewalks that may be used as a multi-use pathway are required on arterial and collector streets. All other multi-use pathways shall be a minimum of eight (8) feet wide and shall be of concrete construction or, where approved by the Board of Trustees, compressed gravel. Asphalt paving is prohibited.

F. Trails. Trails shall be provided within and around parks and open space areas and shall be used to connect development areas with parks and open space areas.
   1. Local trails shall be a minimum of eight (8) feet in width and shall be of concrete construction.
   2. Master planned trails (Frederick Loop Trail and regional trails) shall follow the Town's adopted Trails Master Plan and Transportation Master Plan. See Section 16-4-60.F for additional guidance.

16-4-110. Off-Street Parking and Loading.

A. Purpose and Intent. This section is intended to provide for the location and design of off-street parking areas to accommodate motor vehicles, while balancing the needs of pedestrians, bicyclists, and transit users. Parking areas are secondary and supportive to the primary land uses on the site and parking lot design should reduce the prominence of these areas while emphasizing the primary facade and orienting pedestrians toward the principal entranceways and walkways.

B. Applicability.

   1. The off-street parking and loading standards of this section shall apply to all parking lots and parking structures accessory to any new building constructed, to any site plan amendments, and to any new or changed of use in every zoning district.

   2. The requirements of this section shall apply to all temporary parking lots and parking lots that are the principal use on a site.

   3. Expansions or enlargements. This section shall apply when an existing structure or use is expanded or enlarged.

   4. Parking exemption. The Director may waive all parking requirements for properties located within the DT zone district if:
      a. It is found that the parking exemption would not negatively impact the parking supply in downtown; and
      b. The exemption would facilitate commercial or mixed-use activity.

C. Parking lot layout and design plan.
   1. The parking lot layout and design plan shall be prepared by a design professional such as a certified land use planner, landscape architect, registered engineer, or registered architect. Such plans shall not be prepared by land surveyors unless they are an otherwise qualified design professional.

   2. Provisions shall be made to minimize interference with street traffic flow and assure safe interior vehicular and pedestrian circulation, transit, and parking.

D. Off-street parking requirements.
   1. Unless otherwise expressly stated in this Code, off-street parking spaces shall be provided in accordance with Table 4-5 Off-Street Parking Requirements and Table 4-6 Additional Off-Street Parking Requirements.

   2. Developments that include site plan approvals that would permit a future change of use that will require additional parking to meet the standards of this section shall provide an undeveloped area on the site that can accommodate any future parking needs. However, such area for future parking does not need to be paved or improved. This space should, however, be landscaped in accordance with the Town's landscaping regulations. Failure to provide such space will not allow for future uses for which parking requirements cannot be met.

   3. Off-street parking location and additional standards.
      a. An off-street parking lot or parking area for residential uses shall be located within two hundred (200) feet of the primary building entrance of the primary building.
      b. An off-street parking lot or parking area for non-residential uses shall be located within six hundred (600) feet of the primary building entrance of the primary building.
      c. Off-street parking shall be located on the same lot or parcel of land as the structure they are intended to serve, unless off-site parking is approved by the Director.
      d. Off-street parking spaces for non-residential uses shall not be located in front of garage doors.
      e. Off-street parking spaces for non-residential uses may only be located adjacent to building doors when a pedestrian walkway is provided between the building and all parking spaces on that side of the building.
      f. Outside of the DT, no more than seventy (70) percent of the total off-street parking provided shall be located between the front facade of the principal entranceway and the principal adjacent street.
      g. In the DT district, all off-street parking shall be located to the rear or side of all primary buildings and not along primary street frontages.

h. All parking lots shall be located a minimum of ten (10) feet from any principal building facade.
i. Surface material. All parking and driveway areas and primary access to parking facilities shall be surfaced with asphalt, concrete, or similar materials as may be approved by the Town Engineer.
j. The following shall count toward the minimum parking requirements:
    1. Surface parking.
    2. Accessible parking.
    3. Vanpool and carpool parking.
    4. Structured parking, underground parking and parking within, above, or beneath the building(s) it serves.
    5. Electrical charging parking.
    6. Pickup or mobile order parking spaces.

Table 4-5 Off-Street Parking Requirements

Residential Uses	Minimum Off-Street Parking Requirement, DU = Dwelling Unit
Single-dwelling detached	2 spaces per DU
Paired home	1.5 spaces per DU. Guest parking: 0.25 space per DU when on-street parking and driveway parking is not available
Townhome	Studio or 1BR: 1 space per DU; 2 BR: 1.5 spaces per DU; 3 or more BR: 2 spaces per DU. Guest parking: 0.25 space per DU
Multi-plex	Studio or 1BR: 1 space per DU; 2 BR: 1.5 spaces per DU; 3 or more BR: 2 spaces per DU. Guest parking: 0.25 space per DU
Multi-dwelling	Studio or 1BR: 1 space per DU; 2 BR: 1.5 spaces per DU; 3 or more BR: 2 spaces per DU. Guest parking: 0.25 space per DU
Live/Work	Studio or 1BR: 1 space per DU; 2 BR: 1.5 spaces per DU; 3 or more BR: 2 spaces per DU. Guest parking: 0.25 space per DU for 4 or more DUs
Manufactured home	2 spaces per DU
Assisted Living or Congregate Care	1 per 3 assisted living rooms or nursing rooms
Nursing Home, Memory Care, Alzheimer's Care	1 per 3 assisted living rooms or nursing rooms
Protective Care	1 space per 300 SF office space plus 1 per 4 beds design capacity
Group homes	1 space per 300 SF office space plus 1 per 4 beds design capacity

Boarding and Rooming Houses	1 space per 300 SF office space plus 1 per 4 beds design capacity
Commercial	**Off-Street Parking Requirement (Minimum)**
Accommodations - Hotel or Motel	1 per guest room
Accommodations: Bed and breakfast	1 per guest room plus 1 per employee DU
Agricultural Cultivation	No parking required
Agricultural Event Center	Parking study
Agricultural Grazing	No parking required
Agricultural Processing	1 space per 300 SF GFA of administrative office area
Animal Hospital, Large Animals	1 space per 400 SF of GFA
Animal Hospital, Small Animals	1 space per 400 SF of GFA
Auction Yard	1 space per 300 SF of GFA of office plus 1 per XXX of indoor event space. Parking study required for facilities with outdoor event space.
Bar or tavern	1 space per 150 SF plus 1 space per 250 SF of outdoor seating area
Breweries and Distilleries	Indoor tasting / seating area: 1 space per 150 SF; Outdoor seating area: 1 space per 250 SF of outdoor seating area
Campgrounds and Recreational Vehicle Parks	1 10' X 30' space for every campsite
Car Wash	1 space per 300 SF of indoor sales / office area (plus vehicle stacking spaces)
Check-cashing facility	1 space per 300 SF (plus vehicle stacking spaces if drive-through is provided)
Child Care Center, Commercial	1 space per 6 children of licensed capacity
Commercial Amusement, Indoor	1 space per 250 SF GFA
Commercial Amusement, Outdoor	1 space per 500 SF GFA
Commercial Stables	1 space per every 2 stalls
Dental or Medical Office, Clinic, or Lab	1 space per 300 SF of GFA

Financial Institution	1 per 300 SF (plus vehicle stacking spaces if drive-through is provided)
Fueling Station	1 space per 500 SF of GFA of indoor sales / office area
Funeral Parlor, Mortuary or Crematory	5 visitor spaces plus 1 per 1,000 SF GFA
General Retail	1 space per 300 SF (plus vehicle stacking spaces if drive-through is provided)
Golf Course	Parking study
Hospital	1 per 3 patient beds
Kennel or Animal Day Care (Indoor and Outdoor Facilities)	1 per 500 SF
Laboratory (Research)	1 per 300 SF
Natural Medicine Manufacturing	See Table 4-5
Natural Medicine Healing Center	1 per 300 SF
Office, General	1 per 300 SF
Outdoor Recreational Vehicle Storage	See Table 4-5
Parking Structure	N/A
Pawnbroker Business	1 space per 300 SF
Personal Service Establishment	1 space per 300 SF
Recording or Broadcasting Studio	1 space per 300 SF
Restaurant (with drive-up or drive-through)	1 per 200 SF (plus vehicle stacking spaces if drive-through is provided) plus 1 space per 250 SF of outdoor seating area
Restaurant (without drive-up or drive-through)	1 per 200 SF plus 1 space per 250 SF of outdoor seating area
Sexually-oriented business	1 space per 300 SF
Shooting Range, Indoor	1 space per target area, plus 1 space per employee

Substance Abuse Treatment Facility, Outpatient	1 space per 4 client capacity
Towing and Storage Facility	See Table 4-5
Urgent Care Facility	1 per 200 SF
Vehicle Sales and Rental, Heavy	See Table 4-5
Vehicle Sales and Rental, Light	See Table 4-5
Vehicle Service and Repair, Heavy	See Table 4-5
Vehicle Service and Repair, Light	See Table 4-5
Vocational School	2 per classroom + 1 space per 500 SF of office space
Industrial	**Off-Street Parking Requirement (Minimum)**
Airport and related uses	Parking study
Building Materials and Lumber Sales	See Table 4-5
Contractor's Shop or Storage Yard	See Table 4-5
Heavy Equipment Sales, Service and Rental	See Table 4-5
Helistop	Parking study
Industrial, Heavy	See Table 4-5
Industrial, Light	See Table 4-5
Larger Vehicle Transportation Center / Maintenance Facility	Parking study
Light Equipment Sales, Service and Rental	See Table 4-5
Mining and Mineral Extraction	Parking study
Oil and Gas Operations	Parking study
Recycling Center	Parking study
Research and Development Facility	Parking study
Sanitary Landfill	See Table 4-5
Self-Storage	See Table 4-5

Utility Facility, Major	Parking study
Utility Facility, Minor	Parking study
Wholesale Distribution Center	See Table 4-5
Wireless Communication, Attached	No parking required
Wireless Telecommunication, Alternative Tower Structure	No parking required
Wireless Telecommunication, Free Standing	No parking required
Wireless Telecommunication, Small Cell	No parking required
Public or Institutional	**Off-Street Parking Requirement (Minimum)**
Auditorium	1 per 4 seats
Botanical garden or zoo	Parking study
Cemetery	Parking study
College or University	Parking study
Community Facility, Public or Private	Parking study
Community Garden	No parking required
Essential Infrastructure Facilities	Parking study
General Assembly	1 space per 100 SF of assembly space
Governmental Office / Service	1 space per 300 SF
Library or museum	Parking study
Park	2 spaces per 1 acre of neighborhood park; parking study for community parks
Public Works Facility	See Table 4-5
Recreation Center (Indoor / Outdoor)	Parking study
Residential Assembly (HOA)	1 space per 500 SF of assembly space and activity space
School - Private	2 per classroom + 1 space per 500 SF
School - Public	2 per classroom + 1 space per 500 SF
Transit Center	Parking study

Wastewater and Water Treatment Facilities	Parking study

Table 4-6 Additional Off-Street Parking Requirements

Activity	Number of Spaces Required
Office or administrative area	1 per 300 SF
Indoor sales area	1 per 200 sq. ft.
Outdoor sales or display area (3,000 SF or less)	1 per 750 sq. ft.
Outdoor sales or display area (over 3,000 SF)	
Motor vehicle/equipment sales	1 per 2,000 sq. ft.
Other sales/display	1 per 1,000 sq. ft.
Indoor storage/warehousing/vehicle service/manufacturing area	
1 – 3,000 square feet	1 per 250 sq. ft.
3,001 – 5,000 square feet	1 per 500 sq. ft.
5,001 – 10,000 square feet	1 per 750 sq. ft.
Over 10,001 square feet	1 per 1,250 sq. ft.

4. Accessible Parking Spaces.
   a. Accessible parking spaces shall be required for all non-residential and multi-dwelling uses.
   b. Accessible parking spaces shall be located as close as possible to the nearest accessible building entrance.
   c. Accessible parking spaces may count towards required off-street parking.
   d. Accessible parking spaces shall be appropriately marked with a freestanding sign, in conformance with the Manual on Uniform Traffic-Control Devices, using the standard uniform words and/or symbols that signify the space as parking for the physically disabled only. Van-accessible spaces shall have a sign located below the accessible sign indicating the space to be van-accessible.
   e. For every eight (8) accessible parking spaces, there must be at least one (1) van-accessible space. If there is only one (1) accessible parking space, that space must be van-accessible.
   f. Facilities providing medical care and other services for physically disabled persons shall provide the following:

1. Outpatient units and facilities (including but not limited to medical clinics and offices): Ten (10) percent of the total number of off-street parking spaces.
2. Units or facilities that specialize in treatment or services for persons with mobility impairments (including but not limited to physical therapy clinics): Twenty (20) percent of the total number of off-street parking spaces.
3. Assisted living facilities, group homes, and related facilities shall follow the parking standards for multi-dwelling buildings in terms of meeting ADA requirements.

g. The number of required accessible parking spaces shall follow the amounts found in Table 4-7 Number of Accessible Parking Spaces.

Table 4-7 Number of Accessible Parking Spaces

Total number of required off-street parking spaces	Minimum number of accessible parking spaces	Minimum number of van accessible parking spaces
1 to 25	1	1
26 to 50	2	1
51 to 75	3	1
76 to 100	4	1
101 to 150	5	1
151 to 200	6	1
201 to 300	7	2
301 to 400	8	2
401 to 500	9	2
501 to 1,000	2 percent of total number of parking spaces	1 out of 6 accessible parking spaces, rounded up
1,001 and over	20, plus 1 for each 100 parking spaces in excess of 1,000 parking spaces	1 out of 6 accessible parking spaces, rounded up

5. Parking study requirements for miscellaneous uses. Uses that reference this section have widely varying parking and loading demand characteristics, making it impossible to specify a single off-street parking or loading standard. Upon receiving

a development application for a use subject to this section, the Director shall apply the off-street parking and loading standard specified for the listed use that is deemed most similar to the proposed use or establish minimum off-street parking requirements on the basis of a parking and loading study prepared by the applicant. Such a study shall include estimates of parking demand based on recommendations of the Institute of Transportation Engineers (ITE), or other acceptable estimates as approved by the Director, and should include other reliable data collected from uses or combinations of uses that are the same or as comparable with the proposed use. The degree of comparability will be determined by density, scale, bulk, area, type of activity, and location. The study shall document the source of data used to develop the recommendations.

6. Maximum number of spaces permitted.
   a. General maximum requirement. Off-street vehicle parking spaces shall not be provided in an amount that is more than one-hundred twenty-five (125) percent of the minimum requirements established in the table above. The maximum number of allowable parking spaces may be adjusted by the Director if the applicant provides written information documenting that the proposed use would not be economically or physically viable without such adjustment.
   b. Exceptions to the maximum parking requirement may be permitted by the Director in situations that meet the following criteria:
      1. The proposed development has unique or unusual characteristics such as high sales volume per floor area or low parking turnover, which creates a parking demand that exceeds the maximum ratio and that typically does not apply to comparable uses;
      2. The parking demand cannot be accommodated by on-street parking, shared parking with nearby uses, or by increasing the supply of spaces that are excepted from the maximum ratio.
   c. Calculation of maximum parking requirements. For the purpose of calculating parking requirements, the following types of parking spaces shall not count against the maximum parking requirement, but shall count toward the minimum requirement:
      1. Surface parking.
      2. Accessible parking.
      3. Vanpool and carpool parking.
      4. Structured parking, underground parking and parking within, above, or beneath the building(s) it serves.
      5. Electrical charging parking.
      6. Pickup or mobile order parking spaces.

7. Fleet parking. Fleet parking shall be in addition to the minimum parking calculated in the table above. One fleet parking space shall be provided for each fleet vehicle. Parking of fleet vehicles outside of a building shall be classified as outdoor storage

and shall be required to be screened in accordance with the regulations for outdoor storage.

8. Shared Parking. The Town encourages the sharing of parking for its potential to reduce the scale of impervious surfaces and enhance the efficiency of land use. Where a mix of uses allows for the efficient sharing of parking spaces due to differences in peak parking demand periods for the different uses, the Director may reduce the required number of spaces according to a parking study provided by the applicant.

9. Electric Vehicle Ready Requirements.
   a. All new buildings and all buildings undergoing major renovations and additions must comply with the Electric Vehicle (EV) Ready requirements in the Colorado Model Electric Ready and Solar Ready Code as adopted by the Town. Specifically, residential use buildings, including one- and two-dwelling and townhome buildings, buildings meeting the definition of multifamily (defined as R-2 in the International Building Code), and commercial use buildings, that provide off-street parking spaces, must provide the minimum number of electric vehicle spaces stated in Table 4-8 as follows:

TABLE 4-8 Off-Street Electric Vehicle Minimum Parking Spaces Required	
Use Type	
Commercial Uses Parking Provided	**Electric Vehicle Parking Required**
10 or less parking spaces	2 EV ready spaces
Greater than 10 parking spaces	EV installed spaces -2% of total parking spaces
	EV ready spaces - 8% of total parking spaces
	EV capable spaces - 10% of total parking spaces
	EV capable light spaces - 10% of total parking spaces
Residential Uses Parking Provided	**EV Parking Required**
Single dwelling, paired homes and townhomes	Each dwelling unit with a dedicated attached or detached garage or other on-site designated parking provided for the dwelling unit shall be provided with one EV ready space per dwelling unit.
Multiplex and multi-dwelling with 10 or fewer parking spaces	Electric Vehicle Supply Equipment (EVSE) installed spaces – N/A
	EV ready spaces - 15% of total parking spaces
	EV capable spaces - 10% of total parking spaces
	EV capable light spaces - 10% of total parking spaces
	EVSE installed spaces - 5% of total parking spaces

Multiplex and multi-dwelling with greater than 10 parking spaces	EV ready spaces - 15% of total parking spaces
	EV capable spaces - 10% of total parking spaces
	EV capable light spaces - 30% of total parking spaces

b. For purposes of the foregoing off-street electric vehicle minimum parking spaces requirements, the following applies:
    1. The requirements apply to all new buildings that have not applied for an electrical permit or have an approved site plan as of March 1, 2026, unless otherwise approved by the Director.
    2. "Major renovations or additions" means changes or additions to a site that changes fifty (50) percent or more of the parking spaces.
    3. The total number of electric vehicle spaces required shall be rounded up to the nearest whole number.
    4. For multifamily residential uses, the total number of parking spaces for the entire development shall be used to determine the number of electric vehicle parking spaces required. For all other buildings, where parking spaces are spread out over multiple lots, the electric vehicle parking spaces required will be calculated by each lot.
c. For commercial buildings that install a Direct Current Fast Charging (DCFC) Electric Vehicle Supply Equipment (EVSE), each DCFC EVSE installed shall be permitted to be substituted for other electric vehicle space types as follows:
    1. Commercial buildings, other than multifamily, shall be permitted to substitute up to ten spaces when the building provides a minimum of 20 percent of parking spaces as a combination of EV Capable, EV Ready, or EVSE Installed spaces.
    2. Multifamily development shall be permitted to substitute up to five spaces when the development provides a minimum of 60 percent of parking spaces as a combination of EV Capable Light, EV Capable, EV Ready, or EVSE Installed spaces.
d. The following substitutions may occur when determining the number of each type of electric vehicle spaces:
    1. EVSE Installed Spaces that exceed the minimum requirements of this section are permitted to be used to meet minimum requirements for EV Ready Spaces, EV Capable Spaces, and EV Capable Light Spaces.
    2. EV Ready Spaces that exceed the minimum requirements of this section are permitted to be used to meet minimum requirements for EV Capable Spaces and EV Capable Light Spaces.

3. EV Capable Spaces that exceed the minimum requirements of this section are permitted to be used to meet the minimum requirements for EV Capable Light Spaces.
4. However, all attached garages with direct connection to a dwelling unit will be required to have one EV Ready Space.

e. Waivers and Variances.
   1. Any building impacted by a declared natural disaster that destroyed buildings or resulted in other exceptional and extraordinary circumstances as determined by the Director may seek a waiver or variance from the foregoing off-street electric vehicle minimum parking spaces requirements if enforcement of these requirements will result in unnecessary hardship.
   2. Commercial, including multifamily, developments with a gross floor area greater than 10,000 square feet that assert that compliance with the foregoing off-street electric vehicle minimum parking spaces requirements will result in a substantial cost differential may seek to waive certain requirements only until the cost differential for compliance with the remaining requirements reaches one percent or less.
      (a) "Substantial cost differential" means costs incurred as a result of compliance with the off-street electric vehicle minimum parking spaces requirements that would exceed one percent of total mechanical, electrical, and plumbing costs, inclusive of materials and labor, for the building.
      (b) The burden of proof is upon the applicant to provide substantiation of a cost differential, such as quotes or other licensed design professional analyses as approved by the Director.
      (c) Waivers and variances sought under this chapter will be determined by the Director as an alternative compliance under Section 16-4-30.

10. Required Loading Spaces. The design of loading spaces and their location shall be approved at the discretion of the Director.

11. Vehicle stacking standards.
    a. The development and design standards of this subsection shall apply to all drive-in (drive-through) facilities and other auto-oriented uses unless otherwise expressly approved by the decision-making body.
    b. Minimum number of vehicle stacking spaces. Vehicle stacking spaces shall be provided per Table 4-9 Vehicle Stacking Requirements:

Table 4-9 Vehicle Stacking Requirements

Activity Type	Minimum Stacking Spaces	Measured From: [1]
Bank teller lane	4	Teller or Window
Automated teller machine	3	Teller
Restaurant drive-through	6	Order Box
Restaurant drive-through	4	Between Order Box and Pick-Up Window
Car wash stall, automatic	4	Entrance
Car wash stall, self-service	3	Entrance
Other	4	Pick-Up Window or Other

Table notes:

1. Requirements for facilities that have double (parallel) drive through lanes shall be replicated for each of the drive-through lanes.
2. Design and layout. Required drive-through lanes and facilities and vehicle stacking spaces are subject to the following design and layout standards:
   a. Size. Vehicle stacking spaces shall be a minimum of nine (9) feet by twenty (20) feet in size.
   b. Location. Stacking spaces shall not impede on- or off-site traffic movements.
   c. Design. Stacking spaces shall be separated from other internal driveways by raised medians if the Town Engineer deems the median necessary for traffic movement and safety.
   d. Screening. See Section 16-2-40, Drive-through or drive-up.

12. Standards for bicycle facilities. All developments shall provide bicycle parking areas that comply with the following standards:
   a. Location: Bicycle parking spaces shall be conveniently located, but in no case shall such facilities be located farther than one-hundred (100) linear feet from the primary building entrance.
   b. Bicycle parking spaces shall be provided at the following rates:
      1. A minimum of two (2) bicycle parking spaces or one (1) bicycle parking space per twenty (20) off-street parking spaces for all non-residential, mixed-use, and multi-dwelling uses, whichever is greater.
   c. A rack or other structure shall be provided to secure parked bicycles.

13. Parking stall dimensions.

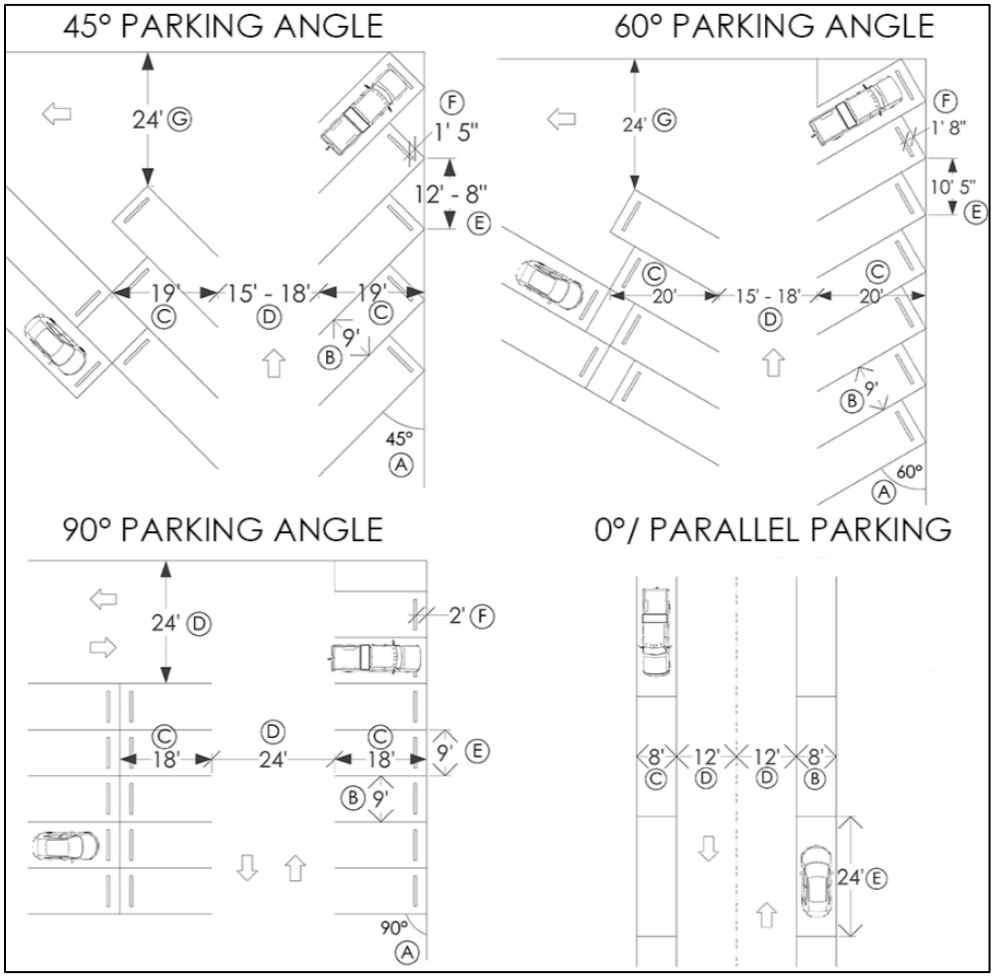
a. Parking stalls for automobiles shall meet the standards outlined in Table 4-10 Parking Stall Dimensions. All dimensions represent the minimum requirement for any required parking space. See Figure 4-9.

Table 4.10 Parking Stall Dimensions

Parking Angle (A)	Stall Width (B)	Stall to Curb (C)	Aisle Width (D)**	Curb Length (E)	Overhang (F)	Drive Aisle (G)
45°	9'	19'	15-18'	12' 8"	1' 5"	24'
60°	9'	20'	15-18'	10' 5"	1' 8"	24'
90°	9'	18'	24'	9'	2'	
0°(parallel)	8' *	8' *	12'	24'	0'	

*****Except along local streets where seven (7) feet is permitted.

******Except for lanes designated as primary emergency access where twenty-six (26) feet is required.



b.

Figure 4-9 Parking Stall Dimensions

b. Accessible parking space dimensions.
    1. Accessible parking spaces must be eight (8) feet by eighteen (18) feet with a five (5) foot wide access aisle.
    2. Van-accessible spaces must be nine (9) feet by eighteen (18) feet with an eight-foot-wide access aisle, adjacent and parallel to the space.
    3. Parking spaces for the physically disabled that are parallel to a pedestrian walk that meets Americans with Disabilities Act standards may have the same dimensions as those for standard vehicles.
    4. Slope. Accessible parking spaces and access aisle widths shall be level with surface slopes not exceeding 1:50 in all directions.

c. Drive lanes used as primary access by emergency response vehicles shall be a minimum of twenty-six (26) feet wide.

    1. The primary access will be determined in conjunction with the Frederick-Firestone Fire Protection District through the site plan process.

Sec. 16-4-120. Housing Diversity and Innovation.

A. Purpose and Intent.
    1. To promote a more diverse community through the provision of a variety of housing types.
    2. To encourage developments that are not dominated by a single type of home or dwelling unit, within a narrow range of price points and densities.
    3. To encourage "neighborhood-oriented" multi-family developments that incorporate a variety of housing types, such as a combination of duplex, stacked tri-plex/quad-plex, manor homes, live-work units, townhomes, apartments, and single-dwelling detached in a range of sizes.

B. Diversification standards.
    1. Diversification standards shall not apply to:
        a. All zone districts that do not allow residential uses.
        b. RE residential zone districts
        c. R-MH1 and R-MH2 residential zone districts
        d. A or AOS districts
        e. DT downtown zone district

C. Residential development, including lots and parcels that are part of a phased development, shall provide a minimum mix of housing and variations, based on the size of the development as required in Table 4-11 Housing Diversification Standards.

Table 4-11 Housing Diversity Standards

Proposed Lots/Units	Number of Housing Types Required	or Housing Types & Variations
50-300	2	1 housing type and 2 variations
301-750	3	2 housing types and 2 variations
751+	4	3 housing types and 3 variations

1. The required housing types include:
   a. Single-dwelling detached
   b. Paired homes
   c. Townhomes
   d. Multiplex
   e. Multi-dwelling
   f. Live/work units

2. Housing type variations include the following listed below. Each variation must account for at least twenty-five (25) percent of all lots or units:
   a. Single-dwelling homes
      1. Alley loaded
      2. Lot size under 5,000 square feet
      3. Lot size 7,000 to 10,000 square feet
      4. Lot size 10,001+ square feet
   b. Paired homes
      1. Alley loaded
      2. Vertically stacked
   c. Townhomes
      1. Alley loaded
      2. Variation in building length of thirty (30) percent or more
   d. Multiplex
      1. Alley loaded
   e. Multi-dwelling
      1. Variation in building length of thirty (30) percent or more
   f. Live/work
      1. Alley loaded

Sec. 16-4-130. Architectural Standards.

A. Residential Use Category design standards.

1. Purpose and Intent. Architecture plays an important part in developing an identity for neighborhoods and dwellings. Therefore, the intent of this section is to build upon the architectural traditions of the region yet allow for diversity of expression. Additionally, the Town's goal is to encourage a variety of housing types, sizes, and prices in each neighborhood to allow people to remain in their neighborhoods as their housing needs change.

2. Applicability.
   a. This section shall apply to all new construction and additions to existing buildings meeting the site plan amendment threshold stated in Article 6 of this Code.
   b. Live/work development shall utilize the townhome architectural standards unless otherwise determined at the discretion of the Director.
   c. Manufactured homes shall utilize the single-detached dwelling architectural standards.
   d. Assisted living or congregate care, nursing home/memory care/Alzheimer care, protective care, group homes, and boarding and rooming houses shall follow the multi-family architectural standards unless otherwise approved by the discretion of the Director.

3. General standards for all residential architecture.

   a. All residential buildings shall front onto public streets, private streets, or green courts. Green courts shall be a minimum of thirty (30) feet in width.
   b. Porch columns and railings:
      1. Porch columns and railings shall match the architectural style of the model elevation.
      2. Porch columns shall be a minimum of eight (8) inches by eight (8) inches.
   c. Exterior building colors.
      1. Wall material colors shall be natural or muted tones for dominant areas with brighter accents. A variety of materials (siding, stucco, brick, and stone) and colors are strongly encouraged.
      2. High gloss paints are prohibited.
      3. Primary or other bright colors shall be used sparingly and only as accents. Accent colors shall only comprise no more than five (5) percent of the total wall area.
   d. Exterior building materials.
      1. Metal siding shall not be used as a primary exterior building material. Metal may only be used as an accent material not to exceed five (5) percent of any

principal or accessory building facade. Metal siding may only be used as a principal exterior building material when approved by the Director.

2. The following materials shall be prohibited:
   (a) Exterior vinyl siding
   (b) Concrete block and paneling
   (c) Highly reflective metal or other materials
   (d) Corrugated metal
   (e) Unfinished or untreated wood
   (f) Any other material determined by the Director to be out of character or incompatible with adjacent properties or the surrounding neighborhood

4. Architectural standards for single-detached DUs, paired homes, and multi-plex.

   a. Model and stylistic diversity, single-detached dwellings and multi-plex.
      1. No identical model plan elevation shall be constructed more than once every four (4) structures on the same side of the street. Every thirty (30) linear feet of an intervening tract or outlot shall count as a "structure" for the purposes of this subsection. Different models shall have significant variations in exterior elevations, massing, entryways, etc. Differentiation in models requires all of the following variations:
         (a) Size and mass
         (b) Color scheme
         (c) Style and placement of windows, main entry doors, garage doors and porches
         (d) Different roof forms/lines/profiles
         (e) Use of exterior material
      2. No identical model plan elevation shall be repeated directly across any public street, private street, or green court from the same model plan elevation.
      3. Each block face shall contain at least three (3) roof colors.

   b. Model and stylistic diversity, paired homes.
      1. No identical model plan elevation shall be constructed more than once every three (3) structures on the same side of the street. Every thirty (30) linear feet of an intervening tract or outlot shall count as a "structure" for the purposes of this subsection.
      2. Each block face that includes at least eight (8) buildings shall contain at least three (3) different models that have significant variations in exterior elevations, massing, entryways, etc. Differentiation in models requires all of the following variations:
         (a) Size and mass
         (b) Color scheme
         (c) Style and placement of windows, main entry doors, garage doors, and porches

(d) Different roof forms/lines/profiles
(e) Use of exterior material

3. No identical model plan elevation shall be repeated directly across any public street, private street, or green court from the model plan elevation.
4. Each dwelling unit of the paired home building shall include a different application of building materials, window placement, garage doors, roof lines, or other architectural features.

c. The following standards shall be applied to single-detached dwellings, paired homes, and multi-plex:
   1. Building articulation.
      (a) Front facade articulation. Front facades of the building shall include more than one wall plane. The wall plane change shall be proportional to the building elevation, have a depth of at least eighteen (18) inches, be at least a full story in height, and be at least 10 feet wide.
      (b) Rear facades greater than thirty (30) feet in width shall include one of the three options:
         (1) Rear facades of the building shall include more than one wall plane. The wall plane change shall be proportional to the building elevation, have a depth of at least eighteen (18) inches, be at least a full story in height, and be at least ten (10) feet wide; or
         (2) Rear facades of the building shall include more than one exterior material. Each material beyond the primary material shall be at least twenty (20) percent of the wall facade. (i.e. if the facade is one hundred (100) square feet, the second material shall be at least twenty (20) square feet in area. A third material, if proposed, shall be at least twenty (20) square feet in area, as well); or
         (3) Rear facades of the building shall include covered rear porch a minimum of six (6) feet in depth by eight (8) feet in width.

   2. Building Materials. All primary building facades and facades facing streets, green courts, parks, open space, regional trails, and other public spaces shall incorporate at least two exterior materials.
      (a) Each secondary material shall represent at least twenty (20) percent of the wall facade. (i.e., If the facade is 100 square feet in area, the secondary material shall be at least twenty (20) square feet in area.
      (b) When a base treatment is used as a secondary material it shall wrap around the front facade to the side of the building a minimum of four (4)

feet or shall end at a break in the wall plane (i.e. at a side window, corner, wing fence, etc.). See Figure 4-10.

(1) The base treatment shall be at a minimum of three feet in height.

Figure 4-10 Wrap Around Treatment

3. Model and stylistic diversity.
   (a) The term "model" refers to a housing unit with a unique front facade.
   (b) At least one-half (1/2) of the buildings on each block face shall have a front porch.

4. Enhanced sides. Where the side of the building faces streets or green courts (on a corner lot), parks and open space, trails, or other public-serving space, buildings shall address the side street or open space through enhanced architecture. At least two (2) of the following enhancements are required:
   (a) A side or wrap-around porch (at least six feet in length and six feet in depth)
   (b) Addition of a bay window
   (c) Windows or glazed doors (above and beyond the base count)
   (d) A change in the vertical or horizontal wall plane such as through the use of a belt course, a belly band, or a bump out (such as a window bump out of at least twelve (12) inches). See Figures 4-11, 4-12 and 4-13.
   (e) Brackets, corbels, vents, shutters, projections, or other such details.
   (f) Integration of a second wall siding material comprising at least fifteen (15) percent of the total wall plane area (e.g. applying a second material in the gable roof wall plane area or a solid base treatment).

Figure 4-11 Belly Band

Figure 4-12 Brackets

Figure 4-13 Window Shutters

5. Roof. The roof forms and pitches of the building shall strongly reflect the architectural style. In general, a simple dominant roof form should be used in combination with complementary secondary and minor roof forms and elements. Roof overhangs, eaves, fascias, dormers, and soffit detail shall be detailed appropriately for the architectural style of the building.

6. Front porches.
   (a) Porch designs shall reflect the architectural style of the building.

(b) Where provided, a porch shall be at least six (6) feet in depth, nine (9) feet in width, and comprise at least fifty-four (54) square feet in total area.

(1) The calculation of the total area for porches shall not include the area directly in front of the door (direct walkway). The direct walkway shall be defined as the area between the door and the stairs or entrance to the porch. The minimum width of the direct walkway shall equal or exceed the width of the door. See Figure 4-14.

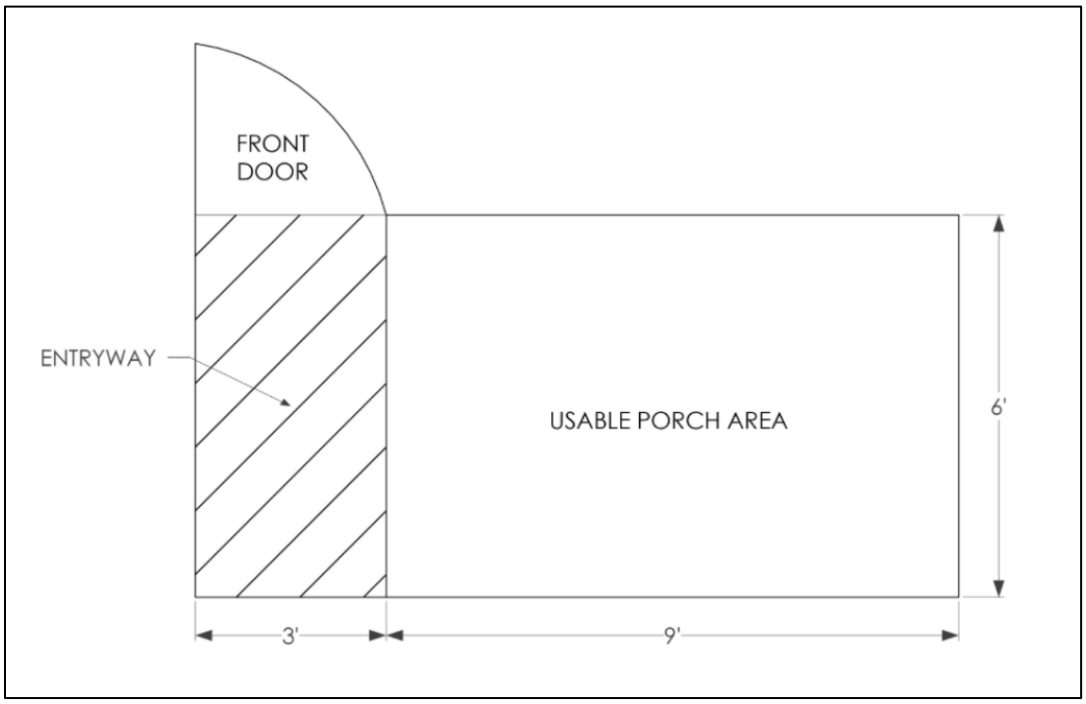


Figure 4-14 Usable Porch Calculation

7. Garages. Homes, not garages, shall have the emphasis on residential streets. The intent is that residential streets have visual variety and that garages do not dominate the street face. For the purpose of this section, street-facing shall include all dwelling unit front facades facing onto public rights-of-way and private driveways or streets.

(a) Parking spaces located within a garage used to meet the parking requirements for the use shall meet the dimensional requirements for off-street parking.

(b) All attached garages associated with homes over one story shall incorporate the garage below a second story living area.

(c) No garage with street-facing doors shall protrude in front of any front porch

(d) No garage with street-facing doors shall protrude in front of any front facade plane more than three (3) feet.

(e) When garage doors are not street-facing (e.g., the doors face a side or rear lot line), the side of the garage facing the street shall include windows and architectural materials that match the features of the living area (or main) portion of the dwelling. See Figure 4-15.

(f) Garage doors shall not comprise more than fifty (50) percent of the street-facing linear building frontage, except that garage doors located on the side of a dwelling facing a side yard street may comprise up to two-thirds (2/3) of the street-facing linear building frontage. For purposes of this provision, the width of the garage door(s) shall be measured as the linear distance between the outer edges of the door(s), including any wall area separating two or more garage doors that is less than (2) feet wide. See Figure 4-16.

(g) When more than one (1) garage door is provided, the additional garage door shall:

(1) Have a different orientation from the first (e.g. side loaded); or

(2) Be recessed behind the first garage by at least two (2) feet when having the same orientation

Figure 4-15 Garage Orientations

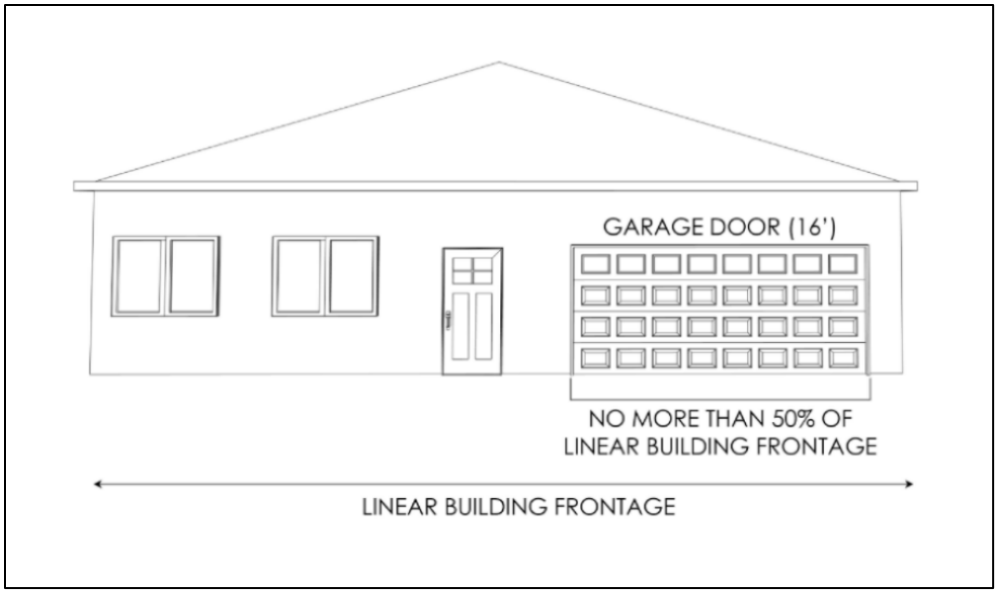


Figure 4-16 Garage Door Measurement

5. Architectural standards for townhomes.

    a. Model and stylistic diversity.
        1. No more than 6 single-attached dwelling units may be attached in any single row or building cluster or no more than one-hundred fifty (150) feet in building length, whichever is less.
        2. For developments with five (5) or more buildings, identical elevations shall not be placed adjacent to or across the street from one another.
        3. Developments with multiple buildings shall provide at least one model elevation per every four (4) buildings, up to six (6) maximum elevations required.
        4. Each elevation shall provide design variation through the following methods:
            (a) Use of distinct variations in materials;
            (b) Use of distinct variations in architectural style or features, such as a porch or similar feature; and
            (c) Use of distinct variations in roof form.

    b. Building articulation.
        1. Blank walls in excess of twenty-five (25) feet in length shall be prohibited on any building facade. Walls shall incorporate windows, balconies, or like features to articulate facades.
        2. Balconies shall not protrude from the wall plane over fifty (50) percent of the balcony depth. (e.g. If a balcony is six (6) feet deep, it can only protrude from the building facade a maximum of three (3) feet.) See Figure 4-17.

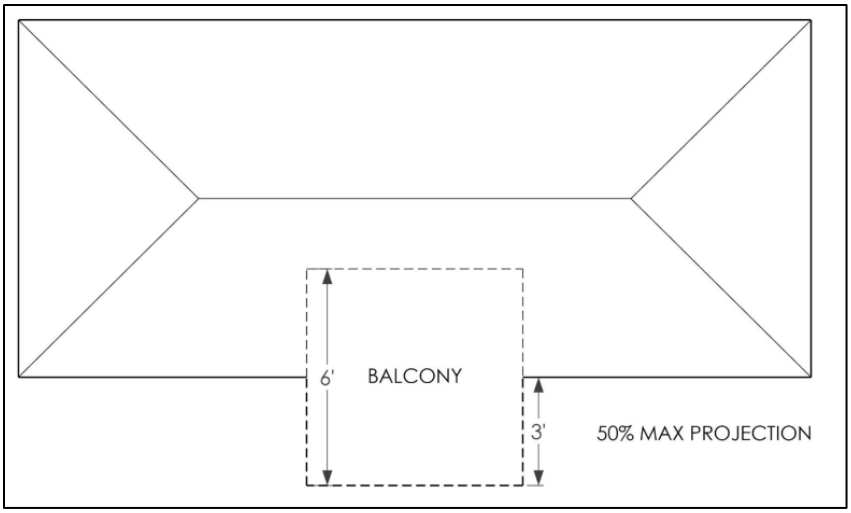


Figure 4-17 Balcony Projection

3. All individual unit primary facades shall incorporate at least one window on the first story.
4. All building facades facing streets, parks, open space, regional trails, and other public spaces shall incorporate at least one (1) window with least eight (8) square feet in area.

c. Building materials. All primary building facades and facades facing streets, parks, open space, trails and other public spaces shall incorporate at least two exterior materials.
   1. Each secondary material shall represent at least twenty (20) percent of the wall facade. (e.g., if the facade is one hundred (100) square feet in area, the secondary material shall be at least twenty (20) square feet in area)
   2. When a base treatment is used as a secondary material it shall wrap around the front facade to the side of the building a minimum of 4 feet or shall end at a break in the wall plane (e.g., at a side window, corner, wing fence, etc.).
      (a) The base treatment shall be at a minimum of three feet in height.
   3. Buildings over two stories in height shall incorporate visually heavier and more massive elements at the base, and lighter elements above these components (e.g., the base can be a heavier stone or brick material while the lighter elements may be horizontal lap siding). See Figure 4-18.
   4. For townhome buildings incorporating three (3) or more units, the architecture proposed for each unit cannot be applied to the adjacent unit. Architectural changes between units shall include changes to the application of materials and placement of windows for each unit or other substantial architectural changes.
   5. Fireplace "box-outs" shall extend from the ground level to the roofline to avoid a "tacked-on" look.

Figure 4-18 Stacked Materials With Heavy Material At Base

d. Garages.
   1. Attached garages.
      (a) All garages shall incorporate a direct interior access to the dwelling unit it serves.
   2. Perimeter garages.
      (a) Perimeter garages shall not be located between the primary street (or side street when located on a corner lot) and primary building or buildings on the lot. They may be located along the side or rear portions of the site.
      (b) Any detached garage located with its rear wall along the perimeter of the development and located within fifty (50) feet of a public right-of-way or the property line of the development site shall not exceed fifty (50) feet in length.
      (c) A minimum of ten (10) feet (in width) of landscaping shall be provided between any two (2) perimeter garages.
      (d) All detached garages that exceed thirty (30) feet in length shall include at least one (1) of the following items in at least two (2) locations of the building:
         (1) Change in wall plane of at least one (1) foot;
         (2) Change in material;
         (3) Change in roof plane;
         (4) Windows;
         (5) Doorways;
         (6) False door or window openings defined by frames, sills, and lintels; and/or

(7) An equivalent vertical element that subdivides the wall into proportions related to human scale and/or the internal divisions within the building.

6. Architectural standards for multi-dwelling buildings.

   a. Model and stylistic diversity.
      1. Developments shall incorporate a variety of distinct building designs according to the scale of the development, as follows:
         (a) Developments with multiple buildings shall provide at least one model elevation per every four (4) buildings, up to six (6) maximum elevations required.
         (b) Each elevation shall provide design variation through the following methods:
            (1) Use of distinct variations in materials;
            (2) Use of distinct variations in architectural style or features, such as a porch or similar feature; and
            (3) Use of distinct variations in roof form
      2. Distinct building designs, as required above, shall be easily distinguished through a minimum of three (3) of the following:
         (a) variation in length of thirty (30) percent or more;
         (b) A variation in the footprint of the building of 30 percent or more;
         (c) A distinct variation in color and use of materials;
         (d) A distinct variation in building height; or
         (e) A distinct variation in roof form.

   b. Building articulation.
      1. Buildings shall not be more than two hundred (200) feet in length.
      2. Blank walls in excess of twenty-five (25) feet shall be prohibited on any building facade.
      3. Each multi-dwelling building shall articulate walls by including at least two (2) of the following elements every twenty-five (25) length of the facade.
         (a) Recesses, projections, or significant offsets in the wall plane;
         (b) Distinct, individualized, and covered entrances;
         (c) Chimneys that project from the wall plane at a minimum of one (1) foot in depth;
         (d) Change in exterior material;
         (e) Balconies and/or other outdoor living space; or
         (f) Bay or box windows.

   c. Building Materials. All primary building facades and facades facing streets, parks, open space, regional trails, and other public spaces shall incorporate at least two exterior materials.

1. Each secondary material shall represent at least twenty (20) percent of the wall facade. (i.e., If the facade is one hundred (100) square feet in area, the secondary material shall be at least twenty (20) square feet in area).
2. When a base treatment is used as a secondary material it shall wrap around the front facade to the side of the building a minimum of 4 feet or shall end at a break in the wall plane (e.g., at a side window, corner, wing fence, etc.).
3. The base treatment shall be at a minimum of three feet in height.

d. Roofs. Each multi-dwelling building shall feature a combination of primary and secondary roofs. Primary pitched roofs shall be articulated by at least one (1) of the following elements:
   1. Changes in plane and elevations with a minimum change of one (1) foot; or
   2. Dormers or gables

e. Garages.
   1. Attached garages.
      (a) All garages shall incorporate a direct interior access to the dwelling unit it serves.
   2. Perimeter garages.
      (a) Perimeter garages shall not be located between the primary street (or side street when located on a corner lot) and primary building or buildings on the lot. They may be located along the side or rear portions of the site.
      (b) Any detached garage located with its rear wall along the perimeter of the development and within fifty (50) feet of a public right-of-way or the property line of the development site shall not exceed fifty (50) feet in length.
      (c) A minimum of ten (10) feet in width of landscaping shall be provided between any two (2) perimeter garages.
      (d) All detached garages that exceed thirty (30) feet in length shall include at least one (1) of the following items in at least two (2) locations of the building:
         (1) Change in wall plane of at least one (1) foot
         (2) Change in material;
         (3) Change in roof plane;
         (4) Windows;
         (5) Doorways;
         (6) False door or window openings defined by frames, sills, and lintels; and/or
         (7) An equivalent vertical element that subdivides the wall into proportions related to human scale and/or the internal divisions within the building.

B. Commercial, Public/Institutional, and Industrial Use Category design standards.

1. Purpose and intent. The following standards are intended to enhance the appearance of buildings and promote a high quality of design in order to protect the public health, safety, and welfare. The intent of these standards is to:
   a. Encourage greater design compatibility with surrounding areas and establish a precedent for high quality design in areas with no established character;
   b. Achieve greater architectural variation and interest through standards for the design of roofs, exterior walls, and the use of exterior finish materials;
   c. Encourage greater architectural cohesiveness and compatibility within a new development of multiple buildings; and
   d. Reduce the negative visual impact of features and site improvements such as mechanical equipment and other back of house elements.

2. Applicability.
   a. These standards apply to development outside the Downtown District to any use categorized as commercial/mixed-use, public/institutional, or industrial.
   b. New construction. The standards shall apply to all new construction of buildings and structures.
   c. Building or site additions.
      1. These standards shall apply to existing buildings only when a proposed building or site expansion exceeds the ten (10) percent threshold listed in Section 16-6-110.A.
      2. It is intended that a building expansion subject to these standards be reasonably integrated with the existing structure or site condition consistent with these standards.

3. Building orientation.
   a. All principal buildings shall be oriented towards the primary street. If any such building is on a double frontage or corner lot, it shall have an equally detailed facade facing the secondary street.
   b. Building functions that do not directly serve the public, such as loading berths and blank walls, shall not be placed directly along the street. Residential garages that face streets shall be recessed behind the facade of the primary buildings.

4. Building massing and facade.
   a. No primary building facade or street facing wall plane shall have a blank expanse of over forty (40) feet in length. This shall be achieved through application of architectural groupings found in Section 16-4-130.B.6.
   b. Building mass. A single, large, dominant building mass shall be avoided. Buildings shall be designed to integrate variations in height, texture, color, and facade depth. Building facades facing public/private streets, parks and open

space, public trails, and other public interfaces shall have an equal level of architectural design as the principal façade.

c. Commercial building lengths shall not exceed one-hundred fifty (150) feet in length.
d. Commercial buildings with a tenant square footage over twenty (20) thousand square feet shall be permitted to exceed the one-hundred fifty (150) foot length provision.
e. Industrial buildings lengths shall not exceed six hundred (600) feet in length.
f. Developments with multiple buildings shall incorporate similar architectural styles, materials, and colors to create a cohesive planned area.

5. Entrances.
   a. The primary entrance of each primary building shall face the primary street.
   b. Each primary structure shall have a clearly defined main pedestrian entrance featuring at least three (3) of the following elements:
      1. Canopies or porticos;
      2. Overhangs;
      3. Recesses or projections;
      4. Arcades;
      5. Arches;
      6. Peaked roof forms;
      7. Outdoor patios;
      8. Display windows;
      9. Architectural tilework or decorative moldings framing the entrance door; or
      10. Integrated planters or wing walls that incorporate landscaped areas of seating areas.

6. Architectural groupings.
   a. All buildings shall be designed and maintained using the following building elements, with a minimum of one (1) item from four (4) of the five (5) groups for primary building facades and all sides facing public/private streets, parks open spare or trails. For other building facades only one (1) item from two (2) of the five (5) groups is required.
   b. Items cannot be double counted to meet standards from other groups.
   c. The required entrance provisions from Section 16-4-130.B.5. shall not be double counted with the elements below:

      1. Group 1 – exterior wall articulation.
         (a) Openings or elements simulating openings that occupy at least twenty (20) percent of the wall surface area (excluding overhead or dock doors); or
         (b) Building bays created by columns, ribs, pilasters, or piers or an equivalent element that divides a wall into smaller proportions or

segments with elements being at a minimum one (1) foot in width and one (1) foot in depth. For buildings over twenty thousand (20,000) square feet in floor area, such elements shall be a minimum of two (2) feet in width and one (1) foot in depth; or

(c) A recognizable base treatment using integrally textured and colored materials such as stone, masonry, or a decorative concrete. The base treatment shall be a recognizably different material from the principal wall; or

(d) Architectural banding using different materials and colors from the principal wall; or

(e) Wall plane recesses or projections of at least twelve (12) inches in depth.

2. Group 2 – roof articulation.
   (a) Changes in parapet height shall be incorporated every 50 linear feet of the roof line. The height change shall be a minimum of 18 inches in change; or
   (b) A combination of flat and sloped roofs, or pitched roofs with at least two (2) roof line elevation changes; or
   (c) Roof projection (e.g., cupola, tower, dormer, etc.). The element used shall represent a significant enough change from surrounding roof elements to provide a substantial break in the roof line.
3. Group 3 – building openings and walkways.
   (a) Canopies or awnings over at least fifty (50) percent of the openings of the building; or
   (b) The total length of canopies or awnings (combined) equaling the length of at least twenty-five (25) percent of the facade length to which they are proposed to be located; or
   (c) Covered walkways, porticos, and/or arcades covering at least twenty-five (25) percent of the horizontal length of the front façade

4. Group 4 – building materials.
   (a) At least two (2) distinct materials comprising different textures and/or patterns. The secondary materials shall total at least twenty-five (25) percent of the length of the facade. (e.g., horizontal wood siding and brick, stone and stucco, etc.). CMU may be used as a secondary material only if it is no more than twenty-five (25) percent of the facade area; or
   (b) Brick or stone (including synthetic stone) covering one hundred (100) percent of the front façade of the building.

5. Group 5 – other architectural definition.
   (a) Overhanging eaves extending at least twelve (12) inches beyond the supporting wall; or

(b) Decorative screening elements that break up the horizontal wall plane. Decorative screening shall cover a total area representing at least twenty (20) percent of the total building facade area (in terms of square feet).

7. Roofs.
   a. Where flat roofs are used, a parapet wall at least eighteen (18) inches in height shall be used on all sides of the structure. See Figure 4-19.
   b. On all structures exceeding two stories in height, roofs shall internally drain, and external scuppers and wall drains shall be prohibited.

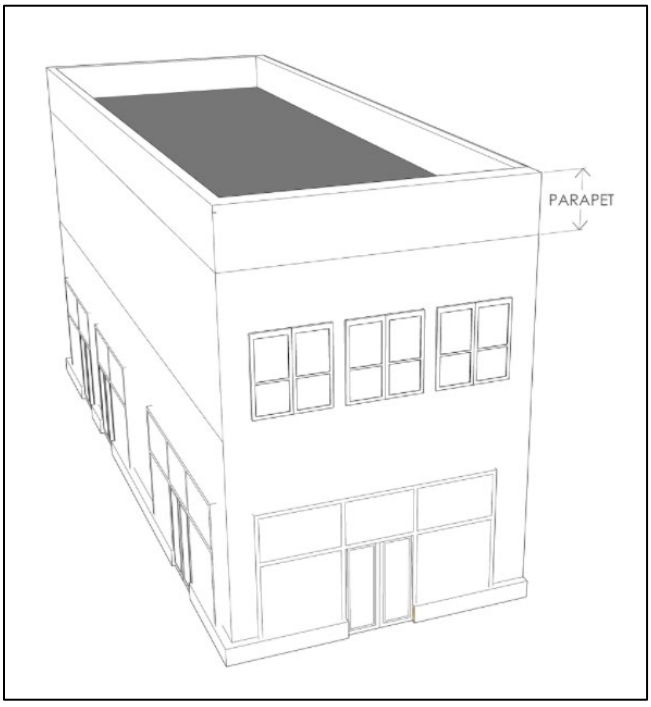


Figure 4-19 Parapet Wrapped Around All Sides

8. Awnings.
   a. Retractable awnings are permitted if approved by the Director.
   b. Materials. Permitted awning materials shall include non-reflective metal, canvas, wood, and fabric.

9. Screening.
   a. Architectural screening elements shall generally match the principal architecture of the building. Screening materials shall be of the same or comparable material, texture, and color as the materials used on the building.
   b. All rooftop mechanical units (e.g., air conditions units, HVAC systems, satellite dishes, and other telecommunications receiving devices) and other

miscellaneous rooftop elements (e.g., exhaust pipes or stacks, elevator housing, or other like elements) shall be screened from view from the public right-of-way, adjacent private streets, and from adjacent properties by using walls, fencing, or other architectural roof elements. Screening shall cover the tallest portion of the item being screened.

c. Wall mounted mechanical units (e.g., electrical boxes, meters, or other similar equipment) shall be screened from view from the public right-of-way, adjacent private streets, and from adjacent properties by using walls or fencing.

10. Delivery/Loading Doors and Docks.
    a. Loading docks shall not be located on any street facing facade of the building.
    b. Delivery doors and service doors may only be permitted on any street facing facade when setback twenty (20) feet from the primary street facing building facade and includes enhanced architectural detailing (e.g., transparency, enhanced material).
    c. All loading docks, delivery doors, and service doors shall be screened from view from the public right-of-way, adjacent private streets, and from adjacent properties by using walls, fencing, or landscaping.
    d. For corner and double frontage lots, loading docks shall not be located on the primary building facade and shall be screened from view from the public right-of-way, adjacent private streets, and from adjacent properties by using walls, fencing, or landscaping.

11. Accessory Retail Equipment.
    a. Vending machines, non-drive-thru ATMs, video rental kiosks, propane and ice storage, or other similar accessory retail equipment and features shall be located adjacent to a building wall. These elements shall not face a local, collector, or arterial street unless screened from view using a wall or fence.
    b. Car vacuums, diesel exhaust fluid dispensers, and tire air dispensers shall be screened from view from public right-of-way, adjacent private streets, and from adjacent properties by using walls or fencing.
    c. All such accessory retail equipment that is exterior to a building shall be shown on the Site Plan and approved by the Town prior to installation and placement.
    d. Outdoor compactors are prohibited, due to concerns of noise, smell, fire, and access.

12. Building Colors.

a. Primary or other bright colors shall be used sparingly and only as accents.
b. Primary or accent colors shall cover no more than five (5) percent of a building facade.
c. Primary or accent colors shall be compatible with predominant building base colors and may be incorporated into elements such as shutters, window mullions, building trim, and awnings.

13. Building Materials.
    a. Metal siding shall not exceed twenty-five (25) percent of the primary building facade, or facades facing streets, parks, open space, or trails. All other building facades shall not exceed seventy-five (75) percent metal siding.
    b. Metal siding shall be a standing seam or of equivalent quality and shall not include corrugated type materials.
    c. All metal siding shall be non-reflective.
    d. When CMU is used as a principal material on a primary building facade, or facades facing streets, parks, open space, or trails, it shall include a combination of both split and smooth faced CMU.

C. Downtown District design standards.

1. Purpose and Intent.
    a. The architecture of new buildings in Downtown Frederick should pay respect to the historic pattern of architecture present in the district. Buildings that include modern designs should include aspects of design that mimic historic patterns from the district (such as cornices, banding, window plates, colors, textures, materials, and shapes).
    b. The architecture of new commercial or mixed-use buildings in Downtown Frederick shall support the patterns of architecture found in traditional “Main Streets” across Colorado.

2. Applicability.
    a. The following sections provide architectural standards for multi-dwelling, mixed-use residential and non-residential development within the DT - Downtown District.
    b. Multi-dwelling and mixed-use residential within the MU-1 and MU-2 shall follow the architectural standards of this section.

3. Building and site layout.
    a. The primary facade of the building shall be oriented to the street, not to an interior court or public space.

b. No building or structure shall be oriented at an angle on corner lots. Buildings shall be constructed parallel to the street to mimic historic building patterns. The primary entrance door may be positioned at an angle on corner lots when the primary building facade faces the street.
c. A minimum of eighty (80) percent of the primary building facade for new buildings shall be located adjacent to the sidewalk edge or right-of-way. This percentage may be reduced to fifty (50) percent when the remaining fifty (50) percent of the frontage is used to provide an outdoor seating area or plaza, fronting directly onto the street. The Director may determine an alternative percentage when appropriate. See Figure 4-20.
d. Garages, driveways, and service entries shall be located to the rear of buildings facing an alley. Garages, driveways, and service entries shall not be allowed to face the street or be accessed from the street.
e. Parking areas shall be located to the side or rear of buildings with no parking permitted between the building primary facade and the right-of-way.

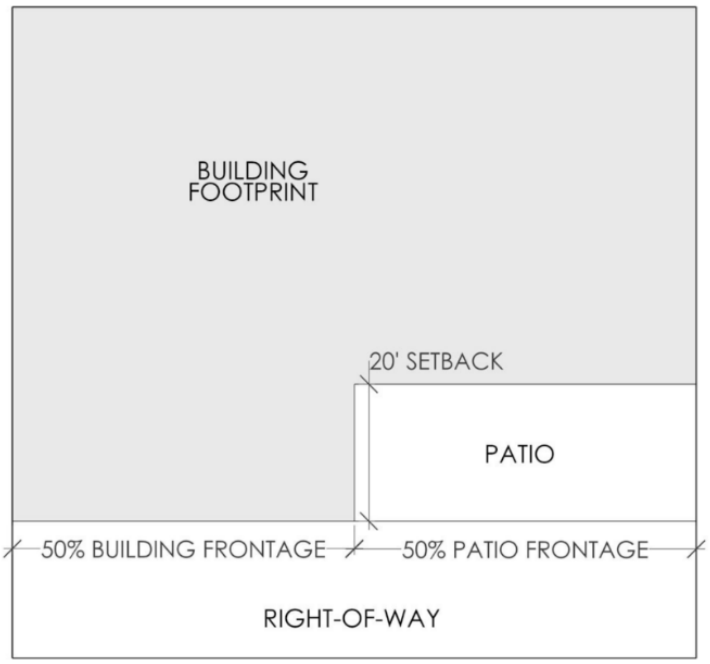


Figure 4-20 Building Frontage Reduction With Patio

4. Building Design.
   a. General.
      1. All street-facing windows shall include window trims or architectural window framing appropriate to the building architecture.
      2. The upper portion of the street-facing building facade shall include elements such as decorative brick cornices, brackets/corbels, decorative blocks, and

other related features. These decorative elements shall be incorporated below the roofline of buildings. See Figures 4-21 and 4-22.

3. Street-facing building facades shall not include exterior security bars or grills.

Figure 4-21 Decorative Cornice and Banding

Figure 4-22 Decorative Cornice

b. Entrances. The primary entrance to the building shall face the adjacent street. Each primary structure shall have a clearly defined main pedestrian entrance. Buildings shall include at least one (1) element from group 1 and two (2) elements from group 2.

1. Group 1
   (a) Canopies or awnings covering the entire length of the entrance;
   (b) Primary entrance door recessed from the primary wall plane a minimum of one (1) foot and maximum of three (3) feet (See Figure 4-23); or
   (c) Arcade along the primary building facade.

2. Group 2
   (a) Outdoor patio servicing the entrance door;
   (b) Large display windows (framing the entrance door);
   (c) Architectural tilework or decorative moldings framing the entrance door; or
   (d) Accent landscaping beds (window boxes, raised permanent planters, or raised landscape beds adjacent to entrance door)

Figure 4-23 Recessed Entry And Kickplates Under Display Windows

c. Building articulation. These standards cannot be counted toward building articulation requirements pertaining to entrances.

1. Street-facing building facades shall be broken up into smaller bays of twenty-five (25) feet to mimic historic building mass patterns. Bays shall be differentiated by use of wall plane recesses, projections, or other structural and architectural changes. The Director may permit smaller or larger bays where appropriate.
2. With larger buildings spanning half a block or more, the street-facing building facade shall be broken up into smaller building facades that mimic different buildings through the use of color, material, texture, wall plane changes, roofline changes, etc. The Director may permit alternative design where appropriate.
3. Street-facing building facades shall incorporate a minimum of four (4) of the following articulation techniques to avoid long, undifferentiated facades:
   (a) Wall plane changes (minimum of six (6) inches in depth and three (3) feet in width).
   (b) Awnings or canopies covering fifty (50) percent of all first-floor windows, doors, or other openings.
   (c) Balconies or patios extending a minimum of twenty-five (25) percent of the length of the building facade.
   (d) Two or more exterior building materials, both totaling one hundred (100) percent of the facade (see primary building material list below).
   (e) Banding, beltcourses, or similar elements to distinguish lower and upper floors.

(f) Windows

(1) First-floor windows shall be large display windows making up a minimum of sixty (60) percent of the facade area. When windows do not extend to the ground, kick plates shall be incorporated. See Figure 4-24.

(2) Upper-floor windows making up a minimum of thirty (30) percent of the façade area.

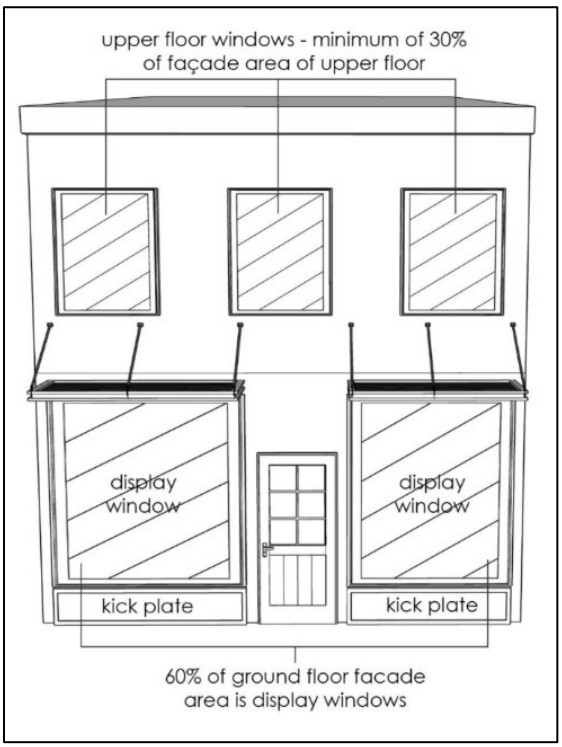


Figure 4-24 Display Windows, Kickplates and Upper Floor Windows

d. Upper floors.

1. When there are more than two stories, the third and above stories shall be setback three feet from the first-floor wall plane facing the street.
2. Upper floors shall use vertical windows (as opposed to landscape orientation) and shall align windows with lower floor windows to the best extent practical.

e. Rooftop patios.

1. Rooftop patios shall be permitted when they are constructed on top of a flat roof line.
2. Patio elements such as shade structures, bars, or planters shall not exceed the overall height of a standard floor of a building.
3. Railings/fencing around the patio shall blend with the architecture of the overall building.

f. Building materials.
   1. Primary buildings materials on street facades (covering at least sixty (60) percent of the building front) shall include one or more of the following:
      (a) Brick or brick veneer
      (b) Horizontal lap siding (wood, cementitious board or other like material)
   2. The following materials are prohibited as primary materials and may only be used as accents (no more than forty (40) percent of the facade):
      (a) Stucco
      (b) Stone or stone veneer
      (c) Vertical board and batten
   3. Non-reflective metal may be used as an accent material up to twenty (20) percent of any facade.
   4. The following materials are prohibited as any part of a building facade:
      (a) Vinyl
      (b) Reflective metal
      (c) Corrugated metal
      (d) Any other material determined by the Director to be out of character or incompatible with adjacent properties or the surrounding neighborhood

g. Awnings.
   1. Awnings on downtown buildings shall be made of a durable material. The use of overly reflective materials is prohibited.
   2. Awnings shall be mounted above the storefront windows and doors but below the sign band, if a sign band exists.

Sec. 16-4-140. Outdoor Lighting.

A. Purpose and Intent.
   1. Create an attractive lighting system to enhance visibility and safety, while minimizing glare, light trespass, and contrast.
   2. Encourage exterior lighting that is functional, aesthetically pleasing, and complementary to the architectural style of buildings.
   3. Create dark sky compliant lighting in all development.

B. Applicability. All exterior lighting shall meet the following requirements and provide plans in accordance with the administrative development guide to demonstrate compliance with building permit applications requiring a Planning Department review, all development applications, and all changes of use. Internally illuminated signs shall follow the standards outline in Article 5.

C. Exempted Lighting. The following types of lighting are exempted from the requirements of this section.
   1. Legal non-conforming lighting per Section 16-2-50.
   2. Traffic construction and control lighting.
   3. Temporary decorative seasonal lighting.
   4. Lighting required and regulated by the Federal Aviation Administration.
   5. Single-dwelling detached developments are exempt from the lighting plan requirement, but when lighting is provided it is subject to the standards of subsections F, G, and H of this section.
   6. Public street lighting.
   7. Emergency/warning lights.
   8. Town-owned outdoor recreational uses (ball fields, play fields, tennis courts, and other similar uses), provided these uses meet the following standards:
      a. Limits on luminaire angle. The luminaire angle from a lighting source that illuminates an outdoor recreational use may exceed an angle of zero degrees only to the extent necessary for lighting the use, and provided that the luminaire is shielded to minimize spillover to surrounding properties;
      b. Maximum permitted illumination at the property line of the recreational use shall be two footcandles;
      c. Exterior lighting for an outdoor recreational use shall be extinguished as soon as possible after the event.
   9. The Director may exempt lighting, including displays, from any or all provisions of this section, provided the lighting serves a governmental (e.g., federal, state, county, city, town, transportation district, or school district) purpose, is located on property owned or controlled by a governmental entity, and is designed such that they minimize impact to surrounding businesses and residents to the maximum extent possible. Such lighting includes, but is not limited to, traffic control devices, public information displays, and exterior building lighting. This exemption will be documented in a form acceptable to the director of planning and development services.

D. Prohibited Lighting.
   1. Blinking, flashing, flickering, or moving lights (when not incorporated within an EMC or decorative seasonal lighting).

E. Hours of Operation.

1. For outdoor recreational lighting including lighting provided for ball fields, play fields, tennis courts, and other similar uses, lighting shall be extinguished when the event ends or at no point after 11:00 pm, whichever is earlier.
2. For lighting used during construction, lighting shall be extinguished when construction ceases each day and shall follow construction hour regulations in the Town of Frederick Municipal Code.
3. Special event and temporary use lighting shall be extinguished at the conclusion of the event or use each day and in compliance with the approved specified hours of operation.
4. All exterior lighting fixtures, except those required for security purposes, shall be extinguished outside of business hours. If a portion of the property is used after dark, only that portion shall be lighted.

F. General Design Standards.
   1. The style of light fixtures shall be generally consistent with the style and character of architecture proposed on the site, or within the development.
   2. Any light sources or lamps shall be concealed or shielded with a full cut-off style fixture to minimize the potential for glare and unnecessary diffusion on adjacent property.
   3. All new and replacement light fixtures shall be full cutoff, except that light sources not exceeding five hundred (500) lumens for individual light fixtures, one-hundred fifty (150) lumens for individual lights in a light string (e.g., patio lights), and three thousand (3000) Kelvin in color temperature are not required to be full cutoff.
   4. Lantern style lighting shall be permitted only when the light source is concealed through use of frosted glass or like material and the lumens limits in subsection 3 above.
   5. Light sources in and within three hundred (300) feet of residential zoning districts shall not exceed three thousand (3000) Kelvin in color temperature. Other areas shall not exceed four thousand (4000) Kelvin in color temperature.
   6. No light sources shall be directed toward property boundaries or adjacent rights-of-way.
   7. Light fixtures used to illuminate flags, statues, or any other objects mounted on a pole, pedestal, or platform shall not produce a beam of light that will not extend beyond the illuminated object.
   8. For upward-directed architectural, landscape, and decorative lighting, direct light emissions shall not be visible above the feature being illuminated.

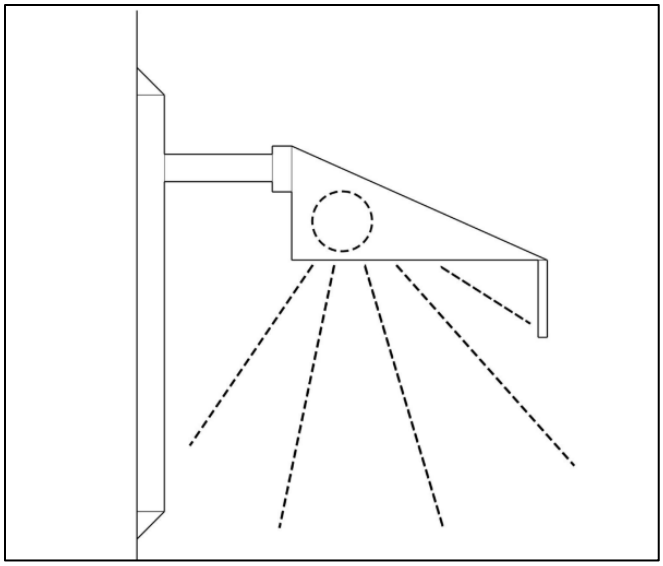


Figure 4-25 Fully Cut-Off And Fully Shielded Light Fixture

G. Lighting Height and Location.
   1. All street lights adjacent to local and collector rights-of-way shall be mounted such that the top of the fixture is no higher than twenty-five (25) feet.
   2. All street lights adjacent to arterial rights-of-way shall meet the height requirements of the Design Standards and Construction Specifications.
   3. The maximum height of any lighting fixture temporarily used for construction is fifty (50) feet.
   4. The maximum height of any lighting fixture serving a residential use shall be twenty-five (25) feet.
   5. The maximum height of any light fixture serving any other type of use shall be thirty-five (35) feet.
   6. Lighting on canopies shall be fully recessed into the canopy and shall not protrude downward beyond the ceiling of the canopy.

H. Illumination Levels.
   1. Illumination levels shall not exceed one (1) foot-candle at the property line.
   2. The following in Table 4-12 are the maximum average lighting levels across the property by use:

Table 4-12 Average Lighting Levels	
Use	Footcandles (Average)
Site Lighting for Residential Uses	1.0

Table 4-12 Average Lighting Levels	
Site lighting for Mixed-Use	2.0
Site lighting for Commercial and Industrial Uses	3.0 2.0 within 300 feet of residential uses
Lighting for Commercial Inventory Display	5.0 3.0 within 300 feet of residential uses
Gasoline fueling areas, drive-up window areas, ATM areas, car wash bays, and loading and service areas.	15.0 10.0 within 300 feet of residential uses

Sec. 16-4-150. Abandoned Mines.

A. General provisions. All development with undermining, mine subsidence, and/or mine shafts shall provide the Town with geological and geotechnical hazards reports prepared, signed and stamped by a professional engineer or professional geologist, specializing in the field of soils and rock mechanics as it relates to mine subsidence and undermining, and registered and licensed in the State of Colorado. The Town shall refer the reports to the Colorado Geological Survey for review and comment. Recommendations from the reports and Colorado Geological Survey shall be evaluated by the Town when considering appropriate land uses, restrictions applicable to land development, and foundation design due to subsidence and undermining constraints. Areas of undermining, mine subsidence, and mine shafts shall be noted on preliminary plats, final plats, construction drawings, and site plans.

B. Mineshafts.
   1. All mineshafts shall be capped and monumented in accordance with state requirements and accepted by the state before final plat or site plan approvals.

   2. Active or capped and monumented mineshafts shall not be located on a residential lot.

3. Capped and monumented mineshafts may be located in a street right-of-way, outlot or tract, or in a nonresidential lot with an easement restricted for parking or landscape use. Any modifications to this provision proposed by the applicant for Town consideration shall be in compliance with recommendations from the geological and geotechnical hazards reports and the Colorado Geological Survey.

4. Minimum dimensions for outlots/easements and minimum distances from abandoned mineshafts to residential lots and nonresidential structures shall be determined based on recommendations from the geological and geotechnical hazards reports and the Colorado Geological Survey.

C. Mine tailings. If mine tailings are located on a property, the removal of mine tailings shall be the responsibility of the developer and shall be addressed in a development agreement. The Town shall require submittal of a professional certification that the mine tailings and hazard associated with the tailing has been removed and completed prior to issuance of the first building permit for any phase of the development.

Sec. 16-4-160. Wireless Communications Facilities.

A. The standards in this section apply to all applications for a permitted or conditional use wireless communication facility. The applicant shall demonstrate to the Town, in writing, that it meets all applicable standards and provisions of this section and this Code.

B. The wireless telecommunications facilities (WCFs) that are allowed in each zoning district are set out in Table 2-1 Table of Allowed Uses.

C. Standards. All WCFs are subject to the applicable standards of this section.
   1. Building or structure-mounted wireless telecommunication facilities are preferred over new freestanding facilities. The applicant shall explore all potential options for locating a facility on an existing building or structure prior to applying for a freestanding facility and shall submit in writing efforts taken to locate a facility on an existing building or structure.
   2. Co-location.
      a. The Town encourages co-location of wireless telecommunications facilities to minimize the number of sites.

b. No WCF owner or operator shall unfairly exclude a competitor from using the same facility or location. Unfair exclusion of use by a competitor may result in the revocation of the WCF use approval.

3. Height and setbacks.
   a. Roof or building mounted facilities may protrude no more than five feet above the parapet line of the building or structure, nor more than 2.5 feet outside of the building wall unless sufficient screening methods are demonstrated and accepted by the Director as part of the approval.
   b. Roof- or building-mounted whip antennas of no more than three inches in diameter, in groupings of five or less, may extend up to twelve (12) feet above the parapet wall.
   c. All freestanding WCFs shall not exceed the height limit of the underlying zoning district. Facilities shall be located at least three hundred (300) feet from all residentially zoned properties or residential structures on properties otherwise zoned.
4. Accessory buildings and facilities.
   a. Accessory buildings and facilities shall be the minimum size necessary as determined by the Director, and must be constructed of durable, low-maintenance materials that are architecturally compatible and integrated with existing buildings and structures and vegetation on the property or adjacent properties.
   b. Accessory buildings and facilities are to be screened, to the extent possible, from public view and residential uses by screening, landscaping, location, or other comparable techniques.
5. Building- or roof-mounted facilities. Building- or roof-mounted facilities are to be screened from public view, either by screening, location or other comparable techniques.
6. Wireless communications facilities in public rights-of-way or on public property.
   a. Permission to use right-of-way ("ROW") or public property. For WCFs in the ROW, the applicant shall execute a nonexclusive license with the Town to use the public ROW.
   b. Attachment of WCFs on an existing traffic signal, streetlight or utility pole, or similar structure shall require written evidence of a license, or other legal right or approval, to use such structure by its owner.
   c. Prior to, or concurrently with, seeking land use approval for a WCF on public property that is not in the ROW, the applicant shall execute a lease agreement with the Town or other public entity.

7. Operation and maintenance. To ensure the structural integrity of WCFs, the WCF's owner shall ensure that it is maintained in compliance with the standards contained in applicable building and safety codes. If, upon inspection, the Town concludes that a WCF fails to comply with such codes and constitutes a danger to persons or property, then, upon written notice being provided to the owner of the WCF, the owner shall have 30 days from the date of notice to bring such WCF into compliance. Upon good cause shown by the owner, the Town's Building Official may extend such compliance period not to exceed ninety (90) days from the date of said notice. If the owner fails to bring the WCF into compliance within said time period, the Town may remove such WCF at the owner's expense.
8. Abandonment and removal.
    a. Any WCF that is not operated for a continuous period of six months shall be considered abandoned. If a WCF has not been in use for a period of three months, the owner of the WCF shall notify the Town of the nonuse and shall indicate whether reuse is expected within the ensuing three months.
    b. The Town, in its sole discretion, may require an abandoned WCF to be removed. The owner of such WCF shall remove the same within thirty (30) days of receipt of written notice from the Town. If such WCF is not removed within said 30 days, the Town may remove it at the owner's expense and any approved permits for the WCF shall be deemed to have expired. Additionally, the Town, in its sole discretion, shall not approve any new WCF application until the applicant who is also the owner or operator of any such abandoned WCF has removed such WCF or payment for such removal has been made to the Town.
9. Camouflage/concealment.
    a. All WCFs and any transmission equipment shall, to the extent possible, use camouflage design techniques including, but not limited to, the use of materials, colors, textures, screening, undergrounding, or other design options that will blend the WCF to the surrounding natural setting and/or built environment. Design, materials, and colors of WCFs shall be compatible with the surrounding environment. Designs shall be compatible with structures and vegetation located in the public right-of-way and on adjacent parcels.
    b. Camouflage design may be of heightened importance where findings of particular sensitivity are made (e.g., proximity to historic or aesthetically significant structures, views, and/or community features, and residential uses). Should the Director determine that WCFs are located in areas of high visibility, they shall (where possible) be designed (e.g., camouflaged, placed underground,

depressed, or located behind earth berms) to minimize their profile as determined by the Director.

c. The camouflage design may include the use of alternative tower structures should the Director determine that such design meets the intent of this Code and the Town is better served by the alternative structure.

d. All WCFs shall be constructed out of or finished with nonreflective materials (visible exterior surfaces only).

10. Hazardous materials. No hazardous materials shall be permitted in association with WCFs, except those necessary for the operations of the WCF and only in accordance with all applicable laws governing such materials.

11. Collocation. To the extent reasonably feasible based upon construction, engineering and design standards, WCF structures shall be designed and constructed to permit the facility to accommodate WCFs from at least two wireless service providers on the same WCF structure unless the Town approves an alternative design. No WCF owner or operator shall unreasonably exclude a telecommunications competitor from using the same facility or location. Upon request by the Director, the owner or operator shall provide evidence explaining why collocation is not possible at a particular facility or site.

12. Lighting. WCFs shall not be externally lighted, unless required by the Federal Aviation Administration ("FAA") or other governmental authority with jurisdiction, or the WCF is mounted on a light pole or other similar structure primarily used for lighting purposes. If lighting is required, the Town may review the available lighting alternatives and approve the design that would cause the least disturbance to the surrounding views. Lighting shall be shielded or directed to the greatest extent possible so as to minimize the amount of glare and light falling onto nearby properties, particularly residences.

13. Noise. Noise generated on the site must not exceed the levels permitted in this Code or the Town Muncipal Code, except that a WCF owner or operator shall be permitted to exceed Code noise standards for a reasonable period of time during repairs, not to exceed two hours without prior authorization from the Town.

14. Landscaping and fencing requirements (excluding building-mounted WCFs, alternative tower structures, and small cells in the ROW).

a. WCFs shall be landscaped with a buffer of irrigated plant materials that effectively screen the view of the WCF from public view and adjacent residential property.

b. Fencing for screening is required. The fencing or screening material shall meet the standard of the zoning district in which the WCF will be located. In no case may fencing material be wire.
c. Any trees impacted by a WCF are subject to the tree preservation standards in Article 4.

15. Base stations. If an antenna is installed on a structure other than a tower or alternative tower structure, such as a base station (including, but not limited to, the antennas and accessory equipment), it shall be of a neutral, nonreflective color that is identical to, or closely compatible with, the color of the supporting structure, or uses other camouflage/concealment design techniques so as to make the antenna and related facilities as visually unobtrusive as possible, including, for example, without limitation, painting the antennas and accessory equipment to match the structure. Additionally, any ground-mounted equipment shall be located in a manner necessary to address both public safety and aesthetic concerns in the reasonable discretion of the Director, and may, where to the extent reasonably feasible based upon construction, engineering, and design standards, require a flush-to-grade underground equipment vault.
16. Alternative tower structures not in the ROW. Alternative tower structures shall be located, designed, and constructed as follows:
    a. The structure shall be sited in a manner that evaluates the proximity of the facility to residential structures and residential district boundaries;
    b. Siting decisions shall take into consideration the uses on adjacent and nearby properties and the compatibility of the facility to these uses, as well as the impact on the surrounding area of the proposed ingress and egress, if any;
    c. The structure shall resemble a building, facility, or structure that is typically found in the surrounding area, and shall be architecturally compatible with the surrounding area; or the structure shall be camouflaged/concealed consistent with other existing natural or manmade features in the surrounding area;
    d. The height or size of the proposed structure shall be minimized as much as possible; and
    e. The structure shall be designed and constructed in a manner that is compatible with the surrounding topography, tree coverage, and foliage, and with the overall design of the site, with particular reference to optimization of design characteristics that have the effect of reducing or eliminating visual obtrusiveness.
17. Alternative tower structures and small cells and micro cells in the right-of-way (ROW). Alternative tower structures and associated small cells or micro cells may be

deployed in the ROW through the utilization of streetlight poles, distribution lines, utility poles, traffic signals or similar structures. Such facilities shall remain subject to the alternative tower structures standards of approval set out above, and subject to the following additional design criteria:

a. To the extent that an alternative tower structure is a vertical structure located in the ROW, with respect to its pole-mounted components, it must be located on or within an existing utility pole serving another utility.
b. With respect to its pole components, such components shall be located on or within a new utility pole where other utility distribution lines are aerial, if there are no reasonable alternatives, and the applicant is authorized to construct the new utility poles; provided, that to the extent reasonably feasible, such alternative tower structures shall be:
    1. Consistent with the size and shape of the poles and pole-mounted equipment installed by communications companies on utility poles near the structure; and
    2. Sized to minimize the negative aesthetic impacts to the public right-of-way.
c. Alternative tower structures shall be designed such that antenna installations on traffic signal standards are placed in a manner so that the size and appearance of the signal will not be considerably altered, and its function will not be impaired.
d. Any ground-mounted equipment shall be located in a manner necessary to address both public safety and aesthetic concerns in the reasonable discretion of the Director, and may, where to the extent reasonably feasible based upon construction, engineering, and design standards, require a flush-to-grade underground equipment vault.
e. Vehicular circulation or parking within the right-of-way and vehicular, bicycle, or pedestrian access or visibility along the right-of-way shall not be impeded. The alternative tower structure must comply with the Americans with Disabilities Act ("ADA") and every other local, state, and federal law and regulation. No alternative tower structure may be located or maintained in a manner that causes unreasonable interference. "Unreasonable interference" means any use of the right-of-way that disrupts or interferes with its use by the Town, the general public, or other person authorized to use or be present upon the right-of-way, when there exists an alternative that would result in less disruption or interference. Unreasonable interference includes any use of the right-of-way that disrupts vehicular or pedestrian traffic, any interference with public utilities,

and any other activity that will present a hazard to public health, safety, or welfare.

f. The pole or structure is not more than five feet taller (as measured from the ground to the top of the pole) than any existing utility or traffic signal pole within a radius of five hundred (500) feet from the pole or structure.
g. Any such pole shall in no case be higher than the height of the adjacent zoning district unless otherwise approved by the Director.
h. Any such pole shall be separated from any other pole, accessory equipment, or WCF in the ROW by a distance of at least five hundred (500) feet unless deployed on an existing structure or replacement pole in the public right-of-way. The Director may exempt an applicant from these requirements if the Director determines, when considering the surrounding topography, the nature of adjacent uses and nearby properties, and the height of existing structures in the vicinity, that placement of a WCF at a distance less than five hundred (500) feet from another WCF will meet the intent of reducing visibility and visual clutter of WCFs to the extent possible.
i. To the extent reasonably feasible, collocations are required in order to limit the number of poles within the right-of-way.
j. Equipment enclosures shall be located out of view as much as possible and shall comply with Town criteria (e.g., sight line criteria).

18. Towers.
    a. Towers shall either maintain a galvanized steel finish, or, subject to any applicable FAA standards, be painted a neutral color so as to reduce visual obtrusiveness as determined by the Town. The applicant shall provide photographic simulations of the proposed tower colors.
    b. Tower structures should use existing land forms, vegetation, buildings, and structures to aid in screening the facility from view or blending in with the surrounding built and natural environment.
    c. Monopoles shall taper from the base to the top.
    d. All towers, excluding alternative tower structures in the right-of-way, shall be equipped with an appropriate anti-climbing device consistent with Town Code.
19. Related accessory equipment. Accessory equipment for all WCFs shall meet the following requirements in addition to any other applicable standards of Section 16-4-160:
    a. All buildings, shelters, cabinets, and other accessory components shall be grouped as closely as technically possible.

b. The total footprint coverage area of the WCF's accessory equipment shall be minimized to the maximum extent feasible as determined by the Director;
    1. Related accessory equipment or accessory structure shall be minimized in height to the maximum extent feasible as determined by the Director;
    2. Accessory equipment, including but not limited to remote radio units, shall be located out of sight whenever possible by locating behind parapet walls or within equipment enclosures. Where such alternate locations are not available, the accessory equipment shall be camouflaged or concealed.

20. Abandonment and removal. Prior to approval, affidavits shall be required from the owner of the property and from the applicant acknowledging that each is responsible for the removal of a WCF that is abandoned or is unused for a period of six months.
21. Decision. Any decision to approve, approve with conditions, or deny an application for a WCF shall be in writing and supported by substantial evidence related to regulations and restrictions, as detailed herein, in a written record. The applicant shall receive a copy of the decision.
22. Compliance with applicable law. Upon approval, all work done pursuant to WCF applications must be completed in accordance with all applicable building, structural, electrical, and safety requirements as set forth in Town Code and any other applicable laws or regulations. In addition, all WCF applications shall:
    a. Comply with any permit or license issued by a local, state, or federal agency with jurisdiction of the WCF;
    b. Comply with easements, covenants, conditions and/or restrictions on or applicable to the underlying real property;
    c. Be maintained in good working condition and to the standards established at the time of application approval; and
    d. Remain free from trash, debris, litter, graffiti, and other forms of vandalism. Any damage shall be repaired as soon as practicable, and in no instance more than 10 calendar days from the time of notification by the Town or after discovery by the owner or operator of the site. Notwithstanding the foregoing, any graffiti on WCFs located in the rights-of-way or on other Town-owned property may be removed by the Town at its discretion, and the owner and/or operator of the WCF shall pay all costs of such removal within 30 days after receipt of an invoice from the Town.
23. Compliance report. Upon request by the Town, the applicant shall provide a compliance report within forty-five (45) days after installation of a WCF

demonstrating that, as installed and in operation, the WCF complies with all conditions of approval, applicable Code requirements and standard regulations.

24. Penalty. Any person who constructs, installs ,or uses, or who causes to be constructed, installed, or used, any wireless communications facility in violation of any provision of this Article or of the conditions and requirements of the conditional use permit may be punished as provided in Article 6. Each day of unlawful operation constitutes a separate violation.
25. Review timelines. The Director may modify the timeframes for review of WCF, as necessary, to comply with state or federal requirements.

Sec. 16-4-170. Environmental and Wildlife Protection.

A. Purpose and Intent. The intent of this Section is to ensure that new development limits/mitigates its impact to the natural environment, wildlife, and wildlife habitat, and that it minimizes potential impacts.

B. General provisions.
   1. Natural environment. New developments should be designed to fit within the environment. To the greatest extent feasible, sites should be designed to preserve natural areas and the plants and wildlife inhabiting those areas. In addition, new developments are encouraged to consider the environmental considerations in Section 16-4-170 and to conserve all natural resources.

   2. Water conservation. As the State grows, increasing pressure will be placed on the limited supply of water resources. Town residents have emphasized the importance of preserving the quality and quantity of water. All new development is encouraged to use raw water for irrigation and to incorporate water-saving measures in building design and landscaping. Developments are required to use storm water management techniques that address water quality as well as quantity.

   3. Wildlife and natural areas. To the maximum extent practical, development shall be designed to ensure that disturbances that occur to any natural area as a result of development shall be minimized through the use of natural buffer zones. If any development materially disturbs a natural area, the development project shall mitigate such lost natural resource either on or off-site. Any such mitigation shall be roughly proportional to the loss suffered as a result of the disturbance.

a. Natural areas shall include: floodplains and floodways; natural drainage and water ways; significant native trees and vegetation areas; wildlife travel corridors; special habitat features such as raptor nest sites, key nesting, breeding, or feeding areas for birds; fox and coyote dens; prairie dog colonies over twenty-five (25) acres in size; remnant native prairie habitat; plains cottonwood galleries; and any wetland greater than one-quarter (1/4) acre in size, as identified on the Town of Frederick Environmental Constraints map.
b. The natural area buffer zone shall be used between natural areas and proposed development to ensure that the proposed development does not degrade the natural area. The size of the buffer zone shall be determined in conjunction with the Colorado Division of Wildlife or a Town-approved wetland or wildlife ecologist. The Town may decrease this buffer when strict application of this Subsection will impose an exceptional and undue hardship upon the property owner or developer.
c. Exceptions. The Board of Trustees may allow disturbance or construction activity within the natural area or natural area buffer zone for the following limited purposes: mitigation of development activities, restoration of previously degraded areas, emergency public safety activities and utility installations when such activities and installations cannot reasonably be contained within other nearby areas of development, construction of a trail that will provide public access for educational or recreational purposes, or the enhancement of the habitat value and/or other natural resource values of a natural area.
d. Ecological characterization. If the Town determines that the site likely includes areas with wildlife, plant life, and/or other natural characteristics in need of protection, the Town may require the developer to provide a report prepared by a professional qualified in the areas of ecology, wildlife biology, or other relevant discipline. The ecological characterization report requirements may be found in the Town of Frederick's Administrative Development Guide.
e. Wildlife conflicts. If wildlife (including, but not limited to, prairie dogs, beaver, deer, and rattlesnakes) is found to exist in areas adjacent to or on the development site and may create conflicts for the future occupants of any development, the development plan must, to the extent reasonably feasible, include provisions such as barriers, protection mechanisms with landscaping, and other site features to minimize conflicts that might otherwise exist between such wildlife and the developed portion of the site. Any impacts to wildlife must be referred to the Colorado Division of Wildlife and, in

the case of threatened or endangered species, United States Fish and Wildlife Department.

4. Environmental responsibility. The Town of Frederick encourages the construction of environmentally responsible buildings. Two programs that support that philosophy are:
    a. Built Green Colorado. Built Green Colorado is one of the oldest and largest green home building programs in the nation and it encourages home builders to use technologies, products, and practices that result in homes that are better built and better for the environment. The purpose of the program is to encourage builders to use technologies, products, and practices that will:
        1. Provide greater energy efficiency and reduce pollution;
        2. Provide healthier indoor air;
        3. Reduce water usage;
        4. Preserve natural resources;
        5. Improve durability and reduce maintenance.
    b. US Green Building Council's Leadership in Energy and Environmental Design (LEED) certification. LEED is a third-party certification program and the nationally accepted benchmark for the design, construction, and operation of high performance green buildings. LEED promotes a whole-building approach to sustainability by recognizing performance in five key areas of human and environmental health:
        1. Sustainable site development;
        2. Water savings;
        3. Energy efficiency;
        4. Materials selection;
        5. Indoor environmental quality.

Article V.

Sign Standards

Sec. 16-5-10. Purpose and Intent.

The purpose of this Article is to set out reasonable regulations for the design, location, installation, operation, repair, and maintenance of signs in a manner that advances the Town's important, substantial, and compelling interests in regulating commercial and other signs in the community, while simultaneously safeguarding the constitutionally protected right of free expression.

Sec. 16-5-20. Authority.

A. Generally. The Town has the authority to regulate signs under the United States Constitution, and the Constitution and Statutes of the State of Colorado. The Town does not have authority to supersede any state or federal laws pertaining to the advertising of any product or service. In addition to the regulations set out in this Article, signs may also be subject to applicable state and federal laws and regulations.

B. Permits required. The Town requires permits for any permanent signs (defined as any signs intended to remain affixed to property for greater than thirty (30) days).

Sec. 16-5-30. Prohibitions.

A. The prohibitions in this Section apply to temporary and permanent signs in all areas of the Town.

B. Prohibited signs. The following sign structures and designs are prohibited:
   1. Animated or moving signs, including any moving, spinning signs, swinging, rotating, flashing, blinking, scintillating, fluctuating, or otherwise animated light, except as specifically permitted in Section 16-5-110, Message centers. This prohibition

includes the base, supporting structure, and related affixed components of the animated or moving sign.

2. Signs projected onto a wall from an external location are prohibited unless approved by the Director.
3. Portable signs, except as specifically permitted in Section 16-5-120, Standards for Temporary Signs. Portable signs include but are not limited to balloons, inflatable devices, flags, flutter flags, pennants or spinners, inflatable signs, lawn signs (with the exception of political signs), banners, and sail banners.
4. Pole signs.
5. Abandoned signs.
6. ~~6.~~ Oversized or rooftop signs.
7. ~~7.~~ Inflatable or wind signs, regardless of location.
8. Teardrop signs.
9. Vehicle signs.
10. Off-premises signs, including billboards.
11. Signs in the public right of way.
12. Signs without a permit, unless exempted.
13. Obstructive or hazardous signs.

C. Prohibited design elements. The following elements shall not be incorporated as an element of any sign or sign structure, whether temporary or permanent:

1. Acrylic signs as a principal material.
2. Cardboard, card stock, or paper, except when laminated or used as a window sign.
3. Feather flags (with or without moving bases).
4. Flags, banners, or comparable elements that are designed to move in the wind, but only when such elements are attached to another sign type (e.g., flags may be attached to flagpoles but may not be attached to monument signs).
5. Flashing lights, except as part of holiday displays.
6. Signs attached to motor vehicles that are not operational unless;
    a. The display of signage on the motor vehicle would not interfere with the immediate operation of the motor vehicle (e.g., signs that are held in place by an open hood or trunk are not allowed; signs that cover windows are not

allowed; and signs that would fall off of the vehicle while the vehicle is in motion are not allowed); and

b. Semi-trailers, shipping containers, or portable storage units (including temporary signs affixed to these objects), unless:
    1. The trailers, containers, or portable storage units are:
        (a) Structurally sound and capable of being transported;
        (b) Used for their primary purpose (e.g., storage, pick-up, or delivery); and
        (c) If subject to registration, have current registration and tags; and
    2. The display of signage is incidental to the primary purpose;
    3. The semi-trailer or portable storage unit is parked or placed in a designated loading area or on a construction site at which it is being used for its primary purpose; and
    4. The signage affixed to semi-trailers, shipping containers, or portable storage units is not temporary in nature (intended to remain affixed to the vehicle for more than thirty (30) days).

7. Spinning or moving parts.

8. Materials with a high degree of specular reflectivity, such as polished metal, installed in a manner that creates substantial glare from headlights, street lights, or sunlight. This prohibition does not include retroreflective materials that comply with Manual on Uniform Traffic Control Devices (MUTCD) criteria.
9. Any other elements not typically associated with the design of a sign, unless specifically approved by the Director.

D. Prohibited obstructions. In no event shall a sign, whether temporary or permanent, obstruct the use of:
    1. Building ingress or egress, including doors, egress windows, and fire escapes.
    2. Equipment, structures, or architectural elements that are related to public safety, building operations, or utility service (e.g., standpipes, fire hydrants, vents, and meters).

E. Approval by the Director. Prohibited mount elements that are part of a sign shall require approval by the Director, with the exception of temporary signs.

F. Prohibited In addition. No sign, whether temporary or permanent, shall be posted, installed, mounted on, fastened, or affixed to any of the following:

1. Any tree or shrub.
2. Any utility pole or light pole on public or private property, unless the sign is located in the public right-of-way and is for a Town-authorized purpose or for a community event (and approved by the Director).
3. Semi-trucks or shipping containers when advertising off premise or temporary events or uses.
4. Utility cabinets or pedestals (except exempt signs that are posted by or with the consent of the owner of the utility cabinet or pedestal).

G. Prohibited locations. In addition to applicable setback requirements and other restrictions of this Article, no sign shall be located in any of the following locations, or posted, installed, mounted on, fastened, or affixed to any of the following:
   1. Any tree or shrub.
   2. Any utility pole or light pole on public or private property, unless the sign is located in the public right-of-way and is for a Town-authorized purpose or for a community event (and approved by the Director).
   3. Semi-trucks or shipping containers when advertising on premise or temporary events or uses.
   4. In or over public rights-of-way (which, in addition to streets, may include other sidewalks, parkways, retaining walls, utility poles, traffic control devices, medians, and center islands that are within public rights-of-way), except:
      a. Temporary or permanent signs posted by or under the authority of the Town or governmental entity with jurisdiction over the right-of-way;
      b. Temporary signs posted in connection with authorized work within the right-of-way, as authorized or required by the Town or governmental entity with jurisdiction over the right-of-way;
      c. Signs that are the subject of a revocable license agreement with the Town, installed and maintained in accordance with the terms of that agreement.
      d. Sandwich board signs in the DT, MU-1, and MU-2 zones located within ten (10) feet of the associated business.
   5. In locations that have less horizontal or vertical clearance from authorized communication or energized electrical power lines than the minimum clearance required by the laws of the state of Colorado and the regulations of state agencies.

Sec. 16-5-40. Exceptions.

A. Wall-mounted addressing signs.

B. Wall-mounted building directory signs (under twenty (20) square feet).

C. Flags, except that:

1. No flag exceeds thirty-two (32) square feet in area.
2. No flagpole exceeds the maximum building height for the zoning district in which it is located.

D. Seasonal decorations and signs

Sec. 16-5-50. Applicability.

A. Generally. All construction, relocation, enlargement, alteration, and modification of signs within the Town shall conform to the applicable requirements of this Article.

Sec. 16-5-60. Partially Exempt Signs.

The following signs are subject only to Sections 16-5-80 and 16-5-100 (pertaining to size, location, and illumination), and are exempt from the application of this Article:

A. Public signs.

1. The Director may exempt signs from any or all provisions of this Article, provided the signs serve a governmental (federal, state, county, city, or district) purpose, are located on property owned or controlled by a governmental entity, and the signs are designed such that they minimize impact to surrounding businesses and residents to the maximum extent possible. Such signs include, but are not limited to, street signs, traffic control devices, bus stop and information signs, and tourist information signs. This exemption will be documented in a form acceptable to the Director.

Sec. 16-5-70. Number of Permitted Signs (per tenant or tenant space).

A. Wall signs

1. One (1) primary sign per principal building facade (facing a street, drive aisle, or parking lot).
2. One (1) secondary sign per building facade that faces a street, drive aisle, or parking lot.

a. Large-scale tenants: Up to two (2) secondary signs are permitted on the principal facade
b. Minor tenants: The principal building facade shall only allow one (1) primary sign and no secondary signs.

3. Any wall sign adjacent to or facing a residential use shall be permitted only at the discretion of the Director.

B. Projecting signs
1. One (1) per building facade that faces a street, drive aisle, or parking lot.
2. A building that allows for a wall sign may substitute a projecting sign for the wall sign and vice versa for the allowable number of signs.

C. Window signs
1. One (1) per building facade that faces a street, drive aisle, or parking lot.

D. Awning / canopy signs
1. One (1) per principal building facade that faces a street, drive aisle, or parking lot.

E. Monument signs

1. Non-Residential signs
a. One (1) monument sign shall be permitted per lot or development area.
b. Two (2) monument signs shall be permitted per lot or development area for lots or developments more than five (5) acres in size.
1. Permitting more than two (2) signs shall be at the discretion of the Director.
2. Additional signs beyond the initial monument sign shall be called secondary monument signs.
c. Developments that have a monument sign for the overall development may not have additional monument signs for individual lots or tenants.

2. Residential signs
a. One (1) primary monument sign per entry into the subdivision is permitted.
b. Proposals by developments or neighborhoods for more than two (2) primary entry monument signs into the subdivision may be approved at the discretion of the Director.
c. One (1) secondary monument sign (any sign facing a collector or local street) per entry into the subdivision is permitted. Secondary signs are not permitted at the same entry when there is an existing or proposed primary monument sign.

d. Proposals by developments or neighborhoods for more than four (4) secondary monument signs into the subdivision may be approved at the discretion of the Director.

3. Monument signs shall not be permitted within the Downtown (DT) zoning district unless approved by the Director.
4. Monument signs along the frontages of I-25 are limited to one (1) per lot or development area and are allowed only on lots of five (5) acres or greater.

F. Permanently Affixed Small Signs

1. Gas pumps with small signs affixed to the top of pumps shall not include more than one (1) such sign.
2. The number of signs permitted on each side of a building or structure (for all permanently affixed small signs not identified in this Article) shall be at the discretion of the Director.

Sec. 16-5-80. Measurements, height, and location.

A. Sign area. Sign area means the square footage of all of the area within the outside dimension of the sign or cabinet containing the sign, not including support structures. In the case where letters or symbols are attached directly to a wall or structure with no other background, the sign area shall be the square footage contained within the smallest single continuous perimeter of no more than twelve (12) straight lines. See Figure 5-1.

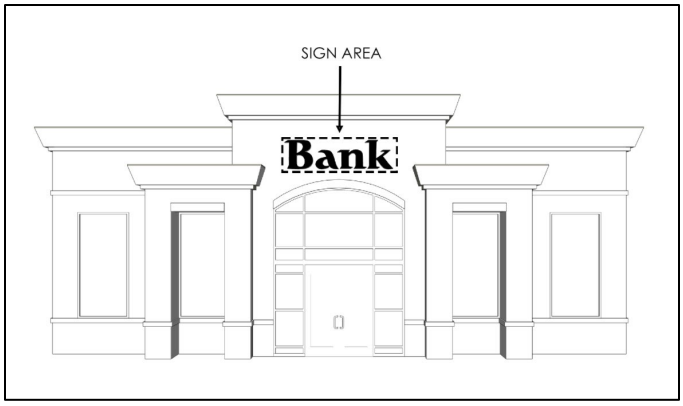


Figure 5-1 Sign Area

B. Wall signs

1. Small tenant (defined as tenant spaces of under ten thousand (10,000) SF, including tenants located within the building footprint of a major or large tenant).
    a. The maximum area of signage per primary sign shall not exceed sixty (60) SF.
    b. The maximum area of signage per primary sign for tenants with less than forty (40) linear feet of frontage shall not exceed thirty (30) SF.
    c. The maximum area of signage per secondary sign shall not exceed thirty (30) SF.
    d. The height of wall signs for minor tenants shall not:
        1. Exceed twenty-five percent (25%) of the height of the building elevation upon which the sign is mounted, or
        2. Five (5) feet in height, whichever is less.
2. Medium tenant (defined as tenant space of between ten thousand and one (10,001) SF and twenty thousand (20,000) SF):
    a. The maximum area of signage per primary sign shall not exceed one hundred (100) SF.
    b. The maximum area of signage per secondary sign shall not exceed fifty (50) SF.
    c. The height of wall signs for major tenants shall not:
        1. Exceed twenty-five percent (25%) of the height of the building elevation upon which the sign is mounted, or eight (8) feet in height, whichever is less.
3. Large tenant (defined as a tenant space of twenty thousand and one (20,001) SF or greater):
    a. The maximum area of signage per primary sign shall not exceed one hundred fifty (150) SF.
    b. The maximum area of signage per secondary sign shall not exceed seventy-five (75) SF.
    c. The height of wall signs for large-scale tenants shall not:
        1. Exceed twenty-five percent (25%) of the height of the building elevation upon which the sign is mounted, or
        2. Exceed twelve (12) feet in height, whichever is less.

C. Projecting signs

1. The maximum area of ten (10) SF (for each side of the sign) is allowed per projecting sign.

D. Window signs

1. For tenants under ten thousand (10,000) SF: Six (6) SF.
2. For tenants over ten thousand (10,000) SF: Fifteen (15) SF.

E. Awning / canopy signs

1. Signs shall be allowed on a valance of an awning, attached to metal, canvas, or soft vinyl awnings. Such signs shall be limited to a sign area no greater than twelve (12) square feet.

F. Monument signs

1. Height.
    a. Monument signs shall not exceed eight (8) feet in height.
    b. Residential secondary monument signs shall not exceed six (6) feet in height.
    c. Monument signs for non-residential uses on five (5) acres or greater:
        1. Monument signs for multi-tenant buildings or developments along arterial streets shall not exceed thirty (30) feet in height. Secondary monument signs shall not exceed twenty (20) feet in height.
        2. Monument signs for developments along frontages of I-25 shall not exceed forty (40) feet in height.
2. Signable area.
    a. Monument signs shall not exceed forty (40) SF of signable area per sign face.
    b. Residential secondary monument signs shall not exceed twenty-five (25) SF of signable area per sign face.
    c. Monument signs for non-residential uses on five (5) acres or greater:
        1. Monument signs for multi-tenant buildings or developments along arterial streets shall not exceed one hundred fifty (150) SF of signable area per sign face. Secondary monument signs shall not exceed one hundred twenty-five (125) SF of signable area per sign face.
        2. Monument signs for developments along the frontages of I-25 shall not exceed two hundred (200) SF of signable area per sign face.
3. Locational standards

a. Primary and secondary monument signs must be spaced twelve (12) feet from building walls.

b. Primary and secondary monument signs must be separated two hundred (200) feet from each other.

c. Non-residential sites/lots less than five (5) acres.

1. Monument signs shall be set back five (5) feet from any property line.

2. Monument signs shall be set back from any adjacent residential lots or uses by a minimum of fifty (50) feet.

d. Non-residential sites/lots five (5) acres or greater.

1. Primary monument signs over eight (8) feet in height shall be set back twenty (20) feet from any front property line.

2. Secondary monument signs shall be set back ten (10) feet from any front property line.

G. Permanently Affixed Small Signs

1. Permanently affixed small signs shall be permitted if their size is less than two (2) square feet.

2. Regulations for gas pump signs:

a. Small sized signs affixed to the top of gas pumps and resistant to wind are permitted. However, small signs that are designed to move in the wind are not permitted when affixed to gas pumps.

b. Stickers or other signs affixed to gas station equipment and not required by law (through adhesive) are not permitted.

c. The sign package for the gas station shall incorporate the plans for small signs.

3. Signs that call out specific equipment are permitted within the small sign category but are not permitted to exceed two (2) SF in size.

Sec. 16-5-90: Additional Sign Design Standards.

A. Wall signs

1. Multi-tenant design. When wall signs are part of a multi-tenant building or development, they shall include similar sign materials, color (outside of business branding), lighting, and placement on the building facade.

2. Sign placement. Wall signs shall be placed in logical locations on the building facade. Signs shall not be placed across doors, windows, or architectural features.

3. Wall signs shall not be located within six (6) inches of architectural features, or within twelve (12) inches from building corners, cornice or eave lines, or ground planes.

B. Monument signs

1. Town branding. Residential and non-residential monument signs located at the primary entrance into the subdivision or development area shall contain the Town logo and wording, "Town of Frederick, Colorado". This branding shall not be counted towards the maximum signable area.

Sec. 16-5-100. Illumination.

A. Wiring and electrical components. Junction boxes, conduits, switches, sensors, transformers, wires, and other electrical or electronic components used to illuminate signs shall be concealed from view or painted to match the architecture of the associated building.

B. Light trespass. No sign or associated luminaire shall create light spillover of more than one (1) lux at any property line within or bounding an R-E, R-1, R-2, R-3, R-MH1, or R-MH2 Zoning District.

C. Internal illumination.
1. Internal illumination of signs is allowed for commercial, industrial, public/institutional, and mixed-use land uses, but not allowed for residential uses of any kind.

E. External illumination.
1. External illumination of signs shall not exceed the following illuminance on any part of the sign face or surrounding surfaces:
   a. In the CC, LI-Flex, HI-Flex, MU-1, and P Zoning Districts. Five hundred (500) lux.
   b. In all other zoning districts. Four hundred (400) lux.

2. All fixtures used to illuminate signs shall be shielded and directed to prevent glare and sky glow. See Figure 5-2.

Figure 5-2 Light Directed Downward Towards Sign

Sec. 16-5-110. Message centers.

A. Generally. Electronic message centers (EMCs) and manual changeable copy centers may only be used on the following types of signs;
   1. Monument signs (along arterial streets and the frontage of I-25). Monument signs with EMCs may be allowed along collector streets if determined by the Director to be an appropriate location and design.
   2. Window signs on the principal facade of a business if determined by the Director to be an appropriate location and design. An EMC that is used as a window sign shall not exceed more than 50 percent of the allowable window sign area for a use.

B. Prohibited EMCs
   1. EMCs and manual changeable copy centers affixed to residential uses (note – EMCs and manual changeable copy centers are allowed for places of assembly within residential zoning districts).
   2. EMCs and manual changeable copy centers that are part of nonconforming sign structures or affixed to a property that contains a nonconforming sign.
   3. EMCs and manual changeable copy centers directly facing a residential use.
   4. EMCs and manual changeable copy centers as part of temporary signs.

C. Number of EMCs or manual changeable copy centers.
   1. Not more than one (1) sign per lot shall contain an EMC or manual changeable copy center.

2. Double counting of EMC signs (such as the addition of a new EMC sign beyond an existing EMC sign) is not allowed on any property.
3. EMCs and manual changeable copy centers shall not be installed upon the same sign structure.

D. Size and proportions.
1. An EMC or manual changeable copy center that is incorporated into a monument sign shall not occupy more than forty-five percent (45%) of the sign area of the sign into which it is integrated.

E. Maximum pixel pitch. The pixel pitch of an EMC shall not be greater than:
1. Generally. Sixteen (16) millimeters.

2. Signs directed at motorists on Highway 52. Nineteen (19) millimeters.

3. Signs directed at motorists on I-25. Twenty-five (25) millimeters.

F. Brightness.
1. EMCs shall be equipped with ambient light sensors and programmed to automatically dim when ambient light levels drop.
2. The maximum brightness of an EMC (whether conforming or legally nonconforming to the other provisions of this Section) during the time period between thirty (30) minutes after sunset and thirty (30) minutes before sunrise shall be calibrated in nighttime conditions (at least thirty (30) minutes after sunset) as follows:
    a. From a point on the public right-of-way forty (40) feet in horizontal distance from the face of the EMC, five (5) feet above ground level, light readings shall be taken in the vertical plane, facing the EMC, as follows:
        1. With the EMC turned off, an ambient light reading shall be taken to establish the baseline light level;
        2. With the EMC turned on, displaying all white copy, another light reading shall be taken to establish the maximum brightness of the EMC;
        3. The EMC shall be calibrated such that the difference between the maximum brightness and the baseline light level is not more than three and twenty-five hundredths (3.25) lux.

G. Operation. EMCs shall be programmed, maintained, and/or operated as follows:
1. EMCs shall display only static images (messages and/or graphics without motion, flashing, animation, or frame effects).
2. Images shall be displayed for a period of not less than six (6) seconds.
3. If the EMC is damaged or malfunctions such that image data is not properly displayed or such that the requirements of Subsection F.1 and F.2 are not met, it shall be automatically turned off.

Sec. 16-5-120. Temporary Signs.

A. Standards for detached temporary signs. Temporary signs shall include banners, H-frame signs, and any other signs that are not of a permanent nature. Temporary signs shall be subject to the following minimum requirements:

1. Short-term temporary signs: Temporary signs constructed of laminated paper, cloth, canvas, nylon, polyester, burlap, flexible vinyl, or other flexible material of similar quality may be erected or displayed for no longer than sixty (60) calendar days without permission of the Director.

2. Long-term temporary signs: Temporary signs constructed of inflexible vinyl, hard plastic, composite, corrugated plastic (coroplast), wood, or metal may be erected or displayed for no longer than one hundred twenty (120) calendar days without permission of the Director.

3. For both short-term and long-term temporary signs, signs shall be removed before the end of the term noted above.

4. Temporary signs shall be directly related to the use of the lot on which the sign is located.

B. Signs constructed of nondurable materials such as cardboard, paper, or the like are prohibited. Furthermore, all signs shall be maintained so as not to deteriorate in wind and bad weather conditions.

C. Temporary signs shall not be mounted to trees or other landscaping, regulatory traffic signage, utility or light poles, fences, or other similar structures and shall not be located within road rights-of-way or easements.

D. Except as provided in Section 16-5-30, each business shall be limited to the following types of temporary signs per business:

1. Temporary banner-type signs.

   a. No more than two temporary signs allowed per business.

   b. No more than two (2) banner-type signs mounted flush to either a building wall or the building facade. In the case of a banner being mounted flush to a building facade, no portion of any such banner shall extend beyond the leading edge of the building facade.

   c. Banner-type signs shall be limited to a maximum of thirty-two (32) square feet.

   d. Banner-type signs shall be made of high-quality material and weatherproofed at the discretion of the Director.

2. Temporary freestanding H-frame signs.

   a. Freestanding H-frame signs shall be limited to a maximum of six (6) square feet in area per side, up to a maximum of two (2) sides per any one (1) sign.

b. Temporary signs for daily use.

1. Signs for daily occurrences shall not be limited to any fixed number of days per calendar year. However, such signs for daily occurrences shall be removed from display each day at the close of business.

2. Signs for daily occurrences shall be limited to a maximum of six (6) square feet in area per side, up to a maximum of two (2) sides per any one (1) sign.

3. Signs for daily occurrences shall be limited to an area within fifteen (15) feet of the entrance to the subject business and shall not impede pedestrian sidewalk circulation. Signs for daily occurrences shall provide for compliance with ADA regulations. Such signs are prohibited from being located within landscape buffer areas, parking lots, parking spaces, or parking drive aisles.

3. Temporary signs are limited to one per multi-tenant building.

E. Temporary signs exempt from this Section. The provisions of this Subsection E shall not apply to the following signs, provided that such signs conform to all other sign regulations contained in this Section:

1. Traffic control and informational signs erected by national, state, county, or municipal government agencies, specifically including school districts and fire protection districts.

2. Community event signs as authorized by the Town.

3. Window signs and other signs erected within the interior of the business.

4. Open house signs, subject to the requirements of Subsection (6) below.

F. Open house signs shall be allowed to be located off-premises subject to the following minimum requirements:

1. Open house signs shall be limited to a maximum of six (6) square feet in area per side, up to a maximum of two (2) sides per any one (1) sign.

2. Open house signs shall not be erected any sooner than the day before the event and shall be completely removed no later than two (2) hours after the end of the open house. For the purposes of this Section, open houses shall be considered a temporary event, for example during a weekend, rather than taking place for an extended, continuous period of time.

3. Open house signs shall be either freestanding A-frame type signs or mounted in a freestanding manner on either a single stake or on two (2) stakes, with the top of such sign not exceeding four (4) feet in height and placed so as not to obstruct traffic or create an impediment to visibility at street intersections. Such signs shall not be mounted to trees or other landscaping, regulatory traffic signage, utility or light poles, or other similar structures.

Sec. 16-5-130. Sign Maintenance.

Signs and sign structures of all types (attached, detached, and temporary) shall be maintained as provided in this Section.

A. Paint and finishes. Paint and other finishes shall be maintained in good condition. Peeling finishes shall be repaired. Signs with running colors shall be repainted, repaired, or removed if the running colors were not a part of the original design.

B. Weathering and fading. Temporary signs that have faded or weathered such that their condition is obviously and materially degraded shall be removed.

C. Mineral deposits and stains. Mineral deposits and stains shall be promptly removed.

D. Corrosion and rust. Permanent signs and sign structures shall be finished and maintained to prevent corrosion and rust. A patina on copper elements (if any) is not considered rust.

E. Damage. Permanent signs that are damaged shall be repaired or removed within sixty (60) days. Temporary signs that are damaged (e.g., broken yard signs, torn banners) shall be removed, repaired, or restored within twenty-four (24) hours.

F. Level position. Signs that are designed to be level, whether temporary or permanent, shall be installed and maintained in a level position. If such signs fall out of a level position, they shall be removed or righted within twenty-four (24) hours.

G. Banner tension. Banners shall be stretched to minimize wrinkles and sagging. Banners that lose tension shall be re-stretched or removed within twenty-four (24) hours.

H. EMC maintenance. If an EMC is damaged or otherwise malfunctions, it shall be repaired, replaced, or removed (along with all associated electronics and mounting brackets) within thirty (30) days.

Sec 16-5-140. Nonconformities and Enforcement.

A. Nonconforming signs.
   1. Generally. Any permanent sign that exists on the effective date of this Article but does not conform to the provisions of Article is a “legal nonconforming” sign; provided, that it was originally approved by a sign permit, or, if no sign permit was required under applicable law, it was in all respects in conformity with the applicable law immediately prior to the effective date, or had legal nonconforming status at such time. Signs that were allowed to display off-premises commercial

messages before the effective date are nonconforming but may continue to display such messages until the signs are removed.

2. Repairs and alterations. Routine maintenance of nonconforming signs is permitted, including necessary nonstructural repairs, paint, and incidental alterations. Substantive alterations as determined by the Director, including structural alterations to nonconforming signs are permitted only if the alteration will eliminate the nonconformity.
3. Termination and removal.
    a. A nonconforming sign that has been damaged by fire, wind, or other cause in excess of fifty percent (50%) of its replacement cost shall not be restored except in conformance with this Article.
    b. If an element of a sign that causes the sign to be nonconforming is removed, it shall not be replaced, except with a conforming element.
    c. If a nonconforming sign structure becomes an abandoned sign, it shall be removed.
    d. If a nonconforming sign structure is removed for any reason other than routine repair and maintenance, it shall not be replaced unless the replacement sign conforms to this Article.
    e. Nonconforming signs that are a danger to the public safety due to damage or wear shall be removed and shall not be replaced unless the replacement sign conforms to this Article.

B. Enforcement.
1. Enforcement authority. This Article shall be enforced by a designee of the Town Manager.
2. Immediate removal of signs. Signs that are unlawfully located within public right-of-way or other Town-owned property may be summarily removed by the Town and disposed of without notice. The Town may, but is not obligated to, store such signs and return them to their owners.

ARTICLE XI.

APPROVAL PROCESS, VESTING OF PROPERTY RIGHTS, AND ENFORCEMENT

Sec. 16-6-10. Purpose and Intent.

This Article is designed and enacted for the purpose of promoting the health, safety, convenience, order, prosperity, and welfare of the present and future inhabitants of the Town by:

A. Encouraging new subdivision developments to relate to the Town's historic development pattern.
B. Promoting compact, well-defined, sustainable neighborhoods that enhance the Town's character.
C. Creating livable neighborhoods that foster a sense of community and reduce dependency on private vehicles.
D. Encouraging the proper arrangement of streets in relation to existing or planned streets and ensuring that streets facilitate safe, efficient, and pleasant walking, biking, and driving.
E. Providing a variety of lot sizes and housing types in every neighborhood.
F. Protecting sensitive natural and historic areas and the Town's environmental quality.
G. Providing for adequate and convenient open spaces for traffic, utilities, access of fire apparatus, recreation, light, and air, and for the avoidance of congestion of population.
H. Providing open spaces for adequate storm water management.
I. Providing adequate spaces for educational facilities.
J. Providing protection from geologic hazards and flood-prone areas.
K. Ensuring compliance with this Code, the Design Principles and Development Standards (Article 4), and consistency with the Comprehensive Plan, to the extent such consistency is provided for herein.
L. Regulating such other matters as the Board of Trustees may deem necessary in order to protect the best interests of the public.

Sec. 16-6-20. General Provisions.

A. The provisions of this Article shall apply to any and all development and use of land within the municipal boundaries of the Town, unless expressly and specifically exempted or provided otherwise in these Regulations. No development shall be undertaken without prior and proper approval or authorization pursuant to the terms

of these Regulations in conjunction with the Zoning Code. Certain uses may also be undertaken only with prior and proper approval or authorization pursuant to the terms of this Code. All development and uses shall comply with the applicable terms, conditions, requirements, standards and procedures established in these Regulations in conjunction with the Zoning Code.

B. Except as herein provided, no building, structure, or land shall be used and no building, structure, or part thereof shall be erected, constructed, reconstructed, altered, repaired, moved, or structurally altered except in conformance with the regulations herein specified for the zone district in which it is located, nor shall a yard, lot, or open space be reduced in dimensions or area to an amount less than the minimum requirements set forth herein.

C. These regulations establish procedural and substantive rules for obtaining the necessary approval to develop land, use land, and construct buildings and structures. Development and use applications will be reviewed for compliance with the Comprehensive Plan (as provided herein) and with adopted regulations, policies, and other guidelines.

Sec. 16-6-30. Administration.

All plats, plans and dedications of public areas and easements require approval by the Town. This approval shall be done on the plat via specific language in the dedication statement or shall be done through a separate instrument of dedication per direction of the Town.

Sec. 16-6-40. Types of Applications.

All applications submitted will fall into one of three categories: major application, minor application, or administrative application. Each application process is outlined in this Article.

A. Major applications.
   1. Major applications are applications that require a neighborhood meeting, have a public hearing before the Planning Commission and Board of Trustees, except Appeals and Variances, which are heard by the Board of Adjustment. Appeals from any order, requirement, decision, or determination made by an administrative

official charged with enforcement of this Code are heard by the Board of Adjustment.

2. The following applications are major applications:
    a. Annexation
    b. Zoning
    c. Planned Unit Development
    d. Preliminary plat
    e. Preliminary development plan
    f. Vacation of right-of-way/easement
    g. Appeals and Variances
    h. Land Use Code amendment
    i. Comprehensive Plan amendment
    j. Location and Extent

B. Minor applications.
    1. Minor applications are applications that require a neighborhood meeting, have a public hearing before the Planning Commission, and a public hearing before the Board of Trustees. Appeals from any order, requirement, decision, or determination made by an administrative official charged with enforcement of this Code are heard by the Board of Adjustment.

    2. The following applications are minor applications:
        a. Final plat
        b. Final development plan
        c. Minor subdivision
        d. Conditional use

C. Administrative applications.
    1. Administrative applications are applications that require a neighborhood meeting and are generally approved by the Director. Appeals of a denial of an administrative application are heard by the Board of Adjustment.

    2. The following applications are administrative applications.
        a. Site plan
        b. Subdivision amendment
        c. Minor modification
        d. Temporary use

e. Change of Use
f. Alternative Compliance

Sec. 16-6-50. General Application Procedures.

A. Pre-Application meeting.
1. Purpose and intent. The purpose of the pre-application meeting is to provide an opportunity for the Applicant and the Town to discuss the development proposal to:
   a. Communicate the required application(s) and the timing of multiple application submittals;
   b. Provide the Applicant with application materials and inform the Applicant of submittal requirements, including any supplemental requirements.;
   c. Obtain a waiver of any application submittal requirements based on a determination made by the Director;
   d. Provide the Applicant with an approximate time frame for the review process;
   e. Discuss compliance with the applicable development standards;
   f. Determine the number and timing of any required neighborhood meetings; and
   g. Refer the Applicant to other departments, agencies, or entities to discuss significant issues prior to application submittal.

2. Applicability. Unless waived, a pre-application conference is required for all major, minor and administrative applications. The Director may grant a waiver from the requirement for a pre-application conference upon finding in writing that the on-site and off-site impacts of the proposed development are likely to be minimal.

3. Attendance. The Applicant and Town staff or outside reviewing agency representative typically participate in the pre-application conference.

4. Request for a Pre-Application Meeting. To request a pre-application conference, the Applicant shall fill out a pre-application form and submit it to the Planning Department. A general description of the proposed development is required. Dependent on the complexity of the proposal, additional documentation may be required.

5. Effect of the Pre-Application Meeting. The opinions presented during a pre-application conference are informational only and do not represent a commitment on behalf of the Town regarding the acceptability of the development proposal.

6. Timely Application Submittal Required. If a development application is not submitted within one-hundred eighty (180) calendar days of the pre-application meeting, the Applicant shall schedule and attend another pre-application meeting before submitting an application.

B. Neighborhood Meeting
   1. Intent and Purpose. To facilitate resident participation early in the development review process, the Town requires neighborhood meetings between Applicants and residents of neighborhoods potentially affected by the development proposal.

   2. Applicability. Unless waived, neighborhood meetings are required for all major, minor and administrative applications. The Director may waive a neighborhood meeting if it is determined that the development proposal would not have significant neighborhood impacts. The Director may wait until after the application has been submitted and reviewed to determine if a neighborhood meeting is appropriate based on the anticipated impacts of a development. The Director will determine the applicability of this subsection to a development proposal at the pre-application conference.

   3. Timing and Number of Neighborhood Meetings
      a. When required, at least one (1) neighborhood meeting shall be held after the pre-application conference, but before submittal of a formal application. At the Director's discretion, additional pre-application or post-application neighborhood meetings may be required based on consideration of the proposed development's mix of uses, density, complexity, potential for adverse impacts, or the need for off-site public improvements created by the development.
      b. For applications that have been in the review process for over one (1) year, one (1) additional neighborhood meeting shall be required at the beginning of each additional year, unless the Director determines more meetings are required based on consideration of the proposed development's mix of uses, density, complexity, potential for adverse impacts, or the need for off-site public improvements created by the development.
      c. Applicants' failure to hold and complete all required neighborhood meetings shall delay review of the application or shall result in an inactive application.

   4. Notice of Neighborhood Meeting

a. The Applicant is responsible for hosting neighborhood meetings. The applicant shall give written notice of the neighborhood meeting according to Section 16-6-50.H. The meeting may be held digitally online or in-person. If available and appropriate, the neighborhood meeting should be convened at a place in the vicinity of the proposed development.

5. Content of Neighborhood Meeting.
   a. The Applicant or Applicant's representative shall present a summary of the development proposal and be available to answer questions and receive comments from persons attending the meetings. In the event that no one attends the meeting for which proper notice was given, the Applicant shall still have satisfied the requirements for that neighborhood meeting.

6. Summary of Neighborhood Meeting.
   a. A written summary of the neighborhood meeting(s) shall be provided by either Town staff or the Applicant. The written summary shall be included in the reports provided to both the Planning Commission and the Board of Trustees. At a minimum, the written summary shall include the following information:
      1. The substance of the comments and questions;
      2. How the Applicant has addressed or intends to address the comments and questions; and
      3. Comments and questions the Applicant is unwilling or unable to address and why.

C. Application submittal and completeness check.
   1. An application will be considered complete if it is submitted in the required form, includes all submittal information (see Administrative Development Guide for each application type), including all items or exhibits specified during the pre-application meeting, and is accompanied by the applicable fees. In addition, an application will be considered complete only if the information contained therein is adequate to enable staff to ultimately determine whether the proposed development activity will comply with this Code's substantive requirements. Only complete applications, as set forth in this provision, will be considered an "application" pursuant to C.R.S. § 24-68-101, et seq.
   2. Each application will be reviewed for completeness within the timeframe listed in the Administrative Development Guide.

a. If the application is determined to be complete, the application will then be processed under this Article.
b. If the application is determined to be incomplete, the application will be returned to the Applicant as “incomplete” with information identifying how the application is deficient.

D. Review and Initial Comments to Applicant
1. After receipt of a complete application, the plans will be distributed to Town Staff and applicable referral entities. The Town reserves the right to determine the appropriate referral entities on an individual application basis. The application will be reviewed for technical accuracy, compliance with this Land Use Code, and other relevant regulations and ordinances. It is the responsibility of the Applicant to demonstrate through the application compliance with the Land Use Code and other relevant Town plans and regulations.,
2. Referral entities will be given a set number of days to provide comments to the project planner as set forth in the Administrative Development Guide. Comments provided by referral entities shall be communicated to the applicant in written or redlined plan form.

E. Revised application submittal
1. After the initial comments are received by the Applicant, the Applicant shall revise the development application as necessary to respond to all received comments and shall submit the revised application package to the Planning Department. The Applicant is encouraged to work with Town staff and referral agencies to resolve any concerns. Revised plans shall reflect all resolutions. Any remaining issues should be documented and communicated to both Town staff and applicable entities. The revised application shall include the Applicant’s response to each comment raised by Town staff and referral entities.
2. The Applicant shall submit the revised application and related materials to the Planning Department within one hundred twenty (120) days. If a revised application is not received within this time frame, the Applicant will be notified that the lack of submittal constitutes a withdrawn project unless a revised application is received within an additional sixty (60) days. Whether or not notice was provided, if a revised application is not submitted and no extension has been approved by the Director in the allowed one hundred eighty (180) days, the application shall be considered withdrawn. Any resubmittal of the application will be treated as a new application.

3. Shorter timeframes for additional reviews over two (2) reviews may be granted by the Director.
4. The application shall be reviewed until Town staff finds it is complete enough to move forward to the public hearing process, unless the Applicant makes a request to the Director to move forward to public hearing.
5. The project planner shall communicate with the Applicant when scheduling the public hearing dates.

F. Consolidated development applications
   1. Multiple development applications for the same development proposal may be consolidated for submittal and review, as determined by the Director.
      a. Annexation and initial zoning applications cannot be consolidated with subdivision and site plan applications.
      b. Site plan applications may be submitted and processed concurrently with final plat applications, but a site plan application may only be approved after the final plat is approved.
      c. Subdivision applications may not be processed concurrently with final or preliminary development plans or with planned unit development zoning documents.
      d. The Applicant may request, subject to the Director's approval, consolidated processing and review of final plat or plan with the preliminary plat or plan. Both will be reviewed according to the preliminary plat or plan approval process (a major application), as outlined in this Article. Additionally, all concurrent plats/plans must meet the review criteria of preliminary plat or plan. Unless concurrent review is approved, the Town will not accept applications for final plat or plan approval before preliminary plat or plan application approval.
   2. The expected time frame and approval process for a consolidated application will follow the longest time frame and approval process required among the application types.

G. Director Authority to Refer Applications to Planning Commission and Board of Trustees
   1. Whenever the Director is authorized to take final action on an application, the Director may instead refer the application to the Planning Commission and Board of Trustees for their review and action, based on the Director's determination that the proposed application's complexity, projected impacts, or proximity to conflicting land uses merits such action. The Director may also refer the application to the Planning Commission and the Board of Trustees when there is a

disagreement with the Applicant over the applicability of, or compliance with, any design or development standard set forth in this Code.

2. Written notice of such referral will be sent to the Applicant within seven (7) days of the Director's decision to refer the application.

H. Mailed Written Notices

1. All mailed written notices required under this Code shall:
   a. Indicate the time and place of the public hearing, meeting, or action;
   b. Describe the property by street address and/or parcel number, if available, and nearest cross streets;
   c. Describe the nature, scope, and purpose of the application or proposal being advertised;
   d. Indicate that interested parties may appear at a public hearing and, if applicable, speak on the matter; and
   e. Indicate where additional information can be obtained.

2. The area of notification is dependent on the type of development application as follows:
   a. Major application – one thousand (1000) feet
   b. Minor application – five hundred (500) feet
   c. Administrative application – three hundred (300) feet

3. The Director may expand or contract the required notification area based on consideration of the proposed development's mix of uses, density, complexity, potential for adverse impacts, or the need for off-site improvements created by the development.

4. Mailed written notices shall be mailed by:
   a. By U.S.P.S. First Class mail to all property owners within the required notification areas at the mailing address listed by the Weld County Assessor's Office.
   b. By U.S.P.S. First Class mail to all neighborhood associations, organizations, or groups whose defined boundaries lie within required notification areas.
   c. By certified mail return receipt requested or by a nationally recognized overnight courier to all owners of subsurface mineral rights in the subject property as required by C.R.S. § 24-65.5-101, et seq.

5. Mailed written notices to property owners within the specified notification area are required to be sent out no later than fifteen (15) days before the public hearing, meeting, or action. The following milestones require written notices to be sent:
    a. Neighborhood meeting.
    b. Notice of application submittal.
    c. Setting of public hearing dates.

6. Mailed written notices from the Applicant to mineral interest owners:
    a. Are required to be sent out no later than fifteen (15) days before the initial public hearing.
    b. Require a certification to be submitted verifying that notices were sent no later than fifteen (15) days before the initial public hearing. This certification must be submitted to the Planning Department no later than fifteen (15) days before the public hearing.
    c. Fifteen (15) days prior to the Board of Trustees date for a final plat, a certification must be submitted to the Planning Department verifying that notices were sent, a Surface Use Agreement has been recorded, the recordation number of the Surface Use Agreement, and stating how the applicant has complied with C.R.S. § 24-65.5-101, et seq. This certification must include a statement of authority for the signor of the certification.

I. Posted Notification
1. When the provisions of this Code require that notice be posted on the subject property, the Applicant shall:
    a. Post the notice on weatherproof signs that have been approved by the Town;
    b. Place the signs on the property that is the subject of the application;
    c. Ensure that the signs remain in place and legible during the period leading up to the public hearing or, in the case of administrative applications, during the period leading up to the decision-making body's final action.
2. The size of the sign shall meet the requirements of the Town.
3. Signs shall be placed along each abutting street in a manner that makes them clearly visible to neighboring residents and passers-by. At least one (1) sign shall be posted on each street frontage of the subject property.
4. Applicants shall be responsible for removing the signs after the public hearing or final action.
5. Required timing:

a. Notice of Application – All such notices shall be posted as soon as reasonably possible after the Town has certified that an application is complete.
b. Notice of Public Hearing – All such notices shall be posted no later than fifteen (15) days before the hearing.
c. Upon posting the notification on the property, the Applicant shall certify in writing that required notice was posted according to the requirements of this section. Failure to submit such certification shall postpone Town action on the application. Failure to submit the certification a second time shall result in withdrawal of the application.

J. Published Notice
1. When the provisions of this Code require that notice be published, the Director will be responsible for preparing the content of the notice and will ensure that notice is published in a newspaper of general circulation. Published notice shall appear in the newspaper no later than fifteen (15) days prior to the public hearing or action.

K. Types of Public Notice Required
1. Unless otherwise expressly provided in this Code, public notice shall be provided as follows in Table 6-1 Public Notice Requirements:

Table 6-1 Public Notice Requirements

Public Notice Requirements			
Type of Application	**Notice Required**		
	Written	**Published**	**Posted**
Major	Yes	Yes	Yes
Minor	Yes	Yes	Yes
Administrative	Yes	No	Yes

L. Document Recording
1. The following applications shall have entitlement documents recorded with the County Clerk and Recorder:
a. Annexation
b. Zoning (original and re-zoning)
c. Planned Unit Development
d. Final Plat

e. Minor Subdivision
f. Subdivision Amendment
g. Final Development Plan
h. Comprehensive Plan Amendment

Sec. 16-6-60. Major Application Review Procedure.

All applications classified as major applications are outlined in Section 16-6-40. The following development review procedure will apply to all major applications unless variations or exceptions to the core procedure are expressly allowed in the particular application requirements stated in Section 16-6-70.

A. Core Major Application Development Review Procedure
   1. Pre-Application meeting. See Section 16-6-50.A.
   2. Neighborhood meeting. See Section 16-6-50.B.
   3. Application submittal and completeness check. See Section 16-6-50.C.
   4. Notice of application and posting of property. See Sections 16-6-50.H., 16-6-50.I, 16-6-50.J and Section 16-6-50.K.
      a. Notices of application must be sent upon certification that an application is complete.
      b. The applicant shall mail written notice according to the required distance outlined in Section 16-6-50-H.2 and post notice according to the requirements of Section 16-6-50.I.
   5. Review and Initial Comments to Applicant. See Section 16-6-50.D.
   6. Revised application submittal. See Section 16-6-50.E.
   7. Notice of public hearing and posting of the property. See Sections 16-6-50.H., 16-6-50.I, 16-6-50.J and Section 16-6-50.K.
      a. Notices of public hearing must be sent to the surrounding property owners according to the required distance and timeframe outlined in Section 16-6-50.H.2.
      b. The applicant shall post notice on the property according to the requirements of Section 16-6-50.I.
   8. Public Hearing at Planning Commission.
      a. The Planning Commission shall hear all major applications at a public hearing. Recommendations of the Planning Commission are forwarded to the Board of Trustees for consideration.
      b. Submittal requirements. See the Administrative Development Guide for all requirements.

9. Public Hearing at Board of Trustees.
    a. The Board of Trustees will hear minor and major applications at a public hearing following the public hearing of the Planning Commission.
    b. Submittal requirements. See the Administrative Development Guide for all requirements.

Sec. 16-6-70. Requirements and Standards for Major Applications.

A. Annexation.
    1. An application for annexation shall follow the core procedure for review of major applications, stated in Section 16-6-60. Additionally, the process shall follow the modifications outlined in Article 7 of the Land Use Code and C.R.S § 31-12-101, et seq.

B. Zoning.
    1. Initiation of amendments to the zoning district map may be by the Board of Trustees, Town staff, the Planning Commission, or a real property owner in the area to be included in the proposed amendment. Zoning at the time of annexation is included as an amendment to the zoning district map.
    2. General Rezoning of Town. The zoning district map may be changed or amended incidental to or as part of a general revision of the Town's zoning or zone districts. Whenever the zoning district map is in any way to be changed or amended, the requirement of an accurate survey map or other sufficient legal description of, and the notice to and listing of names and addresses of owners of real property in the area of, the proposed change shall be waived. However, the proposed zoning map shall be available for public inspection in the Town Hall during regular business hours for fifteen (15) days prior to the public hearing on such amendments.
    3. Submittal requirements. All zoning applications shall follow the Administrative Development Guide for application submittal requirements.
    4. Zoning review criteria. For the purpose of establishing and maintaining sound, stable, and desirable development within the Town, the following criteria shall be used:
        a. The rezoning will promote the public health, safety, and general welfare.
        b. The rezoning is generally consistent with the Town of Frederick's Comprehensive Plan and the purpose of this Land Use Code.
        c. Adequate facilities and services (including streets and transportation, water, gas, electric, police and fire protection, and sewage and waste disposal, as applicable)

will be available to serve the subject property while maintaining adequate levels of service to existing development.

d. The rezoning is not likely to result in significant adverse impacts upon the natural environment, including air, water, noise, storm water management, wildlife, and vegetation, or such impacts will be substantially mitigated.
e. The rezoning is not likely to result in significant adverse impacts upon other property in the vicinity of the subject property;
f. Future uses on the subject property will be compatible in scale with uses on other properties in the vicinity of the subject property; and
g. The rezoning is generally consistent with the town's economic development goals and objectives in bring positive growth and sustainable revenues to the town.

5. Map; amendment upon zoning establishment or modification. Upon enactment of any ordinance annexing and establishing zoning or modifying existing zoning for any property, and upon final passage thereof, the Town shall amend the prior existing official maps to include the annexed area with the proper zoning classification or show the amended classification, as the case may be. Such updated, current official map shall contain, in table form, the date and number of the ordinance amending it, the date the map was amended to reflect each amendment, and the initials of the person who checked and approved the change to the map.

C. Planned Unit Development.

1. Authority. The authority for this Article is conferred by the Planned Unit Development Act of 1972 (C.R.S. § 24-67-101, et seq.).
2. Purpose. The planned unit development (“PUD”) standards and procedures that are set out in this Article are intended to provide for the creation of a new zoning district (through a “PUD zoning document”) that allows for a mix of land uses and development parameters that are not otherwise permitted or permissible within the other zoning districts that are established by this Code. Once approved by the Board of Trustees, the PUD zoning document establishes the land use and development standards for the subject property as a separate and unique zoning district. The purpose of the PUD is to permit greater flexibility regarding land use and facilitate creative and imaginative design for development, particularly (but not exclusively) regarding the implementation of special area plans that are adopted by the Board of Trustees, and the development of “qualified projects” as that phrase is defined by the Town of Frederick, Colorado Water Reservation and Allocation Policy.
3. Intent.

a. The standards and procedures of this Article are intended primarily for large-scale projects with multiple lots, a mix of land uses, and an extended build-out period; however, smaller-scale (even single lot) development that requires comparable flexibility to accommodate unique circumstances or allow for unique, high-quality design may also be processed and approved under this Article.
b. This Article is also intended to implement all of the purposes set out in C.R.S. § 24-67-102(1). (Ord. 1399 § 8, 2024)

4. Applicability, required consents, and transition.
   a. Applicability. This Article applies to all existing and proposed PUDs. PUDs that were approved prior to the effective date of this Article, or that were in process on the effective date of the ordinance codified in this Article, are subject to the transition provisions of Section 16-6-70.C.4.
   b. Required consents. No property shall be rezoned to PUD without the written consent of the property owners within the PUD and the written subordination all lienholder interests. Amendments to PUDs do not require written consent of property owners whose properties are not included within the area of the amendment. PUDs may be abandoned or repealed in accordance with the Planned Unit Development Act of 1972, C.R.S. § 24-67-101, et seq.
   c. Transition.
      1. Prior PUD zoning overlays without further approvals. The owner of property that was zoned with a PUD overlay prior to the effective date of the ordinance codified in this Article, but is not subject to an approved preliminary development plan ("PDP") may proceed with development review by way of one (1) of the following three (3) alternatives:
         (a) An application for PDP approval pursuant to the Land Use Code provisions that were in effect immediately prior to November 7, 2024 unless such application is filed more than eighteen (18) months after the November 7, 2024 effective date, in which case this alternative shall not be available unless the subject property is located within the 25-52 East Subarea Plan boundary; or
         (b) An application for PUD zoning document approval; or
         (c) An application to rezone to a non-PUD zoning district.
      2. Prior PDP approvals without FDP approvals. Property that is the subject of a PDP that was approved prior to the effective date of the ordinance codified in this Article, has not lapsed, and is not subject to an approved final

development plan ("FDP") may proceed with development review by way of one (1) of the following three (3) alternatives:

(a) An application for FDP approval pursuant to the Land Use Code provisions that were in effect immediately prior to November 7, 2024; provided, that such application is filed within eighteen (18) months after the effective date of November 7, 2024 and is not within the 25-52 East Subarea Plan boundary; or

(b) If the PDP includes all of the information required for a PUD zoning document (see Section 16-6-70.C.5), an application for approval of a site plan, preliminary plat, or final plat pursuant to this Article; or

(c) If the PDP does not include all of the information required for a PUD zoning document (Section 16-6-70.C.5), an application for amendment to the PDP to include such information, which amended PDP shall thereafter be considered a PUD zoning document.

3. Prior FDP approvals in general.

(a) An approved FDP may be implemented using a final plat, site plan, or building permit, as applicable.

(b) In the event that an FDP and the PDP to which it relates fail to address a standard of this Code, the standard of this Code at the time of application for the final plat, site plan, or building permit, as applicable, shall be applied.

(c) Amendment of prior FDP approvals. Amendments to prior FDP approvals may be approved by the Director if:

(1) The amendments qualify as minor modifications pursuant to Section 16-6-110.D.; or

(2) The amendments eliminate or reduce the degree of subdivision regulation exceptions; or

(3) The amendments eliminate or reduce the degree of modifications to the underlying zoning district upon which the FDP was based.

(d) Amendments to prior FDP approvals may be approved by the Planning Commission if:

(1) The FDP is substantially consistent with the approved PDP; and

(2) All PDP standards and conditions of approval have been adequately addressed on the FDP.

(e) Revocation of prior FDP approval. The Board of Trustees may initiate the process to repeal the prior FDP approval if:

(1) The project for which the FDP was established is not carried out pursuant to the approved FDP; or
(2) Building activity for the area affected by the FDP has not commenced within a period of one (1) year after the effective date of the FDP approval, unless otherwise approved by the Director

5. Zoning documents.
   a. Purpose. A zoning document establishes standards for the development of property zoned PUD, including allowable land uses, housing products, bulk standards, and design standards. The zoning document shall address all of the land area that is proposed to be included in the PUD.
   b. Effect of zoning document.
      1. Generally. Once adopted, the zoning document establishes the zoning standards for the property that is the subject of the PUD. A zoning document approved under this Article establishes a PUD that is considered an individual "zoning district" for the purposes of this Code.
   c. Relationship of zoning document to other code standards.
      1. Town of Frederick Land Use Code. The PUD zoning document may include design and use standards that are different from those set out in this Code. However, where the PUD zoning document is silent with respect to any particular standard, development within the PUD shall conform to the design and use standards in this Code.
      2. Engineering design standards.
         (a) Development within the PUD shall conform to the Town of Frederick Standards and Specifications for Design and Construction. However, the PUD zoning document may include alternative standards with respect to:
            (1) Street and alley cross-sections;
            (2) Intersection spacing (review is about safety);
            (3) Driveway spacing (review is about safety); and
            (4) Trails.
         (b) Alternatives to the standards set out in the Town of Frederick Standards and Specifications for Design and Construction may be approved only if they are supported by a study by a qualified engineer that demonstrates to the Town Engineer's satisfaction, that the modification:
            (1) Will not compromise community mobility, accessibility, and public safety; and

(2) Will not result in an increase in long-term costs to the Town with regard to operations, maintenance, and replacement.

3. CDOT standards. Modifications to CDOT standards on CDOT-controlled rights-of-way may be approved according to the standards set out in Section 16-6-70.C.5.c.2.; provided, that CDOT also authorizes the modification in writing.
4. Reconciliation of indirect conflicts. In the event that a PUD zoning document does not address an otherwise applicable standard that is set out in this Code or the Engineering Design Standards, the Code standard or the Town of Frederick Standards and Specifications for Design and Construction, as applicable, shall be applied unless the Director (with regard to Code Standards), or the Town Engineer after consultation with the Public Works Director (with regard to Engineering Design Standards), determines that such application would lead to a result that is:
   (a) Obviously contrary to the approved design intent of the PUD zoning document;
   (b) Technically infeasible; or
   (c) Absurd. Upon such a finding, Director or Town Engineer, as applicable, may approve deviations from the Code or Engineering Design Standards to the extent necessary to harmonize the Code or Town of Frederick Standards and Specifications for Design and Construction with the PUD zoning document, favoring full application of the standards of the PUD zoning document, unless such application would create a hazardous condition.

d. Contents of PUD zoning document. See Administrative Development Guide for submittal requirements.

6. Standards for approval of PUD zoning document. Standards for approval of a PUD zoning document are different for properties that are within the boundaries of an adopted sub-area plan than for properties that are not within the boundaries of an adopted sub-area plan.
   a. Properties within adopted sub-area plan boundaries (except downtown). For properties within an area that is subject to an adopted sub-area plan (except downtown), the PUD zoning document may be approved if the Board of Trustees finds that it:
      1. Implements the sub-area plan with regard to the land that is the subject of the PUD zoning document application; and

2. The approval of the PUD zoning document to implement the sub-area plan creates a net public benefit when compared to the development that is possible under non-PUD zoning districts, considering:

   (a) The character, design, and use objectives of the sub-area plan;

   (b) The location, quality, character, and function of common open space or recreational amenities;

   (c) The stewardship of natural resources and the mitigation of flood risks;

   (d) The affordability of housing and the creation of new or expanded economic opportunities;

   (e) The development quality and design aesthetics; and

   (f) The efficiency in layout and provision of roads, utilities, and other infrastructure.

b. Where the boundaries of the PUD are shared with existing or approved residential development, or when existing or approved residential development is across a street that is sixty (60) feet or less in right-of-way width, the PUD zoning document provides for buffers and/or transitions in land use, density, intensity, and building patterns along the boundaries of the PUD zoning district to appropriately address the impacts of noise, dust, light, and shadows created by development within the PUD on the existing or approved residential development.
c. Properties not within adopted sub-area plan boundaries. For properties that are not within an area that is subject to an adopted sub-area plan, the PUD zoning document may be approved if the Board of Trustees finds that development pursuant to the PUD zoning document:
   1. Will be in general conformity with the Comprehensive Plan; provided, that:
      (a) If a Comprehensive Plan update has not occurred in the five (5) years preceding the application date, the Board of Trustees must specifically also find that the public health, safety, and welfare will be advanced by adopting the PUD zoning document to conform to the Comprehensive Plan; or
      (b) If a Comprehensive Plan update is underway on the date of the application, the Board of Trustees must specifically also find that the PUD

zoning document, on balance, will not undermine the implementation of the updated Comprehensive Plan.

2. Will provide a net public benefit when compared to the development that is possible under non-PUD zoning districts, considering:
   (a) For all planning areas:
      (1) The stewardship of natural resources and the mitigation of flood risks;
      (2) The development quality and design aesthetics; and
      (3) The efficiency in layout and provision of roads, utilities, and other infrastructure
3. For planning areas that include residential uses:
   (a) The quantity or quality of common open space or recreational amenities; and
   (b) The affordability of housing
4. For planning areas that include nonresidential uses, the creation of new or expanded economic opportunities that will have a positive impact on the fiscal health of the Town or the lifestyle of its residents.
5. Where the boundaries of the PUD are shared with existing or approved residential development, or when existing or approved residential development is across a street that is sixty (60) feet or less in right-of-way width, the PUD zoning document provides for buffers and/or transitions in land use, density, intensity, and building patterns along the boundaries of the PUD Zoning District to appropriately address the impacts of noise, dust, light, and shadows created by development within the PUD on the existing or approved residential development.

d. Private streets and modification of sidewalk requirements.
   1. Private streets within PUDs may be approved only if:
      (a) Their location and connections to the public street system does not interfere or conflict with the existing, planned, or prioritized street or trail network set out in the adopted Comprehensive Plan, Transportation Master Plan, and Parks, Open Space, and Trails Master Plan;
      (b) Their geometry is supported by a traffic study, and they are designed in a manner that the Town Engineer confirms is durable (in consideration of the proposed use of the streets), and appropriate to accommodate safe circulation and travel and snow removal and/or storage;
      (c) Access easements are provided for public safety, public utility, and emergency services purposes, and if secured with gates, on-demand access is provided for emergency service providers.

2. Requirements for sidewalks (whether public or private) shall not be waived or modified by PUD zoning documents unless the waiver or modification applies only in residential areas with very low residential density and/or in areas where pedestrian connectivity is provided in an alternative location so that it is safer and more efficient.

7. Review procedures.
   a. Review and approval procedures for PUD zoning documents.
      1. Generally. PUD zoning documents are processed as provided in Section 16-6-60., Major Application Review Procedure, except as modified by this Division.
      2. Expeditious Hearings Required – Continuances.
         (a) Any required public hearing on a PUD zoning document shall be conducted expeditiously and concluded when all those present and wishing to testify have done so.
         (b) Unless the applicant waives such limitation (or limitations), no public hearing shall continue for more than forty (40) days from the date of commencement without the written consent of the applicant, and any continuation of a public hearing shall be to a date certain.
      3. Approval by ordinance required. The approval of a PUD zoning document shall be in the form of an ordinance.
      4. Conditions of approval.
         (a) The Board of Trustees may impose conditions on the approval of a PUD zoning document to ensure compliance with the standards for approval set out in Section 16-6-70.C.6. Such conditions shall have a rational nexus to the anticipated impacts of the proposed development and shall be roughly proportional to the degree of said impacts.
         (b) All PUD zoning documents that provide for or anticipate common open space that is not dedicated to the Town shall specify that a property owners' association or C.R.S. Title 32 metropolitan district will maintain the common open space.
   b. Amendments to, modifications of, and release of PUD zoning documents.
      1. Generally. PUD zoning documents shall be amended, modified, or released using the standards and procedures that are used for their initial approval, and the additional standards of Section 16-6-70.C.7.b.3.
      2. Additional standards. Except in the limited circumstances set out in C.R.S. 24-67-106(3)(b)(5), no substantial modification, removal, or release of the provisions of the PUD zoning document by the Town shall be permitted

except upon a finding by the Board of Trustees, that the modification, removal, or release is consistent with the efficient development and preservation of the entire PUD, does not affect in a substantially adverse manner either the enjoyment of land abutting upon or across a street from the PUD, or the public interest, and is not granted solely to confer a special benefit upon any person.

3. Effect on private rights. No modification, removal, or release of the provisions of the PUD zoning document by the Town shall affect the rights of the residents, occupants, and owners of the PUD to maintain and enforce certain provisions of the Plan, but only to the extent permitted by State law. Residents and owners of the planned unit development may, to the extent and in the manner expressly authorized by the provisions of the Plan, modify, remove, or release their rights to enforce the provisions of the Plan, but no such action shall affect the right of the Town to enforce the provisions of the Plan.

c. Administrative adjustments when implementing PUD zoning documents.

1. Generally. Applicants for site plan or building permit approvals pursuant to adopted PUD zoning documents may seek administrative relief from the strict application of the terms of the PUD zoning document without amending the PUD zoning document. An application for an administrative adjustment from a PUD zoning document may be filed for all or a portion of the land area within a PUD zoning district.
2. De minimus adjustments. Adjustments to the requirements set out in a PUD zoning document may be administratively approved if the Director determines that the adjustments represent a de minimus departure from the requirements of the approved PUD zoning document.
3. Minor adjustments. Minor adjustments to the requirements set out in a PUD zoning document may be administratively approved if the Director determines that the minor adjustment will allow for the applicant to overcome a practical difficulty that was not anticipated by the PUD zoning document, will not compromise the design intent of the PUD zoning document, will not create noticeable impacts on adjacent landowners; and
   (a) The minor adjustment does not exceed a twenty percent (20%) increase or decrease in lot width, lot depth, lot area, or building setbacks; and
   (b) The minor adjustment does not exceed a ten percent (10%) increase in building coverage or building height; and

(c) The minor adjustment does not reallocate more than twenty percent (20%) of the approved dwelling units or nonresidential floor area (as may be applicable) from one planning area to another, and the reallocation of dwelling units or floor area does not increase impacts on existing or approved residential uses outside of the PUD zoning district.

D. Preliminary plat.
   1. Purpose. The purpose of the preliminary plat is to provide the Town with an overall master plan for the proposed development.
   2. See the Administrative Development Guide for application submittal requirements.
   3. Preliminary plat review criteria. The Town shall use the following criteria to evaluate the applicant's request:
      a. The preliminary plat is generally consistent with the Town of Frederick Comprehensive Plan and any available area plan.
      b. The preliminary plat is in conformance with the Development Standards of Article 4 of the Land Use Code.
      c. The overall density of development within the proposed subdivision conforms to the zone district density allowances.
      d. The utility and transportation design is adequate, given existing and planned capacities of those systems.
      e. Parks and open space are incorporated into the site design, as appropriate to the proposed principal use or uses of the land.
      f. Negative impacts on adjacent land uses have been identified and satisfactorily mitigated.
      g. The proposed subdivision has established an adequate level of compatibility by:
         1. Incorporating physical design features in the subdivision to provide a transition between the project and adjacent land uses through the provision of an attractive entryway, edges along public streets, architectural design, and appropriate heigh and bulk restrictions on structures; and
         2. Incorporating identified environmentally sensitive areas, including but not limited to, wetlands and wildlife corridors, into the project design.
      h. The applicant has provided evidence to show all areas of the proposed subdivision, which may involve soil or topographical conditions presenting hazards or requiring special precautions, have been identified by the applicant and the proposed uses of these areas are compatible with such conditions.
   4. Approval and conditional approval of a preliminary plat shall be effective for one (1) year unless otherwise approved by the Board of Trustees. If the plat is denied, a

new preliminary plat application that is substantially similar may not be heard by the Planning Commission for a period of one (1) year from the date of denial unless otherwise approved by the Planning Commission. If a final plat is not submitted within said time limit or an extension has not been granted, a preliminary plat must again be submitted and approved before action may be taken on a final plat.

E. Preliminary development plan.
   1. Purpose and applicability. The purpose of a preliminary development plan is to outline the proposed standards associated with a specific planned unit development overlay district.
   2. Preliminary development plan review criteria. The following review criteria will be used to evaluate a preliminary development plan application:
      a. The proposed benefits offset the proposed exceptions to the zoning and subdivision standards, and such exceptions are in the best interest of the public health, safety, and welfare of the community.
      b. The proposed development plan does not conflict with the restrictions on development plans, and the proposed zoning is compatible with the surrounding land uses.
      c. The development plan proposes creative and innovative design and high quality development, thereby protecting and promoting public safety, convenience, health, and general welfare.
      d. The uses and densities in the proposed development plan are compatible, and will be effectively integrated with adjacent neighborhoods that now exist or are proposed in the future.
      e. The proposed development plan is in general conformance with the Comprehensive Plan.

F. Vacation of Right-of-Way/Easement.
   1. Vacation of right-of-way/easement purpose. The vacation of a right-of-way or easement application process is used to vacate unnecessary easements and rights-of-way. The vacation of a right-of-way or easement shall be in accordance with C.R.S. § 43-2-301, et seq.
   2. After final approval, title to vacate a right-of-way shall be transferred to the abutting property owners in accordance with C.R.S. § 43-2-303 by quitclaim deed. The underlying zoning of the abutting property shall be extended to the area being transferred.
   3. Vacation of right-of-way/easement review criteria:

a. The right-of-way or easement being vacated is not needed in the short or long term.
b. If necessary, the right-of-way or easement will be replaced. To replace the right-of-way or easement, the vacation application shall be accompanied by a development application that proposes a new right-of-way or easement.
c. The applicant is relocating all public facilities or utilities within the right-of-way or easement.
d. The public and surrounding properties will not be negatively impacted by the vacation.

G. Appeals and variances.
1. Purpose. The Board of Trustees sitting as the Board of Adjustment, or a separately constituted Board of Adjustment, as appointed by the Board of Trustees in compliance with C.R.S. §§ 31-23-307(4) and 31-23-203(3), will hear and decide appeals from any order, requirement, decision, or determination made by any administrative official charged with the enforcement of this Code. In addition, the Board of Adjustment will hear and decide all requests for a variance from the requirements of this Code. Such variance shall not be granted if it would be detrimental to the public good or impair the intent and purpose of this Code.
2. Appeal application. Any aggrieved person of interest may appeal a denial of a building or other development permit or any order, requirement, decision, interpretation, or determination made by an administrative official charged with the enforcement of the Land Use Code, when the order, requirement, decision, interpretation, or determination being appealed is based upon the Land Use Code.
a. An appeal to the Board shall be made within thirty (30) days after denial of a building permit or other development permit, or receipt of a written notice of an order, requirement, decision, interpretation, or determination by an administrative official of the Town, pursuant to the Land Use Code. Failure to make a timely appeal shall be considered a waiver of the appellant's rights to appeal to the Board of Adjustment.
b. The applicant shall file a Land Use Application with the Planning Department and pay the fee set by the current fee schedule.
c. The application shall include an additional page setting out all sections of the Land Use Code applicable to the application, and the outcome desired by the applicant with regard to the order, requirement, decision, interpretation, or determination being appealed and justification supporting such outcome.

d. What may be appealed. Only those provisions relating to the administration of the Land Use Code may be appealed to the Board of Adjustment. An alleged error in the administration and interpretation of any engineering design and construction standards or building code may not be appealed to the Board of Adjustment.

3. Variance application. Any owner of, or person having an interest in, the affected property, may apply to the Board of Adjustment for a variance from the dimensional requirements, design or performance standards, and other special physical requirements contained in this Land Use Code.
   a. Variance requests. Applicants for variances shall submit the following to the Planning Department. If an applicant wishes to seek a variance in conjunction with another application, the applicant shall submit the following to the Planning Department in conjunction with the other application:
      1. The applicant shall file a Land Use Application with the Planning Department and pay the fees set by the current fee schedule;
      2. Explanation letter, identifying the variance being requested;
      3. A citation of the portion of this Code from which relief is requested and explaining what exceptional condition, practical difficulty, or unnecessary hardship exists in relation to the dimensional requirements, design or performance standards, and other special physical requirements contained in this Land Use Code that the applicant seeks a variance from; (d) A letter addressing how the variance, if granted, will not be detrimental to the public good or impair the intent and purpose of this Code.
4. Public hearing and action. Board of Adjustment public hearing and action on appeal or variance request. The Board of Trustees, sitting as a Board of Adjustment, shall make a decision on appeal and variances at a regular meeting of the Board of Trustees.
   a. The Appellant, or the Applicant for a variance, has the burden of proof to establish the necessary facts to warrant favorable action of the Board.
   b. On an appeal, the Board shall have all the powers of the applicable Town administrative official on the action appealed. The Board may in whole or in part affirm, reverse, or amend the decisions of the applicable Town administrative official within the constraints of the powers granted to the administrative official. Town administrative officials do not have the power to grant variances, and the Board does not have the power to grant a variance through the appeal process.

c. The Board may impose reasonable conditions in its order to be complied with by the appellant in order to further the purposes and intent of this Code.
d. The Board may impose any reasonable conditions on the issuance of a variance and may amend the variance from that requested.
e. No single decision of the Board sets a precedent. The decision of the Board shall be made on the particular facts of each case.
f. Variances granted by the Board of Adjustment shall be recorded with the County Clerk and Recorder at the expense of the Applicant.

5. Appeal criteria for approval. The Board, in hearing an appeal under the Land Use Code, shall consider:
   a. The technical meaning of the provision being appealed;
   b. Evidence of the manner in which the provision has been interpreted in the past; the Board shall not consider evidence of the manner of enforcement of the provision in the past;
   c. The positive or negative impact of the requested appeal on the achievement of stated Town development goals and objectives; and
   d. The intent of the provision in implementing the Comprehensive Plan; provided, that if a Comprehensive Plan update has not occurred in the five (5) years preceding the application date, the Board may consider the level of benefit that will be created by granting the appeal against the level of risk to current Town planning priorities that the Board determines may be created by granting the appeal.

   In approving a requested interpretation, the Board shall provide a written record of its findings, including determinations of current planning priorities pursuant to Section 16-6-70.G.5.d, if any, and the staff shall use it to propose amendments that address future interpretation problems.

6. Variance criteria for approval.
   a. The Board shall not grant a variance to this Code that:
      1. Permits a land use not allowed in the zoning district in which the property is located;
      2. Is in the public right-of-way or on public property;
      3. Alters any definition of this Code;
      4. Is other than the minimum variance that will afford relief with the least modification possible to the requirements of this Code;
      5. Is based on physical conditions or circumstances of the property so general, common, or recurring in nature that granting a variance is indicative of the

need for an amendment to the Code itself, which would then be applicable to all properties similarly affected; or

6. Is based exclusively on findings of personal or financial hardship. Convenience, profit, or caprice shall not constitute undue hardship.

b. In order to grant a variance to this Code, the Board shall find that all the following have been satisfied:
    1. That there are unique physical circumstances or conditions such as irregularity, narrowness, or shallowness of the lot, or exceptional topographical or other physical condition particular to the affected property;
    2. That, because of these unique physical circumstances or conditions, the literal interpretation of the Land Use Code means that the property cannot be reasonably developed or used in compliance with the provisions of this Code;
    3. That, due to such unique physical circumstances or conditions, the strict application of this Code would create a demonstrated hardship;
    4. That the demonstrable hardship is not self-imposed;
    5. The relief requested is not based solely upon economic hardship;
    6. Granting of the variance requested will not confer on the applicant any special privilege denied by the Land Use Code for other land in the same zone district;
    7. The special circumstances applicable to the property have not been created by voluntary action or negligence by any person presently having an interest in the property;
    8. That the variance, if granted, will not adversely affect the proposed development or use of adjacent property or neighborhood;
    9. That the variance, if granted, will not change the character of the zoning district in which the property is located;
    10. That the variance, if granted, is in keeping with the intent of this Code; and
    11. That the variance, if granted, will not adversely affect the health, safety, or welfare of the residents of the Town.

7. Conditions. The condition of any variance authorized shall be stated in writing in the minutes of the Board of Adjustments with the justifications set forth.
8. Reversion of approval. If at the expiration of one (1) year, a building permit has not been issued for the structure for which the variance was approved or the use associated with the variance has not been established, the variance shall expire and the use of the property shall be controlled by this Land Use Code without action by the Board of Adjustment.

9. Notice. Public notice of an appeal or variance submitted independent of any other application shall be completed by:
    a. Publishing notice according to Section 16-6-50.J.
    b. Written notice shall be provided to adjacent property owners at least fifteen (15) days prior to the date of the Board of Adjustments hearing.

H. Land Use Code amendment.
1. Initiation of amendments to text. The Board of Trustees may, from time to time, amend, supplement, change, or repeal the regulations and provisions of this Code. Amendments to the text of the zoning code may be initiated by the Board of Trustees, Town staff, or Planning Commission, or by written application of any property owner or resident of the Town.
2. Application submittal. See the Administrative Development Guide for submittal requirements.
3. Criteria for text amendments to zoning code. For the purpose of establishing and maintaining sound, stable, and desirable development within the Town, the text of this Code shall not be amended except:
    a. To correct a manifest error in the text of this Code;
    b. To provide for changes in administrative practices as may be necessary to accommodate changing needs of the community and the Town staff;
    c. To accommodate innovations in land use and development practices that were not contemplated at the adoption of this Code; or
    d. To further the implementation of the goals and objectives of the Comprehensive Plan.

I. Comprehensive Plan amendment.
1. The Planning Commission is the final decision maker on all requests to amend the Comprehensive Plan. Following a public hearing at the Planning Commission, the decision will be presented to the Board of Trustees in a public meeting.
2. Submittal requirements. See the Administrative Development Guide for submittal requirements.
3. Review criteria. The Comprehensive Plan may be amended pursuant to the following criteria:
    a. The amendment improves the implementation of one or more of the goals, policies, and strategies of The Town of Frederick Comprehensive Plan, 2024.
    b. The amendment will not pose a detrimental impact on existing or planned Town facilities, services, or transportation facilities.

c. The amendment will not interfere with the existing or emerging land use patterns and densities/intensities of the surrounding neighborhoods as depicted on the Land Use Plan and contained within the Town of Frederick Comprehensive Plan, 2024.
d. The amendment will not interfere with, or prevent, the provision of any of the area's (neighborhood's) existing, planned, or previously committed services.

J. Location and extent.
1. Purpose and intent. The Location and Extent review process affords the Town an opportunity to review projects proposed by public or quasi-public entities. This includes publicly or privately-owned utilities, transportation districts, and special districts where funding is provided by taxpayers and considered to be political subdivisions of the state. The purpose of the Location and Extent review is to evaluate the proposed project in relation to applicable goals and policies of the adopted Frederick Comprehensive Plan, and to discuss the Town's reasonable expectations for land use and development within the Town.
2. Review procedure.
a. New facilities. All new Location and Extent reviews require a land use application and public hearing before the Planning Commission and Town Board of Trustees.
b. Modifications to existing facilities. For project proposals with modifications or alterations to existing facilities equaling a fifty (50) percent change to the building footprint or impervious surface of the site shall follow the public hearing process per the requirements of Section 16-6-60. For modifications or alterations to existing facilities equaling less than a fifty (50) percent change to the building footprint or impervious surface of the site the Director shall determine if the administrative application process in Section 16-6-100 shall be followed.
3. Submittal requirements. The applicant shall submit an application per the requirements found in the Administrative Development Guide.
4. Approval criteria.
a. The project is compatible with the existing and allowable land uses in the surrounding area.
b. The project is in general conformance with the Comprehensive Plan and other applicable master plans.
c. The project is in general conformance with the intent of the Land Use Code.

d. The project identifies and minimizes adverse impacts to the health, safety, and welfare of the inhabitants of the surrounding areas and of the Town.
e. The project exhibits the availability of infrastructure and services.

Sec. 16-6-80. Minor Application Review Procedure.

All applications classified as minor applications are outlined in Section 16-6-40. The following development review procedure will apply to all minor applications unless variations or exceptions to the core procedure are expressly allowed in the particular application requirements stated in Section 16-6-90.

A. Core Minor Application Development Review Procedure:
   1. Pre-Application meeting. See Section 16-6-50.A.
   2. Neighborhood meeting. See Section 16-6-50.B.
   3. Application submittal and completeness check. See Section 16-6-50.C.
   4. Notice of application and posting of property. See Sections 16-6-50.H., 16-6-50.I, 16-6-50.J and Section 16-6-50.K.
      a. Notices of application must be sent upon certification that an application is complete.
      b. The applicant shall mail written notice according to the required distance outlined in Section 16-6-50.H.2 and post notice according to the requirements of Section 16-6-50.I.
   5. Review and Initial Comments to Applicant. See Section 16-6—50.D.
   6. Revised application submittal. See Section 16-6-50.E.
   7. Notice of public hearing and posting of the property. See Sections 16-6-50.H., 16-6-50.I, 16-6-50.J and Section 16-6-50.K.
      a. Notices of public hearing must be sent to the surrounding property owners according to the required distance and timeframe outlined in Section 16-6-50.H.2.
      b. The applicant shall post notice on the property according to the requirements of Section 16-6-50.I.
   8. Public Hearing at Planning Commission.
      a. The Planning Commission shall hear all major applications at a public hearing. Recommendations of the Planning Commission are forwarded to the Board of Trustees for consideration.
      b. Submittal requirements. See the Administrative Development Guide for all requirements.
   9. Public Hearing at Board of Trustees.

a. The Board of Trustees will hear minor and major applications at a public hearing following the public hearing of the Planning Commission.
b. Submittal requirements. See the Administrative Development Guide for all requirements.

Sec. 16-6-90. Requirements and Standards for Minor Applications.

A. Final plat.
   1. Purpose. The purpose of the final plat is to complete the subdivision of land consistent with the technical standards outline in this Code.
   2. Submittal requirements. See Administrative Development Guide.
   3. Final plat review criteria. The Town shall use the following criteria to evaluate the Applicant's request:
      a. The final plat is consistent with and conforms to the approved preliminary plat.
      b. The final plat is in conformance with the Development Standards of Article IV of the Land Use Code.
      c. The applicant has provided evidence that a sufficient water supply has been acquired or will be acquired in terms of quantity, quality, and dependability for the type of subdivision proposed.
      d. The applicant has provided evidence that a sewage disposal system has been established or will be established and, if other methods of sewage disposal are proposed, adequate evidence indicating that the system complies with state and local laws and regulations.
      e. The applicant has provided evidence to show all areas of the proposed subdivision, which may involve soil or topographical conditions presenting hazards or requiring special precautions, have been identified by the applicant and the proposed uses of these areas are compatible with such conditions.
      f. The proposed or constructed drainage improvements are adequate and comply with these standards and regulations.

B. Final development plan.
   1. Final development plan purpose and application. The purpose of a final development plan is to define the standards associated with a specific planned unit development overlay district.
   2. Submittal requirements. See Administrative Development Guide.
   3. Final development plan review criteria. The Town shall use the following criteria to evaluate the Applicant's request:

a. The final development plan is substantially consistent with the preliminary development plan as approved by the Board of Trustees.
b. All preliminary development plan conditions of approval have been adequately addressed on the final development plan.

4. Standards not open to modification. The following community design principles and development standards are considered absolute minimum standards and are not open to modification:
   a. Road standard (cross-section) for local streets with attached sidewalk;
   b. Requirement of one (1) street tree of two-inch caliper for each forty (40) feet of frontage on both sides of the street (except for rural roads and alleys);
   c. Dedication of the full width of right-of-way for all platted streets; and
   d. Provision of handicap parking spaces.

5. Compliance with the final development plan. The Board of Trustees may initiate the process to repeal the ordinance establishing the development plan if:
   a. The project for which the development plan was established is not carried out pursuant to the approved final development plan; provided, however, that the Board of Trustees may approve appropriate modifications to the final development plan from time to time prior to completion of the proposed development; or
   b. Building activity for the area affected by the development plan has not commenced within a period of one (1) year after the effective date of the creating ordinance, unless otherwise approved by the Board of Trustees.

C. Minor subdivision.
1. Generally. The minor subdivision process may be used in lieu of the preliminary and final plat processes (See Section 16-6-70.D and Section 16-6-90.A) if the Director determines that the subdivision is compatible with and will not have adverse impacts on surrounding properties, and not more than ten (10) new lots, outlots, or blocks (in any combination) are created.
2. Purpose. The purpose of a minor subdivision is to complete the subdivision of land consistent with the Town's technical standards.
3. Submittal requirements. See Administrative Development Guide.
4. Minor subdivision review criteria. A minor subdivision shall meet the review criteria applicable to preliminary plats stated in Section 16-6-70.D.3.
5. Limitations. Plats approved using the minor subdivision process shall include the phrase "minor subdivision" in their titles, and property encompassed within a

minor subdivision plat shall not be eligible for further minor subdivision if the cumulative effect of minor subdivisions including the property would be the creation of more than ten (10) lots.

D. Conditional use.
   1. Purpose.
      a. In order to provide flexibility and to help diversify uses within a zoning district, specified uses are permitted in certain districts subject to the granting of a conditional use permit. Specific conditional uses for each zone district are listed in the Table of Permitted Uses by Zoning District found in Table 2-1 of this Land Use Code.
      b. Because of their unusual or special characteristics, conditional uses require review and evaluation so that they may be located properly with respect to their effects on surrounding properties. The review process prescribed in this Section is intended to ensure compatibility and harmonious development between conditional uses, surrounding properties and the Town at large. Conditional uses may be permitted subject to such conditions and limitations as the Town may prescribe to ensure that the location and operation of the conditional uses will be in accordance with the conditional use criteria. The scope and elements of any conditional use may be limited or qualified by the conditions applicable to the specific property. Where conditions cannot be devised to achieve these objectives, applications for conditional use permits shall be denied.
   2. Submittal requirements. See Administrative Development Guide.
   3. Conditional use review criteria. The Town shall use the following criteria to evaluate the applicant's request:
      a. The conditional use will satisfy all applicable provisions of this Code and subdivision regulations unless a variance is being requested.
      b. The conditional use will conform with or further the goals, policies, and strategies set forth in the Comprehensive Plan; provided, that if a Comprehensive Plan update has not occurred in the five (5) years preceding the application date, the Board may consider instead the impacts of the conditional use on public health, safety, and welfare, including but not limited to its anticipated impacts on the balance of land uses in the Town and the need for the conditional use in the context in which it is proposed.
      c. The conditional use will be adequately served with public utilities, services and facilities (e.g., water, sewer, electric, schools, street system, fire protection, public

transit, storm drainage, refuse collection, parks system, etc.) and not impose an undue burden above and beyond those of the permitted uses of the district.

d. The conditional use will not substantially alter the basic character of the district in which it is located or jeopardize the development or redevelopment potential of the district.
e. The conditional use will result in efficient on- and off-site traffic circulation that will not have a significant adverse impact on the adjacent uses or result in hazardous conditions for pedestrians or vehicles in or adjacent to the site.
f. Potential negative impacts of the conditional use on the rest of the neighborhood or of the neighborhood on the conditional use have been mitigated through setbacks, architecture, screen walls, landscaping, site arrangement, or other methods. The applicant shall satisfactorily address the following impacts:
    1. Traffic;
    2. Activity levels;
    3. Light;
    4. Noise;
    5. Odor;
    6. Building type, style and scale;
    7. Hours of operation;
    8. Dust;
    9. Erosion control; and
    10. Other potential impacts associated with the proposed use as determined by the Director.
g. The applicant has submitted evidence that all applicable local, state, and federal permits have been or will be obtained.

Sec. 16-6-100. Administrative Application Review Procedure.

All applications classified as administrative applications are outlined in Section 16-6-40. The following development review procedure will apply to all major applications unless variations or exceptions to the core procedure are expressly allowed in the particular application requirements stated in Section 16-6-110.

A. Core Administrative Application Development Review Procedure
    1. Pre-Application meeting. See Section 16-6-50.A.
    2. Neighborhood meeting. See Section 16-6-50.B.
    3. Application submittal and completeness check. See Section 16-6-50.C.

4. Notice of application and posting of property. See Sections 16-6-50.H., 16-6-50.I, and Section 16-6-50.K.
    a. Notices of application must be sent upon certification that an application is complete.
    b. The applicant shall mail written notice according to the required distance outlined in Section 16-6-50.H.2 and post notice according to the requirements of Section 16-6-50.I.
5. Review and Initial Comments to Applicant. See Section 16-6-50.D.
6. Revised application submittal. See Section 16-6-50.E.
7. Final decision by Director.
    a. The Director will take final action and either approve, approve with conditions, or deny the application. The Director will notify the Applicant of the final action and advise the Applicant, as applicable, that the Applicant must satisfy or accept all conditions of approval prior to issuance of a building permit.
    b. Referral to Planning Commission and Board of Trustees.
        1. The Director may refer all decision making to the Planning Commission and Board of Trustees as outlined in Section 16-6-50.G.

Sec. 16-6-110. Requirements and Standards for Administrative Applications.

A. Site plan.
1. Intent and purpose. The site plan is needed in order to apply for a building permit for all multi-dwelling, non-residential, and mixed-use, developments. The site plan shows how the lot will be developed so that the Town can ensure that the site design will be in compliance with all Town regulations.
2. Applicability.
    a. All new uses established under this Code require a site plan, except for single-dwelling detached, paired homes, or projects going through the change of use process.
    b. Downtown properties. Any change of use within the DT zone district does not require a site plan or site plan amendment process unless there are proposed changes to the exterior building equal to or greater than fifty (50) percent of the existing building or proposed changes to the site equal to or greater than fifty (50) percent of the site, unless it is found, at the discretional of the Director, that the proposed changes are significant enough to warrant a site plan or site plan amendment.
    c. Multiple single-dwelling detached or paired homes on one (1) lot shall require a site plan and shall be reviewed as a muti-dwelling project.

d. For existing properties without approved site plans, it shall be at the discretion of the Director to require a new site plan that shall follow the site plan amendment submittal requirements found in the Administrative Development Guide. The site plan amendment fee shall also be required for these new site plans.

3. Submittal requirements. All site plans shall follow the submittal requirements found in the Administrative Development Guide.
4. Public and private improvements. Site plan applications may require development agreements to identify the public and private improvements necessary and associated costs. The agreements must meet the requirements identified in Section 16-4-50, Public Improvements. The Town Engineer will determine when an agreement is required.
5. Site plan review criteria. A site plan must meet the following review criteria:
   a. All of the information required on a site plan is shown.
   b. The lot size and lot dimensions are consistent with what is shown on the approved final plat.
   c. No buildings or structures infringe on any easements.
   d. The proposed site grading is consistent with the requirements of the Weld County Tri-Area Sanitation District's Standard Requirements for Storm Drainage Design Criteria and Construction Standards for the I-25 Corridor Master Drainage Plan Godding Hollow and Tri-Town Basins South Weld County, Colorado.
   e. The density and dimensions shown conform with the density and dimensional standards in Section 3.5 of this Code or the approved development plan requirements.
   f. The applicable community design principles and development standards have been adequately addressed and the proposed improvements conform with Article 4.
6. Amendments to approved site plans.
   a. Minor variations in the location of structures, improvements or open space areas caused by engineering or other unforeseen difficulties may be reviewed and approved by the Town staff. Such changes shall not exceed ten (10) percent of any measurable standard or modify the use, character or density of an approved site plan. All plans so modified shall be revised to show the authorized changes and shall become a part of the permanent records of the Town.

b. Changes to approved site plans that exceed the ten (10) percent threshold, or other major modifications (such as changes in building size or footprint, relocation of access points, changes to required parking, etc.), shall be considered as a new site plan application. Such amendments shall require administrative review and approval to become effective. A complete site plan application shall be prepared and submitted in compliance with the requirements set forth in this Section.

7. Effective Timeframe
   a. The site plan shall be effective for a period of three years from the date of approval, unless stated otherwise in such approval.
   b. The Director may grant a one-time extension, of not more than six (6) months, upon a written request by the applicant, prior to the expiration of the site plan.
8. Eligible wireless communication facilities (WCF) review procedures.
   a. Upon receipt of an application for an eligible WCF request pursuant to this Section, the Director will review such application to determine whether the application qualifies as an eligible WCF request.
      1. The application must indicate whether the application results in a substantial change.
      2. The application must include information pertaining to whether the project violates a generally applicable law, regulation, or other rule codifying objective standards reasonably related to public health and safety.
      3. The application may not require the applicant to demonstrate a need or business case for the proposed modification or collocation.
   b. The application must include the following:
      1. The applicant's and surface owner's names, addresses, signatures, and designation of agent, if applicable.
   c. Timeframe for review. Subject to the tolling provisions of Section 16-6-110.A.8.d.1 and Section 16-6-110.A.8.f, within sixty (60) days of the date on which an applicant submits an application seeking approval under this Section, the Town shall approve the application unless it determines that the application is not covered by this Subsection.
   d. Tolling of the time frame for review. The sixty (60) day review period begins to run when the application is filed, and may be tolled only by mutual agreement of the Town and the applicant, or in cases where the Planning Director determines that the application is incomplete:
      1. To toll the time frame for incompleteness, the Town must provide written notice to the applicant within thirty (30) days of receipt of the application, specifically delineating all missing documents or information required in the application;

2. The time frame for review begins running again when the applicant makes a supplemental written submission in response to the Town's notice of incompleteness; and
3. Following a supplemental submission, the Town will notify the applicant within ten (10) days that the supplemental submission did not provide the information identified in the original notice delineating missing information. The time frame is tolled in the case of second or subsequent notices pursuant to the procedures identified in Section 16-6-110.A.8.d.1. In the case of a second or subsequent notice of incompleteness, the Town may not specify missing information or documents that were not delineated in the original notice of incompleteness.

e. Failure to act. In the event the Town fails to act on a request seeking approval for an eligible facilities request under this Section within the time frame for review (accounting for any tolling), the request shall be deemed granted. The deemed grant becomes effective when the applicant notifies the Town in writing after the review period has expired (accounting for any tolling) that the application has been deemed granted.

f. Interaction with Telecommunications Act, 47 U.S.C. § 332(c)(7). If the Town determines that the applicant's request is not an eligible facilities request as delineated in this Article, the presumptively reasonable time frame under § 332(c)(7), as prescribed by the FCC's shot clock order, will begin to run from the issuance of the Town's decision that the application is not a covered request. To the extent such information is necessary, the Town may request additional information from the applicant to evaluate the application under § 332(c)(7) reviews.

g. Decision. Any decision to approve, approve with conditions, or deny an application for a WCF shall be in writing and supported by substantial evidence related to regulations and restrictions, as detailed herein, in a written record. The applicant shall receive a copy of the decision.

h. Development standards for WCFs. Refer to Section 16-4-160 for WCF standards.

B. Subdivision amendment.

1. Generally. The subdivision amendment process may be used in lieu of the preliminary and final plat process (see Section 16-6-70.D and Section 16-6-90.A above) if the following conditions apply and the Director determines that the subdivision is compatible with and will not have adverse impacts on surrounding properties:
   a. Three (3) or fewer new lots or blocks are created;
   b. Variances or subdivision exceptions are not required or requested;
   c. There is no public right-of-way dedication required or requested; and

d. The property for which the subdivision amendment is requested was not the subject of a minor subdivision or subdivision amendment approval during the prior one (1) year.

2. Purpose. The purpose of a subdivision amendment is to complete the subdivision of land consistent with the Town's technical standards.
3. Submittal requirements. See the Administrative Development Guide for submittal requirements.
4. Subdivision amendment review criteria.
    a. All subdivision amendment plats except boundary/lot line adjustments shall comply with the following criteria to evaluate the Applicant's request:
        1. A subdivision amendment shall meet the review criteria applicable to preliminary plats stated in Section 16-6-70.D.3.
    b. The Town will use the following criteria to evaluate an Applicant's request for a boundary/lot line adjustment:
        1. The adjustment does not increase the number of lots or parcels or create new lots or parcels.
        2. The adjustment affects only two adjacent lots.
        3. The adjustment does not affect a recorded easement without the prior approval of the easement holder.
        4. The adjustment is no greater than ten (10) feet from the originally platted boundary or lot line.
        5. Any adjacent rights-of-way will not be changed.
        6. The adjustment will not create any nonconformities, or increase the degree of nonconformity of any existing structure or use.
        7. The adjustment complies with all other applicable requirements of this Land Use Code and all other applicable regulations and requirements.
        8. No more than one boundary/lot line adjustment is allowed within any one (1) year time period for the same properties.
        9. The adjustment is referenced to the platted lot line in the newly written deeds for both lots (submitted with the application).
        10. All affected property owners agree to the adjustment in writing.
        11. After the adjustment, both lots and the improvements thereon satisfy all applicable provisions of this Land Use Code and applicable building or fire codes, including but not limited to lot size and width, setbacks, and fire separation, unless otherwise waived, modified, or varied under the provision of this Land Use Code.

C. Plot plan.

1. Purpose. The plot plan is needed in order to apply for a building permit for any building or structure constructed on a single-family home or duplex lot. The plot plan shows where the proposed building or structure will be located on the lot so that the Town can make sure that the proposed location will be in compliance with all Town regulations.
2. Submittal requirements. See Administrative Development Guide for submittal requirements.
3. Plot plan review criteria. The plot plan must meet the following review criteria:
    a. All of the information needed on a plot plan is shown.
    b. The lot size and lot dimensions are consistent with what is shown on the approved final plat.
    c. No buildings or structures infringe on any easements.
    d. The proposed site grading is consistent with FHA standards (if insured by FHA); otherwise it shall meet the Town's approval.
    e. The density and dimensions shown conform with the density and dimensional standards in Article 3 or the approved development plan requirements.
    f. The applicable community design principles and development standards (Article 4) have been adequately addressed.

D. Minor modification.
1. Purpose. This section allows for minor medications from otherwise applicable land use standards. Minor modifications are intended to be allowed when the unlikelihood of any adverse effects on nearby properties or the neighborhood makes it unnecessary to complete a formal variance process.
2. Applicability.
    a. As part of the review of any land use application under this article, the Town Board, the Planning Commission, or the Director may approve minor modifications of up to a maximum of ten (10) percent from the following general development and zone district standards:
        1. Minimum lot area requirements;
        2. Setback requirements;
        3. Subdivision design and improvement standards; and
        4. Quantitative development standards set forth in Article 4.
3. Exceptions. Notwithstanding the foregoing, no minor deviation shall result in:
    a. An increase in overall project density;
    b. A change in permitted uses or mix of uses;
    c. An increase in building height;
    d. A deviation from the use-specific standards; or
    e. A change in conditions imposed on the original approval of any plat, site plan, or special review use.

4. Procedure. The final decision-making body on a land use application may approve a minor modification at the time the land use application is finally approved.
5. Approval criteria. A minor modification may only be approved if all of the following criteria are satisfied:
    a. The minor modification is generally consistent with the Town's comprehensive plan and the stated purpose of this LUC;
    b. The minor modification meets all applicable building and safety codes;
    c. The minor deviation does not encroach into a recorded easement;
    d. The minor modification will not have significant adverse impacts on the health, safety, or general welfare of surrounding property owners or the general public, or such impacts will be substantially mitigated; and
    e. The minor modification is necessary to compensate for some practical difficulty or some unusual aspect of the site of the proposed development not shared by landowners in general, or to accommodate an alternative or innovative design practice that achieves to the same or better degree the objective of the existing standard.

E. Temporary use.
1. General. Operation or establishment of a temporary use or structure shall be conditioned upon full prior compliance with the provisions stated in this Subsection and Section 16-2-50.
2. Review procedure. All applications for temporary use shall follow the core procedure for review of administrative applications, stated in Section 16-6-100, except for the following modifications:
    a. Permit required. An approved temporary use shall be issued a temporary use or building permit that shall include the duration of the approval and shall include or reference all conditions of approval.
    b. Conditions of approval. In approving a temporary use, the Director may impose conditions including but not limited to control of nuisance factors (e.g., glare, noise, smoke, dust), provision of security and safety measures, and limitations on hours of operation, storage, and parking, provided such conditions are reasonably necessary to:
        1. Satisfy the review criteria of this Subsection and the specific purposes of the zoning district in which the temporary use will be located;
        2. Protect the public health, safety, and general welfare; or
        3. Ensure operation and maintenance of the temporary use in a manner compatible with existing uses on adjoining properties and in the surrounding area.

3. Submittal requirements. See the Administrative Development Guide for submittal requirements. The temporary use application shall include a written statement describing the proposal and addressing the following points:
    a. Traffic. Demonstrate how the proposed site is adequately served by streets having sufficient width and improvements to accommodate the type and quantity of traffic that such temporary use will or could reasonably generate;
    b. Parking. Demonstrate that adequate parking is available to accommodate vehicular traffic to be reasonably generated by such use will be available either on-site or at alternate locations.
    c. Screening. If required, provide a description of on-site screening, necessary to mitigate impacts of the temporary use on adjacent properties or rights-of-way.
    d. Landscaping. If required provide a description of landscaping, including weed removal, based on the Planning Director's determination of need, ultimate use, existing character, and existing surrounding uses.
    e. On-site lighting. Provide a description of all on-site lighting that will be installed and maintained in order to prevent glare subject to the outdoor lighting provisions of Section 16-4-140.
    f. Trash removal. Provide a description of the storage and removal of all trash, refuse, and debris occurring on the site, which the owner or operator of a temporary use shall be responsible for. Furthermore, all trash storage areas shall be screened from view of adjacent rights-of-way and the site must be maintained in a clean and safe manner.
4. Review criteria. An application for a temporary use or structure shall demonstrate compliance with the general standards stated in this Subsection and all of the following criteria:
    a. The proposed site for the temporary use or structure is adequate in size and shape to accommodate the temporary use.
    b. The proposed temporary use will be located, operated, and maintained in a manner consistent with the provisions of the Land Use Code.
    c. The operation of the requested use at the proposed location and within the time period specified will not create adverse impacts on surrounding properties or neighborhoods.
    d. To the maximum extent feasible, site design, including but not limited to location of parking, structures, and lighting, shall assure compatibility with surrounding uses.

e. Temporary uses shall not violate any applicable conditions of approval that apply to the principal use on the site.
f. The applicant or operator shall be responsible for obtaining any other required permits, such as Health Department permits.
g. Permanent alterations to the site are prohibited.

5. Time limits on permits. Temporary use permits shall be valid for a specified period of time.
   a. Extensions. The Applicant may request an extension beyond the approved time limit by requesting the extension prior to the expiration of the initial time limit. The request for an extension shall be scheduled for review in the same fashion as the original application, as specified in this subsection.
   b. Review criteria. The following review criteria shall be used to evaluate requests for extensions of approved temporary uses:
      1. The Applicant, owner, and operator have complied with the conditions of the original approval and permit.
      2. The temporary use has operated and will continue to operate in a way the satisfies all the review criteria stated in Section 16-6-110.E.4 above; and
      3. The Applicant demonstrates a need for the requested extension.
   c. Conditions of approval for an extension of time. The extension may be conditioned upon design or physical alterations to the temporary use that the Director determines are necessary to achieve a greater degree of compatibility with surrounding uses and properties.
6. Building Code and other compliance – Certificate of Occupancy. All temporary uses shall be required to comply with all applicable provisions of this Land Use Code and the building, fire, and other codes adopted by the Town, and shall obtain a Certificate of Occupancy, as applicable, prior to initiation of any temporary use.

F. Change of use.
1. Purpose. The change of use process is intended to allow the Town to ensure compliance with all current land use regulations and building and fire code requirements, and to allow the Town to consider and address potential impacts related to building and site design, fire protection and emergency access, lighting, noise, parking, signage, multi-modal access and safety, and other impacts affecting the public health, safety, or welfare.
2. Applicability. For changes in use between Land Use Categories per Table 2-1 or change of occupancy per the Town building code, a change of use permit is required when a property, building, or structure is proposed to include a different land use

than the approved or existing use, and building, structure or site changes are required to conform to land use code or municipal code requirements for the new use.

3. Submittal requirements. See the Administrative Development Guide for change of use application submittal requirements.
4. Review and approval
    a. A change of use review shall be considered an administrative application but shall not be required to follow the core procedures listed in 16-6-100.A.
    b. An approved change of use shall be issued a change of use permit through the Community Development Department that shall reference all conditions of approval.
    c. In approving a change of use, the Director may impose reasonable conditions to comply with the approval criteria.
5. Approval Criteria. The proposed change of use shall comply with the following criteria:
    a. The change of use Is consistent with the comprehensive plan and the purpose of the land use code and zoning district; conforms to any previously approved concept plan, subdivision plat, PUD plan, and site plan; and complies with all applicable statutes, codes, ordinances and regulations.
    b. The change of use complies with applicable Town standards, including street and utility design and layout, and adequate utilities are available or will be provided for appropriate urban-level services, and does not adversely impact on- and off-site traffic circulation or parking areas, public utilities or services, drainage, landscaping or other existing improvements;
    c. The change of use includes an appropriate transportation plan, including multi-modal transportation access, and is integrated and connected, where appropriate, with adjacent development through-street connections, sidewalks, trails and similar features.
    d. The land use, site and building layout and design, and access are compatible with surrounding properties.
    e. The change of use will not adversely affect the natural environment, or the adverse impacts of the use will be mitigated to the maximum extent feasible.
    f. The change of use does not result in any safety or hazard issues.
    g. The applicant agrees to all conditions of approval.

G. Alternative compliance. See Section 16-4-30.

Sec. 16-6-120. Vesting of Property Rights.

The purpose of this Article 5 is to provide the procedures necessary to implement the provisions of Article 68 of Title 24, C.R.S., as amended, which establishes a conditional period of vested property rights for a landowner to undertake and complete development of real property under the terms and conditions of an approved site specific development plan. No vested rights shall be created within the Town except through a site specific development plan.

Sec. 16-6-130. Definitions.

A. As used in this Article, unless the context otherwise requires:
   1. **Landowner** means any owner of a legal or equitable interest in real property, and includes the heirs, successors, and assigns of such ownership interests.
   2. **Property** means all real property subject to land use regulation by the Town.
   3. **Site specific development plan** means and is limited to the final plat of a subdivision or a final site plan of a Planned Unit Development (also known as a "final development plan") when approved by the Board of Trustees by ordinance or resolution duly adopted, as applicable to the application type.
   4. **Vested property rights** shall mean the right to undertake and complete the development and use of property under the terms and conditions of a site specific development plan.

Sec. 16-6-140. Creation of Vesting Rights.

A. Request for site specific development plan approval.
   1. For those developments for which the landowner wishes to establish vested property rights, the landowner shall request the vesting approval in writing at least thirty (30) days prior to the date approval of the final plat or final development plan is scheduled to be considered by the Board of Trustees.
   2. Failure of the landowner to request approval within the timeframes established in this section shall render the subject plat or plan not a site specific development plan, and no vested property rights shall be deemed to have been established.
   3. To the extent Article 68 of Title 24, C.R.S., as amended, addresses subject matter not governed by this Code in relation to vesting of property rights, such statutes shall govern.

B. Notice and hearing. No site specific development plan shall be approved or amended until after a public hearing called for that purpose, preceded by notice of such hearing published as provided by law at least fifteen (15) days before the hearing. Such notice may, at the Town's option, be combined with any other required notice. At such hearing, all interested persons shall have an opportunity to be heard.

C. Approval, conditional approval, effective date, amendments, referendum, and review.
   1. A site specific development plan shall be deemed approved upon the effective date of the ordinance or resolution, as applicable, granting final approval of the plan. The vested property right shall attach to and run with the applicable property and shall confer upon the landowner the right to undertake and complete the development and use of said property under the terms and conditions of the site specific development plan, including any amendments thereto.
   2. The Board of Trustees may approve a site specific development plan upon such terms and conditions as may reasonably be necessary to protect the public health, safety, and welfare. Such conditional approval will result in a vested property right, although failure to abide by such terms and conditions will result in a forfeiture of vested property rights.
   3. In the event amendments to a site specific development plan are approved, the effective date of such amendments, for purposes of the term of a vested property right, shall be the date of the original site specific development plan approval, unless the Board of Trustees specifically finds to the contrary and incorporates such findings in its written approval of the amendment.
   4. The approval of vested property rights shall be subject to all rights of referendum and judicial review; except that the period of time permitted by law for the exercise of such rights shall not begin to run until the date of publication of a notice to the general public of the site specific development plan approval and establishment of vested property rights.

D. Notice of approval.
   1. Each map, plat, site plan, or other document constituting a site specific development plan shall contain the following notice: "Approval of this plan may create a vested property right. Approval was granted for (enter number) years effective (enter date)." Failure to include this statement shall invalidate the creation of the vested property right.
   2. For developments where vesting is granted pursuant to this section, after approval of a final plat or final development plan, the landowner shall prepare an amended

final plat or final development plan, as appropriate, and record the same with the Weld County Clerk and Recorder. Such amended final plat or final development plan shall include the notice described in paragraph a. of this subsection 4, and contain signatures of all affected property owners, mortgagees, and/or lienholders as identified by an updated title commitment.

3. In addition, the Town shall publish a notice describing generally the type and intensity of the use approved, the specific parcel of property affected, and stating that a vested property right has been created. The notice shall be published once, not more than fourteen (14) days after approval of the site specific development plan, in a newspaper of general circulation within the Town.

Sec. 16-6-150. Duration of Vested Property Right.

A. A property right that has been vested as provided in this Article shall remain vested for a period of three (3) years.

B. At no time shall the vesting period extend beyond eight (8) years following the original date of approval of the site specific development plan.

C. The Board of Trustees may, in its sole discretion, grant vested property rights up to a period of a total of eight (8) years following the original date of approval when warranted in light of all relevant circumstances, including but not limited to:
   1. The size and phasing of the development
   2. Economic cycles
   3. Market conditions

D. Extension of the period of vested rights beyond three (3) years may be accomplished only through entry into a development agreement.

E. The vesting period shall not be extended by any amendments to a site specific development plan unless expressly authorized by the Board of Trustees in the written ordinance or resolution, as applicable, approving such amendments.

Sec. 16-6-160. Other Provisions Unaffected.

Approval of a site specific development plan shall not constitute an exemption or waiver of any other provisions of this Code pertaining to the development or use of real property.

Sec. 16-6-170. Limitations.

Nothing in this Code is intended to create any vested property right, except for implementation of the provisions of Article 68 of Title 24, C.R.S., as amended, and the modifications to statute contained in this Code. In the event of the repeal of said Article or a judicial determination that said Article is invalid or unconstitutional, this Article 6 shall be deemed to be repealed and the provisions hereof no longer effective.

Sec. 16-6-180. Enforcement and Penalties.

A. Responsible enforcement entity. The Board of Trustees or its designee shall be responsible for enforcing the provisions of this Code. Any criminal enforcement shall be by the issuance of a summons and complaint to Municipal Court by those designated with authority by the Town Manager.

B. Authorization for inspections. Upon presentation of proper credentials, the Chief Building Official, Planning Director, Community Service Officer, Neighborhood Services Coordinator, or person charged by the Town Manager with managing enforcement of the Land Use Code, or their designee, may enter any building, structure, real property, or premises to ensure compliance with the provisions of this Code. Such inspection shall be carried out during normal business hours unless there is an emergency.

C. Violations and enforcement procedures.
   1. Violations. It shall be a violation of this Code to undertake any of the following activities:
      a. Activities inconsistent with Code. Erecting, constructing, reconstructing, remodeling, altering, maintaining, expanding, moving, or using any building, structure, sign, or land, or engaging in development or subdivision of any land in contravention of any zoning, subdivision, sign, or other regulation of this Code, including all required approvals;
      b. Land-disturbing activities inconsistent with Code. Excavating, grading, cutting, clearing, depositing fill or other materials, or undertaking any other land disturbance activity contrary to the provisions of this Code or without first obtaining all requisite approvals required by this Code or other applicable regulations;
      c. Nonconforming uses inconsistent with Code. Creating, expanding, replacing, or changing a nonconforming use, structure, lot, or sign, except in compliance with this Code;

d. Making lots or setbacks nonconforming. Reducing or diminishing the lot area, setbacks, or open space below the minimum required by this Code;
e. Increasing intensity of use. Increasing the intensity of use of any land or structure, except in accordance with the procedural and substantive standards of this Code;
f. Activities inconsistent with permit. Engaging in any development, use of land, construction, remodeling, or other activity of any nature in any way inconsistent with the terms and conditions of any permit, approval, or other form of authorization required to engage in such activity; or
g. Activities inconsistent with conditions of approval. Failure to comply with any terms, conditions, or limitations placed by the Board of Trustees upon any final development plan, subdivision plat, permit, or other form of authorization.

2. Penalty for violations. Any person, including but not limited to the officers and agents of a corporation responsible for its actions or inaction, and the partners or members of a partnership, firm, or joint venture, either as owner, lessee, occupant, or otherwise, who violates or causes the violation of any of the provisions of this Code, shall be guilty of a separate offense for each and every day or portion thereof during which a violation is committed or permitted or continues. Any person found responsible for a violation of this Code shall be subject to fines only, as provided in Sections 1-72 and 10-7 of the Municipal Code.

3. Civil remedies and enforcement powers. In addition to criminal prosecution for violations, the Community Service Officer, Chief Building Official, Planning Director, Town Engineer, Board of Trustees, Neighborhood Services Coordinator, or person charged by the Town Manager with managing enforcement of the Land Use Code, shall have the following civil remedies and powers to enforce this Code.

   a. Notice of violation and corrective action order.
      1. Nonemergency violations. In the case of violations of this Code that do not constitute an emergency or require immediate attention, the Town may choose to serve written notice of the nature of the violation and required corrective action to be taken ("Notice of Violation and Corrective Action Order") to the property owner, agent, occupant, or applicant for any relevant permit. Such notices shall be served in person, by certified U.S. mail (return receipt requested), or by posting notice on the premises. The notice shall specify the Code provisions allegedly in violation and shall state that the

individual has a period of time from the date of the receipt of the notice in which to correct the alleged violations before further enforcement action shall be taken. The period of time granted for correction in the notice shall not exceed thirty (30) days. The notice shall also state any appeal and/or variance procedures available pursuant to this Code.

2. Emergency violations. In the case of violations of this Code that constitute an emergency as a result of safety or public concern, or violations that will create increased problems or costs if not remedied immediately, the Community Service Officer, Chief Building Official, Planning Director, Town Engineer, Board of Trustees, or person charged by the Town Manager with managing enforcement of the Land Use Code, may use the enforcement powers available under this Article without prior notice, but shall attempt to give notice simultaneously with beginning enforcement action or as soon thereafter as practicable. Notice may be provided to the property owner, agent, or occupant, or to the applicant for any relevant permit.
3. Extension of time for correction. The Town may grant an extension of the time to cure an alleged violation, up to a total of ninety (90) days, if the Town finds that, due to the nature of the alleged violation, it reasonably appears that it cannot be corrected within thirty (30) days.

b. Deny/withhold permits.
    1. The Planning Director or Chief Building Official may deny and withhold all permits, certificates, or other forms of authorization to use or develop any land, structure, or improvements thereon until the alleged violation related to such property, use, or development is corrected. This provision shall apply whether or not the current owner or applicant for the permit is responsible for the violation.
    2. Where a property owner, agent, or other person has a record of an outstanding or past serious violation of this Code, the Planning Director, Chief Building Official, and/or Board of Trustees is/are authorized to deny or withhold all permits, certificates of occupancy, or other forms of authorization for any use or development activity undertaken by such person until the outstanding violation is corrected. This provision shall apply whether or not the property for which the permit or other approval is sought is the property in violation.
    3. The denial or withholding of a permit by the Director, Chief Building Official, or Town Engineer, if on the basis of provisions of the Land Use Code, may be appealed to the Board of Adjustment as provided in Section 4.7.7. of this

Code. The denial or withholding of a permit by the Chief Building Official, if on the basis of provisions of the Town's adopted building codes, as amended, may be appealed as provided for in such building codes.

c. Revocation of permits.
   1. Public hearing required. The Board of Trustees may revoke any development permit or other Land Use Code authorization, other than building permits, after notice and a public hearing.
   2. Notice of public hearing. The public hearing on the revocation of a development permit or other authorization shall be conducted during a regular or special meeting of the Board of Trustees not less than seven (7) days nor more than fourteen (14) days from the date the notice of the hearing is given. Notice of hearing shall be deemed given to the owner, the owner's agent, or other person to whom the development permit was issued, upon deposit of said notice in the U.S. mail, by certified mail, return receipt requested, addressed to the last known address of said person. Additional methods of service may also be utilized to give notice of the public hearing.
   3. Findings. Following the public hearing, the Board of Trustees, upon a finding of the following, may revoke any development permit or other authorization:
      (a) There is a departure from the approved plans, specifications, or conditions of approval;
      (b) There is a violation of any provision of this Code;
      (c) The development permit or authorization was obtained by false representation; or
      (d) The development permit or authorization was issued in error.

d. Notice of revocation. Written notice of revocation shall be served upon the owner, owner's agent, applicant, or other person to whom the permit or authorization was issued by certified mail, return receipt requested, or such notice may be posted in a prominent location at the place of the violation. No work or construction at or use of the property shall proceed after service of the revocation notice.

e. Stop work order.
   1. Issuance of stop work order. The Planning Director, Town Engineer, Chief Building Official, Community Service Officer, Board of Trustees, Neighborhood Services Coordinator, or person charged by the Town Manager with managing enforcement of the Land Use Code, may issue a written order to stop work on any property on which there is an uncorrected violation of either a provision of this Code or a provision of a development

permit, building permit, or other form of authorization. The stop work order shall specify the Code provisions allegedly in violation. Service of the order shall be given to the person the Town believes is responsible for the work that must be ceased in person, by certified U.S. mail (return receipt requested), or by posting notice on the premises. Service of the order shall also be made by certified U.S. mail (return receipt requested) to the record owner of the property upon which the work that must be ceased is occurring. After any such order has been served, no work shall proceed on any building, other structure, or tract of land covered by such order, except to correct such violation or comply with the order. Any affirmative action to correct a violation shall be coordinated with the Town before action is taken. The notice shall also state any appeal and/or variance procedures available pursuant to the applicable code.

2. Timing/notice*.* The stop work order may be issued in conjunction with a notice of violation or subsequent to such notice. The stop work order may also specify a shorter time for correction of the violation than the thirty-day period specified in Paragraph (3)a.1 above. The stop work order shall also indicate that failure to comply with the order may subject the violator to criminal liability in the form of fines as penalty for the violation.
3. Penalties for violation of stop work order.

f. Abatement or injunctive relief*.* The Board of Trustees, through the Town Attorney, may initiate injunction, abatement proceedings, or other appropriate legal action in the District Court or other court of competent jurisdiction to abate, remove, or enjoin such violation and to recover damages, costs, and reasonable attorney's fees incurred in the abatement and removal of such violation.

4. Remedies cumulative*.* The remedies provided for violations of this Code, whether civil or criminal, shall be cumulative and in addition to any other remedy provided by law and may be exercised in any order.
5. Continuation of prior enforcement actions*.* Nothing in this Code shall prohibit the continuation of previous enforcement actions undertaken by the Town pursuant to previous regulations.
6. Appeals of enforcement actions*.* Appeals of any order, requirement, decision, or determination made by an administrative official in the enforcement of this Code may be made according to Colorado Rule of Civil Procedure 106.
7. Liability of Town*.* This Code shall not be construed to hold the Town responsible for any damages to persons or property by reason of the inspection or reinspection, by

reason of the failure to inspect or reinspect, by reason of issuing a building permit, or by reason of pursuing or failing to pursue an action for injunctive relief.

8. Administrative Citations.
    a. General Intent.
        1. The Board of Trustees finds that the enforcement of the Frederick Land Use Code is an important public service, and that code enforcement is vital to the protection of the public's health, safety, and quality of life. The Board of Trustees further finds that a comprehensive code enforcement system that uses a combination of judicial and administrative remedies is critical to gain compliance with the Code.
        2. This section provides for an administrative enforcement process and administrative penalties that may be imposed for violation of any provision within the Frederick Land Use Code.
        3. The purpose of this section is to encourage prompt compliance with the Code and prompt payment of any penalties.
    b. Definitions. The following words, terms, and phrases, when used in this section, shall have the following meanings, unless the context clearly indicates otherwise:
        1. **Administrative Hearing Officer** shall mean a person appointed by the Town Manager to hear and determine administrative citation appeals. The Manager may appoint an employee of the Town or another person possessing qualifications acceptable to the Manager as a hearing officer to hear and receive evidence and render a decision on the law and the facts. The hearing officer may not have personally determined the factual issues in controversy prior to any hearing or official decision making, and may have no personal or financial interest in the outcome of the hearing.
        2. **Code** shall mean all provisions of the Frederick Land Use Code.
        3. **Enforcement Official** shall mean an employee or agent of the Town authorized to enforce the ordinances of the Town.
        4. **Manager** shall mean the Town Manager or the Manager's designee.
        5. **Responsible party** shall mean a person or entity who has violated the Code or, in the case of property violations, the responsible party may also be the property owner, the occupant, or an individual or an entity who, acting as an agent for or in any other legal capacity on behalf of the owner, has authority over property subject to an administrative citation under this section.
        6. **Town** shall mean the Town of Frederick.
    c. Authority.

1. Any responsible party violating provisions of the Code may be issued an administrative citation by an enforcement official as provided in this section.
2. Notwithstanding any other provision of the Frederick Municipal Code or Land Use Code, responsible parties cited under the provisions of this section shall have only the appeal rights granted herein and according to applicable law.
3. Each day a violation exists or continues shall constitute a separate and distinct violation for which a separate administrative citation may be issued. However, once an administrative citation has been issued for a violation of the Code, no additional administrative citation shall be issued for the same violation for ten days or, if the responsible party appeals, until after the appeal has been heard at the municipal level and the responsible party has not complied with an administrative enforcement order of the Administrative Hearing Officer within
4. ten days of its issuance or such other time as the Administrative Hearing Officer has specified.
5. A civil penalty assessed by means of an administrative citation may be collected by any means allowed by law.
6. Enforcement actions are intended to be cumulative in nature. The Town may pursue one or more civil, criminal, and administrative action, fees, fines, sentences, penalties, judgments, and remedies, and may do so simultaneously or in succession. The enactment of this administrative remedy shall in no way interfere with the Town's right to prosecute violations as criminal offenses.

d. Procedures for Issuance of a Notice of Violation and Administrative Citation.
    1. Whenever the enforcement official determines that a violation of the Code exists, the enforcement official shall give a notice of violation and order to correct ("notice of violation") to the responsible party. The notice of violation shall be in writing and shall describe with reasonable detail the violation so that the responsible party may properly correct it. The notice of violation shall provide a reasonable time for correction given the circumstances of the violation, but not more than 30 days unless approved by the Manager.
    2. The notice of violation shall be served as follows:
        (a) The enforcement official shall attempt to issue the notice of violation to the responsible party at the site of any violation. If the responsible party is not able to be located, a copy of the notice of violation shall be left with any adult person residing or working at the site, or if no adult person is found at the site and the violation occurred on private property or on

property for which the responsible party has responsibility, then a copy of the notice of violation shall be posted in a conspicuous place on the property of the responsible party. In the case of violations occurring on property for which the responsible party is not the owner, the notice of violation shall be sent to the most recent mailing address available to the Town for that responsible party.

(b) The enforcement official shall also send the notice of violation via first class mail to the record owner of the property.

(c) The notice of violation shall be deemed served on the date of receipt by the responsible party, if personally served, or upon the fifth (5th) day after mailing of the notice of violation.

3. If after service of the notice of violation, the code violation is not timely corrected, an enforcement official may issue an administrative citation to a responsible party.
4. Service of administrative citation on a responsible party shall be made in the same manner as the notice of violation as described in subparagraph (d.2) herein, except that the enforcement official shall attempt to obtain the signature of the person receiving the administrative citation on the administrative citation. If that person refuses or fails to sign the administrative citation, the failure or refusal to sign shall not affect the validity of the administrative and subsequent proceedings.

e. Contents of Administrative Citation.

1. The administrative citation shall state the date and location of the violations, and the approximate time the violations were observed. To the extent possible, the administrative citation shall identify the property on which the violation exists by address or legal description.
2. The administrative citation shall state the Code sections violated and describe the violations.
3. The administrative citation shall describe the action required to correct the violations.
4. The administrative citation shall require the responsible party to correct the violations within a reasonable time given the circumstances, but in no case more than 30 days unless approved by the Manager, and shall explain the consequences of failure to correct said violations.
5. The administrative citation shall state the amount of penalty imposed for the violations.

6. The administrative citation shall explain how the penalty shall be paid, the time period by which it shall be paid, and the consequences of failure to pay the penalty.
7. The administrative citation shall identify the rights and procedures for appealing the administrative citation.
8. The administrative citation shall contain the signature of the enforcement official and the signature of the responsible party if it can be obtained.

f. Appeal of Administrative Citation.
   1. A person served with an administrative citation may file a notice of appeal in person or by mail, postmarked within ten calendar days from the service of the administrative citation. Compliance with this time limit shall be a jurisdictional prerequisite to any appeal brought under this section. Failure to comply with such time limit shall be deemed to waive the right to a hearing and the adjudication of the issues related to the hearing, provided that proper notice of the administrative citation has been provided.
   2. The notice of appeal shall be made in writing, filed with the Town department identified on the administrative citation, and contain the following information:
      (a) The reasons the appellant believes the administrative citation is objectionable, incorrect, or illegal;
      (b) The amount and type of claim or dispute involved, and the time during which it accrued or occurred;
      (c) The name, address, and telephone number of the appellant;
      (d) If the appellant is to be represented by a legal representative or corporate agent, the name, address, and telephone number of the said representative; and
      (e) The signature of the appellant, legal representative, and/or corporate agent.
   3. A processing fee of $35.00 shall be paid simultaneously with the filing of the notice of appeal. The processing fee is not refundable, except as provided in Subsection 1-23-8(1).
   4. If, in the opinion of the Manager or the Manager's designee, the appeal meets all of the requirements of subsections (A)-(C) of this section, the Manager shall forward the notice of appeal to the appointed Administrative Hearing Officer.
   5. If, in the opinion of the Manager or the Manager's designee, the appeal does not meet all of the requirements of subsections (A)-(C) of this section, the

Manager shall promptly return the appeal and notify the appellant of what requirements the appeal fails to meet.

6. As soon as practicable after receiving the written notice of appeal, the appointed Administrative Hearing Officer shall schedule a date, time, and location for the hearing, unless, if requested by the appellant and in the sole discretion of the Administrative Hearing Officer, it is submitted on written brief with supporting material for decision without a hearing.
7. Written notice of the date, time, and location of the hearing shall be personally served upon or sent by first class mail to the responsible party at least ten calendar days prior to the date of the hearing.

g. Procedures and Standards at Administrative Citation Appeal Hearings.
   1. The procedure and format of the administrative citation appeal hearing shall follow procedures as set forth herein.
   2. Administrative citation appeal hearings are intended to be informal in nature. Formal rules of evidence and discovery do not apply; however, an informal exchange of discovery may be required by the Administrative Hearing Officer or requested by any party. The request must be in writing. Failure to request discovery shall not be a basis for a continuance.
   3. The parties to an administrative citation appeal hearing shall be the responsible party and the Town.
   4. The Town bears the burden of proof at an administrative citation appeal hearing to establish the existence of a violation of the Code. In the case of an abatement hearing, the Town bears the burden of proof to establish the existence of a public nuisance.
   5. The standard of proof to be used by the Administrative Hearing Officer in deciding the issues at an administrative citation appeal hearing is by a preponderance of the evidence.
   6. The Administrative Hearing Officer shall render written decisions, accompanied by findings of fact and conclusions based thereon.
   7. All witnesses shall be sworn or shall affirm their testimony in the manner required in courts of record.

h. Duties and Powers of the Administrative Hearing Officer.
   1. The Administrative Hearing Officer shall determine whether appeals of administrative citations are valid. In doing so, the Administrative Hearing Officer shall determine whether the administrative citation under appeal was issued in compliance with the requirements of Town ordinances. In each case, the Administrative Hearing Officer shall be charged with performing all

functions relating to the final determination and order, and entertaining petitions or motions made in writing. The Administrative Hearing Officer shall perform those duties and functions necessary and incidental to determining the matter, administering oaths, hearing all evidence, examining all documents, ruling on evidentiary questions, and generally conducting the hearing as a quasi-judicial proceeding.

2. In the discretion of the Administrative Hearing Officer, parties to the hearing may be required to file a pre-hearing statement before the case is set for hearing. The pre-hearing statement may include: the issues raised by the appeal; agreed and disputed facts; copies of exhibits not previously included in the record; names of witnesses with a brief statement summarizing their testimony; an estimate of the time necessary to present a party's evidence, and other matters as requested by the Administrative Hearing Officer.
3. All hearings or, when an appeal is submitted for determination based on written argument and written facts and figures, all examination of such written petitions and papers, shall be conducted by the Administrative Hearing Officer assigned to conduct the hearing or to examine the written material submitted.
4. The admissibility of evidence shall be encouraged, and the Administrative Hearing Officer shall consider all evidence that is of probative value. The Administrative Hearing Officer may utilize their experience, technical competence, and specialized knowledge in the evaluation of evidence presented.
5. Copies, photographs, and photocopies may be admitted into evidence or substituted in evidence in place of original documents.
6. Witnesses intended to give opinion testimony as experts must be qualified as such, and their qualifications should be submitted in advance to the Administrative Hearing Officer.
7. Whenever it appears that an appeal is not properly before the Administrative Hearing Officer, or that the appellant for some other reason lacks jurisdiction or standing, the case may be dismissed on the motion of any party or the Administrative Hearing Officer.
8. The written decision of the Administrative Hearing Officer shall be known as an administrative enforcement order.
9. The parties may enter into a stipulated agreement, which must be signed by both parties. Upon approval and acceptance by the Administrative Hearing Officer, this agreement shall be entered as the administrative enforcement

order. Entry of this agreement shall constitute a waiver of the right to a hearing and the right to appeal through this Code.

10. The Administrative Hearing Officer may uphold the administrative citation and all penalties, or dismiss the administrative citation and all penalties, or may waive or conditionally reduce the penalties assessed by the administrative citation. The Administrative Hearing Officer may also impose conditions and deadlines to correct the violation or require payment of any outstanding penalties.
11. If the Administrative Hearing Officer dismisses the administrative citation and all penalties due to the Town's failure to satisfy its obligations under this section, the appellant's $35.00 processing fee shall be promptly refunded.
12. The Administrative Hearing Officer has continuing jurisdiction over the subject matter of an administrative citation appeal hearing for the purposes of granting a continuance, ordering compliance by issuing an administrative enforcement order, ensuring compliance of that order, modifying an administrative enforcement order, or, where extraordinary circumstances exist, granting a new hearing. The Administrative Hearing Officer may schedule subsequent review hearings as may be necessary or as requested by a party to the hearing to ensure compliance with the administrative enforcement order.

i. Failure to Attend Administrative Citation Appeal Hearing. Any responsible party who fails to appear at the hearing is deemed to waive the right to a hearing and the adjudication of the issues related to the hearing, provided that proper notice of the hearing has been provided.
j. Failure to Comply with Administrative Enforcement Order. It is unlawful for a responsible party to an administrative enforcement hearing who has been served with a copy of the final administrative enforcement order to fail to comply with the order. Any person who fails to comply with a final administrative enforcement order shall be assessed penalties as set forth in this section.
k. Penalties Assessed.
    1. If the responsible party fails to correct the violation or comply with the administrative enforcement order, subsequent administrative citations may be issued for violations of the same code section. The penalties assessed for each administrative citation issued for violations of the same code section or sections shall be established by the Manager, but shall not exceed the following amounts, regardless of the number of violations per citation:
        a. First administrative citation: $150.00.

b. Second administrative citation: $500.00.
c. Third or subsequent administrative citation: $1,000.00.

2. Payment of the penalty shall not excuse the failure to correct the violations nor shall it bar further enforcement action by the Town.
3. All penalties assessed shall be payable to the Town of Frederick. Payment of the full amount of the penalty must be received in person or postmarked within ten calendar days of the date of issuance of the administrative citation or administrative enforcement order, or within the time specified on the administrative enforcement order.

l. Failure to Pay Penalties.

1. The failure of any responsible party to pay the civil penalties assessed by an administrative citation or administrative enforcement order within the time specified on the citation or order, respectively, may result in the imposition of a late fee of $25.00 and interest at a rate of ten percent per annum.
2. In the event of failure to pay all penalties assessed, the Manager may refer the matter for collection by whatever means are available to the Town.
3. In the case of violations associated with specific real property, the Town shall have as security for the collection of such late fees, penalties, interest, and administrative costs a lien upon such real property. These amounts may be assessed and collected as specified Section 1-76 of the Frederick Municipal Code.
4. Any action or other process provided by law may be maintained by the Town to recover or collect any amounts, including late fees, penalties, interest, and administrative costs, owing under this section.

Article VII.
Annexation

Sec. 16-7-10. Purpose and Intent.

The purpose of this Chapter is to detail the required procedures for including lands within the municipal boundaries so that consideration may be given for expanding the Town's boundaries to:

A. Encourage well-ordered development of the Town;

B. Extend municipal government services and facilities to eligible areas of the Town; and

C. Further the goals and policies described in the Comprehensive Plan.

Sec. 16-7-20. General Provisions.

A. Annexation of lands to the Town shall be in accordance with this Code and the laws of the State in effect at the time of annexation and which may be amended from time to time, including but not limited to requests for zoning as provided for in Sections 16-2-20.I, 16-6-70.B, and 16-7-30 of the Land Use Code as well as the processes further described in Article 6 of this Code and other Sections as applicable.

B. The Board of Trustees may consider annexation of any land that satisfies the eligibility requirements of the statutes of the State as follows:

1. The area proposed for annexation has not less than one-sixth of its perimeter contiguous with the municipal boundaries;

2. A community of interest exists between the area proposed for annexation and the Town; the area is urban or will be urbanized in the near future; and said area is integrated with or is capable of being integrated with the annexing municipality.

3. The proposed annexation furthers the intent of the Comprehensive Plan.

C. If the Board of Trustees determines to proceed with annexation of property, the Board shall make such determination by resolution which shall include the public hearing date.

D. Except as otherwise provided, the full width of all public rights-of-way adjacent to a proposed annexation shall be included in the annexation.

E. Application for inclusion into and exclusion from any applicable special district(s) shall be the responsibility of the applicant.

1. Applications for inclusion and exclusion must be submitted within 30 days of annexation.

2. Contact the applicable special district for inclusion / exclusion requirements.

3. A draft of the inclusion / exclusion documents shall be submitted with the annexation application.

Sec. 16-7-30. Required information.

Per Section 16-6-70 of the Land Use Code, Annexations shall be processed as a Major Application. Accordingly, the application for annexation must be preceded by a pre-application conference, and shall comply with Sections 16-6-50, 16-6-60, and 16-6-70 and any other applicable provisions of this Code as determined by the Director. In accordance with CRS §31-12-107, at minimum the information included below and in the Administrative Development Guide shall be required for an annexation application

A. Letter of intent. The applicant shall provide a letter of intent addressed to the Board of Trustees to serve as a cover letter to the formal petition, introducing the applicant to the Board of Trustees, requesting annexation of the petitioner's property, identifying the proposed zoning and describing the development plans for the property, a description of the proposal, and how the request is consistent with the Comprehensive Plan.

B. Statement of conformance with the Town's Comprehensive Plan. This statement shall cite and provide a narrative analysis of the provisions that are consistent with the proposed annexation as detailed in the Comprehensive Plan. If an amendment to the Comprehensive Plan is deemed necessary by the Director, the criteria for an amendment shall be explicitly addressed as otherwise detailed in the pre-application conference, this Code and the Comprehensive Plan.

C. A complete application form and related application fees.

D. *Petition for annexation.* See also Section 16-7-90, Technical Standards.

E. Annexation Plat. The Annexation Plat shall meet the requirements detailed in the pre-application conference, as well as Section 16-7-90, and must be prepared by, or under the direct supervision of a registered professional land surveyor licensed in the State of Colorado. Plats may be modified through the process to ensure that all applicable information has been provided.

F. An application for a zoning map amendment including the required submittals as described in Sections 16-2-20.J, and 16-6-70-.B of the Land Use Code.

G. Letters of support and statement of intent to include or exclude the property into or from all applicable special districts. This may include, but is not limited to the following: The Northern Colorado Water Conservancy District and sub-district, Central Weld Water, Left Hand Water, Frederick Firestone Fire Protection District, Mountain View Fire Protection District, Fort Lupton Fire Protection District, Carbon Valley Recreation District, Tri-Area Sanitation, and St. Vrain Sanitation District, etc.

1. Draft letters to include and exclude into all applicable special districts shall be provided for review and referral to the applicable district.

2. The applicant shall make application for inclusion and exclusion with the applicable special districts no less than 30 days from approval of the annexation by the Board of Trustees.

H. Copies of all agreements between the applicant and governmental entities, quasi-public entities and special districts that may affect the applicant's property, addressing such things as access, irrigation, fire protection and sanitation, including but not limited to:

1. Water rights and encumbrance report.

2. Identification of lands anticipated for dedication for public sites.

I. Private agreements addressing topics subject to governmental approval, such as signage, oil and gas operations, gravel operations, building permits, and a discussion of historic uses.

J. Surrounding and interested property ownership report. The applicant shall provide a list (not more than 30 days old) of the names and addresses of the surrounding property owners within 1,000 feet of the property boundary in the form of a mailing list. The list shall also contain the names and addresses of the appropriate ditch companies, owners, mortgagees, etc., and as indicated in the pre-application form. The applicant (or agent) shall certify that the surrounding and interested property ownership report is complete and accurate with the following statement:

I,__(insert name)_____, certify this address list as being accurate and true as obtained by the (insert County name) County Assessor's website on this date, (insert date)."

_____

Signature

K. Site analysis map documenting existing conditions, including but not limited to:

1. Area of property in square feet and/or acres;

2. Property boundaries and complete dimensions;

3. Boundaries of adjacent properties;

4. Topography at five-foot intervals, unless another interval is determined appropriate by the Town planner during the pre-application conference;

5. Existing rights-of-way, streets, roadways and probable access points;

6. Existing utilities and easements;

7. Irrigation ditches, head gates and waste ditches;

8. Natural drainage patterns, bodies of water, water courses, flood plains and flood way;

9. Significant flora, including trees;

10. Areas of ecological significance, including wetlands, steep slopes, etc.;

11. Existing structures and land uses;

12. Existing oil and gas facilities and setbacks to such facilities; and

13. Number of dwelling units

L. A description of previous and current uses and improvements on the property including any non-conformities with the Town Code that will exist at time of annexation. This description shall also include information on existing ecological or land use conditions which may be significant and/or hazardous; and at the discretion of the Town planner may include the need for a Phase 1 Environmental Assessment (in compliance with the EPA All Appropriate Inquiries Final Rule or ASTM 1527-05) for the subject property. This shall also include a discussion as to how these activities / non-conformities will be brought into compliance with the Town Code.

M. Annexation impact report (if required).

1. For annexations larger than ten acres, or as otherwise required by the Director, the applicant shall prepare an annexation impact report concerning the proposed annexation. Such report shall be provided to the Town upon application. One copy of the report shall be forwarded by the Town to the Board of County Commissioners governing the area proposed to be annexed a minimum of 25 days prior to scheduling any public hearings. This shall include a request for a referral response.

2. At a minimum, the annexation impact report shall contain the following information and must comply with the Annexation Map standards detailed in Table A-2 in Appendix A of this Code:

a. A map(s) of the municipality and adjacent territory to show the following:

1. The present and proposed boundaries of the municipality in the vicinity of the proposed annexation;

2. The present streets, major trunk water mains, sewer interceptors and outfalls, other utility lines and ditches and the proposed extension of such streets and utility lines in the vicinity of the proposed annexation; and

3. The existing and proposed land uses in the areas to be annexed.

b. A copy of any draft or final annexation agreement, if available;

c. A statement setting forth the plans of the municipality for extending to, or otherwise providing for, municipal services performed by or on behalf of the municipality at the time of annexation;

d. A statement setting forth the method under which the municipality plans to finance the extension of the municipal services into the area to be annexed;

e. A statement identifying existing districts within the area to be annexed; and

f. A statement on the effect of annexation upon local public school district systems, including the estimated number of students generated, the capital construction required to educate such students, and method of mitigating impacts on the local school system.

N. Draft Annexation Agreement. A draft annexation agreement shall be provided. The draft agreement shall comply with the technical requirements contained in Section 16-7-90.B of this Article and developed under the guidance of the Town planner, engineer and attorney.

O. Conceptual Development Plan. A conceptual development plan will be required if the anticipated development pattern for the annexed area conflicts with the goals and policies of the Comprehensive Plan. The Concept Development Plan shall comply with the technical criteria requirements contained in Section 16-7-90.C of this Code.

P. Property tax statement. A copy of the prior year's property tax statement for all property to be annexed shall be provided.

Q. Title commitment. The applicant shall submit proof of ownership in the form of a current title commitment, issued by a title insurance company licensed by the State of Colorado, whose effective date shall be less than thirty days prior to the date of submittal of the annexation petition. Ownership must match the ownership listed in the petition. If the legal description of the area to be annexed, as shown on the annexation map, does not match the legal description of the property owned because of road rights-of-way or other reasons, the title policy, or surveyor must certify that the property owned is wholly contained within the described area on the annexation map. If the applicant is not the owner, there shall be provided, in addition to the title commitment naming the owner as the insured, a notarized affidavit by the owner stating that the applicant is authorized by the owner to make application for annexation. The applicant shall provide a word processing file of the legal description contained in the title commitment.

1. An updated title commitment may be required by the Town prior to recording the annexation plat.

R. Water rights and encumbrance report: The applicant shall provide a "Water Rights Report" for the property detailing the water rights appurtenant to and severed from the property to be annexed and their historical use. The report must include both surface (tributary) and subsurface (non-tributary and not non-tributary groundwater). The Town may require that the applicant provide a water rights and encumbrance report prepared by a qualified water engineer or water attorney at any point during the annexation process.

1. The applicant shall comply with all Town water policies, including but not limited to the Town's Raw Water Ordinance.

2. All subsurface (non-tributary) water rights shall be deeded to the Town at the time of annexation.

S. Land dedication for public sites: The applicant shall comply with dedication requirements in this Code at the time of platting, such requirements to be determined per Code requirements on the date of the applicant's application for subdivision pursuant to this Code. A land dedication may be required as part of the annexation process.

T. Annexation assessment report: Town staff may, at their discretion, require an Annexation Assessment Report, containing the information detailed in Section 16-7-90.D of the Code.

U. Zoning districts and amendments shall be processed and established in accordance with Section 16-6-70.B of this Code.

1. *Zoning map.* A zoning map shall be provided in conformance with the requirements detailed in Section 16-6-70.B of the Land Use Code.

V. Relationship to other code requirements. Other processes may be required for consideration of annexations with existing or proposed development, including but not limited to Article 6 of the Land Use Code (i.e. conditional uses, special uses, site plan, subdivisions, etc.) as deemed necessary by the Director.

Sec. 16-7-40. Review procedures.

A. Upon determining that the Town has received a complete annexation submittal meeting the provisions of Section 16-7-30 and other applicable provisions of this Code, the Planning Department shall forward the agencies and offices identified in the pre-application conference a copy of such annexation application, plat and supporting documents for review and comment. At minimum this shall include:

1. Town Engineering Department
2. Town Attorney
3. Town Police Department
4. Frederick Firestone Fire Protection District (and any other applicable fire district)
5. Sewer District
6. Water District
7. Applicable Utility Companies

8. Mineral interest holders, ditch companies, and other interest holders as identified by the applicant or listed in the title report

9. Carbon Valley Recreation District

10. Affected departments, districts, State or County agencies, offices and others as identified by the Director, etc.

B. All such reviewing agencies and offices shall submit comments to the Town planner assigned to the annexation. This time period may be extended by the planner as needed to complete the review. The planner may require modifications to the application and submittal documents and re-referral to refine the application as necessary to ensure consistency with State Statutes, the provisions of this Code and the goals and policies of the Comprehensive Plan prior to scheduling a hearing for substantial compliance and any public hearings.

C. Upon application, and for each subsequent review, the applicant shall compile the required information into unsealed pre-addressed packets with adequate postage for distribution to the referral entities as identified by the Town. Town staff shall include a referral sheet and / or cover letter into the packet and forward all relevant application materials to all appropriate referral agencies for the property, and other parties of interest. Any required fees associated with copies, mailing, and distribution of this referral will be billed to the applicant.

D. During the time in which zoning of newly annexed areas takes place, the Town may withhold any building or occupancy permit for any portion or all of the newly annexed area.

E. Annexations of enclaves may be initiated by the Board of Trustees when such enclaves have been completely surrounded by property within the municipal limits for a period of at least three years in accordance with C.R.S. §31-12-106 and the applicable requirements of this Code.

Sec. 16-7-50. Public review and notice.

A. Substantial Compliance. Upon the Director's determination that the petition and supporting documentation are complete and in compliance with provisions of this Article and applicable requirements, the Town planner shall refer the petition to the Board of Trustees for consideration during a regular public meeting.

1. If the petition is found to be in substantial compliance with this Article, the Board of Trustees may, by the adoption of a resolution of intent to annex, set the annexation and zoning Public Hearings on a specified date, time and place, not less than (30) thirty days nor more than (60) sixty days from the effective date of the resolution, subject to compliance with C.R.S. §31-12-108.

a. The notice for the Planning Commission Public Hearing and Board of Trustees Public Hearing shall proceed in accordance with C.R.S. §31-12-108. Notice shall be published once a week for four consecutive weeks. The first publication shall be at least thirty days prior to the date of the public hearing. A copy of the published notice, resolution, and petition shall also be sent by Town Staff to the Board of County Commissioners and County Attorney, any special district, and school district within the territory of the area to be annexed a minimum of 25 days prior to the scheduled public hearing.

b. Notice. In accordance with C.R.S. § 31-12-108 Notice of the Public Hearing shall consist of a copy of the resolution or the petition as filed (exclusive of the signatures) together with a notice that, on the given date and at the given time and place set by the governing body, the governing body shall hold a hearing upon said resolution of the annexing municipality or upon the petition for the purpose of determining and finding whether the area proposed to be annexed meets the applicable requirements of C.R.S. §31-12-104 and §31-12-105 and is considered eligible for annexation. Said notice shall be published once a week for four successive weeks in some newspaper of general circulation in the area proposed to be annexed. The first publication of such notice shall be at least thirty days prior to the date of the hearing. The proof of publication of the notice and resolution or petition, or the summary thereof, shall be returned when the publication is completed and, the certificate of the owner, editor, or manager of the newspaper in which said notice is published shall be proof thereof, and a hearing shall then be held as provided in said notice. A copy of the published notice, together with a copy of the resolution and

petition as filed, shall also be sent by registered mail by the clerk to the board of county commissioners and to the county attorney of the county wherein the territory is located and to any special district or school district having territory within the area to be annexed at least twenty-five days prior to the date fixed for such hearing. The notice required to be sent to the special district or school district by this subsection shall not confer any right of review in addition to those rights provided for in C.R.S. §31-12-116. Zoning may occur concurrently with annexation notice and as required for an amendment to the zoning map detailed in Section 4.7.2 of this Code and may be combined with the notice for annexation. An opportunity for public testimony shall be provided at the Public Hearing. and is considered eligible for annexation. Said notice shall be published once a week for four successive weeks in some newspaper of general circulation in the area proposed to be annexed. The first publication of such notice shall be at least thirty days prior to the date of the hearing. The proof of publication of the notice and resolution or petition, or the summary thereof, shall be returned when the publication is completed and, the certificate of the owner, editor, or manager of the newspaper in which said notice is published shall be proof thereof, and a hearing shall then be held as provided in said notice. A copy of the published notice, together with a copy of the resolution and petition as filed, shall also be sent by registered mail by the clerk to the board of county commissioners and to the county attorney of the county wherein the territory is located and to any special district or school district having territory within the area to be annexed at least twenty-five days prior to the date fixed for such hearing. The notice required to be sent to the special district or school district by this subsection shall not confer any right of review in addition to those rights provided for in C.R.S. §31-12-116. Zoning may occur concurrently with annexation notice and as required for an amendment to the zoning map detailed in Section 16-6-70-.B of this Code and may be combined with the notice for annexation. An opportunity for public testimony shall be provided at the Public Hearing.

2. If the petition is found to not be in compliance with this Article, no further action shall be taken, except that the determination shall be made by resolution adopted by the Board of Trustees.

B. Public Hearings. The Planning Commission and the Board of Trustees shall hold a Public Hearing when zoning is included as part of the annexation. A Public Meeting will suffice for Planning Commission if Zoning is not to be considered. Notice of said hearing shall be as follows:

1. Planning Commission review and recommendations.

   a. The Planning Commission shall hold a Public Hearing on the zoning of the property concurrently with the annexation review, on the date and at the time set by the resolution of substantial compliance for annexation. The petitioner shall present evidence in support of the petition for annexation and the zoning application. Planning Staff shall testify as to the elements required by statute and this Code to be present for annexation and zoning. An opportunity for public testimony shall be provided at the Public Hearing.

   b. The Planning Commission, upon the conclusion of the hearing at which it considers the petition for annexation and zoning, by resolution shall recommend approval of the petition for annexation with or without modifications and/or conditions, or recommend denial of the request. The Planning Commission, by resolution, shall also recommend approval of the proposed zoning with or without modifications and/or conditions, or recommend denial of the requested zoning district. The Planning Commission shall refer any such recommendation to the Board of Trustees.

2. Board of Trustees public hearing and action on annexation.

   a. The Board of Trustees shall hold the public hearing on the petition for annexation and zoning of the property, on the date and at the time set by the resolution of substantial compliance. The petitioner shall present evidence in support of the petition for annexation and the zoning application. Planning staff shall testify as to the elements required by statute and this Code to be present for annexation and zoning. The Board of Trustees may continue the hearing to another date without additional notice if deemed necessary to consider all of the relevant evidence, and upon a minimum of one hour of testimony. All proceedings at the hearing and any continuances thereof shall be recorded, but the recorder's

notes need not be transcribed unless otherwise required by State Statute. An opportunity for public testimony shall be provided at the Public Hearing.

b. At the conclusion of the Public Hearing, the Board of Trustees shall adopt a resolution containing the findings of fact and conclusions, including:

1. Whether the requirements of C.R.S. §31-12-104 and §31-12-105 as amended, and this Article have been met; as amended, and this Article have been met;

2. Except for any terms noted in the annexation agreement, no additional terms and conditions are to be imposed beyond what is provided for in the resolution and ordinance; and

3. Whether an election is required, either as result of a petition for election or the imposition of additional terms and conditions.

C. If the Board of Trustees finds that the area proposed for annexation does not comply with the requirements of C.R.S. §31-12-104 and §31-12-105 as amended, the annexation proceeding will be terminated.

D. If the Board of Trustees finds the following:

1. The annexation is in compliance with the requirements of C.R.S. §31-12-104 and §31-12-105;;

2. An election is not required under C.R.S. §31-12-107(2);

3. The petition is found to be signed by the owners of one hundred percent (100%) of the area proposed to be annexed, exclusive of streets and alleys; and

4. Except for any terms noted in the annexation agreement, no additional terms and conditions are to be imposed beyond what is provided for in the resolution and ordinance;

Then the Board of Trustees may annex the land by ordinance without election. The ordinance annexing such area shall include a statement that the owners of one hundred percent (100%) of the area petitioned for the annexation. The zoning of the

property shall be approved by separate ordinance and in accordance with Article 6 of this Code.

E. If the Board of Trustees, in its sole discretion, finds that the annexation is not in the best interests of the Town, it may deny the petition by resolution, stating the grounds for such denial. Only in the event of a petition for the annexation of an enclave as provided by C.R.S. §31-12-107(5), shall the Town be required to annex property.

F. In preparation for the annexation hearing, the Town planner shall provide a staff report and include a summary of all referral comments received regarding the annexation plat and zoning plat along with the staff analysis and a recommendation for action regarding the request based on the provisions of the Land Use Code, Adopted Comprehensive Plan, statutes, and other applicable factors. The report shall be presented to the Planning Commission and Board of Trustees for consideration of the request for annexation and zoning. In taking action on the annexation the Planning Commission and Board of Trustees, shall consider any comments received from agencies or offices receiving copies of the annexation plat, the staff recommendation, and any comments received from citizens. Zoning shall be considered in accordance with the requirements detailed in Article 6. The Board shall also consider if the proposed annexation meets the criteria in Section 16-7-20 General Provisions, in taking action to approve, deny or table the annexation for future consideration. The Commission and Trustees shall also consider if the proposed annexation meets the following criteria in taking action to recommend approval or denial, or to table the annexation to a date certain for further consideration:

1. The proposed annexation is consistent with the policies and goals of the Town's adopted Comprehensive Plan;

2. The proposed annexation promotes geographical balance of the Town's land use pattern;

3. Adequate services are, or will be, available to support the development expected to result from the proposed annexation;

4. The proposed annexation provides for a continual and rational boundary; and

5. The proposed annexation is needed to accommodate future land use requirements.

Sec. 16-7-60. Annexation elections.

A. The qualified electors of the area being proposed for annexation may petition the Board of Trustees to hold an annexation election. The petition for annexation election shall be provided in accordance with state statutes C.R.S. §31-12-107.

1. If the petition is for an annexation election, the Board of Trustees determines that less than one hundred percent (100%) of the owners have signed the petition for annexation or the Board of Trustees determines that additional terms and conditions should be imposed upon the area proposed to be annexed, which are not agreed to voluntarily and in writing by the landowners, the Board of Trustees shall make appropriate findings by resolution and order an election to be conducted in accordance with C.R.S. §31-12-112,

2. If the annexation is approved by the eligible electors in accordance with C.R.S. §31-12-112, as amended, the Board of Trustees may by ordinance annex the land. In the event the annexation is not approved by the eligible electors or the vote is tied, the annexation proceeding will be terminated.

B. The petition shall be filed with the Town Clerk and shall comply with the provisions of the state statutes and the Land Use Code.

C. If the petition for annexation election is in substantial compliance with state statutes and the provisions of the Land Use Code, the Board of Trustees shall call for an election to be held. Notice of such election shall be given by the Town Clerk.

D. If a majority of the votes cast at the election are against annexation, or the vote is tied, the annexation proceedings to date will be voided and considered of no effect and the Board of Trustees shall proceed no further with the annexation proceedings.

E. If a majority of the votes cast at the election are for annexation, the Board of Trustees may thereafter annex the area.

Sec. 16-7-70. Post-approval actions.

A. After final passage of the annexation ordinance, the applicant shall provide the number of required Additional documentation may also be required. Zoning Map Amendments shall be considered in accordance with the requirements detailed in Article 6. Once approved, the Town will file one copy of the approved annexation map with the original of the annexation ordinance in the office of the Town Clerk. The Town Clerk, or designee, shall file for recording four approved certified copies of the annexation ordinance and annexation map with the applicable County Clerk and Recorder. The Town shall request the County Clerk and Recorder to forward one copy of the recorded annexation map and ordinance to the Division of Local Government in the Colorado Department of Local Affairs, one copy of the recorded annexation map and ordinance to the Colorado Department of Revenue, and one copy of the recorded annexation map and ordinance to the Frederick Firestone Fire Protection District.

2. Zoning shall be considered concurrently with the review for annexation and in accordance with Article 6 of this Code.

3. Copies of the official zoning map amendment shall be recorded with the County Clerk and Recorder in the manner provided by Article 6 of this Code.

Sec. 16-7-80. Fees and expenses.

Fees and expenses accrued during the review and approval of the annexation and zoning shall be paid to the Town in accordance with Section 16-1-110 of the Land Use Code.

Sec. 16-7-90. Technical Standards.

A. Petition for Annexation technical criteria. The petition shall be signed by persons comprising more than fifty percent of the landowners in the area and owning more than fifty percent of the land area. Sample petitions are available from the Planning Department. The petition shall comply with the following technical requirements:

The applicant shall submit a petition for annexation complying with the requirements of C.R.S. §31-12-107, The Town's standard form petition shall be utilized. Any deviation from the standard form petition will require review and approval by the Town Attorney before the Town accepts the petition for processing. The applicant shall provide a word processing file of this document if it deviates from the Town's standard form petition. The petition shall contain the following statements:

1. An allegation that it is desirable and necessary that the area be annexed to the Town.

2. An allegation that eligibility requirements and limitations have been met or addressed respectively.

3. An allegation that the petitioners comprise the landowners of more than fifty percent (50%) of the territory included in the proposed annexation area (excluding streets and alleys).

4. A request that the annexing municipality approve the annexation.

5. If not already included, consent to the inclusion of the property into the Northern Colorado Water Conservancy District and Municipal Sub-district, Carbon Valley Parks and Recreation District, Tri-Area Ambulance District, Frederick Fire District and the Tri-Area Sanitation District, St. Vrain Sanitation District or Dacono Sanitation District, or others as appropriate.

6. A waiver of any right to election pursuant to Section 28 of Article X of the Colorado Constitution before a district can impose property tax levies and special assessments. of the Colorado Constitution before a district can impose property tax levies and special assessments.

7. Agreement to pay all back taxes levied by the Northern Colorado Water Conservancy District against landowners' property at the time of inclusion into the district.

8. The dated signatures of petitioning landowners. Petition signatures must be signed within one hundred eighty (180) days of the date the petition is first submitted to the Town Clerk.

9. The mailing address of each signer of the petition.

10. The full legal description of land owned by each signer of the petition (if platted, by lot and block; if un-platted, by metes and bounds).

11. The affidavit of each petition circulator that each petitioner's signature is valid.

B. Annexation agreement. An annexation agreement template shall be provided at the pre-application conference. Upon submittal of the application for annexation and zoning, a draft annexation agreement shall be provided by the applicant for review by Town staff. Any changes or additions to the standard form annexation agreement proposed by the applicant or the Town shall be addressed in the "supplemental provisions" Section of the document. An electronic version of the agreement with edits noted shall be provided along with a hard copy for this review. Original Agreements must be signed by the applicant and provided to Town staff a minimum or two weeks prior to the Board of Trustees Public Hearing for annexation. The agreement may be amended and shall reflect the terms and conditions as established by the Board of Trustees; and signed by all applicable parties prior to recordation. If a property to be annexed has multiple ownerships, all of the owners must be listed and sign the annexation agreement prior to recordation. If multiple properties are combined for annexation purposes, and each property will be developed separately, separate annexation agreements shall be signed by each property owner, prior to recordation of the annexation documents.

C. Concept Development Plan map technical standards. A concept plan, if required by the Town planner, shall be prepared by or under the supervision of a qualified professional. The concept plan shall conform to the drafting standards of the annexation map. It shall be a neat, clear, permanent, legible and reproducible document. Inaccurate, incomplete or poorly drawn maps shall be rejected. In addition, the applicant shall provide:

1. Electronic and / or paper copies, in quantities, sizes, and resolutions as determined by the Town planner in the pre-application conference.

2. The concept plan map drawing shall contain the following:

   a. Show the boundary of the property and the area to be developed;

b. The general location of each proposed land use on the property and the percentage of the whole for each use. General location of land uses may be shown as irregular graphic shapes depicting the approximate size and relationship to adjacent land uses. A table shall be used to list anticipated densities and land use by type, including the area of each, the density of residential development the maximum and minimum lot sizes, and the maximum square footage of commercial and industrial buildings and the maximum and minimum lot sizes;

c. Show existing and proposed arterial and collector streets and their relationship to the principal land uses on the site;

d. Show existing and proposed major utility lines or facilities and their relationship to the principal land uses on the site;

e. Show significant natural or man-made features and physical constraints of development on the site and contiguous to the property, including but not limited to bluffs, tree galleries, lakes and ponds, irrigation ditches, watercourses, wetlands, and the like.

f. A .pdf version of the drawing shall be submitted with the application.

D. Annexation Assessment Report shall contain the following:

1. The economic impact to the Town as a result of the proposed annexation. This shall include a short statement of revenues likely to be generated by any existing or contemplated development, and a statement of municipal expenses likely to be incurred as a result of the annexation and development; as well as the short-term and long-term economic development potential for the property (numbers of jobs to be created, sales and use tax generation, property tax generation, utility revenue generation, incentives to be requested or offered, etc.);

2. The impact of the proposed annexation on the existing transportation system and proposals to mitigate any negative transportation impacts upon the community (arterial and collector street improvements, intersection improvements, intersection signalization, alternative modes of transportation, etc.), including the compatibility of

the proposed development with the Frederick Comprehensive Plan and any plan amendments that may be necessary for the proposed development;

3. The impact of the proposed annexation on the existing storm drainage system and proposals to mitigate any negative drainage impacts upon the community (historic rainfall drainage patterns, detention and retention areas, storm sewer requirements, discharged irrigation ditches, floodways and floodplains, etc.);

4. The impact of the proposed annexation on the Town park facilities and recreation programs and proposals to mitigate any impact upon the existing facilities and programs (additional facilities, additional recreational programs, additional personnel required, etc);

5. The impact of the proposed annexation on the environment of the Town and proposals to mitigate any negative impact (identify environmentally sensitive areas, endangered species, significant habitats, etc.);

6. The compatibility of the proposed annexation with the street master plan as depicted by the Transportation Master Plan and proposals for mitigating any negative impact;

7. The compatibility of the proposed development with this Code and any deviations in setbacks, space requirements and permitted uses that may be required for the proposed development; and

8. A review of existing and adjacent land uses, areas of compatibility or conflict, and possible mitigation measures that may be required for the proposed development.

Article VIII.
Metropolitan Districts

Sec. 16-8-10. Legislative declaration.

A. Special districts ("Districts"). Special districts ("Districts") organized under Title 32, Article 1, C.R.S. (the "Special District Act"), under appropriate circumstances, provide an economic alternative to the development of municipal infrastructure at the expense and risk of the Town. The Town has previously authorized Districts within its corporate limits for the sole purpose of development of infrastructure to serve their respective service areas. In the past, the Town has restricted the authority and autonomy of the Districts through its approving resolutions and intergovernmental agreements.

B. Conditions, restrictions and requirements. The intent of this Article is to impose conditions, restrictions and requirements on the development by existing Districts of additional capital infrastructure and the issuance of indebtedness, in order to preserve the financial integrity of the Town and the health, safety, prosperity, security and general welfare of all of the residents and citizens of the Town. The Special District Act and the existing intergovernmental agreements between the Town and the Districts in certain respects do not adequately address the local concerns and interests of the Town in regulating the Districts' development of capital facilities and incurrence of debt to finance such development, both of which ultimately have a direct financial consequence to the Town. It is necessary and advisable to specify the events and conditions which, under the Special District Act; likely constitute material modifications to an approved District service plan, in the context of the particular business and legal relationship between the Town and Districts. The provisions of this Article are also intended to provide procedures for the processing and review of proposals for formation of new Districts, and to define the restrictions and limitations which may be imposed by the Town as a condition to the approval of such Districts consistent with the policy and intent of this Article.

C. Adoption. The adoption of this Article is necessary, requisite and proper for the government and administration of local and municipal matters under the Town's powers

granted by Title 31 and Title 32, Article 1, C.R.S. The Town Board specifically finds that the determination of whether to use Districts to provide for the development of capital facilities and incurring of debt to finance such facilities is purely a matter of local concern for the Town to make.

Sec. 16-8-20. Definitions.

As used in this Article, the following terms, phrases and words shall have the following meanings:

Board means the Board of Directors of a District.

District means a special district organized under the Special District Act whose service plan is to be approved by the Town under applicable state law and any existing District that is located wholly within the corporate limits of the Town as of the effective date of this Article.

Model Service Plan means the model service plans for single and/or multiple Districts that may be approved by the Town Board from time to time.

Petitioners means those persons proposing a service plan or an amendment to an approved service plan.

Sec. 16-8-30. Reservation and construction.

The Town reserves all the powers and authority granted to municipalities by the Special District Act. The provisions of this Article shall be construed and applied to supplement the applicable provisions of the Special District Act.

A. Required annual report. Not later than September 1 of each calendar year, each District shall file an annual report (the "annual report") with the Town Clerk. The annual report shall reflect activity and financial events of the District through the preceding December 31 (the "report year"). The annual report shall include the following:

1. A narrative summary of the progress of the District in implementing its service plan for the report year;

2. Except when exemption from audit has been granted for the report year under the Local Government Audit Law, the audited financial statements of the District for the report year including a statement of financial condition (i.e., balance sheet) as of December 31 of the report year and the statement of operations (i.e., revenues and expenditures) for the report year. If exempt from audit, the District shall provide a copy of the Request for Exemption and the approval for the exemption;

3. Unless disclosed within a separate schedule to the financial statements, a summary of the capital expenditures incurred by the District in development of public facilities in the report year, as well as any capital improvements or projects proposed to be undertaken in the five (5) years following the report year;

4. Unless disclosed within a separate schedule to the financial statements, a summary of the financial obligations of the District at the end of the report year, including the amount of outstanding indebtedness, the amount and terms of any new District indebtedness or long-term obligations issued in the report year, the amount of payment or retirement of existing indebtedness of the District in the report year, the total assessed valuation of all taxable properties within the District as of January 1 of the report year and the current mill levy of the District pledged to debt retirement in the report year;

5. The District's budget for the calendar year in which the annual report is submitted;

6. A summary of residential and commercial development in the District for the report year;

7. A summary of all fees, charges, taxes and assessments imposed by the District as of January 1 of the report year;

8. Certification of the Board that no action, event or condition enumerated in Section 16-8-40 below) has occurred in the report year; and

9. The name, business address and telephone number of each member of the Board and its chief administrative officer and general counsel, together with the date, place and time of the regular meetings of the Board.

B. Review of annual report. Annually, on a date established by resolution of the Town Board, the Town Board at a regular public meeting may review the annual reports received from each District. In the event the annual report is not timely received by the Town Clerk, notice of such default shall be given by certified mail by the Town Clerk to the Board of such District, at its last known address. The failure of the District to file the annual report within forty-five (45) days of the mailing of such default notice by the Town Clerk shall empower the Town Board to impose the sanctions authorized in Section 16-8-200 below). The remedies provided for noncompliance with the filing of the annual report shall be supplementary to any remedy authorized by the Special District Act.

Sec. 16-8-40. Material modification.

The occurrence of any of the following actions, events or conditions, subsequent to the date of approval of the service plan or most recent amendment thereto, shall constitute material modifications requiring a service plan amendment:

A. Default in the payment of principal or interest of any District bonds, notes, certificates, debentures, contracts or other evidences of indebtedness or borrowing issued or incurred by the District which:

1. Persists for a period of one hundred twenty (120) days or more;

2. The defaulted payment aggregates either fifty thousand dollars ($50,000.00) or ten percent (10%) of the outstanding principal balance of the indebtedness, whichever is less; and

3. The creditors have not agreed in writing with the District to forbear from pursuit of legal remedies.

B. The failure of the District to develop, cause to be developed or consent to the development by others of any capital facility proposed in its service plan when necessary to service approved development within the District.

C. Failure of the District to realize at least seventy-five percent (75%) of the development revenues (including developer contributions, loans or advances) projected in the financial portion of the service plan during the three-year period ending with the report year, where development revenue is defined as fees, exactions and charges imposed by the District on residential and commercial development, excluding taxes, provided that the disparity between projected and realized revenue exceeds fifty thousand dollars ($50,000.00).

D. The development of any capital facility in excess of one hundred thousand dollars ($100,000.00) in cost, which is not either identified in the service plan or authorized by the Town in the course of a separate development approval, excluding bona fide cost projection miscalculations; and state or federally mandated improvements, particularly water or sanitation facilities.

E. The occurrence of any event or condition which is defined under the service plan or intergovernmental agreement as necessitating a service plan amendment.

F. The material default by the District under any intergovernmental agreement with the Town.

G. Any of the events or conditions enumerated in Section 32-1-207(2), C.R.S., as amended.

Sec. 16-8-50. Determination of applicability.

Should the District dispute that one (1) or more of the occurrences enumerated in Section 16-8-40 above is a material modification, the District may request a hearing before the Town Board after consultation with Town staff. After hearing and receipt of any relevant information presented by the District and the recommendation of Town staff, the Town Board shall make a finding as to whether such occurrence constitutes a material modification. In the event it is found a material modification has taken place, the District shall submit its request for an amendment in accordance with this Article, unless waived by

the Town Board. Upon a finding that no material modification has taken place, the District shall be relieved from obtaining an amendment. The Town Board may, however, require a later amendment if the change or deviation, on a cumulative basis, subsequently becomes material. In making its determination, the Town Board shall consider, among other relevant information, whether the modification will have a probable adverse financial impact on the Town.

Sec. 16-8-60. Service plan amendment.

A. The petition for amendment. Except as otherwise provided in the approved service plan and except when the Town Board has determined that no material modification has occurred pursuant to Section 16-8-40 above, within ninety (90) days of the occurrence of an action, event or condition enumerated in Section 16-8-40 above, the Board shall forward an appropriate petition to the Town Board for approval requesting a service plan amendment. The petition for amendment shall include:

1. Any information or documentation required under the applicable provisions of the Special District Act;

2. Any material changes since the service plan was last reviewed and approved by the Town Board to any of the information, assumptions or projections furnished in conjunction with the petition for approval of organization of a District or contained in the service plan;

3. A detailed explanation of the activity, events or conditions which resulted in the material modification, including what action was taken or alternatives considered, if any, by the District to avoid the action, event or condition;

4. The impact of the material modification on the District's ability to develop the capital facilities and infrastructure necessary to meet its capital development plan;

5. The effect of the material modification on the District's ability to retire as scheduled its outstanding financial obligations and its ability to issue and market additional indebtedness, if any;

6. A current financial plan for the District reflecting development absorption rates anticipated within the District's service area, projected annual revenues and expenditures based upon such projected absorption rates, debt issuance and amortization schedules and a projection of anticipated capital outlays;

7. The financial impact of the modification on existing residents of the District;

8. An updated five-year capital improvements plan; and

9. What alternatives or options are available to the District if the requested amendment is not approved.

B. Process and review. All of the required information shall be supported by appropriate technical analysis, reports and supporting documents of qualified professionals and consultants. The amendment shall be processed and reviewed in the same manner as prescribed by this Article for an initial service plan, except that the submittal requirements of this Section shall be substituted for those of Section 16-8-130 below, and the application fee. This Section shall not impair the right of the Town to bring an action in the district court to enjoin the activities of the District pursuant to Section 32-l-207(3)(b), C.R.S., as amended.

Sec. 16-8-70. Partial exemption.

If any District has not undertaken development of capital facilities or issued any indebtedness, it may apply to the Town Board for an exemption from compliance with this Article for a period of time not to exceed two (2) years. The Town Board may grant an exemption if the Board submits a resolution to the Town Board stating that upon issuance of the exemption, the District's authorization under the service plan and the intergovernmental agreement with the Town to undertake development of capital facilities or issue any indebtedness is temporarily suspended. With issuance of the partial exemption, the District shall be exempted from compliance with this Article, except that the District annually, not later than September 1, shall submit financial statements from the previous year and the budget for the current year.

Sec. 16-8-80. Required service plan amendments.

After the effective date of this Article all service plan amendments and amendments to statement of purpose shall comply with this Article.

Sec. 16-8-90. Review of financing.

A District shall not issue any indebtedness that is not substantially consistent with the service plan previously approved by the Town. Prior to the issuance of any indebtedness, the District shall submit the proposed financing to the Town for review and comment. The submission shall include the dollar amount of the issue, the estimated interest rate and other financing costs, the type of revenues pledged to repayment, including amount of the mill levy pledged, and a description of the credit enhancements, together with any preliminary official statement or other prospectus for the debt issue. The submission shall be accompanied by a certification of the Board that the proposed issuance or refinance of indebtedness is authorized by and in compliance with the service plan for the District.

Sec. 16-8-100. Mill levy cap.

Unless approved by the Town Board, the service plan of any district shall impose a Mill Levy Cap such that the total mill levy of the district shall not exceed fifty (50) mills. In the event of changes in the ratio of actual valuation to assessed valuation for real property, pursuant to Article X, section 3(1)(b) of the Colorado Constitution and legislation implementing such constitutional provision, the fifty (50) mill levy limitation provided herein will be increased or decreased (as to all taxable property in the District) to reflect such changes so that, to the extent possible, the actual tax revenues generated by the mill levy, as adjusted, are neither diminished nor enhanced as a result of such changes ("Gallagher adjustment"). The mill levy cap shall be an enforceable limit on all District mill levies.

Without increasing the Mill Levy Cap, the District shall impose a mill levy of three (3) mills for purposes of financing capital improvements or for financing operations and maintenance expenses associated with Town capital improvements, as determined by the

Town, which revenues shall be remitted to the Town upon the District's receipt. The revenues received by the Town for capital improvements or operation and maintenance expenses may be applied to any Town capital improvement so long as the capital improvement is one that the District could otherwise finance (i.e., streets, traffic safety controls, street lighting, water, landscaping, sanitary sewer, storm drainage, mosquito control and park and recreation improvements). The three (3) mills imposed for these purposes shall be included in the fifty (50) mill levy cap. The District's imposition of the three (3) mills for the capital improvements or operation and maintenance of the Town capital improvements shall be memorialized in an intergovernmental agreement after the District's organization and the District's failure to levy, collect, and pay over to the Town the three (3) mills shall constitute a material modification of this Service Plan. In the event that the District has no debt service mill levy, the District shall have no obligation to levy, collect and pay over to the Town the three (3) mills set forth herein.

Sec. 16-8-110. Service plan consideration.

Sections 16-8-120 through 16-8-170 below) shall govern the processing, review and consideration of service plans for new Districts, or service plan amendments for existing Districts.

Sec. 16-8-120. Presubmittal meeting.

Petitioners shall initiate a service plan proposal by meeting with a designated Town staff representative to discuss the procedures and requirements for a service plan. The Town representative shall explain the administrative process, and provide information to assist petitioners in the orderly processing of the proposed service plan.

Sec. 16-8-130. Filing of proposed service plan.

A. Compliance with format. Petitioners shall file a proposed service plan and fifteen (15) additional copies with the Town Clerk. The proposed service plan shall substantially comply with the format of any model service plan, if any, adopted by the Town Board.

B. Application and processing fee. The application processing fee for a service plan shall be as noted in the Town fee schedule, as amended.

C. Copy of petition filed with service plan. A copy of the proposed petition to be filed with the district court must be included with the proposed service plan filed with the Town.

D. Service plan filed at same time as petition for annexation. If a District is desired, the proposed service plan shall be filed on any proposed district at the same time as the petition for annexation. If the proposed territory is already annexed to the Town and a District is desired, then the proposed service plan shall be filed concurrently with the zoning application and/or sketch plan/preliminary plat. Exceptions to this provision shall be in the sole discretion of the Town Board, after a recommendation from the Town Administrator as to the proposed District's fitness and public purpose.

E. Service plan contents. The proposed service plan shall include the following:

1. The information required under Section 32-1-202(2), C.R.S.

2. A map of the proposed District boundaries with a legal description, or lot and block description.

3. An itemization of any costs which petitioners expect to be assumed by the Town for the construction of public improvements.

4. Proof of ownership for all properties within the District or proof of ownership of the property owned by the petitioners within the District.

5. A copy of any and all proposed, contractual and/or operations documents which would affect or be executed by the proposed District, including the form of the intergovernmental agreement between the District and the Town.

6. A capital plan including the following:

    a. A description of the type of capital facilities to be developed by the District;

b. A description of additional amenities that would enhance the value and quality of life for the stakeholders of the district (i.e. pools, clubhouses, recreation facilities, within the district).

c. An estimate of the cost of the proposed facilities; and

d. A pro forma capital expenditure plan correlating expenditures with development.

7. A financial plan including the following:

a. The total amount of debt issuance planned for the five-year period commencing with the formation of the District;

b. All proposed sources of revenue and projected District expenses, as well as the assumptions upon which they are based, for at least a ten-year period from the date of the District formation;

c. The dollar amount of any anticipated financing, including capitalized interest, costs of issuance, estimated maximum rates and discounts, and any expenses related to the organization and initial operation of the District;

d. A detailed repayment plan covering the life of any financing, including the frequency and amounts expected to be collected from all sources;

e. The amount of any reserve fund and the expected level of annual debt service coverage which will be maintained for any financing;

f. The total authorized debt for the District;

g. The provisions regarding credit enhancement, if any, for the proposed financing, including, but not limited to, letters of credit and insurance; and

h. A list and written explanation of potential risks of the financing.

8. Such other information contained in the model service plan or as may reasonably be deemed necessary or appropriate by the Town.

Sec. 16-8-140. Administrative review.

The Town shall have ninety (90) days from the date the service plan is filed to complete its preliminary review. Once a review has been completed, a comprehensive analysis shall be made in written report form to the Town Board. The report shall evaluate the service plan and incorporate comments of the Town staff as well as any consultants. The report shall set forth the recommendations made in accordance with the review criteria contained in Section 16-8-160 below.

Sec. 16-8-150. Public hearing.

Upon completion of the administrative report, the Town shall schedule a public hearing at a regular Town Board meeting. Public notice shall be accomplished in accordance with the requirements of Section 32-1-204(1) and (1.5), C.R.S., as amended.

Sec. 16-8-160. Hearing and determination.

A. Hearing open to public. The hearing held by the Town Board shall be open to the public. Any testimony or evidence which, in the discretion of the Town Board, is relevant to the organization of the District shall be considered.

B. Criteria for consideration of service plan. After consideration of the service plan, reports and any evidence and testimony accepted or taken at the public hearing, the Town Board shall approve without condition, approve with condition or disapprove the proposed service plan or amendment, applying the following criteria:

1. Whether there is a sufficient existing and projected need for organized service in the area to be serviced by the proposed District;

2. Whether the existing service in the area to be served by the proposed District is inadequate for present and projected needs;

3. Whether the proposed District is capable of providing economical and sufficient service to the area within its proposed boundaries;

4. Whether the area to be included in the proposed District has or will have the financial ability to discharge the proposed indebtedness on a reasonable basis;

5. Whether adequate service is not or will not be available to the area through the Town or other existing quasi-municipal corporations, including existing Districts, within a reasonable time and on a comparable basis;

6. Whether the facility and service standards of the proposed District are compatible with the facility and service standards of the Town;

7. Whether the proposal is in substantial compliance with the Town's Comprehensive Plan;

8. Whether the proposal is in substantial compliance with the county, regional or state long-range water quality management plans for the area;

9. Whether the creation of the District will be in the best interests of the area proposed to be served;

10. Whether the creation of the District will be in the best interests of the residents or future residents of the area proposed to be served;

11. Whether the proposed service plan is in substantial compliance with this Article; and

12. Whether the creation of the District will foster urban development that is remote from or incapable of being integrated with existing urban areas, or place a burden on the Town or adjacent jurisdictions to provide urban services to residents of the proposed District.

Sec. 16-8-170. Written determination.

Within the statutory timeframe regarding the proposed service plan or amendment. If the service plan is approved, a resolution of approval shall be adopted. If the service plan is disapproved, a resolution for such disapproval shall be adopted, including the reason(s) for such disapproval. If the service plan is conditionally approved, the amendments to be made in, or additional information relating to, the service plan, together with the reasons for such amendments or additional information, shall be set forth in writing, and the hearing shall be continued until such amendments or additional information are incorporated in the service plan. Upon the incorporation of such amendments or additional information in the proposed service plan, the Town Board shall adopt a resolution of approval.

Sec. 16-8-180. Appeal.

The Town Board resolution shall document the Town Board's final determination for the purpose of any appeal to the district court.

Sec. 16-8-190. Capital facilities.

Districts are prohibited from developing or constructing any capital facility unless such facility is authorized under the service plan and intergovernmental agreement, and any applicable Town ordinances.

Sec. 16-8-200. Sanctions.

Should any District fail to comply with any applicable provision of this Article or the Special District Act, the Town Board by resolution may impose one (1) or more of the following sanctions, as it deems appropriate:

A. Exercise any applicable remedy under the Special District Act;

B. Withhold the issuance of any permit, authorization, acceptance or other administrative approval necessary for the District's development of public facilities or construction;

C. Exercise any legal remedy under the terms of any intergovernmental agreement under which the District is in default; or

D. Exercise any other legal remedy, including seeking injunctive relief against the District, to ensure compliance with the provisions of this Article.

Sec. 16-8-210. Disclosure to buyers of property within the district.

Because purchasers of property within the district will be subject to additional property tax millage, the Petitioner or any successor homebuilder shall provide a statement disclosing the amount of additional property tax millage, along with an annual amount of additional tax (in dollars) required to fund and operate the district shall be disclosed to said purchasers for the applicable property. This disclosure shall be made to all prospective purchasers at the time a contract for sale is executed along with the amount of additional tax, and shall also be disclosed to the purchaser at the time of settlement. The disclosure shall be included as a completely separate page of the contract. The District shall also record a statement against the property within the District, at such time as the property is legally included therein, including notice of the existence of the District, average expected tax levy, maximum expected tax levy and maximum allowed tax levy. The form of notice shall be substantially similar to the form attached.

Sec. 16-8-220. Application to pending service plans and amendments.

This Article shall govern the processing, review and consideration of service plans for new Districts, or those existing Districts, required to submit service plans or service plan amendments which have not received approval prior to the effective date of this Article.

Article IX.
Oil and Gas Drilling and Production

Sec. 16-9-10. Purpose.

These regulations are enacted to protect public health, safety, welfare and the environment by permitting oil and gas development only where appropriate and in a manner that avoids and minimizes existing and future land use conflicts and adverse impacts to public health, safety, and welfare and the environment.

"Municipal" governments have a recognized, traditional authority and responsibility to regulate land use within their jurisdiction. These regulations are intended as an exercise of this land use authority.

Sec. 16-9-20. Definitions.

A. All terms used in this Article that are defined in the Act or in Commission regulations, and not otherwise defined in this Section, are defined as provided in the Act or in such regulations as of the effective date of the ordinance codified in this Article. All other words used in this Article are given their usual customary and accepted meaning; and all words of a technical nature, or peculiar to the oil and gas industry, shall be given that meaning which is generally accepted in said oil and gas industry. When not clearly otherwise indicated by the context, the following words and phrases used in this Article have the following meanings:

"ECMC permit" means a permit issued by the Colorado Energy and Carbon Management Commission ("ECMC") to drill, deepen, re-enter or recomplete and conduct any other oil and gas operation as allowed under the ECMC regulations.

"Future school facility" means a school facility that is not yet constructed, but that the school or school governing body plans to build and use for students and staff within four (4) years of the date of the preapplication conference.

"Oil and gas operations" ("operations") means exploring for oil and gas, including conducting seismic operations and the drilling of test bores; siting, drilling, deepening, recompleting, reworking, or abandoning a well; producing operations related to any well, including installing flowlines; the generating, transporting, storing, treating, or disposing exploration and production wastes; and any constructing, site preparing, or reclaiming activities associated with such operations.

"Public water supply well" means a well or system of wells that provide water via piping or other constructed conveyances for human consumption to at least fifteen (15) service connections or serves an average of at least twenty-five (25) people for at least sixty (60) days each year.

"School facility" means any discrete facility or area, whether indoor or outdoor, associated with a school, that students use commonly as part of their curriculum or extracurricular activities. A school facility is either adjacent to or owned by the school or school governing body, and the school or school governing body has the legal right to use the school facility at its discretion.

"Town Manager" means the Town of Fredrick's Town Manager or designee.

"Working pad surface" means the portion of an oil and gas location that has an improved surface upon which oil and gas operations take place.

Sec. 16-9-30. Applicability.

A. Except as otherwise provided in this Section, the provisions of this Article shall apply to all surface oil and gas operations occurring within the Town's boundaries, which shall include, without limitation, any oil and gas operation requiring the commission's issuance or re-issuance of a drilling permit or any other permit under the ECMC regulations that the Town Manager determines would result in a substantial modification of the oil and gas

operations or facilities. Prior to any person commencing any such operations within the Town, that person shall apply for and receive a conditional use permit from the Town in accordance with the standards set out in this Article.

B. Except as noted, this Article shall apply to every subdivision for which a complete preliminary plat application is filed after the effective date of the ordinance codified in Section 16-9-70. This article shall not apply to: any final plat submitted for approval in compliance with a previously approved preliminary plat; any subdivision for which a preliminary plat application was deemed complete prior to the effective date of the ordinance codified in Section 16-9-70 ; or any previously approved planned development in which the development plan includes its own development standards for oil and gas facilities.

C. Standards Document. The Oil and Gas Standards Document ("Standards Document") is hereby adopted by reference. The Standards Document will be on file with the Town Manager. The Town Trustees may, by resolution, update the Standards Document as necessary to reflect major changes in required industry standards and practices.

D. Existing Oil and Gas Operations. Except as noted in Sections 16-9-30.E, 16-9-90.B, 16-9-100.C, and 16-9-170, this Article does not apply to "existing oil and gas operations," which are those surface oil and gas operations for which a drilling permit was issued under the ECMC regulations prior to the effective date of this Article, and under which permit the oil and gas operations were commenced before the effective date. "Existing oil and gas operations" also includes any surface oil and gas operations occurring on real property annexed into the Town on or after the effective date of this Article, provided those operations are occurring as of the effective date of the annexation pursuant to a drilling permit issued under the ECMC regulations.

E. Other Applicable Code Provisions. In addition to the standards of this Article, all existing and permitted oil and gas operations conducted within the Town shall comply with provisions of Municipal Code and Land Use Code of general applicability that are not in direct conflict with the standards of this Article. This includes, but is not limited to, the following provisions:

1. Provisions for geologic hazards, floodplains or floodways required in Sections 16-9-40, 16-9-120, and Article 12 (floodplain areas).

2. Provisions for wildlife mitigation standards in Section 16-9-120 and 16-4-170.

3. Fencing requirements in Article 4.

4. Landscaping requirements in Article 4.

5. Article 6 of the Land Use Code.

6. Chapters 7, 8, 10, and 11 of the Municipal Code., 10, and 11 of the Municipal Code.

7. Building permits must be obtained for all above ground structures to which the International Building Code applies – Chapter 18 of the Municipal Code.

8. International Fire Code of Chapter 18 of the Municipal Code.

F. Federal and State Regulations*.* The operator shall comply with all applicable federal and state regulations including, without limitation, the OGC Act and the ECMC regulations. Where, in any specific case, the requirements of any other Title within the Land Use Code or the regulations of any state or federal agency are in conflict with this Article, the more restrictive requirements shall be imposed.

Sec. 16-9-40. Location restrictions.

A. Oil and gas locations shall only be located within the following zoning districts: Agricultural (A), Agricultural Open Space (AOS), Residential Estate (R-E), Residential Low-Density (R-1), Public (P) and when approved as part of a Planned Unit Development District (PUD) where oil and gas development is a specified use.

B. Oil and gas locations shall be at least two thousand (2,000) feet from the property line of any existing or platted school facilities, future school facilities, day care centers, hospitals, nursing home, memory care, Alzheimer's care, senior housing, or assisted living facilities unless a variance is obtained.

C. Oil and gas locations shall be at least one thousand (1,000) feet from the following:

1. The property line of any existing dwelling units or platted residential lots less than two and one-half (2.5) acres in size unless all existing surface owners and tenants of any of the affected properties within one thousand (1,000) feet of the relevant point of measurement explicitly agree with informed consent to the proposed oil and gas location;

2. The nearest edge of any existing dwelling units on lots greater than two and one-half (2.5) acres in size unless all existing surface owners and tenants of any of the affected properties within one thousand (1,000) feet of the relevant point of measurement explicitly agree with informed consent to the proposed oil and gas location;

3. The nearest edge of any commercial building requiring a certificate of occupancy unless all existing surface owners and tenants of any of the affected properties within one thousand (1,000) feet of the relevant point of measurement explicitly agree with informed consent to the proposed oil and gas location;

4. Parks (active and passive), open space or common open space;

5. Community facility;

6. Public water supply surface intakes, aquifer recharge area, or public water supply wells; and

7. Existing or future direct use water supply reservoirs or classified water supply segments.

D. Oil and gas locations may not be located between one thousand (1,000) feet and two thousand (2,000) feet of any existing or platted residence, unless one (1) or more of the following conditions are satisfied:

1. All existing residential owners or tenants of any of the affected properties within two thousand (2,000) feet of the relevant point of measurement explicitly agree with informed consent to the proposed oil and gas location; or

2. Any wells, tanks, separation equipment, or compressors proposed on the oil and gas location will be located more than two thousand (2,000) feet from the relevant point of measurement; or

3. The Town decision-making body finds, as part of its review of an application pursuant to Sections 16-9-120 and 16-9-130, that the proposed oil and gas location and conditions of approval will provide substantially equivalent protection for public health, safety, welfare, the environment, and wildlife resources. The Town decision-making body will consider, without limitation:

a. The extent to which the oil and gas location design and any planned practices, preferred control technologies, and conditions of approval avoid, minimize, and mitigate adverse impacts, considering:

1. Geology, technology, and topography;

2. The location of receptors and proximity to those receptors; and

3. The anticipated size, duration, and intensity of all phases of the proposed oil and gas operations at the proposed oil and gas location.

b. The operator's alternative location analysis conducted pursuant to Section 16-9-120.A.3;

c. The results of the Town Manager suitability analysis pursuant to Section 16-9-120.A.3.c;

d. Related oil and gas location siting and infrastructure proposed;

e. How oil and gas facilities associated with the proposed oil and gas location are designed to avoid, minimize, and mitigate impacts on the affected properties; and

f. The operator's actual and planned engagement with nearby residents, property owners, and businesses to consult with them about the planned oil and gas operations.

E. Working pad surfaces proposed within Town limits shall be at least five hundred (500) feet from the following:

1. Rivers and streams; and

2. Ditches and canals that transport water delivered into, or to augment, a public water supply system.

F. The working pad surface shall be located outside of a Federal Emergency Management Agency (FEMA) designated one hundred (100) year flood plain.

Sec. 16-9-50. Prohibited facilities.

The following facilities are prohibited within the Town:

A. Gas storage wells;

B. Class II injection wells used for oil and gas wastes;

C. Class VI injection wells used for geologic storage of carbon dioxide;

D. Drilling pits, waste storage pits, and disposal pits;

E. Centralized exploration and production waste management facilities; and

F. Glycol dehydrators or desiccant gas processing dehydrators.

Sec. 16-9-60. Oil and gas standards.

Provisions listed in the Standards Document are required permit conditions to reduce or eliminate impacts to public health, safety, welfare or the environment. Depending on site specific conditions, exceptions to the requirements in the Oil and Gas Standards Document may be permitted. The Oil and Gas Standards Document addresses air quality protection, water quality protection, safety, visual and noise mitigation, community outreach, reclamation, transportation, and wildlife protection. When noted, the minimum health and safety standards in the Oil and Gas Standards Document apply to existing oil and gas operations as well as new permits.

Sec. 16-9-70. Oil and gas access roads.

A. Generally. All private roads used to access the tank battery or the wellhead shall meet or exceed the standards of this Section.

B. Construction Standards. The operator shall install a roadway at least twenty (20) feet wide with a minimum unobstructed overhead clearance of fourteen (14) feet. The access road shall have a prepared subgrade and an aggregate base course surface a minimum of six (6) inches thick compacted to a minimum density of ninety-five percent (95%) of the maximum density determined in accordance with generally accepted engineering sampling and testing procedures approved by the Director of the Engineering and Utilities Department. The aggregate material, at a minimum, shall meet the requirements for a Class 6 Aggregate Base Course as specified in the Colorado Department of Highways Standard Specifications for Road and Bridge Construction, latest edition.

C. Grades. Grades shall be established to provide drainage from the roadway surface and shall be constructed to allow for cross-drainage to waterway (i.e., roadside swales, gulches, rivers, creeks, etc.) by means of an adequate culvert pipe. Adequacy of culvert pipes shall be subject to approval by the Director of the Engineering and Utilities Department.

D. All access roads shall be maintained so as to remain free of weeds and to provide a passable roadway free of ruts and dust at all times.

E. All access roads must be improved as a hard surface (concrete or asphalt) for the first one hundred (100) feet from the public right-of-way, unless public right-of-way is not already a hard surface, in which case, operator shall meet the current standards of the public right-of-way.

F. A mud and debris tracking pad shall be located at the end of the access road before entering onto a public right-of-way.

G. The access drive entrance shall include returns with a thirty (30) foot radius.

H. If an access road intersects with a pedestrian trail or walk, the operator shall pave the access road as a hard surface (concrete or asphalt) a distance of one hundred (100) feet either side of the trail or walk, unless the trail or walk is not already a hard surface, in which

case, operator shall meet the current standards of the trail or walk. If necessary, operator shall replace the trail or walk to address the weight load requirements of the vehicles accessing the well and production sites.

I. Temporary access roads associated with the operations will be reclaimed and reseeded with Town's preferred seed mix within sixty (60) days after discontinued use of the temporary access roads. An exception to temporary access road construction standards and specifications may be made upon agreement of the parties where circumstances warrant a departure given future development needs.

J. Use of Public Rights-of-Way. An extra-legal vehicle or load permit shall be required for all extra-legal vehicles or loads as defined in C.R.S §§ 42-4-401 through 42-4-411, which use Town streets. Said permit, if required, shall be obtained from the Town Manager prior to such use. The applicant shall comply with all Town and state regulations regarding weight limitations on streets within the Town, and the applicant shall minimize extra-legal truck traffic on streets within the Town.

Sec. 16-9-80. Pipelines.

Any newly constructed or substantially modified pipelines shall meet the following requirements:

A. Flowlines, gathering lines, and transmission lines shall be sited at a minimum of twenty-five (25) feet away from residential buildings. This distance shall be measured from the nearest edge of the pipeline. Increased setbacks shall be evaluated and required on a case-by-case basis, with the determining locational factor being the size, pressure, and type of pipeline being proposed.

B. Flowlines, gathering lines and transmission lines that pass within one hundred fifty (150) feet of residential or nonresidential building or the high-water mark of any surface water body shall incorporate leak detection, secondary containment, or other mitigation, as appropriate.

C. Pursuant to ECMC rules, existing and permitted oil and gas operations must conduct leak detection inspections and pressure testing and monitoring in order to identify flowline leaks or integrity issues. Leaks, spills, or integrity issues will be reported to the Town as soon as practicable but no later than twenty-four (24) hours after discovery. Spills that have contaminated surface water within fifteen (15) miles upstream of a public water system must notify the Town and the public water system immediately upon discovery.

D. To the maximum extent feasible, pipelines shall be aligned with established roads in order to minimize surface impacts and reduce habitat fragmentation and disturbance.

E. To the maximum extent feasible, operators shall share existing pipeline rights-of-way and consolidate new corridors for pipeline rights-of-way to minimize surface impacts.

F. To the maximum extent feasible, operators shall center pipelines, flowlines, gathering lines, and transmission lines in the easement or right-of-way.

G. Operators shall use boring technology when crossing streams, rivers, irrigation ditches or wetlands with a pipeline to minimize negative impacts to the channel, bank, and riparian areas, except that open cuts may be used across irrigation ditches if the affected ditch company approves the technique.

Sec. 16-9-90. Emergency response.

A. Generally. Operators agree to take all reasonable measures to ensure that oil and gas operations shall not cause an unreasonable risk of emergency situations such as explosions, fires, gas, oil or water pipeline leaks, ruptures, hydrogen sulfide or other toxic gas or fluid emissions, hazardous material vehicle accidents or spills.

B. Emergency Action Plan and Tactical Response Plan.

1. Each operator with an existing or proposed oil and gas operation in the Town is required to provide to the Town its Emergency Action Plan for operations within the Town, which shall be in compliance with the applicable provisions of the International Fire Code as adopted in the Town Code. Such plan shall be approved by Carbon Valley

Emergency Management Agency (CVEMA) and the Frederick-Firestone Fire Protection District.

2. The Emergency Action Plan shall contain, at a minimum, all of the following information:

a. Name, address and phone number, including twenty-four (24) hour numbers for at least two (2) persons responsible for field operations at the subject oil and gas facility or location, as well as the contact information for any subcontractor of operator engaged for well-control emergencies on the subject oil and gas facility or location;

b. A process by which the operator notifies neighboring residents and businesses within one-half (1/2) mile (two thousand, six hundred forty (2,640) feet) of the subject oil and gas facility or location to inform them about the on-site operations and emergencies, and to provide sufficient contact information for surrounding neighbors to communicate with operator;

c. Detailed information addressing each category of emergency that has a reasonable potential to occur at the subject oil and gas facility or location severe enough to present an immediate danger to public health, safety, or welfare, including without limitation: explosions; fires; gas; oil or water pipeline leaks or ruptures; hydrogen sulfide or other toxic gas emissions; hazardous material accidents or spills; and natural disasters. Examples of the most likely and worst-case scenarios should be provided, including information on the potential response scenarios;

d. An emergency evacuation plan for the working pad surface of the subject oil and gas facility or location and a plan to evacuate any person(s) residing and/or working within up to one-half (1/2) mile (two thousand, six hundred forty (2,640) feet) of the same;

e. A provision that any spill outside of the containment area that has the potential to leave the facility or to threaten waters of the state and that is required to be reported to the ECMC or the ECMC's director shall be immediately reported to the Frederick Firestone Fire Protection District emergency dispatch at 911, the Carbon

Valley Emergency Management Agency (CVEMA), and to the Manager and the Engineering and Utilities Department, Stormwater Division, promptly thereafter;

f. The operator shall have current safety data sheets (SDS) for all chemicals used or stored on an oil and gas location. The SDS sheets shall be provided immediately upon request to Town officials, a public safety officer, or a health professional;

g. Detailed information identifying emergency access, and health care facilities anticipated to be used, in connection with emergencies at the subject oil and gas facility or location;

h. An oil and gas facility or location-specific plan for any oil and gas facility or location that involves drilling or penetrating through known zones of hydrogen sulfide gas;

i. A water supply plan that will describe available hydrants or any new hydrants necessary in the area in the event of a fire;

j. A statement, and detailed information, indicating that operator has adequate personnel, supplies, and training on hand to implement the emergency action plan immediately at all times during construction and operations at the subject oil and gas facility or location; and

k. Emergency shutdown protocols and procedures to promptly notify the Town of any shutdowns that would have an impact to any area beyond the confines of the working pad surface of the subject oil and gas facility or location.

3. The Tactical Response Plan (TRP) is a one (1) page (front and back) eight and one-half (8 1/2) by eleven (11) inch card to be consulted in an emergency. The TRP should be based on the template provided by the Weld County Office of Emergency Management (OEM).

4. The Emergency Action Plan and Tactical Response Plan shall be filed with the Town and the Frederick Firestone Fire Protection District and updated on an annual basis. If no updates to the Plan are made, operator shall provide notice of “no change” in its annual registration submitted to the Town.

C. As-Built Facilities Map. Within sixty (60) days of the start of production, operator will provide an as-built facilities map in a format suitable for input into the Town's GIS system depicting the locations and type of above and below ground facilities, including sizes and depths below grade of all oil and gas flow lines and associated equipment, isolation valves, surface operations and their functions, as well as transportation routes to and from exploration and development sites, for response and management purposes. The information concerning flowlines and isolation valves shall be marked and treated as confidential by the Frederick Firestone Fire Protection District and shall only be disclosed in the event of an emergency or to emergency responders or for the training of emergency responders or as otherwise required by law.

D. Emergency Response Costs. The operator shall reimburse any applicable governmental agency or emergency responders for all expenses incurred in connection to any emergency related to an oil and gas facility or location.

E. Will-Serve Letter. The operator will receive a will-serve letter from the Frederick-Firestone Fire Protection District stating that the operator has agreed to provide adequate emergency response equipment, any necessary training, or fee-in-lieu satisfactory to the district, to adequately respond to potential events that may result from operations.

F. Resource Mobilization/Cache Plan. Operator will organize, produce, and maintain a resource mobilization/cache plan to ensure that emergency responders associated with a subject oil and gas location have available the equipment necessary (including adequate firefighting foam) to respond to any emergency identified in the emergency action plan ("resources mobilization/cache plan"), which shall provide that the equipment be stationed in locations as to be readily available for any emergency occurring at any oil and gas facility or location covered by the subject emergency action plan.

Sec. 16-9-100. Required operator submittals.

A. Generally. Applications shall be submitted on a form approved by the Manager.

B. Fees and Costs. Every applicant shall provide the following fees and financial assurances:

1. Application Fee. Every application shall include a required fee in the amount set by resolution. Other fees, including, but not limited to, capital expansion fees and building fees may also be required.

2. Cost Reimbursement Agreement. Every applicant shall submit a signed cost reimbursement agreement provided by the Town. Costs to be covered include review of the application, review of report, or notices submitted to the Town during oil and gas operations, and review of any application to transfer or plug and abandon operations. The application fee and required cost reimbursement agreement must be received by the Planning Department to process the application.

3. Inspection Fees. Operator shall reimburse the Town for all inspection costs reasonably incurred to inspect the oil and gas location to determine compliance with this agreement and any permits issued by the Town. Such fees shall include actual costs incurred by the Town, including employee time, employee supervision, necessary equipment rental, and overhead. Where a well is plugged and abandoned, no Town fees will be imposed thereafter.

4. Road Improvements and Maintenance Agreement. Operator must sign an agreement to pay for ongoing road repair and maintenance costs attributable to its operations. The Town will conduct periodic impact assessments with the operator to determine the extent of any damage accruing to the road caused by the operator's activities. Operator may conduct baseline road condition assessments with a third-party contractor to define existing road conditions. Operator will pay the Town for the cost of the actual repairs for the assessed damage or else arrange and pay the cost of such repairs itself with a contractor acceptable to the Town.

C. Annual Operator Registration. All operators with existing or permitted oil and gas operations within the Town shall be responsible for supplying the following annual operator registration information. Operators applying for oil and gas facilities within the Town shall supply this information as part of their application; operators with existing or permitted oil and gas facilities in the Town prior to the effective date of this Article will submit the annual operator registration submittal requirements within ninety (90) days after the effective date of the ordinance codified in this Article; operators who have been annexed into the Town or have received wells from another operator shall file annual

operator registration within sixty (60) days after annexation or assuming responsibility for operating existing oil and gas facilities. Annual operator registration must be updated and renewed annually by July 1.

Annual operator registration submittal requirements shall include:

1. New or updated emergency action plans as required by Section 16-9-90.B ;

2. Updated leak detection and repair plan as required by the Standards Document;

3. List of any reportable safety events over the past three (3) years as defined by ECMC Rule 602(g), as may be amended. Operator shall also list any root cause analyses conducted and corrective actions taken in response to the incidents, including internal changes to corporate practices or procedures;

4. List of any spills or releases over the past three (3) years; and

5. List of any notices of alleged violations issued by the ECMC or CDPHE over the past three (3) years.

Sec. 16-9-110. Permits required.

A. New Oil and Gas Facilities.

1. It shall be unlawful for any person to drill a new well, construct a new facility or install new accessory equipment or structure within the corporate limits of the Town, unless a conditional use permit has been obtained pursuant to this Article. A separate conditional use permit shall be required for each well or production site that has not been previously permitted under this Article.

2. It shall be unlawful for any person to operate a well, facility or accessory equipment or structure within the corporate limits of the Town, except in compliance with the terms and conditions of the conditional use permit.

3. If more than one (1) well or production site is proposed at the same time, the applicant may submit one (1) application for multiple wells and facilities; however, a separate fee shall be required for each well production site included in the application.

4. Any such permit issued pursuant to this Article shall encompass within its authorization the right for the operator, his or her agent, employee, subcontractor or independent contractor or any other persons to perform that work necessary in the drilling, completion or maintenance operations.

5. For the purpose of this Article, the installation of tanks, heaters, separators and other accessory equipment shall be construed as extensions to oil and gas wells and shall accordingly be subject to the same applications, review, permit, regulations, and standards. The application for these accessories, when intended to be installed at the same time as the oil or gas well, may be merged with an application for an oil or gas permit and shall not require an additional permit fee.

B. Legacy Oil and Gas Facilities. By enactment of this Article, the Town hereby approves any well, equipment or facility drilled or constructed prior to the enactment of this Article or that occurred prior to annexation of additional acreage within the Town.

C. Modification of Existing Oil and Gas Facilities. Any proposed change made to an oil and gas facility or operations shall be reviewed by the Planning Department and is subject to one of the following:

1. New Permit for Substantial Modifications. A change to a legacy oil gas facility or operations deemed by the Town Manager to be a substantial modification is required to obtain a new conditional use permit. As used within this section, a "substantial modification" means addition, removal, replacement, or modification of equipment or other changes to a well site, production site, or operations that increases the site's footprint, harmful emissions, traffic, noise, or odor, or could negatively impact public health, safety, welfare, or the environment or wildlife. This includes, without limitation, redrilling, sidetracking, twinning, or recompleting a well, or change of use to a geothermal well. Maintenance activities, installation of emission control equipment, and the addition of equipment necessary to fulfill mandated regulatory requirements are not substantial modifications. Prior to any person making such changes to facilities

or operations, that person shall apply for and receive a conditional use permit from the Town in accordance with the standards set out in this Article.

2. Change of Operations Permit. Modifications to a legacy oil and gas facility that are not deemed "substantial modifications" must receive a change of operations permit. Such change of operations application will be administratively reviewed and granted so long as the location comes into substantial compliance with all regulations required to protect public health, safety, welfare and the environment.

3. Amendment of Permit. Each permit is limited to the facilities as shown in the approved permit plans. To the extent the applicant desires, after initial completion of a well, to substantially change operations or to place additional equipment on a tank battery or wellhead location, which was not shown in the approved plan, the applicant must, except in a situation where additional temporary equipment is necessary for a period of fourteen (14) days or less, submit a revised site and operating plan to the Town depicting any changes from the approved conditional use permit. If the staff concludes that the proposed change will not cause additional adverse impacts to public health, safety or welfare or the environment, the amendment can be approved administratively. Upon receipt of the amended site plan and operating plan, the Town shall issue a revised conditional use permit as provided in this Article. In the event the staff concludes the proposed change would cause an additional adverse impact to public health, safety, welfare or the environment, the proposed amendment will trigger new notice and require a new conditional use permitting process.

4. Plugging and Abandonment Permit. The plugging and abandoning of a well or pipeline requires a plugging and abandonment permit. An application for a plugging and abandonment permit will include the ECMC well abandonment report (notice of intent), the timeline for plugging activities, and any need to disrupt traffic to accomplish the work. The permit will be issued administratively and will not require a public hearing.

a. Recordation of Well Location. The plugged and abandoned well shall be permanently marked by a brass plaque and recorded with the County Clerk and Recorder as described in the Standards Document.

b. Recordation of Pipeline Locations – Notice of Abandonment. The legal description of all flowlines, including transmission and gathering systems, shall be filed with the Manager and recorded with the Weld County Clerk and Recorder within thirty (30) days after completion of construction. Notice of abandonment of any flowlines shall be filed with the Manager and recorded with the Weld County Clerk and Recorder within thirty (30) days after abandonment. All flowlines, gathering, and transmission lines must be physically removed unless a surface owner agreement executed by an existing surface owner allows abandonment in place or the Manager finds that removal could cause significant damage to other infrastructure (such as roads or other utilities) or to the environment.

c. Once plugging operations are complete, operator will send Town the recording information, written verification that flowlines have been removed, as well as a picture of the required plaque.

D. Seismic Operations. Seismic survey operations within the Town limits are permitted through right-of-way permit or other permits as deemed necessary by the Manager. The seismic survey operations must comply with requirements in the Standards Document.

E. Oil and Gas Pipeline Permit.

1. Pipelines shall meet the requirements in Section 16-9-80 as well as site specific conditions deemed necessary to protect public health, safety, welfare and the environment.

2. Pipelines related to oil and gas development (that carry gas, oil, or produced water) that are off a working pad surface are allowed in all zoning districts through a conditional use permit.

3. Pipelines that enter Town property or public right-of-way in the Town must also obtain a public right-of-way permit from the Engineering and Utilities Department.

Sec. 16-9-120. Conditional use application process.

The application process will follow the requirements in Article 6 except as modified below:

A. Step 1: Preapplication Conference.

1. Concept Review. The applicant shall attend a preapplication conference with the Town. The purpose of the meeting is to discuss the permit submittal requirements, the review process, and the list of oil and gas standards that are required to reduce or eliminate impacts to public health, safety, welfare or the environment. If not already provided by the applicant, the Town may require an alternative location analysis that must be completed prior to submitting the permit application.

2. Preliminary Site Analysis. The applicant shall prepare and submit a preliminary site analysis to the Town for review at the preapplication conference. The preliminary site analysis shall include the following information:

a. All drilling and spacing units proposed by the applicant within one (1) mile of the Town's boundaries;

b. The proposed location for the oil and gas location and all features defined below, completely contained within, or within one-fourth (1/4) mile of all drilling and spacing units proposed by the applicant;

c. Any existing residential, platted residential, or property currently entitled for residential use, not including properties zoned for agricultural use over five (5) acres in size;

d. Properties designated for future residential use in the Town's adopted Comprehensive Plan, including mixed use;

e. Any school, nursing facility as defined in C.R.S. § 25.5-4-103(14), hospital, life care institutions as defined in C.R.S. § 12-13-101, or correctional facility as defined in C.R.S. § 17-1-102(1.7); and, or correctional facility as defined in C.R.S. § 17-1-102(1.7); and

f. Any fire stations, police facilities, and public works facilities;

g. Any operating child care center as defined in C.R.S. § 26-6-102(1.5), any public or private recreation facilities;

h. Outdoor place of assembly areas;

i. Public or private parks, including trails;

j. Senior living, assisted living facilities, or group homes;

k. Areas within the FEMA one hundred (100) year flood plain boundary;

l. The centerline of all USGS perennial and intermittent streams;

m. All public water system facilities including but not limited to treatment plants, raw water reservoirs, intake structures, storage tanks, and pump stations;

n. Wetlands; and

o. Sensitive wildlife areas.

3. Alternative Location Analysis. All applicants must submit an alternative location analysis. The alternative location analysis will include, at a minimum, the following information:

a. A map depicting the following elements within three (3) miles of the proposed surface location. (This requirement may be limited to one (1) mile for a proposed single vertical or directional well):

1. All drilling and spacing units proposed by the applicant;

2. All existing or platted school facilities, future school facilities, day care centers, hospitals, nursing home, memory care, Alzheimer's care, senior housing, or assisted living facilities;

3. All platted residential subdivisions;

4. One hundred (100) year flood plain;

5. Current or planned future identified public drinking water supply areas; and

6. Designated outdoor activity areas or recreational open spaces;

b. The analysis shall evaluate a minimum of three (3) potential sites that can reasonably access the mineral resources within the proposed drilling and spacing unit(s), including the following information for each site:

1. General narrative description of each site;

2. Any factors listed in the location criteria that the site does not satisfy;

3. Off-site impacts that may be associated with each site;

4. Proposed truck traffic routes and access roads for each site; and

5. Any information pertinent to the applicable review criteria that will assist the Town Manager in evaluating the sites.

c. Location Suitability Criteria*.* The following suitability criteria will be used in the Town Manager's consideration of the suitability of the proposed sites:

1. The proposed site's conformance with all Town regulations;

2. The absence of any significant impacts the proposed site may have on adjacent properties;

3. Adequate surface acreage and suitable topography for safe and efficient operations;

4. The ability to adequately mitigate negative impacts from the proposed site;

5. The ability to consolidate facilities with other planned drilling and spacing units;

6. The ability to reconfigure proposed drilling and spacing unit applications to provide more suitable surface use locations; and

7. Any other relevant considerations impacting public health, welfare, safety, and the environment.

d. Suitability Analysis*.* The Town Manager will determine suitability of all proposed sites based on the suitability criteria above. The Town Manager may also

recommend analysis of additional sites if no locations appear to meet the suitability criteria or if there are additional locations that appear to meet the minimum suitability criteria that have been suggested by planning staff.

B. Step 2: Neighborhood Meetings. All oil and gas conditional use applications shall be required to notify property owners and tenants of the neighborhood meeting a minimum of one-half (1/2) mile (two thousand, six hundred forty (2,640) feet) from the parcel containing proposed oil and gas location.

C. Step 3: Application Submittal. Upon receipt of a complete application, the Town shall forward the application to the appropriate referral agencies. At minimum, the application shall be referred to Weld County, the Police Department, the ECMC, and the appropriate Fire District. Referral agencies shall be provided thirty (30) days to respond with any comments. After such period, the Town may proceed on the application whether or not the Town has received comments from the notified referral agencies. Additional submittal requirements as outlined in the Oil & Gas Standards Document and Section 16-9-100.B.1, 2, and 4.

D. Step 4: Notice of Application and Posting of Property. The area of notification for notice of application is one-half (1/2) mile (two thousand, six hundred forty (2,640) feet) from the parcel containing proposed oil and gas location.

E. Step 7: Final Staff Review and Staff Report.

1. Town staff will complete a final review of the resubmitted application materials and then prepare a final staff report explaining how the application is or is not consistent with the review criteria and applicable Town ordinances, regulations and standards.

2. Conditions of Approval. Staff will propose a list of conditions of approval, including requiring the use of oil and gas standards, to reduce or eliminate impacts to public health, safety, welfare, or the environment. In proposing conditions of approval, the staff shall consider the following factors, among other considerations:

a. Site-specific factors of the proposed new oil and gas location;

b. The extent the conditions are necessary to prevent significant degradation of the health, safety, and welfare of Town and area residents;

c. The extent to which conditions of approval will promote the use of existing facilities and reduction of new surface disturbance;

d. The extent to which legally accessible and technologically feasible alternative sites exist for the proposed new oil and gas location; and

e. The extent to which the proposed oil and gas location is within land used for residential, industrial, commercial, agricultural, or other purposes.

F. Step 8: Notice of Public Hearing and Posting of the Property. The area of notification for the notice of public hearing is one-half (1/2) mile (two thousand, six hundred forty (2,640) feet) from the parcel containing proposed oil and gas location.

Sec. 16-9-130. Review standards.

Town decision-making body shall review the conditional use permit application and any evidence presented at public hearing for compliance and will explain how the application is or is not consistent with these review standards as well as Town ordinances, regulations, any recommendations of staff and the criteria for a variance, if applicable.

A. All standards for conditional use review pursuant to Section 16-6-90.D are met.

B. The application complies with the location restrictions provided in Section 16-9-40 unless a variance is obtained.

C. The application substantially complies with the provisions and practices in the standards document.

D. There are no outstanding violations of ECMC rules or Town of Frederick code provisions at any well-site or production site owned or operated by the applicant within the Town limits.

E. The proposal will, to the extent necessary and reasonable, avoid adverse impacts on public health, safety, welfare, and the environment, including wildlife resources, or will adequately minimize and mitigate potential adverse impacts.

Sec. 16-9-140. Notice to proceed.

Prior to commencement of operations for which a use permitted by conditional review has been approved, a "notice to proceed" shall be obtained from the Town Manager. The Town Manager shall issue the "notice to proceed" upon receipt of the following:

A. A copy of the resolution approving a use permitted by conditional review for a well or wells;

B. A copy of the approved site plan;

C. A copy of recorded easements that will prevent the prohibited land uses within the setbacks listed in Section 16-9-180.A above until the location has been properly plugged and abandoned;

D. A copy of an approved extra-legal vehicle or load permit issued by the Town Manager pursuant to this Code, if applicable;

E. Proof of compliance with any conditions placed in the approved conditional use permit;

F. A copy of any other necessary permits, such as building permits and grading permits, if applicable;

G. Copies of any necessary county, State or Federal permits issued for the operation if not previously submitted;

H. Copies of all necessary ECMC permits; and

I. Copies of all necessary Air Pollution Control Division permits.

Sec. 16-9-150. Transfer of permits.

Conditional use permits may be assigned to another operator only with the prior written consent of the Manager and upon a showing to the Manager that the new operator can

and will comply with all conditions of the transferred permit and with all of the applicable provisions of this Land Use Code. The existing operator shall assign the permit to the new operator on a form provided by the Town and the new operator shall also sign the form agreeing to comply with all of the conditions of the permit and all applicable provisions of this Land Use Code. Such modification will be approved so long as the new operator complies with the following:

A. The new operator must certify that it will comply with all aspects of the existing conditional use permit.

B. The new operator has filed an annual operator registration.

C. The location is in compliance with all applicable local and state regulations and permits.

Sec. 16-9-160. Expiration of permits.

A. A conditional use permit shall expire and be null and void if drilling and completion operations on all of the permitted wells are not completed and producing within three (3) years after the date the permit is issued. If necessary to avoid conflicts with new residential development within one thousand (1,000) feet, the permit may be limited to two (2) years. In either event, the applicant may request in writing that the Manager approve an extension of such permit not to exceed one (1) year. To approve any such extension, the Manager must find that the applicant has an existing and valid permit from ECMC for the subject oil and gas operations, the extension will not conflict with planned residential development in the area, and that the conditional use permit is in compliance with Town standards as of the date of the extension request.

B. The conditional use permit shall automatically expire with the abandonment and reclamation of all associated wells.

Sec. 16-9-170. Violation and enforcement.

A. Unlawful to Construct or Install Unapproved Oil and Gas Facilities. Except as otherwise provided in this Article, it is unlawful to construct, install or cause to be constructed or installed any oil and gas facility within the Town unless approval has been granted by the Board of Trustees. The unlawful drilling or redrilling of any well or the production therefrom is a violation of this Article.

B. Penalty. Any person, firm, corporation or legal entity which constructs, installs or uses or causes to be constructed, installed or used, any oil, gas or injection well, well site or production site, or commits any act or omission in violation of any provision of this Article or of the conditions and requirements of the oil and gas conditional use permit, may be punished by a fine located in Section 1-72 of the Municipal Code. Each day of such unlawful operation constitutes a separate violation.

C. Civil Action. In case any building or structure is or is proposed to be erected, constructed, reconstructed, altered or used, or any land is or is proposed to be used, in violation of any provision of this Article or the conditions and requirements of the oil and gas conditional use permit, the Town Attorney, in addition to the other remedies provided by law, ordinance or resolution, may institute an injunction, mandamus, abatement or other appropriate action or proceeding to prevent, enjoin, abate or remove such unlawful erection, construction, reconstruction, alteration or use.

D. False or Inaccurate Information. The Board of Trustees may revoke an oil and gas conditional use permit if it is determined after an administrative hearing held on at least ten (10) days' notice to the applicant that the applicant provided information and/or documentation upon which approval was based, which the applicant, its agents, servants or employees knew, or reasonably should have known, was materially false, misleading, deceptive or inaccurate.

E. Prospective Application. Unless specifically provided otherwise, this Article shall apply only to wells which are drilled or substantially modified in the Town on and after the date that the ordinance codified in this Article is adopted.

F. Suspension and Revocation of Conditional Use Permit.

1. Generally. If at any time the Manager has reasonable grounds to believe that an operator is in violation of any enforceable provision of this Land Use Code with respect

to oil and gas operations, the Manager may suspend the operator's permit. The Manager shall give the operator's designated agent written notice of the suspension and, upon receiving such notice, the operator shall immediately cease all operations under the permit, except those reasonably required to protect the public's health and safety.

2. Written Notice of Suspension. The written notice of suspension shall state with specificity the alleged violation(s). The suspension shall continue in effect until the Manager determines that the violation(s) has been satisfactorily corrected. At any time during the suspension, the operator may appeal the Manager's action to the Municipal Court Judge by filing with the Town Clerk a written notice of appeal stating with specificity the operator's grounds for appeal.

3. Appeal.

a. Within thirty (30) days of the Town Clerk's receipt of that notice, a public hearing shall be held before the Municipal Court Judge. The hearing shall be conducted as a quasi-judicial proceeding with the operator having the burden of proof, and with the Manager.

b. After hearing and receiving evidence and testimony from the operator, from the Manager, and from other Town Staff and consultants, and after receiving public comment, the Municipal Court Judge may revoke the permit, terminate the suspension of the permit, or take such other action as it deems appropriate under the circumstances, taking into consideration and balancing the protection of the public's health, safety and welfare and the operator's rights under this Land Use Code, the conditional use permit, and state law to conduct its oil and gas operations.

c. Within twenty-five (25) days after the hearing, the Municipal Court Judge shall adopt its written findings and conclusion supporting its decision. The Municipal Court Judge's written findings and conclusions shall constitute the Municipal Court Judge's final decision.

G. Right to Enter. The Town reserves the right to inspect any existing or permitted oil and gas operations for compliance. Town site visits and inspections may occur without operator

present. However, unless urgent circumstances exist, the Town will use best efforts to give prior notice to the operator's contact person at the telephone number or email address before inspections. Inspections in response to odor, noise, or possible violation of rules may occur as soon as feasible upon receipt of the complaint.

H. Recovery of Fees. Should the Town prevail in any action for legal or equitable relief for a violation of the provisions of this Article, in addition to any other penalties or remedies which may be available, the Town shall be entitled to recover any damages, costs of action, expert witness fees and reasonable attorney's fees incurred.

Sec. 16-9-180. Development setbacks from wells and facilities.

The purpose of this Section is to allow land uses in the vicinity of oil and gas locations that are compatible with the industrial nature of oil and gas operations and disallow those land uses that are incompatible in order to protect public health, safety, and welfare.

A. Minimum Setbacks From Permitted Oil and Gas Working Pad Surfaces.

Table 9-1 Minimum Setbacks from Permitted Oil and Gas Working Pad Surfaces

Oil and Gas Working Pad Surface	Lot Setback from Facility	Building Setback from Facility
Oil and gas production facility without wells	150'	200'
1 – 4 wells	150'	200'
5 – 14 wells	150'	350'
15 or more wells	150'	500'

Oil and Gas Working Pad Surface	Lot Setback from Facility	Building Setback from Facility
Streets shall be a minimum of 50' from producing wells and/or facilities.		

1. No new residential, commercial, or mixed uses, school facilities, day care centers, hospitals, nursing home, memory care, Alzheimer's care, senior housing, or assisted living facilities may be constructed within the above minimum setbacks.
2. Measurements shall be taken from the closest edge of the closest oil and gas facility to the lot line or side of the building.
3. All existing or proposed flowlines or gathering lines shall be generally located in the center of a thirty (30) foot easement. Any flowline or gathering line shall be set back a minimum of fifteen (15) feet from the side of any building. Increased setbacks shall be evaluated on a case-by-case basis, with the determining locational factor being the size, pressure, and type of pipeline being proposed.
4. Public and private streets shall not be located within fifty (50) feet of a producing oil or gas well or its production facilities.

B. Preproduction Phase Occupancy Restrictions*.* For permitted or existing oil and gas locations where all permitted wells have not entered production, no new residential, or mixed-use building units shall be permitted to be occupied within one thousand (1,000) feet of such oil and gas location. This includes, but is not limited to, school facilities, hospitals, medical clinics, senior living or assisted living facilities, or state licensed daycares. This section does not apply to industrial, commercial, agricultural, or open space uses. Measurements shall be taken from the edge of the oil and gas location.

C. Early Production Phase Occupancy Restrictions*.* No new residential or mixed-use buildings shall be allowed to be occupied within one thousand (1,000) feet of permitted or existing working pad surfaces for three (3) years after the final well permitted for the location has been put into production. This includes, but is not limited to, school facilities, hospitals, medical clinics, senior living or assisted living facilities, or state licensed daycares. This Section does not apply to industrial, agricultural, commercial, or open space uses. Measurements shall be taken from the edge of the working pad surface. This three (3) year prohibition may be limited to one (1) year under the following conditions:

1. Surface owner has requested a waiver of this requirement after one (1) full year of production;

2. Surface owner has provided any residents or new lot owners with a copy of the waiver request as well as the noticing requirements in "plat requirements" in Section 16-9-190.B; and

3. After reviewing the safety, accident, and compliance records of the oil and gas operations, the Manager has approved the requested waiver.

D. Post-Production Phase (Plugged and Abandoned Wells). For oil and gas wells that have been plugged and abandoned, no building may be placed within two hundred (200) feet of the well-bore which must be located and confirmed through digging and exposing the plugged and capped well as described in Section 16-9-190.C. There shall be access for ingress and egress to the setback of a width of not less than twenty-six (26) feet. The required access may be unimproved. An applicant may be granted an "alternative compliance setback" as described below.

1. Alternative Compliance Setback Reduction From Plugged and Abandoned Wells. Alternative compliance setback reduction from plugged and abandoned wells. Upon applicant request, the Manager may approve a reduced setback distance from a plugged and abandoned well in lieu of the minimum two hundred (200) foot setback distance provided that the approved reduced setback is not less than fifty (50) feet in width and one hundred (100) feet in length. The plugged and abandoned well shall be located in the center of the setback. There shall be access for ingress and egress to the setback of a width of not less than twenty-six (26) feet. The required access may be unimproved. Such access will be granted by an easement created through a separate document and shown on the plat with Weld County Clerk and Recorder reception number before the plat is recorded.

2. An alternative compliance setback reduction plan shall be prepared and submitted in accordance with the submittal requirements established by the Manager. At a minimum, the plan must:

a. Clearly identify and discuss the proposed setback reduction and the ways in which the plan eliminates or minimizes the potential adverse effects.

b. Include information regarding environmental testing and monitoring for the site. Engineering review, site investigation, sampling, and/or monitoring shall be conducted to demonstrate that the well has been properly abandoned and that soil, air and water quality have not been, and will not be, adversely impacted by oil and gas operations or facilities or other sources of contamination. Such sampling and monitoring shall be conducted by a qualified environmental engineering or consulting firm with experience in oil and gas investigations. Manager approval that the sampling and monitoring plan contains the information required pursuant to this subsection is required prior to sampling occurring. If the well was plugged and abandoned within the past five (5) years and any necessary remediation was granted a "no further action" decision from the ECMC, submittal of State records of the plugging and remediation will be sufficient to satisfy this requirement.

1. Include documentation of plugging activities, abandonment and any subsequent inspections.

2. Include the results of soil sampling, ground water sampling, including soil gas testing if necessary.

3. Include a written report verifying that the soil and groundwater samples meet applicable EPA and State residential regulations.

c. Include a site survey, historical research, and/or physical locating techniques to determine exact location and extent of oil and gas operations and facilities.

d. The plugged and abandoned well shall be permanently marked by a brass plaque and recorded with County Clerk and Recorder as described below.

3. Review Criteria. To approve an alternative compliance setback reduction plan, the Manager must first find that the proposed alternative plan eliminates or minimizes the adverse effects referenced in the purpose of this Section equally well or better than would a plan which complies with the separation and spacing standards of this Section.

4. The Manager may require conditions of approval which may specify a larger setback distance or require that the following actions be completed by a qualified professional before development may occur, including but not limited to:

a. Remediation of environmental contamination from any historic leaks to background levels or compliance with ECMC Table 915-1 standards as determined by Manager.

b. Replugging of a previously abandoned well.

Sec. 16-9-190. Easements, plats and development plans.

A. New Oil and Gas Locations.

Prior to the issuance of a conditional use permit, an operator must obtain easements that will prevent the prohibited land uses within the setbacks listed in Section 16-9-180.A until the location has been properly plugged and abandoned. The Town will review these easements to ensure they provide adequate setbacks and will automatically expire once the wells are plugged and abandoned. The easements must be recorded prior to receiving a notice to proceed pursuant to Section 16-9-140.

B. Plat Requirements for Existing Oil and Gas Locations.

Every preliminary and final plat and site-specific development plan which falls within a setback described in this section shall submit a location diagram of the location of the well or production site and depict the setback and the restriction on the preliminary and/or final plat or site-specific development plan. The following information shall be denoted on all preliminary and final plats:

1. The reception number, date, and recording location of all relevant surface use agreements;

2. The location of all oil and gas production facilities, access roads, and any associated easements;

3. The location of any flowline and gathering line easements that are still being used; and

4. A plat designation surrounding such flowlines and gathering lines, and a note expressly prohibiting any habitable building or structure within the designated setback from those facilities;

5. No final plat shall be submitted to the Town for approval if such plat includes any lot, upon which a dwelling unit or public or private school could be built, within one thousand (1,000) feet from an existing or proposed oil or gas well unless the subdivider records against title to such lots the following notice, in at least fourteen (14) point font:

> "As required by Section 16-9-190 of the Town of Frederick Land Use Code, notice is hereby given that [insert description of lot] contains, or in the future could contain, a dwelling unit or public or private school within 1,000 feet of a producing or proposed oil or gas well. For more information contact the Town of Frederick Planning Department or the Energy and Carbon Management Commission."

Such written notice may only be amended or terminated by the owner of such lot to correct typographical errors or to reflect the plugging and abandonment of wells. When any lot subject to the above written notice is first sold after plat approval to a purchaser intending to occupy the dwelling unit, the seller must provide the above written notice, in at least fourteen (14) point font, to the purchaser.

C. Plugged and Abandoned Wells*.*

1. Prior to submittal of a preliminary/final plat or site-specific development plan, each plugged and abandoned well shall be located and surveyed. The plugged and abandoned well shall be permanently marked by a brass plaque set in concrete similar to a permanent benchmark to monument its existence and location. Such plaque may be above or below ground. Such plaque shall contain all information required on a dry hole marker by the Energy and Carbon Management Commission. Evidence of the brass plaque shall be provided to the Town after plugging and abandonment activities are completed, the required ECMC plaque welded to the cut & capped wellhead is

admissible. The exact location shall be recorded at the Weld County Clerk and Recorder.

2. On every final plat or site-specific development plan which contains a plugged and abandoned well, there shall be dedicated a well maintenance and workover setback depicted on the plat, the dimensions of which shall provide a two hundred (200) foot setback unless Manager has granted an alternative compliance setback of not less than fifty (50) feet in width and one hundred (100) feet in length. No structures shall be located within this setback. The plugged and abandoned well shall be located in the center of the setback. There shall be an easement to provide unimproved access for ingress and egress to the setback of a width of not less than twenty-six (26) feet to monitor or replug the well if necessary.

D. Vacation of Existing Easements.

No easement may be vacated for a previous or existing well, flowline, or gathering line, unless documentation is provided to the Town demonstrating such well, flowline, or gathering line has been vacated in compliance with all applicable Colorado Energy and Carbon Management Commission regulations.

Article X.

RV Parks and Manufactured Home Parks

Sec. 16-10-10. RV Park Definitions.

A. As used in this Article, the following words and terms shall have the meaning ascribed to them in this Section:

1. **Recreational vehicle** means a vehicular-type unit primarily designed as temporary living quarters for recreational, camping or travel use, which either has its own motive power or is mounted or drawn by another vehicle. The following shall be considered a recreational vehicle (RV):
2. **Camping trailer**. A canvas (or other type of material), folding vehicle of rigid construction, mounted on wheels and designed for travel and recreation.
3. **Motorized home, motor home and/or recreational bus or van**. A recreational vehicle consisting of a portable, temporary dwelling to be used for travel, recreation and vacation uses and constructed as an integral part of a self-propelled vehicle.
4. **Pickup coach.** A vehicle designed to be mounted on or loaded onto a truck chassis for use as a temporary dwelling for travel and recreation.
5. **Tent.** Protective fabric erected to provide protection from the elements.
6. **Travel trailer.** A towable vehicle designed as a temporary dwelling for travel and recreation.
7. **Travel trailer, self-contained**. A trailer which can operate independently of connections to sewer, water and electric systems. It contains a water-flushed toilet, lavatory, shower or bath and kitchen sink, all of which are connected to water storage and sewage holding tanks located within the trailer.
8. **Recreational vehicle park**. A parcel of land specifically developed for locating only recreational vehicles on lots on a short-term basis.
9. **Recreational vehicle site**. A plot of ground within a recreational vehicle park intended for the accommodation of either a recreational vehicle, tent or other individual camping unit on a temporary basis.
10. **Sanitary facilities.** Toilets, urinals, lavatories, showers, utility sinks and drinking fountains, and the service buildings containing these units.
11. **Sanitary waste station** means a facility used for removing and disposing of waste from self-contained camping vehicle sewage holding tanks.
12. **Service building** means a structure housing toilet, lavatory, bath, laundry, service sink and other such sanitary facilities as may be required.

Sec. 16-10-20. RV Park Review Process.

A. All new recreational vehicle parks or development on any recreational vehicle park, new or preexisting, must submit all plans and specifications in detail for such development to the Planning Commission and obtain approval after formal public hearing from the Board of Trustees. No construction or development shall be commenced until approved by the Board of Trustees and a building permit issued.
B. Permits for development of recreational vehicle parks shall be granted according to the conditional review process of this Code.
C. The Chief Building Official and Town Engineer shall inspect each new recreational vehicle park or space/site addition or construction on existing parks to determine compliance with the provisions of this Article and all other applicable ordinances, rules, regulations or codes. No occupancy shall be permitted or certificate of occupancy issued until said officials have made such determination in writing. Occupancy of the premises prior to issuance of a certificate of occupancy based on the above determination shall subject the violator to the penalties set forth in this Code. The above-named officials shall have authority to enter upon the premises for the purpose of such inspection at any reasonable time without notice or approval of the owner or manager.

Sec. 16-10-30. Location of Recreational Vehicle Parks.

A. Recreational vehicle parks may be located in areas whose principal characteristic or activity is:
    1. Agricultural or open space;
    2. Highway service or highway commercial; or
    3. Commercial recreational areas.
B. Recreational vehicle parks will not be permitted in any area zoned residential or in floodplain areas.

Sec. 16-10-40. RV Park Development Standards.

A. Site conditions. Conditions of soil, groundwater level, drainage and topography shall not create hazards to the property or the health or safety of the occupants. The site shall not be exposed to objectionable smoke, noise, odors or other adverse influences, and no portion subject to unpredictable flooding, subsidence or erosion shall be used for any purpose which would expose persons or property to hazards.

B. Soil and groundcover. Exposed ground surfaces in all parts of the recreational vehicle park shall be paved, covered with stone screening or other solid materials, or protected with a vegetative growth that is capable of preventing soil erosion and of eliminating objectionable dust.

C. Drainage requirements. A drainage plan in accordance with the provisions of the Town of Frederick Standards and Specifications for Design and Construction shall be developed for the recreational vehicle park.

Sec. 16-10-50. RV Park Size and Density.

A. Park size. The minimum gross area for a recreational vehicle park is five (5) acres. The maximum gross area allowed is ten (10) acres.

B. Park density. The maximum density shall not exceed twelve (12) recreational vehicles per gross acre.

C. Minimum site size. Each recreational vehicle site shall contain a minimum of one thousand five hundred (1,500) square feet and shall have a minimum width of twenty-five (25) feet.

D. Site pads. Each site shall contain a vehicle parking pad of concrete or asphalt paving. The minimum length of the parking pad shall be thirty-five (35) feet. No part of a recreational vehicle or other unit placed on the lot pad shall be closer than five (5) feet to the edge of the lot.

E. Required separation between RV vehicles. Recreation vehicles shall be separated from each other and from other structures by at least ten (10) feet. Any accessory structure such as attached awnings or carports, for purposes of this separation requirement, shall be considered to be part of the recreational vehicle.

F. Site identification. Each site for the parking of the recreational vehicle shall be identified by numbers, a minimum of three (3) inches in height, posted in a conspicuous place at the front of the site.

Sec. 16-10-60. RV Park Roadways and Parking.

A. Interior roads. All interior two-way roads shall be twenty-eight (28) feet minimum width, and all interior one-way roads shall be twenty (20) feet minimum width. All roads shall

be paved with asphalt and crowned to facilitate drainage. Roadways shall be designed for the safe and convenient movement of vehicles.

B. Parking requirements. At least one and one-half (1 1/2) off-road parking spaces shall be provided in the park per recreation vehicle site. At least one (1) off-road parking space shall be provided at each site. No on-street parking will be permitted.

Sec. 16-10-70. RV Park Entrances and Exits.

A. Locations and access. No entrance or exit from a recreational vehicle park shall be permitted through a residential district or require movement of traffic from the park through a residential district.

B. Design of access to park.
   1. Entrances and exits to recreational vehicle parks shall be designed for the safe and convenient movement of traffic into and out of the park and to minimize marginal friction with free movement of traffic on adjacent streets.
   2. Each recreational vehicle park shall have a separate entrance and exit roadway, each of which shall not be less than twenty-eight (28) feet wide from flow line to flow line, shall be hard surfaced with asphalt or concrete and shall connect to a dedicated public right-of-way not less than forty (40) feet in width.

C. Access onto state highways. Access onto state-controlled highways or roads will require a permit from the Colorado Department of Transportation. The design of the access will be according to Colorado Department of Transportation requirements.

D. Distance from intersection. Entrance driveways shall be located not closer than one hundred fifty (150) feet from the intersection of public streets.

Sec. 16-10-80. RV Park Accessory Uses.

A. Management headquarters, recreational facilities, toilets, dumping stations, showers, coin-operated laundry facilities and other uses and structures customarily incidental to operation of a recreational vehicle park and campground are permitted as accessory uses to the park.

B. In addition, stores, restaurants and other convenience establishments shall be permitted as accessory uses in recreational vehicle parks in districts where such uses are not allowed as principal uses, subject to the following restrictions:

1. Such establishments and the parking areas primarily related to their operations shall not occupy more than five percent (5%) of the gross area of the park.
2. Such establishments shall be restricted in their uses to occupants of the park.
3. Such establishments shall present no visible evidence from any street outside the park of their commercial character which would attract customers other than occupants of the park.
4. The structure housing such facilities shall not be located closer than one hundred (100) feet to any public street but shall be accessible only from a street within the park.

Sec. 16-10-90. RV Park Open Space and Recreational Areas.

A. A general area or areas amounting to not less than ten percent (10%) of the gross area of the recreational vehicle park, excluding any area dedicated as public right-of-way, shall be provided for recreation and open space use.

B. Such areas shall not include any area designated as a recreational vehicle space, storage area, required yard, service building or sanitary facility or waste station area.

C. Recreational facilities shall be included in the ten-percent requirement for open space.

Sec. 16-10-100. RV Park Buffering, Setbacks, Screening and Landscaping.

A. Yards and setbacks. Each recreational vehicle park shall set aside along the perimeter of the park the following areas which shall be landscaped and used for no other purpose:
   1. Minimum front setback. Twenty-five (25) feet except when the recreational vehicle park fronts a state highway; then the minimum shall be fifty (50) feet.
   2. Minimum side setback. When abutting residential districts, the side setback shall be fifty (50) feet; when abutting a dedicated public right-of-way, the side setback shall be twenty-five (25) feet on the side street; when abutting any other zone district, the side setback shall be fifteen (15) feet along the interior lot line.
   3. Minimum rear setback. If the rear yard abuts a dedicated public right-of-way, the minimum rear setback shall be twenty-five (25) feet. If the rear yard abuts any other zoning district, the setback shall be fifteen (15) feet.

Table 10-1 Summary of Yard Setbacks

If yard abuts:	Residential District	Other District	Public Right-of-Way	State Highway
Front yard	Not allowed	Not allowed	25'	50'
Side yard	50'	15'	25'	50'
Rear yard	50'	15'	25'	50'

B. Landscaping. A landscaping plan illustrating the placement and type of trees and shrubs must be submitted as part of the park development plan. The design of the landscaping must mitigate the visual impact of the recreational vehicle park on the surrounding area.

C. Boundary fencing. Except for the front boundary, each recreational vehicle park shall be enclosed by a solid fence of wood or wall of concrete block or brick not less than eight (8) feet in height.

Sec. 16-10-110. RV Park Utilities.

A. All utilities underground. All public utilities within the recreational vehicle park shall be underground.

B. Water supply. The water supply for the recreational vehicle park shall be provided by a delivery system that is owned and operated by a local government authority. The water system shall be connected by pipes to all service buildings and all recreational vehicle spaces. The water distribution system within the park shall meet the following minimum standards:
   1. The water distribution system shall be designed, constructed and maintained in compliance with Colorado Department of Health regulations and recommendations to provide a safe, potable and adequate supply of water.
   2. The distribution system shall not be connected to any nonpotable water supply nor be subject to any backflow or back siphonage.
   3. The distribution system shall deliver water at a minimum pressure of at least twenty (20) pounds per square inch and a minimum flow of at least one (1) gallon per minute at all outlets.

4. The distribution system shall deliver a minimum volume of one hundred (100) gallons per day per recreational vehicle site.
5. Water service lines, riser pipes and valves shall be installed and protected from damage by freezing, ground movement, vehicles or other damage sources.
6. The riser pipe at each recreational vehicle site shall be at least one-half (1/2) inch in diameter and shall extend at least four (4) inches vertically above the ground elevation. It shall be equipped with a one-half-inch valve outlet with a threaded male spigot for attaching a standard garden hose.
7. Tent camping sites shall be provided with common use water faucets located no more than one hundred fifty (150) feet from any campsite.
8. Drinking fountains, if provided, shall be approved angle-jet type with adequate water pressure.
9. Spillage, overflow, drainage or wastewater from faucets and drinking fountains shall be discharged to approved drains to prevent impoundment of water, creation of mud holes or other nuisance conditions.
10. A water station for filling camping vehicle water storage tanks shall be provided at a rate of one (1) station for every one hundred (100) campsites. These shall be located not less than fifty (50) feet from a sanitary station. The station shall be posted with signs of durable material, not less than two (2) square feet, which state: POTABLE WATER – DO NOT USE TO FLUSH CANTING VEHICLE WASTE TANKS. Such water stations shall consist of at least a three-quarter-inch pipe and valve outlet and shall be protected against the hazards of backflow and back siphonage by an approved vacuum breaker located downstream from the shutoff valve. The fill hose shall be suspended so that no part of the hose and its appurtenances will come into contact with the ground. A sign shall be posted at the entrance of the park indicating the provision of a sanitary station and water station.

C. Sewage disposal. Facilities shall be provided and properly maintained for the collection and disposal or treatment and disposal of sewage.
   1. Where a public sewer system is available, all plumbing fixtures, building sewers and campground sewers shall be connected thereto. If a public sewer system is not available, a private sewage collection and disposal facility meeting requirements of the Colorado Water Quality Control Commission, the Colorado Department of Health and other applicable local government sewage disposal requirements shall be installed and all building sewers and campground sewers connected thereto.
   2. Solid and liquid wastes shall not be discharged or otherwise disposed of on the surface of the ground or into any well, cave, open ditch, stream, lake or reservoir.

D. Sewage collection.
   1. Sewage collection lines shall be laid in trenches of sufficient depth to be free of breakage from traffic, ground movement, agricultural activity or other sources of damage, and shall be separated from the water supply system by a horizontal distance of ten (10) feet and a vertical elevation of two (2) feet below water lines at crossing points unless pressure sewers are used.
   2. The sewer lines shall be constructed of approved materials with adequate vents, watertight joints and sufficient cleanouts. All sewer lines shall have a minimum diameter of six (6) inches, except that a sewer lateral which serves no more than twenty-five (25) individual sewer connections for individual camping vehicle lots or no more than five (5) toilet connections may be four (4) inches in diameter.
   3. Sewers shall be installed at a grade of at least one-eighth (1/8) inch per foot to ensure a velocity of two (2) feet per second when flowing full. Horizontal drainage lines connecting with other horizontal drainage lines shall enter through forty-five-degree "y" branches or other combinations of equivalent sweep.
   4. Cleanouts or manholes shall be provided at the upper end of each main sewer line, at intersections of two (2) or more sewer lines, changes in grade or alignment of more than forty-five (45) degrees, and at intervals of not more than four hundred (400) feet.
   5. Individual sewer connections shall meet the following requirements: A four-inch inside diameter sewer lateral and riser pipe with the surrounding ground graded to drain from the rim of the riser pipe. The sewer lateral shall be properly trapped and vented if camping vehicles without individually trapped and vented plumbing fixtures are accommodated.
   6. Dependent camping vehicles with a drain hose less than three (3) inches in diameter shall be connected with reducers and a screw or clamp-type fittings.
   7. Drain outlets from independent camping vehicles shall be capped or connected with a durable, readily cleanable, nonabsorbent, corrosion-resistant drain hose having an inside diameter of not less than three (3) inches. The sewer service connection shall be installed and maintained with a grade not less then one-quarter (1/4) inch per foot.
   8. When the campsite is not occupied, the sewer riser pipe shall be adequately covered.
   9. A flushing sink or other means of disposal shall be provided for disposal of liquid wastes from dependent camping vehicles, unless a sanitary waste station is provided and is conveniently located. The flushing sink shall be easily accessible and located at a distance of not more than three hundred (300) feet from any campsite.

The sinks shall not be located in a room containing toilet, lavatory or bathing facilities, and toilets shall not be used for disposal of liquid wastes. Common-use faucets or hydrants and lavatories in service buildings shall not be used for cleaning fish and food, or for washing dishes, utensils, clothing or other articles of household usage.

10. A sanitary waste station shall be provided for each one hundred (100) campsites or part thereof not equipped with individual sewer connections. Unless other approved means are used, the sanitary station shall be designed and constructed to include the following:
    a. Easy ingress and egress from a service road for camping vehicles and located not less than fifty (50) feet from a campsite.
    b. Connection to the sewer system by a trapped four-inch sewer riser pipe and vented not more than ten (10) feet downstream from the trap by a four-inch vent, adequately supported and extending at least eight (8) feet above the ground surface.
    c. The sewage inlet surrounded by a curbed concrete apron or trough of at least three (3) by three (3) feet, sloped to the inlet, and provided with a suitable hinged cover milled to fit tight.
    d. A means for flushing the immediate area and a camping vehicle holding tank shall be provided at each sanitary waste station. It shall consist of a properly supported water riser pipe, terminating two (2) feet above the ground with a three-fourths-inch valved outlet which shall be protected against back siphonage and backflow by an approved vacuum breaker installation located downstream from the shutoff valve.
    e. A sign, constructed of durable material and not less than two (2) feet square, posted adjacent to the water flushing outlet and inscribed with the warning: UNSAFE WATER FACILITY.
11. The plumbing shall be installed according to the most recent edition of the Uniform Plumbing Code as adopted by the Town.

D. Electricity and natural gas.
    1. An electric outlet approved by an electric utility shall be provided for each recreational vehicle space. The installation shall comply with all state and local electrical codes. Such electrical outlets shall be weatherproof.
    2. Street and yard lights shall be provided in such number and intensity as to ensure safe movement of vehicles and pedestrians at night. A light shall be located at each

outside entrance of the service buildings, which shall be kept lighted during hours of darkness.

3. Where natural gas is provided, the installation will comply with all applicable state and Town building code regulations.

E. Utility plans. Plans for water, sewer, electricity and natural gas along with letters of approval from the appropriate utility provider must be submitted to the Board of Trustees for approval.

Sec. 16-10-120. RV Park Refuse Disposal.

A. The storage, collection and disposal of refuse shall be performed so as to minimize accidents, fire hazards, air pollution, odors, insects, rodents or other nuisance conditions.

B. Durable, watertight, easily cleanable refuse containers, sufficient to contain all the refuse, shall be provided at each service building and sanitary waste station, or at a central storage area readily accessible and located not more than three hundred (300) feet from any campsite. Refuse containers shall be provided at the rate of eight (8) cubic feet (60 gallons) for each five (5) campsites. Individual trash cans at each recreational vehicle site may be provided. All containers for refuse shall be covered with close-fitting, fly-tight covers.

C. Refuse shall be collected and removed from the premises as often as necessary, but not less than once weekly, and disposed of at a lawful disposal site.

D. No burning of refuse will be permitted at the recreational vehicle park.

Sec. 16-10-130. RV Park Insect and Rodent Control.

A. Insects and domestic rodents shall be controlled by elimination of breeding and harborage sources, proper sanitary practices, extermination, vermin-proofing of buildings and other approved control methods.

Sec. 16-10-140. RV Park Fire Prevention and Protection.

A. All recreational vehicle parks shall comply with the current Fire Code of the Town.

B. Hand fire extinguishers of a type approved by the Frederick Area Fire Protection District shall be maintained in effective working order and located in convenient places in the

ratio of one (1) to eight (8) recreational vehicle spaces. The location of fire extinguishers must be approved by the Fire Chief of the Frederick Area Fire Protection District.

C. No outdoor fires will be allowed except in grills, ovens, stoves or park-provided fire boxes. Park-provided boxes must be approved by the Frederick Area Fire Protection District. No open fires are allowed.

D. Fire plugs shall be located so that every site within the park can be reached with three hundred (300) feet of the hose.

Sec. 16-10-150. RV Park Sanitary Facilities.

A. Sanitary facilities shall be provided and installed in accordance with the latest edition of the Uniform Plumbing Code adopted by the Town.

B. Required toilet, lavatory and bathing facilities shall be provided in the following minimum numbers:

Table 10-2 Sanitary Facilities

Campsites	**Toilets**		**Urinals**	**Lavatories**		**Showers**	
	M	**F**	**M**	**M**	**F**	**M**	**F**
15	1	1	1	1	1	1	1
16 – 30	1	2	1	2	2	1	1
31 – 45	2	2	1	3	3	1	1
46 – 60	2	3	2	3	3	2	2
61 – 80	3	4	2	4	4	2	2
81 – 100	3	4	2	4	4	3	3
101 – 120	4	5	3	5	5	4	4

M is Male

F is Female

C. At least one (1) toilet and shower facility shall be provided to accommodate handicapped persons.

D. No portable toilets will be allowed in recreational vehicle parks.

Sec. 16-10-60. RV Park Service Buildings.

A. Service buildings shall be constructed of easily cleanable, non-absorbent materials, maintained in good repair and in a clean and sanitary condition. They shall be conveniently located at a distance of not less than ten (10) nor more than four hundred (400) feet from any dependent camping vehicle lot or persons served in a recreational area.

B. Separate rooms containing required plumbing fixtures shall be provided for each sex and clearly marked "men" and "women." If located in the same building, they shall be separated by a solid, sound-resistant wall extending from floor to ceiling. The entrances shall be designed so that the plumbing fixtures are not visible from the outside. A landing shall be provided beyond each exterior door opening and shall have a width and length not less than the door opening.

C. The floors of service buildings shall have a smooth, impermeable and easily cleaned surface, sloped to drain. Floor drains, properly trapped, shall be provided in all shower baths and shower rooms to remove wastewater and to facilitate cleaning. The walls and ceilings of such buildings shall be finished, and the walls shall have a smooth, nonabsorbent, easily cleanable surface extending to a height of four (4) feet in toilet rooms and six (6) feet in shower rooms.

D. Every service building shall have a minimum ceiling height of seven and one-half (7 1/2) feet. In rooms with sloping ceilings, the required ceiling height shall be provided in at least fifty percent (50%) of the rooms, and no portion of any room having a ceiling height of less than five (5) feet shall be considered as contributing to the minimum required areas.

E. Every service building shall have at least one (1) window with direct and unobstructed opening to the outside for natural light and ventilation, unless other approved means of light and ventilation to the outside air are provided.

F. When necessary for exclusion of flies, mosquitoes and other insects, all exterior openings of service buildings shall be protected with fly screening of not less than sixteen (16) mesh per square inch, unless other approved protective devices are provided.

G. Every service building shall be provided with at least one (1) ceiling-type light fixture, at least one (1) separate double convenience outlet adjacent to the lavatories and a light fixture at the outside entrance of the service building. All lights shall have wall switches; no pull cords shall be allowed.

H. Illumination levels of at least thirty (30) foot-candles shall be maintained at lavatory mirrors and laundry room work areas, and at least five (5) foot-candles shall be maintained for general seeing tasks and at the service building entrance area.

I. Service buildings shall be provided with approved heating facilities which are properly installed, maintained in a safe working condition and capable of maintaining a room temperature of sixty-eight (68) degrees Fahrenheit.

J. Toilets and showers shall be separately installed to be individually accessible and to permit simultaneous use.

K. Each toilet shall be individually partitioned with a door to ensure privacy. The compartment shall be at least thirty (30) inches in width with at least twenty-four (24) inches of clear space in front of a toilet. The dividing partitions shall be at least five (5) feet in height with not less than six (6) inches nor more than twelve (12) inches separating the partition bottom and the floor. Toilets shall be provided with open-front seats.

L. Each shower shall be individually partitioned with a curtain, screen or door to afford privacy. Shower stalls shall not be less than thirty (30) inches by thirty (30) inches in area and shall be constructed to prevent water flow into the dressing room space. Shower floors shall be skid-resistant or provided with disposable or nonslip impervious mats. Wooden racks (dust boards) over shower floors are prohibited. Where impervious mats are used, they must be cleaned, dried and kept off the shower floor when not in use.

M. Dressing room space, screened from view and equivalent to the size of the shower floor area, shall be provided adjacent to bathing facilities and shall be equipped with a bench and clothes hook.

N. Hot and cold water under pressure shall be supplied to all required plumbing fixtures, except that cold water only shall be supplied to toilets. Tempered water may be delivered to showers and sinks to conserve heated water and heating equipment. The system shall be designed to prevent discharge of water in excess of one hundred twenty (120) degrees Fahrenheit at shower heads.

O. Hot water heating facilities shall have the capacity to provide a minimum of three (3) gallons of hot water (one hundred [100] degrees Fahrenheit rise) per hour per each campsite during times of peak demands.

P. Required plumbing fixtures shall be maintained in good working order and in clean and sanitary condition. Every service room containing sanitary fixtures shall be provided with a wastebasket.

Q. Toilets shall be provided with a toilet paper holder or dispenser and a supply of toilet paper and a covered receptacle, and lavatory areas shall be provided with clothes hooks, shelves and trash receptacles.

R. Service building construction shall conform to applicable provisions of the Uniform Building Code and existing local building codes, regarding specifications for making buildings and facilities accessible to and useable by physically handicapped.

Sec. 16-10-170. RV Park Safety.

A. All electrical wiring, equipment and appurtenances shall be installed and maintained in accordance with provisions of the National Electrical Code currently adopted by the Town.

B. Liquid petroleum gas, fuel oil, gasoline and other flammable liquids shall be handled and used in a safe manner and shall not be stored inside or beneath any camping vehicle or within five (5) feet of a door of a camping vehicle.

C. The grounds, buildings and related facilities shall be constructed, maintained and used in accordance with applicable local and state fire prevention regulations.

D. Play equipment, when provided for children, shall be designed for safety, maintained in good repair and located in areas free from hazards.

Sec. 16-10-180. RV Park Miscellaneous regulations.

A. L.P. tanks shall be limited to one-hundred-pound size.

B. Storage buildings, lean-tos, bins or other outside storage facilities shall not be allowed at recreational vehicle sites.

Sec. 16-10-190. RV Park Permanent occupancy prohibited.

A. No recreational vehicle shall be used as a permanent place of abode, dwelling or business or for indefinite periods of time. Continuous occupancy extending beyond three (3) months in any twelve-month period shall be presumed to be permanent occupancy.

B. Any action toward removal of wheels of a recreational vehicle, except for temporary purposes of repair or to attach the trailer to the grounds for stabilizing purposes, is hereby prohibited.

Sec. 16-10-200. RV Park Development application and site plan requirements.

A. Before any permit is issued for construction and/or operation of any recreational vehicle park, a site plan and required documentation shall be submitted to and approved by the Board of Trustees. The plan shall be prepared by a registered land surveyor or a registered professional engineer, shall be drawn to a scale of no less than 1" = 100', and shall include as a minimum the following:
   1. Name, address and telephone number of the applicant.
   2. Interest of the applicant in the proposed park.
   3. Location, address and legal description of the entire proposed recreational vehicle park site.
   4. Existing zoning of the subject property and all adjacent properties.
   5. Names and addresses of adjacent property owners.
   6. Complete engineering plans and specifications of the proposed recreational vehicle park showing:
      a. The area and dimensions of the entire tract of land.
      b. The land uses, occupying the adjacent properties.

c. The number, size and location of the proposed vehicle sites and other parking areas.
d. The location, right-of-way and surfaced roadway width, and surfacing material of roadways and walkways.
e. The proposed interior vehicular and pedestrian circulation patterns.
f. The location of service buildings, sanitary stations and any other existing or proposed structure.
g. The location of water and sewer lines and riser pipes.
h. Plans and specifications of the water supply, sewage disposal and refuse facilities.
i. The locations and details of lighting, electric and gas systems.
j. Plans for drainage, flood control and landscaping.
k. Plans and specifications of all buildings constructed or to be constructed within the recreational vehicle park.
l. Letters of review from utility agencies stating whether they can provide services to the recreational vehicle park.
m. Preliminary plat plan drawn on a sheet measuring twenty-four (24) inches by thirty-six (36) inches in blue or black ink.
n. An application fee of five hundred dollars ($500.00).

B. Where a recreational vehicle park development is proposed for construction in a series of stages, a master plan for the development of the entire tract of land shall be submitted, along with the detailed plans and specifications for the initial stage, as well as any subsequent stages.

C. After final approval of the preliminary plat by the Board of Trustees, two (2) Mylar originals and seven (7) black-on-white or blue-on-white prints of the final plat with supporting documents shall be submitted to the Town Clerk. The final plat shall conform to the preliminary plat as approved at public hearings, and shall include all changes specified thereon or alterations of the preliminary plat required by the Board of Trustees. One (1) original shall remain with the Town Clerk for the Town's records and one (1) original shall be recorded in the office of the County Clerk and Recorder. All recording fees shall be paid by the developer.

Sec. 160-10-210. RV Park Licensing and inspection.

A. License required. It shall be unlawful for any person to operate any recreational vehicle park within the limits of the Town unless he or she holds a valid recreational vehicle

park license issued annually by the Board of Trustees in the name of such person for the specific recreational vehicle park.

B. Application for license and fee. Application for a recreational park license shall be filed each calendar year with the Town Clerk. Applications shall be in writing, signed by the applicant, and shall contain the following information:
   1. Name of the applicant.
   2. Location and legal description of the recreational vehicle park.
   3. Complete plan drawn to scale showing all recreational vehicle lots, structures, roads, walkways and other service facilities. Plans shall be filed in subsequent years only if changes in the plan of the recreational vehicle park are to be made.
   4. Such further information as may be requested by Town officials to enable them to determine if the proposed recreational vehicle park will comply with the requirements of this Article or other applicable laws and ordinances.
   5. License fee: an annual license fee of one hundred dollars ($100.00) plus thirty dollars ($30.00) per recreational vehicle site, whether occupied or not.

C. License transfer. Every person holding a license shall give written notice to the Town Clerk within twenty-four (24) hours after having sold, transferred, given away or otherwise disposed of his or her interest in or control of any recreational vehicle park. Such notice shall include the name and address of the person succeeding to the ownership or control of such recreational vehicle park. Upon application in writing for transfer of the license and deposit of a fee of twenty-five dollars ($25.00), the license shall be transferred if the recreational vehicle park is in compliance with all applicable provisions of this Article and regulations issued hereunder.

D. License to be posted. The license certificate shall be conspicuously posted in the office of the recreational vehicle park at all times.

E. Registration. All recreational vehicles in the park must have a current valid registration.

F. Inspection. The Chief Building Official shall inspect each recreational vehicle park at least once annually to determine compliance with the provisions of this Article and all other applicable ordinances, rules, regulations or codes. The Chief Building Official shall have the authority to enter upon the premises for the purpose of such inspections at any reasonable time without notice to the owner or manager.

Sec. 16-10-220. RV Park Revocation of license.

A. When it appears to any police officer, the Fire Chief, the Chief Building Official or the health officers that any person holding a license under this Article has violated or may have violated any of the provisions hereof, a written notice shall be served on such licensee and/or recreational vehicle park manager in person or by certified United States mail specifying the manner in which it is believed that he or she has violated or may have violated this Article. Said notice shall require the owner and/or recreational park manager to appear before the Board of Trustees at a time specified therein, not less than ten (10) days after the service of said notice, and show cause why such license should not be suspended or revoked.

B. At such time, said licensee or recreational vehicle park manager and member of the Fire, Police, Building or Health Departments of the Town may produce such evidence as may be relevant to determine whether the violation charged in the notice has been committed. If the Board of Trustees finds from the evidence that such violation has not been committed, it shall so advise the licensee and/or recreational vehicle park manager and dismiss the charge. If the Board of Trustees finds from the evidence that such violation has been committed, it shall so advise the licensee or recreational vehicle park manager and may forthwith put said person on probation for thirty (30) days. If the violation is not corrected within such probationary period, the Board of Trustees may revoke or suspend the license held by such person or continue the probation for such period and on such conditions as it shall determine.

C. It shall be unlawful for any person whose license has been revoked or suspended to operate, continue to operate or offer to operate any recreational vehicle park after the date of such revocation or during the term of such suspension, as the case may be.

Sec. 16-10-230. RV Park Responsibilities of management.

A. Enforcement of regulations. The owner or operator of any recreational vehicle park shall arrange for the management and supervision of such recreational vehicle park so as to enforce or cause compliance with the provisions of this Article.

B. Maintenance. The owner, operator or attendant of every recreational vehicle park shall assume full responsibility for maintaining in good repair and condition all facilities of the recreational vehicle park as required herein.

C. Office. In every recreational vehicle park, there shall be a designated office building in which shall be located the office of the person in charge of said park. A copy of all required municipal and state licenses and permits shall at all times be kept in said office.

D. Management duties. It shall be the duty of the attendant or person in charge, together with the owner or operator, to:
   1. Keep at all times a register of all tenants (which shall be open at all times to inspections by state, county and federal officers and officers of the Town) showing for all tenants:
      a. dates of entrance and departures.
      b. license numbers of all recreational vehicles and towing vehicles or automobiles.
      c. states issuing such license.
   2. Maintain the park in a clean, orderly and sanitary condition at all times.
   3. See that provisions of this Article are complied with and enforced, and report promptly to the proper authorities any violations of law which may come to his or her attention.
   4. Report to local health authorities all cases known to the owner to be infected with any communicable diseases.
   5. Pay promptly to the Town all license fees required by Town ordinances or other laws.
   6. Prohibit the use of any recreational vehicle by a greater number of occupants than that which it is designed to accommodate.

Sec. 16-10-240. Manufactured Home Park General Provisions (MH) District.

A. Intent. This is a high-density residential district on a parcel of land under single ownership or control on which two (2) or more manufactured homes are occupied as residences.

B. MH District approval procedure.
   1. This District may only be used in conjunction with the Planned Unit Development (PUD) Overlay District.
   2. An amendment to the zoning district map to create an MH Zone District shall follow the procedures set forth in Section 3.11 of this Code. Prior to or simultaneously with the application for an amendment to the official zoning map for an MH District,

the applicant shall submit an MH Park Development Plan of the property for review and approval.

3. Prior to or simultaneously with the application for an amendment to the official zoning map for an MH District, the applicant shall submit a subdivision plat of the property for review and approval as provided by Article 4 of this Code. Development of a manufactured home park shall be subject to review and approval through the sketch, preliminary and final plat process in compliance with all the standards in this Article and consistent with the applicable community design principles and development standards found in Article 2 of this Code. Public hearings on these matters may be combined or occur separately.
4. A manufactured home development shall be subdivided for the purpose of dedication of adjacent public streets, internal public streets and ways, utility and other easements and other public facilities, and a final plat recorded as provided by Article 4 of this Code.
5. Development in this District is permitted only in accordance with an MH Park development plan and final plat prepared and approved in accordance with the provisions herein. The owners and their successors, heirs or assigns shall be bound by the approved MH Park development plan and final plat, including any amendments thereto approved by the Board of Trustees, as provided herein.

C. General requirements applicable to MH Districts.

1. In order to provide uniform administrative procedures and quality development standards, MH Districts shall conform to all provisions of this Code except as such provisions are specifically altered on the approved MH Park development plan.
2. Final approval of the MH park amendment to the official zoning map and any development within an MH District shall not occur until a final plat for the portion to be developed is approved and recorded as provided in Article 4 of this Code.
3. Vesting of property rights in a, MH District accrues only for that portion of the property granted a final plat approval.
4. All public utility distribution lines shall be placed underground.
5. The minimum number of acres which may constitute an MH District shall be five (5) acres.
6. Building and occupancy permits for manufactured homes in a manufactured home park development shall comply with the following requirements:

a. It shall be unlawful to erect, move or place any manufactured home or other structure on or onto any site, lot or tract in a manufactured home park development without first obtaining a building permit.
b. It shall be unlawful to erect, move or place any manufactured home on or onto any site, lot or tract that is not within a manufactured home park development.
c. Application for a building permit shall be made in accordance with the requirements of the Town's Building Code, to the extent applicable, and shall be accompanied by a fee determined according to the current Building Code fee schedule.
d. No building permit for the installation of a manufactured home shall be issued unless the manufactured home meets the requirements of the National Manufactured Home Construction and Safety Standards Act of 1974 (42 U.S.C. §5401, et seq.) and applicable Town codes that are not in conflict therewith.

Sec. 16-10-250. Manufactured home design standards/building requirements.

A. The manufactured home must be partially or entirely manufactured in a factory.

B. The manufactured home must be not less than twenty-four (24) feet in width and thirty-six (36) feet in length.

C. The manufactured home must be set on an excavated, backfilled, engineered foundation enclosed at the perimeter so that the top of the perimeter wall sits no more than twelve (12) inches above finish grade. The foundation shall be similar in appearance and durability to the masonry foundation of a site-built dwelling. The foundation shall provide an anchoring system for the manufactured home that is totally concealed under the structure.

D. The manufactured home must have brick, wood or cosmetically equivalent exterior siding on all exterior walls which provides a consistent, continuous facade from the bottom of the soffit (top of the wall section) downward to the top of the exposed perimeter foundation. The exterior siding of the manufactured home must have the same appearance as materials commonly used on residential dwellings. Metal siding must be painted or anodized.

E. The manufactured home must have a pitched roof with a pitch of at least a nominal 3:12. The roof must be covered with shingles, shakes or tile. Eaves of the roof must extend at least one (1) foot from the intersection of the roof and the exterior walls.

F. The manufactured home must have windows that are wood, vinyl-coated or anodized aluminum.

G. The manufactured home must have color-coordinated body and trim. Colors of both the factory components and the site-built components shall be the same.

H. The main entrance to the manufactured home must face or be oriented toward an adjacent street.

I. The transportation mechanisms, including the wheels, axles and hitch, must be removed.

J. No manufactured home shall be occupied for dwelling purposes unless it is properly placed in a manufactured home space and connected to water, sewer, electric and gas utilities, as appropriate.

K. All manufactured homes shall be certified pursuant to the "National Manufactured Housing Construction and Safety Standards Act of 1974," 42 U.S.C. §5401 et seq., as amended or shall be certified by the Colorado Division of Housing pursuant to Section 24-32-701 et seq., C.R.S.

L. All manufactured homes shall have an enclosed crawl space underneath the manufactured home and shall not provide a harborage for rodents or create a fire hazard. No enclosed crawl space shall be used for storage unless the storage area is surfaced with concrete. Adequate access and ventilation shall be provided in accordance with the Guidelines for Manufactured Housing Installation.

M. Additions to increase the floor area of manufactured home shall not be permitted except for patios, porches, garages, decks or carports. Garages may be detached or attached.

N. Prior to occupancy, the Building Inspector shall inspect each manufactured home to determine compliance with the Municipal Code. No occupancy shall be permitted or certificate of occupancy issued until said inspection and all connections to public utilities have been made. The owner or home builder shall pay to the Town a building permit fee for each residential structure as may be required by the Municipal Code. Installation procedures and the building permit fee shall be in

accordance with the then-current Guidelines for Manufactured Housing Installation, including appendices, published by the International Conference of Building Officials for manufactured homes and as adopted by the Town.

O. All additions shall comply with minimum yard requirements, and a building permit shall be required in advance for any such addition.

Sec. 16-10-260. Manufactured Home Density, dimensional and spacing standards.

A. The minimum area manufactured home space shall be four thousand (4,000) square feet.
B. The minimum lot length shall be eighty (80) feet.
C. The minimum lot width shall be fifty (50) feet.
D. The maximum building height shall be thirty-five (35) feet.
E. The maximum gross density shall be ten (10) units per acre.
F. The distance between any building or manufactured home from a property line of the manufactured home park shall be twenty (20) feet.
G. The front setback of a manufactured home shall be fifteen (15) feet from the back of the curb; provided however, that in order to encourage the enclosed storage of parked vehicles, the setback from the back of curb to a garage shall be either five (5) feet or fifteen (15) feet or greater.
H. Side spacing shall provide for a distance of twenty (20) feet between manufactured homes.
I. Rear spacing shall provide for a distance of twenty (20) feet between units when units are side to end, and a distance of ten (10) feet between units when units are end to end.
J. There shall be a minimum setback of twenty (20) feet between any service facility or manufactured home park permanent building and any manufactured home.
K. Accessory buildings and structures shall be constructed in accordance with the Uniform Building Code. Accessory buildings and structures shall include steps, attached or detached patios that are open on three (3) sides, attached or detached decks that are open on three (3) sides, attached or detached storage units, attached or detached garages and attached or detached carports. Accessory buildings or structures may be located adjacent to a manufactured home space line; provided, however, that a minimum of six (6) feet of separation is provided between a garage and any other structure on an adjoining space. Any other building or structure shall provide a minimum of ten (10) feet between it and any structure on an adjoining space.
L. The limits of each manufactured home lot shall be clearly marked on the ground by permanent monuments set pursuant to Section 38-51-101, C.R.S.

Sec. 16-10-270. Manufactured home park design standards.

A. Street design standards.
   1. All interior streets in a manufactured home park shall be privately owned and maintained by the park owner and shall be a minimum width of twenty-two (22) feet from back of curb to back of curb, including the width of gutter pans.
   2. Primary through streets shall be thirty-four (34) feet from back of curb to back of curb, with a four-foot detached sidewalk on one (1) side being located six (6) feet from the back of curb.

B. Parking.
   1. Every manufactured home space shall have two (2) off-street parking spaces adjacent to the manufactured home. There shall be one (1) additional parking space for each manufactured home space within one hundred (100) feet for use of occupants and guests.
   2. Off-street vehicle parking for park recreation facilities. Off-street vehicle parking shall be provided for recreation facilities located within a manufactured home park. One (1) space per two hundred fifty (250) square feet of gross floor area, plus one (1) space per employee at the maximum shift, shall be provided for enclosed recreation facilities. Twenty (20) spaces are to be provided for every diamond or athletic field, or one (1) space for every four (4) spectator seats, whichever is greater. (One [1] seat is equal to two [2] feet of bench seating length.) Handicapped parking spaces shall be provided in conformance with the Americans With Disabilities Act, as may be amended from time to time.

C. Pedestrian circulation. The developer shall provide for a system of pedestrian circulation within the development. The system shall connect with existing sidewalks, if any are adjacent to the property. The system shall be designed to link residential units with recreation facilities, school bus stops and existing sidewalks in the neighborhoods. Detached sidewalks within the manufactured home park shall be minimum of four (4) feet in width.

D. Street and sidewalk lighting. All streets and sidewalks shall be lighted in accordance with the standards contained in this Code.

E. Access and circulation. A manufactured home park development shall have two (2) means of access to public streets at the perimeter of the site. Internal circulation may

be provided by public or private streets, driveways and alleys. Each manufactured home space shall be provided access to the internal circulation system. No manufactured home space shall have direct access to a public street on the perimeter of the site.

F. Sidewalk between street and manufactured home. Concrete sidewalks shall be provided between the manufactured home and the adjacent street sidewalk; except that the paved parking area may satisfy this requirement, provided that a sidewalk is provided from the parking area to the manufactured home.

G. Traffic control.
   1. Pursuant to Section 42-4-1102, C.R.S., the Town elects to impose and enforce stop sign regulations, speed limits and parking restrictions posted in accordance with the Manual of Uniform Traffic Control Devices upon all highways and streets which are privately maintained in manufactured home parks. The owner of the manufactured home park shall provide such signs as may be required by the Traffic Engineer, and agrees to erect and maintain such signs in conformity with the Model Traffic Code.
   2. The stop sign placement, speed limits and parking restrictions shall be determined by the Traffic Engineer, but shall be consistent with the provisions of Sections 42-4-1101 to 42-4-1104 et seq., 42-4-1204 and 42-4-1208, C.R.S.
   3. There shall be posted at each entrance to any such manufactured home park a sign giving notice of such enforcement in the following text: “NOTICE: Stop sign, speed limits and parking restrictions enforced by the Town of Frederick.”
   4. When all signs are in place, stop signs, speed limits and parking regulations shall be enforced and violations thereof punished in accordance with the provisions of the Model Traffic Code then in effect.

H. Utility design requirement.
   1. All public utilities shall be installed in accordance with the applicable Town or District standards.
   2. A manufactured home park may have multiple master meters for water service.
   3. Each manufactured home space shall have its own meter for water and electrical service.

I. Manufactured home space landscaping. The developer shall provide front and rear manufactured home space landscaping for each manufactured home space,

including but not limited to sod and irrigation systems and trees and shrubs from the Town's list of approved plant materials contained in the Comprehensive Plan. The developer shall provide a graphical representation of "typical" manufactured home space landscaping for each of the manufactured home designs to be located in the manufactured home park, for review and approval by the Planning Commission and Board of Trustees.

J. Manufactured home park perimeter and common space landscaping. The developer shall landscape the perimeter and common open space of the manufactured home park in accordance landscaping plans submitted to the Planning Commission and Board of Trustees for review and approval.

K. Outdoor living area.
   1. No less than eight percent (8%) of the gross site area shall be reserved for and devoted to improved recreation areas and facilities provided in or locations convenient to all manufactured home spaces.
   2. An outdoor living area shall be provided on each space equal to at least ten percent (10%) of its area, provided that in no case shall such area be less than three hundred (300) square feet or required to be more than five hundred (500) square feet. The minimum horizontal dimension of such area shall be not less than fifteen (15) feet.
   3. Such outdoor living area shall be properly drained, located for convenience and optimum use and walled, fenced or landscaped to provide reasonable privacy.

L. Tenant storage.
   1. A separate uniform tenant storage structure may be provided for each space, located on each space.
   2. There may be a minimum of two hundred twenty-four (224) cubic feet of storage area provided for each manufactured home space.
   3. Design and location of tenant storage shall enhance the appearance of the park, and the exterior siding of the structure shall have the same appearance as materials commonly used on residential dwellings.

M. Street names, addressing and mail delivery. All streets shall be named on the MH Park development plan and submitted by the owner for approval. Each space shall be numerically designated for address and mail purposes and signs furnished and installed by the manufactured home park owner. Cluster postal boxes will be provided

at a central location convenient to the residents. No individual street-side mail boxes are permitted unless otherwise approved by the Town.

N. Solid waste disposal.
   1. The owner of the manufactured home park shall be responsible for the promulgation and enforcement of rules and regulations governing solid waste storage and handling that meet or exceed state or federal regulations.
   2. The owner shall provide containers for the storage of solid wastes awaiting collection for each manufactured home space. Containers are to be sized to completely contain all solid wastes that are generated on the premises. Containers are to be fly-tight, watertight and rodent-proof, and are to be kept off the street, curb, sidewalk and all other public ways and concealed from public view, except on collection day.

Sec. 16-10-280. MH District miscellaneous provisions.

A. Residents' Council. A manufactured home park development shall establish a Residents' Council. This Residents' Council shall be established from residents living within the community and from different selections of the community. The purpose of the Council shall be to foster communication between residents and management. The Council shall serve as a method for residents of a manufactured home park development to direct questions and concerns to management and to assist in the social programs of the community. The Council shall meet with management on a regular basis established by the Council, but no less than quarterly. The meeting shall be noticed and be open to all residents of the manufactured home park. The Council shall be subject to popular election.

B. Single ownership of manufactured home park development. A manufactured home park development may not be converted to another use other than such uses provided for in the MH Park development plan without the approval of the Town and meeting the appropriate lot size, lot width, setback and other requirements of the new use.
   1. The land within a manufactured home park development shall remain in a unified ownership, and the individual ownership of lots or portions of lots shall not be transferred.
   2. No dwelling unit other than a manufactured home shall be located within a manufactured home park development.

C. Conformance of manufactured home park to state law. A manufactured home park and its operation shall conform to the provisions of the Mobile Home Park Act, Section 38-12-201 et seq. C.R.S.

D. Business license. The owner or operator of a manufactured home park shall obtain a business license as provided in the Municipal Code.

Sec. 16-10-290. MH District application submission requirements.

A. Form of submitted materials. The applicant shall submit the required information to the Town Clerk on paper and by electronic media as required. Accompanying the submission shall be a filing fee as established by the current fee schedule and a signed fee agreement form. The submission shall be reviewed by the Town staff for completeness and compliance with the provisions of the Municipal Code and this Article. The applicant shall be notified of any deficiencies or inadequacies. An incomplete submission shall not be processed or be considered by the Planning Commission or Board of Trustees.

B. Preparation of documents. All maps and graphic plans shall be prepared, signed and stamped by a licensed engineer or registered surveyor. All narrative reports shall be prepared by a qualified professional in the field, signed by the author, and shall contain a summary of the author's professional qualifications.

C. MH District zoning application submission requirements. The following are the submission requirements for the zoning application:
   1. Land use application form.
   2. Application fee as established by the current fee schedule and fee agreement.
   3. Current proof of ownership in the form of title insurance issued within thirty (30) days of submission of the application.
   4. A word processing file of the legal description of the property on 3 1/2" IBM formatted disk or by other acceptable electronic transfer (MSWord 6.0™ or higher, or WordPerfect 6.1™ or higher).
   5. A notarized letter or authorization from the landowner permitting a representative to process the application, as necessary.
   6. Project summary. Except for individual items as may be waived in whole or in part by the Town Clerk, the applicant shall submit a written project summary that completely addresses the following:
      a. The name and address of:

1. Landowner and applicant, if different;
2. Representative, if applicable;
3. Mineral rights owners; and
4. Water rights owners;

b. General project concept;
c. Proposed development staging and time frame for completion of each stage or phase of development;
d. Relationship to the existing and adjacent land uses;
e. The applicability of the criteria for amendments to the official zoning map to the request (Section 16-6-70.B.4)
f. Impacts on Town services;
g. Evidence that an adequate water supply, sufficient in terms of quality and quantity, is available, and evidence of the capability to provide wastewater collection and treatment;
h. Type or method of fire protection;
i. Describe any natural or man-made hazards;
j. Impacts on existing flora and fauna; and
k. Provide a chart titled "Comparison Analysis" on eight and one-half (8 1/2) inch by eleven (11) inch paper comparing elements in the proposed MH Park development plan to the corresponding requirements for those elements in the then-current zone for the property as contained in this Code.

7. Impact report. Except for individual items as may be waived in whole or in part by the Town Clerk, the applicant shall submit a written project summary that completely addresses the following:
   a. The demography of the area within a three-mile radius of the site proposed for zoning, including current population, proposed population, past trends and forecasts.
   b. A description of the governmental infrastructure and services required to serve the site, including projected costs, for the next ten (10) years.
   c. A description of the community facilities and programs needed to serve the population generated by the proposed zoning, including projected costs for the next ten (10) years.
   d. For residential uses, a description of the educational facilities available or required. Include an estimate of the expected enrollment and the distance from the nearest schools to the residential neighborhoods; describe the efforts to be undertaken by the developer to alleviate overcrowding of existing schools that may be attributable to the development.

e. A description of the existing or proposed healthcare services, including hospitals, clinics and emergency healthcare facilities. and distance from the site to the existing facilities.
f. A description of the public safety services and facilities, including police, fire, rescue and social services, existing or proposed to serve the development, including projected costs for the next ten (10) years.
g. A description of the recreational facilities, including park sites, trails, open space and accessibility to parks and open space areas, existing and proposed to serve the development, including projected development and maintenance costs for the next ten (10) years.
h. A housing market study to determine the needs of the proposed population, including affordable housing, senior housing, housing density and area housing market conditions.
i. An analysis of the site characteristics related to the proposal, including any environmentally hazardous, sensitive or natural resource areas.
j. An analysis of the impact of the development on the Town's economic health.
k. A description of the potential tax benefits and expenditures resulting from this development, including:
    1. Number of residential units by density and type per year for the first ten (10) years of development.
    2. Estimated market value of residential units.
    3. Estimated acreage of public dedication and the estimated cost of maintenance of such land.
    4. Estimated miles of streets to be constructed, categorized by type per year for the first ten (10) years, and the estimated cost of maintenance of such streets.
l. A traffic study prepared in accordance with Town requirements.
m. A description of the overall impacts of the proposed development on adjacent lands.
n. Any other required information, when other applications are processed in conjunction with the land use application.

8. Existing conditions map.

    a. The existing conditions map shall be submitted on 24" x 36" paper. The map shall be drawn at a scale of 1" = 100,' 1" = 200' or another scale approved by the Town Clerk. An AutoCAD™ drawing file (Release 12 or higher) of the existing

conditions exhibit (map) on 3 1/2" IBM formatted disk or by other acceptable electronic transfer is also to be provided.

b. The name of the proposed MH Park development plan shall be placed at the top of each sheet along the long dimension of the sheet. Names shall not duplicate existing PUDs or subdivisions. A general legal description stating the portion of the section, section, township, range (6th P.M.) and the Town shall be included under the name followed by the total acreage.

c. There shall be a title block in the lower right-hand corner, or along the right-hand margin.

d. There shall be a written metes and bounds legal description of the land to be zoned adjacent to the right-hand margin.

e. A vicinity map that depicts the relationship to the surrounding area within a two-mile radius shall be superimposed on a current Land Use Plan Map.

f. There shall be a block in the lower right-hand corner, or along the right-hand margin, which includes the following:

    1. A north arrow designated as true north.

    2. A written and graphic scale.

g. Record existing zoning of the land on the exhibit and the existing zoning and land uses of the adjacent land.

h. Delineate, to scale, the existing easements or rights-of-way on the site, their use and titleholder or right holder, and recording information, if any.

i. Show all existing structures on the site, their uses and whether they are to remain on the site, including oil and gas well locations, and title holder or right holder.

j. Show existing public access to the site and existing internal vehicular, bicycle and pedestrian circulation.

k. Delineate right-of-way dimensions, name of streets and surface materials for all points of access on or adjacent to the site.

l. Show topography at ten-foot contour intervals, including high and low spot elevations; shadow areas of twenty percent (20%) or greater slope; other

significant topographic conditions shall be depicted at greater or lesser intervals where appropriate.

m. Show all significant vegetation on the site (trees, undisturbed prairie grasslands, etc.).

n. Graphically define all natural and man-made water courses, detention and retention areas, streams and lakes, wetland areas, wildlife habitat, and the one-hundred-year floodplain affecting the site.

o. Show all adjacent land owned by the applicant and the current or intended use of such land. Land not part of the zoning request shall be noted as such. Note any unique features on the site, such as historical landmarks, views, etc.

9. MH Park development plan.

a. The MH Park development plan shall be submitted on 24" x 36" paper with a minimum two-inch margin on the left side and a minimum of one-half-inch margins at the top, bottom and right side. The plan shall be drawn at a scale of 1" = 100' or 1" = 200', or another scale approved by the Town Clerk. An AutoCAD™ drawing file (Release 12 or higher) of the MH Park development plan on 3 1/2" IBM formatted disk or by other acceptable electronic transfer is also to be provided.

b. The name of the MH Park development plan shall be centered on the upper portion of each sheet. Each sheet shall have a title block in the lower right-hand corner, or along the right-hand margin and the sheet numbered in the lower right-hand corner. For processing purposes, the text information may be prepared on 8 1/2" x 11" paper; for recording purposes the text information shall be displayed on the 24" x 36" sheets unless otherwise approved by the Town Clerk.

c. MH Park Development Plan Sheet 1.

1. The name of the proposed MH park shall be centered at the top of the sheet along the long dimension of the sheet. There shall be a title block in the lower right-hand corner or along the right-hand margin.

2. Centered on the sheet, a vicinity map that depicts the relationship to the surrounding area within a two-mile radius shall be superimposed on a current Land Use Plan Map.

3. The following "statement of commitments" shall be placed in columns, beginning in the upper left-hand column, and may wrap around the vicinity map. The statement of commitments shall, in all cases, describe the development commitments, including a method for assigning responsibility to heirs, successors or assigns, and timing of the fulfillment of these commitments for the following:

   (a) Dedication. A description of dedications for public use, either in specific acreage dedication (referenced by number, letter or symbol) or specific amounts of cash-in-lieu of land or facilities.
   (b) On- or off-site improvements. Provision shall be made for the construction of community or off-site improvements through irrevocable letters of credit or the imposition of pro rata fees.
   (c) Payment of taxes on land to be dedicated for public use. A commitment to pay all taxes due at closing for land to be dedicated to public use.
   (d) Other commitments imposed by the Board of Trustees.
4. The certification of ownership shall be placed in the upper right column of the sheet in the following format, with the following heading, except as may be approved by the Town Clerk:

OWNERSHIP CERTIFICATION

(insert the name of the MH Development)

Know all men by these presents that _____, being the Owner, Mortgagee or Lienholder of certain lands in Frederick, Colorado, described as follows:

(the full legal description)

Has caused this MH Park Development Plan to be prepared in accordance with the zoning regulations of the Town of Frederick, and hereby agree without reservation to the commitments contained herein and agree to bind the owners, heirs and assigns thereof in perpetuity. The described tract contains _____ acre, more or less, together with and subject to all easements and rights-of-way existing and/or of public record.

Executed this _____ day of _____, 20___.

_____

Owner

Mortgage or Lienholder

State of Colorado)

) ss.

County of _____)

The foregoing certificate of ownership was acknowledged before me by _____ and _____ this ___ day of _____, 20___.

Witness my hand and seal.

_____

Notary Public

My commission expires _____.

Immediately following the ownership certificate, there shall be the Town's standard approval certificate blocks for the Planning Commission and Board of Trustees

d. MH Park Development Plan Sheet 2.

1. The name of the proposed MH park shall be centered at the top of the sheet along the long dimension of the sheet. This sheet shall graphically depict the site and include the following:
2. The title block in the lower right-hand corner, or along the right-hand margin.
3. A north arrow graphic in the lower right-hand corner.
4. A graphic and written scale at 1" = 100' or 1" = 200', or as otherwise approved by the Town Clerk, in the lower right-hand corner.
5. Dimensions, bearing and control points along all exterior property lines.
6. Topography at two-foot contour intervals, including high and low spot elevations; shadow areas of twenty percent (20%) or greater slope. If requested, other significant topographic conditions shall be depicted at greater or lesser intervals where appropriate.
7. Adjacent arterial streets and collector streets and all internal streets shall be depicted. Include right-of-way dimensions and surface width.
8. Dimensioned lots and blocks shall be depicted.

9. One-hundred-year floodplain. (Depending upon the extent of floodplain area, the Town Clerk may permit this information to be provided on a separate sheet.).
10. Land dedication. Land to be dedicated for major public use facilities at the time of PUD development plan approval shall be depicted and referenced by number, letter or symbol. Such depiction shall not preclude subsequent dedication of land for parks, greenbelts, schools, libraries, fire stations, police stations or other public uses at the time of platting.
11. (10) Land use table. A comprehensive land use table, showing all land use components for the overall MH Park development plan, including acreage and net density.

D. MH District review and approval criteria. In addition to the criteria set forth for zoning amendments (Section 16-6-70.B), the following criteria shall be considered by the Planning Commission and Board of Trustees in the review of MH District zoning applications:
   1. Whether the application is in compliance with the requirements of this Subsection;
   2. Whether the proposed zoning is compatible with the surrounding land uses; and
   3. Whether the subject land is suitable for the intended use and is compatible with the natural environment.

E. MH District post-approval actions.

   1. Upon approval by the Board of Trustees, the applicant shall have thirty (30) days to submit two (2) original drawings of the approved MH Park development plan for recording, accompanied by the recording fees and all other costs billed by the Town relative to the MH Park development plan. Inaccurate, incomplete or poorly drawn plans shall be rejected.

   2. The MH Park development plan shall be a tapeless, spliceless and creaseless original drawing on double matte Mylar film with a uniform thickness of not less than .003", using only permanent black ink that will adhere to drafting films; an acceptable "fix-line" photographic reproduction (emulsion down); or computer generated reproduction of the original drawing. In addition, the applicant shall submit one (1) 11" x 17" Mylar reduction of the plan and an AutoCAD™ drawing file (Release 12 or higher) of the plan on 3 1/2" IBM formatted disk, or by other acceptable electronic transfer.

3. Within thirty (30) days of receipt of the MH Park development plan, the Town Clerk shall review the documents for compliance with the Board of Trustees' approval, obtain the Town officials' signatures, submit the approved MH Park development plan and the ordinance amending the official zoning map to the County Clerk and Recorder for recordation, and cause the appropriate amendment to the official zoning map. (Ord. 1371 § 17, 2022)

Sec. 16-10-300. Manufactured Housing Development General Provisions (MFH) District.

A. Intent. This is a low density residential zoning district intended primarily for single-family uses on individual lots within a subdivision, consisting of dwellings partially or entirely manufactured in a factory.

B. MFH District approval procedure.
   1. This District may only be used in conjunction with the Planned Unit Development (PUD) Overlay District.
   2. An amendment to the zoning district map to create an MFH Zone District shall follow the procedures set forth in Section 3.11. Prior to or simultaneously with the application for an amendment to the official zoning map for an MFH District, the applicant shall submit an MFH development plan of the property for review and approval.
   3. Prior to or simultaneously with the application for an amendment to the official zoning map for an MFH District, the applicant shall submit a subdivision plat of the property for review and approval as provided by Article 6 of this Code. Development of a manufactured housing development shall be subject to review and approval through the preliminary and final plat process in compliance with all the standards in this Article and consistent with the applicable community design principles and development standards found in Article 4 of this Code. Public hearings on these matters may be combined or occur separately.
   4. A manufactured home development shall be subdivided for the purpose of dedication of adjacent public streets, internal public streets and ways, utility and other easements and other public facilities, and a final plat recorded as provided by Article 6 of this Code.
   5. Development in this District is permitted only in accordance with an MFH development plan and final plat prepared and approved in accordance with the provisions herein. The owners and their successors, heirs or assigns shall be bound by the approved MFH development plan and final plat, including any amendments thereto approved by the Board of Trustees, as provided herein.

C. General requirements applicable to MFH Districts.
   1. In order to provide uniform administrative procedures and quality development standards, MFH Districts shall conform to all provisions of this Code, except as such provisions are specifically altered on the approved MFH development plan.
   2. Final approval of the MFH District amendment to the official zoning map and any development within an MFH District shall not occur until a final plat for the portion to be developed is approved and recorded as provided in Article 6 of this Code.
   3. A portion of the gross site area shall be dedicated to the Town for public use as required by Article 4 of this Code, or cash-in-lieu of land shall be paid.
   4. Vesting of property rights in an MFH District accrues only for that portion of the property granted a final plat approval.
   5. All public utility distribution lines shall be placed underground.
   6. The minimum number of acres which may constitute an MFH DISTRICT shall be five (5) acres.
   7. Building and occupancy permits for manufactured homes in a manufactured housing development shall comply with the following requirements.
      a. It shall be unlawful to erect, move or place any manufactured home or other structure on or onto any site, lot or tract in a manufactured housing development without first obtaining a building permit.
      b. It shall be unlawful to erect, move or place any manufactured home on or onto any site, lot or tract that is not within a manufactured housing development.
      c. Application for a building permit shall be made in accordance with the requirements of the Town's Building Code, to the extent applicable, and shall be accompanied by a fee determined according to the current Building Code fee schedule.
      d. No building permit for the installation of a manufactured home shall be issued unless the manufactured home meets the requirements of the National Manufactured Home Construction and Safety Standards Act of 1974 (42 U.S.C. §5401 et seq.) and applicable Town codes that are not in conflict therewith.

Sec. 16-10-310. Manufactured housing design standards.

A. The manufactured home must be partially or entirely manufactured in a factory.

B. The manufactured home must be not less than twenty-four (24) feet in width and thirty-six (36) feet in length.

C. The manufactured home must be set on an excavated, backfilled, engineered foundation enclosed at the perimeter so that the top of the perimeter wall sits no more than twelve (12) inches above finish grade. The foundation shall be similar in appearance and durability to a masonry foundation of a site-built dwelling. The foundation shall provide an anchoring system for the manufactured home that is totally concealed under the structure.

D. The manufactured home must have brick, wood or cosmetically equivalent exterior siding on all exterior walls which provides a consistent, continuous facade from the bottom of the soffit (top of the wall section) downward to the top of the exposed perimeter foundation. The exterior siding of the manufactured home must have the same appearance as materials commonly used on residential dwellings. Metal siding must be painted or anodized.

E. The manufactured home must have a pitched roof with a pitch of at least a nominal 3:12. The roof must be covered with shingles, shakes or tile. Eaves of the roof must extend at least one (1) foot from the intersection of the roof and the exterior walls.

F. The manufactured home must have windows that are wood, vinyl-coated or anodized aluminum.

G. The manufactured home must have color-coordinated body and trim. Colors of both the factory components and the site-built components shall be the same.

H. The main entrance to the manufactured home must face or be oriented toward an adjacent street.

I. The transportation mechanisms, including the wheels, axles and hitch, must be removed.

J. All manufactured homes shall be certified pursuant to the "National Manufactured Housing Construction and Safety Standards Act of 1974," 42 U.S.C. §5401 et seq., as amended.

K. The manufactured home must meet or exceed all equivalent performance engineering standards to the same extent as required for other single-family housing units.

Sec. 16-10-320. MFH District miscellaneous provisions.

A. MFH homeowners' associations. All manufactured housing developers shall establish an association of homeowners in their development. The homeowners' association shall establish bylaws governing the association which shall satisfy certain standards, including but not limited to the following:
   1. Mandatory participation in the homeowners' association for the purpose of maintenance of all common areas, buffer areas and vacant lots within the subdivision to enforce restrictive covenants.
   2. Binding effect on all future property owners.
   3. Perpetual existence.
   4. Unaffected by any change in zoning or land use.
   5. Assurance of adequate maintenance.
   6. Enforceable by the Town by appropriate legal action.
   7. That, if maintenance or preservation of common areas or lots no longer comply with the provisions of the association's document, the Town may take all necessary action to assure compliance and assess to the association all costs incurred by the Town for such purpose, including reasonable attorney fees.

Sec. 16-10-330. MFH District application submission requirements.

A. Form of submitted materials. The applicant shall submit the required information to the Town Clerk on paper and by electronic media as required. Accompanying the submission shall be a filing fee as established by the current fee schedule and a signed fee agreement form. The submission shall be reviewed by the Town staff for completeness and compliance with the Municipal Code and this Article.
   The applicant shall be notified of any deficiencies or inadequacies. An incomplete submission shall not be processed or considered by the Planning Commission or Board of Trustees.

B. Preparation of documents. All maps and graphic plans shall be prepared, signed and stamped by a licensed engineer or registered surveyor. All narrative reports shall be prepared by a qualified professional in the field, signed by the author, and contain a summary of the author's professional qualifications.

C. MFH District zoning application submission requirements. The

following are the submission requirements for the zoning application.

1. A completed land use application form.
2. The application fee as established by the current fee schedule and fee agreement.
3. Current proof of ownership in the form of title insurance issued within thirty (30) days of submission of the application.
4. A word processing file of the legal description of the property on 3 1/2" IBM formatted disk or by other acceptable electronic transfer (MSWord 6.0™ or higher, or WordPerfect 6.1™ or higher).
5. A notarized letter or authorization from the landowner permitting a representative to process the application, as necessary.
6. A written project summary of the proposed MFH development. or manufactured housing development for manufactured home park, as appropriate.
7. A written impact report for the proposed MFH development or manufactured housing development for manufactured home park, as appropriate.
8. An existing conditions map for the proposed MFH development or manufactured housing development for manufactured home park, as appropriate.
9. An MFH development plan.

D. MFH District review and approval criteria. In addition to the criteria set forth for zoning amendments (Section 16-6-70.B.4), the following criteria shall be considered by the Planning Commission and Board of Trustees in the review of MFH District zoning applications:
   1. Whether the application is in compliance with the requirements of this Subsection;
   2. Whether the proposed zoning is compatible with the surrounding land uses; and
   3. Whether the subject land is suitable for the intended use and is compatible with the natural environment.

E. MFH District post-approval actions.
   1. Upon approval by the Board of Trustees, the applicant shall have thirty (30) days to submit two (2) original drawings of the approved MFH development plan for recording, accompanied by the recording fees and all other costs billed by the Town relative to the MFH development plan. Inaccurate, incomplete or poorly drawn plans shall be rejected.

2. The MFH development plan shall be a tapeless, spliceless and creaseless original drawing on double matte Mylar film with a uniform thickness of not less than .003" using only permanent black ink that will adhere to drafting films, an acceptable "fix-line" photographic reproduction (emulsion down) or computer-generated reproduction of the original drawing. In addition, the applicant shall submit one (1) 11" x 17" Mylar reduction of the plan and an AutoCAD™ drawing file (Release 12 or higher) of the plan on 3 1/2" IBM formatted disk, or by other acceptable electronic transfer.
3. Within thirty (30) days of receipt of the MFH development plan, the Town Clerk shall review the documents for compliance with the Board of Trustees' approval, obtain the Town officials' signatures, submit the approved MH Park development plan and the ordinance amending the official zoning map to the County Clerk and Recorder for recordation, and cause the appropriate amendment to the official zoning map. (Ord. 1371 § 18, 2022)

Article XI.
Historic Landmarks and Historic Districts

Sec. 16-11-10. Purpose and Intent

A. Purpose. The purpose of this Article is to further historic preservation goals, objectives, action items, and intent of the Frederick Forward comprehensive plan, the Frederick Downtown Plan, the Frederick preservation plan, and other adopted plans that address historic preservation in the Frederick community, and to enhance our community's historic and architectural resources and promote the public health, safety, and welfare through:

1. The protection and preservation of the Town's architecture, culture, and heritage as embodied in historic landmarks and historic districts, by appropriate regulations and incentives;

2. The enhancement of property values and the stabilization of historic neighborhoods;

3. The establishment of the Town's historic register listing historic landmarks and historic districts;

4. The cultivation of civic pride in the art, architecture, and accomplishments of the past;

5. The encouragement of continued private ownership and utilization of such historic landmarks or historic districts;

6. The promotion of thoughtful community planning and design;

7. The maintenance and improvement of economic and financial benefits

through the protection of attractions that bring tourists and visitors to the Town; and

8. The provision of educational opportunities to increase public appreciation of the Town's unique heritage.

B. Intent. This Article is intended to create a reasonable balance between private property rights and the public interest in preserving the Town's unique historic character through the nomination of buildings, structures, sites, objects, and districts for preservation.

Sec. 16-11-20. Definitions

For purposes of this Article, the following terms are to be defined as follows:

Alteration or Alter – Any act or process that changes one (1) or more of the exterior architectural or landscape features of a building, structure, site, object, or district.

Alternation Certificate – Certificate issued by the Committee authorizing any proposed repair, restoration, alteration, construction, relocation, or demolition of a historic landmark or property within a historic district pursuant to this Article.

Alteration Certificate Exemption – An exemption issued by the Board of Trustees authorizing the repair, restoration, alteration, construction, relocation, or demolition of a designated landmark, or building, structure, object, site, or element within a designated historic district in accordance with the provisions of this Article even though an alternation certificate was previously denied.

Applicant – Person or persons applying under this Article.

Board of Trustees – The Board of the Town.

Building – A shelter or enclosure constructed for persons, animals, or personal property.

Building code – The building code adopted by the Town.

Building official – The officer or other designated authority charged with the administration and enforcement of the building code, or that person's authorized representative.

Code – The Town Land Use Code and/or Municipal Code.

Colorado State Register of Historic Properties – The official listing of state designated cultural resources.

Committee – The Historic Preservation Committtee established pursuant to Division 4, Article IX of Chapter 2 of the Frederick Municipal Code.

Compatible or Compatibility – Consistent or harmonious with location, design, setting, materials, workmanship, feeling, or association of an individual building, structure, object, or site or of surrounding properties.

Construction or Construct – Act of erecting an addition to an existing building, structure, or object or the erection of a new principal or accessory building, structure, or object on a lot or property.

Contributing Property – A building, structure, site, or object that reflects the historic or architectural character within a Historic District.

Demolition or Demolish – Any act or process that destroys in part or in whole a building, structure, object, or site.

Design Guidelines – A standard of appropriate activity that will preserve the historic and architectural character of a historic landmark or historic district.

Historic District – A group of buildings, structures, sites, or objects with historic significance which is designated by the Board of Trustees pursuant to this Article.

Historic Property – A building, structure, site, or object with historic significance which is designated by the Board of Trustees pursuant to this Article.

Historic Significance – The meaning or value ascribed to a building, structure, object, site, or district based on criteria for evaluation as defined by this Article.

Infill – Construction on vacant or under-used parcels within existing areas that are largely developed.

Integrity – The ability of a property to convey its historic significance through its physical features.

Inventory – Catalog of buildings, structures, objects, and sites within the Town, listed, eligible for listing, or non-eligible for listing in the Town's Historic Register.

Maintenance – All activities necessary to prolong the useful life and aesthetic appearance of a property.

National Register of Historic Places – The list of significant buildings, structures, sites, objects, or districts in American history, architecture, archaeology, engineering, or culture maintained by the U.S. Secretary of the Interior.

Non-Contributing Property – A building, structure, object, or site that does not reflect the historic or architectural character within a historic district because of age or lack of Integrity.

Object – A material item of functional, aesthetic, cultural, historical, or scientific value that may be, by nature or design, movable yet related to a specific setting or environment.

Owner – The person, corporation, government, or other legal entity who owns or who has any legal or equitable interest in property and who is so listed as owner on the records of the Weld County Assessor's Office.

Period of Significance – Span of time during which significant events and activities occurred.

Property – A building, structure, site, or object.

Relocation or Relocate – Moving a building, structure, or object to a different location, either temporarily or permanently.

Secretary – The secretary of the Committee.

Secretary of the Interior's Standards for the Treatment of Historic Properties – The preservation, rehabilitation, restoration, and reconstruction standards adopted by the U.S. Department of the Interior.

Section 106 Review – Process required of federal agencies under 54 U.S.C. 306108 to consult local governments and other parties in consideration of the effects of projects carried out, permitted, licensed, or funded by that agency on properties listed in the

National Register of Historic Places.

Site – Location of a significant event; a prehistoric or historic occupation or activity; or a building, structure, or object, whether standing or vanished, where the location itself maintains historic or archaeological value regardless of the value of any existing building, structure, or object.

Structure – A construction for purposes other than shelter for humans, animals, or personal property (such as a road, bridge, canal, fence).

Town – Town of Frederick, Colorado.

Town's Historic Register – The register of historic landmarks and historic districts established pursuant to this Article.

Sec. 16-11-30. Historic Preservation Committee

Pursuant to Division 4, Article IX of Chapter 2 of the Municipal Code, the Historic Preservation Committee acts in an advisory capacity to the Board of Trustees on matters related to historic preservation, including but not limited to procedures outlined in this Article, maintaining an inventory of buildings, structures, objects, and sites within the Town and the Town's Historic Register, Section 106 reviews, and other roles and duties outlined in the municipal code, Committee bylaws, or the Historic Preservation Plan.

Sec. 16-11-40 Designation of historic landmarks and historic districts.

A. Pursuant to the procedures and criteria set forth in this Article, the Board of Trustees may, by adopting an ordinance after a recommendation by the Historic Preservation Committee, make the following designations of historic landmarks and historic districts:

1. Designate as a historic landmark an individual building, structure, site, or object or an integrated group of buildings, structures, and objects on a single

lot or site having a special historical, architectural or archaeological value, and designate a landmark site for each landmark; and/or

2. Designate as a historic district an area containing a grouping of contributing structures on separate lots or parcels having special historical, architectural, or archaeological value.

B. Each such designating ordinance shall include a description of the characteristics of the historic landmark or historic district which justify its designation and a description of the specific features that should be preserved and shall include a legal description of the location and boundaries of the landmark site or historic district.

C. The property included in any such designation is subject to the procedures and requirements of this Article.

Sec. 16-11-50. Procedures for designating historic landmarks and historic districts.

An application for designation of a historic landmark may be made by a property owner, any member of the Historic Preservation Committee or Board of Trustees or by any Frederick resident by filing an application with the Town. Applications for designation of historic districts may be made by a group of property owners, any member of the Historic Preservation Committee or Board of Trustees, or by any Frederick resident, but such application will not be considered unless the application contains written approval or no objection from sixty (60) percent of the property owners within the district boundaries. For applications not submitted by the property owner(s), the Town Clerk, or designee, shall contact the owner(s) of the proposed historic landmark or properties within a proposed historic district, to discuss the proposed application and potential benefits and consequences of designation before the application is accepted for review. A complete application shall be determined by the Committee staff representative consistent with the historic preservation submittal requirements.

A. Review with owner's consent.

1. The Historic Preservation Committee shall hold a public hearing on any proposal on the next available agenda after the filing of a complete application for designation. The Committee shall review the application for conformance with the designation criteria and shall provide a recommendation to the Board of Trustees.

2. After the conclusion of the Historic Preservation Committee public hearing and recommendation, the Board of Trustees shall hold a public hearing on the proposal on the next available agenda, shall review the application for conformance with the designation criteria, and shall either approve, modify and approve or disapprove the designation by ordinance.

B. Review without owner's consent.

1. If the owner of the property or properties nominated for designation does not consent to the review, the Historic Preservation Committee shall hold a public hearing on the proposal on the next available agenda after the filing of a complete application for designation.

2. The Historic Preservation Committee shall review the application for conformance with the designation criteria and provide a recommendation to the Board of Trustees.

3. After the conclusion of the Historic Preservation Committee public hearing and recommendation, the Board of Trustees shall hold a public hearing on the proposal on the next available agenda, shall review the application for conformance with the designation criteria, and shall either approve, modify and approve or disapprove the designation by ordinance.

4. Designation without property owner's consent shall require an affirmative vote of three-quarters (3/4) of the sitting members of the Board of Trustees.

Sec. 16-11-60. Eligibility and criteria for designation.

A. Eligibility Criteria

1. Properties or districts shall be at least fifty years old and meet one or more of the following criteria to be considered for designation:

a. Association with events that have made a significant contribution to history.

(1) Is a site of a historic event that influenced society; or

(2) Exemplifies cultural, political, economic, or ethnic heritage of the Town.

b. Connection with persons significant in history.

c. Distinctive characteristics of a type, period, method of construction, or artisan.

(1) Exemplifies specific elements of an architectural style or period;

(2) Is an example of the work of an architect or builder who is recognized for expertise nationally, state-wide, regionally, or locally;

(3) Demonstrates superior craftsmanship or high artistic value;

(4) Represents a style that is particular to the Town;

(5) Represents an innovation in construction, materials, or design; or

(6) Represents a built environment of a group of people in an era of history.

d. Geographic importance.

(1) Enhances the sense of identity of the Town or community; or

(2) Is an established and familiar natural setting or visual feature of the Town or community.

e. Possibility to yield important information related to prehistory or history.

(1) Addresses research questions or fills recognized data gaps;

(2) Embodies construction, development, or design adaptations; or

(3) Informs on the development of engineering systems.

2. A property or district may be exempted from the age standard if the Board of Trustees finds it to be exceptionally important in other criteria.

B. Integrity Criteria

All properties and districts shall be evaluated for their physical integrity using the following criteria:

1. Location - the place where the property was constructed or the place where the historic event occurred.

2. Design - the combination of elements that create the form, plan, space, structure, and style of a property.

3. Setting -the physical environment of a property.

4. Materials - the physical elements that were combined or deposited during a particular period and in a particular pattern or configuration to form a property.

5. Workmanship - the physical evidence of the crafts of a particular culture or people during any given period in history or prehistory.

6. Feeling - a property's expression of the aesthetic or historic sense of a particular period.

7. Association - the direct link between an important historic event or person and property.

C. Historic Districts

1. A historic district is a geographically definable area including a concentration, linkage, or continuity of properties within a specified period of significance and may include within its geographic boundaries one or more contributing properties, which have been designated by the Board of Trustees pursuant to this Article.

2. A historic district is related by a pattern of either physical elements or social activities. Historic significance is determined by applying eligibility and Integrity criteria to the pattern(s) and unifying element(s).

3. Historic district boundaries will be defined by visual changes, historical documentation of different associations or patterns of development, or evidence of changes in property type, density, or Integrity.

4. Properties that do not contribute to the historic significance of the historic district may be included within its boundaries.

Sec. 16-11-70. Revocation of designation.

A. If a building or special feature on a designated historic landmark site was lawfully removed or demolished in whole, the owner may apply to the Board of Trustees for a revocation of the designation.

B. The process for revoking a historic landmark designation shall be the same as the original designation.

C. The Board of Trustees shall revoke a historic landmark designation upon determination that, without the demolished building or feature, the site no longer meets the purposes and standards for designation.

Sec. 16-11-80. Amendment of designation.

A. Designation of a historic landmark or historic district may be amended to add features or property to the historic landmark site or historic district.

B. The process for amending a designated landmark or historic district shall be the same as the original designation.

C. Whenever a designation has been amended, the Town shall promptly notify the owners of the property included therein and shall record a copy of the amending ordinance with the County Clerk and Recorder.

Sec. 16-11-90. Landmark or historic district alteration certificate required.

A. No person shall carry out or permit to be carried out on a designated landmark site or in a designated historic district any new construction, alteration, removal or demolition of a landmark building or structure, other designated feature, or contributing property within a historic district without first obtaining an alteration certificate for the proposed work under this Article, as well as any other permits required by this Code or the Municipal Code.

B. The Town shall maintain a Historic Register of all designated historic landmarks, historic districts and pending designations. If the Town receives an application for a permit to carry out any new construction, alteration, removal or demolition of a building or other designated feature on a landmark site, in an historic district or in an area for which designation proceedings are pending, the permit application shall be promptly forwarded to the Historic Preservation Committee staff representative.

Sec. 16-11-100. Construction on proposed landmark sites or in proposed districts.

A. No person shall receive a permit to construct, alter, remove or demolish any structure or other feature on a proposed landmark site or in a proposed historic district after the date a nomination and application have been filed to initiate the designation of such landmark site or district, until a final decision has been made on the designation application.

B. If the designation is approved, a landmark or historic district alteration certificate shall be approved prior to receiving a permit.

Sec. 16-11-110. Historic landmark or historic district alteration application and review.

A. An owner of property designated as a landmark or contributing property located in an historic district may apply for a landmark alteration certificate, including all information necessary to consider the application, including without limitation narratives, plans and specifications describing and showing the existing and proposed exterior appearance, with texture, materials and architectural design and detail. A complete application shall be determined by the Committee staff representative consistent with the historic preservation submittal requirements.

B. Unless the Committee chair and Committee staff representative determine that a proposed alteration is minor and can be reviewed and approved administratively by the Committee staff representative consistent with the alteration criteria, the Historic Preservation Committee shall hold a public hearing on any proposal on the next available agenda after the filing of a complete application. The Committee shall review the application for conformance with the established alteration criteria and shall provide a recommendation to the Board of Trustees.

C. After the conclusion of the Historic Preservation Committee public hearing and recommendation, the Board of Trustees shall hold a public hearing on the proposal on the next available agenda, shall review the application for conformance with the alteration criteria, and shall either approve, modify and approve or disapprove the alteration.

Sec. 16-11-120. Criteria for review of alteration certificate.

A. An alteration certificate shall be issued for any proposed work on a designated historic landmark site or contributing property within a historic district only if the proposed alteration will not detrimentally alter, destroy or adversely affect any architectural or other significant feature which contributes to the original historical designation. The proposed alteration must be visually compatible with the designated historic landmark in terms of design, finish, material, scale, mass and height. When the subject site is within a historic district, the proposed alteration shall be visually compatible with the development on adjacent properties within the historic district.

B. The following criteria shall be used to determine compatibility:

1. The effect upon the general historical and architectural character of the structure and property.

2. The architectural style, arrangement, texture and material used on the existing and proposed structures and their relation and compatibility with other structures.

3. The proposal is consistent with design guidelines applicable to the historic landmark or historic district.

4. The size of the structure, its setbacks, its site, location and the appropriateness thereof when compared to existing structures and the site.

5. The compatibility of accessory structures and fences with the main structure on the site and with other structures.

6. The effects of the proposed work in creating, changing, destroying or otherwise impacting the exterior architectural features of the structure upon which such work is done.

7. The condition of existing improvements and whether they are a hazard to public health and safety.

8. The effects of the proposed work upon the protection, enhancement, perpetuation and use of the property.

9. Compliance with the following Secretary of the Interior's Standards for the treatment of historic properties:

    a. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.

    b. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.

    c. Each property shall be recognized as a physical record of its time, place and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.

    d. Most properties change over time; those changes that have acquired historic significance shall be retained and preserved.

    e. Distinctive features, finishes and construction techniques or examples of craftsmanship that characterize a property shall be preserved.

    f. Deteriorated historic features shall be repaired rather than replaced. When the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical or pictorial evidence.

    g. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.

    h. Significant archaeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.

i. New additions, exterior alterations or related new construction shall not destroy historic materials that characterize the property. To protect the historic integrity of the property and its environment, the new work shall be differentiated from the old and shall be compatible with the massing, size scale and architectural features.

j. New additions and adjacent or related new construction shall be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

Sec. 16-11-130. Relocation criteria.

The following criteria shall be used in considering alteration certificate applications for relocating a landmark, a structure on an historic site, a contributing building or structure within an historic district, a structure onto a landmark site, or a building or structure to property in an historic district:

A. For consideration of the original site, all the following criteria shall be considered:

1. Documentation showing that the structure cannot be rehabilitated or reused on its original site to provide for any reasonable beneficial use of the property;

2. The contribution the structure makes to its present setting;

3. Whether plans are specifically defined for the site to be vacated and have been approved by the Town staff;

4. If the structure can be moved without significant damage to its physical integrity and the applicant can show that the relocation activity is the best preservation method for the character and integrity of the structure;

5. Whether the structure has been demonstrated to be capable of withstanding the physical impacts of the relocation and re-siting; and

6. Whether a structural report submitted by a licensed structural engineer adequately demonstrates the soundness of the structure proposed for relocation.

B. For consideration of the new location, all the following criteria shall be considered:

1. Whether the building or structure is compatible with its proposed site and adjacent properties, and if the receiving site is compatible in nature with the structure proposed to be moved;

2. The structure's architectural integrity and its consistency with the character of the neighborhood;

3. Whether the relocation of the historic structure would diminish the integrity or character of the neighborhood of the receiving site; and

4. If a relocation plan has been submitted and approved by the Town staff, including posting a bond, to ensure the safe relocation, preservation and repair (if required) of the structure, site preparation and infrastructure connections as described in this Code.

Sec. 16-11-140. Demolition criteria.

A. General

1. In addition to the criteria and procedures in Section 11.10, the criteria for this section shall be used in considering applications for demolition of historic landmarks and contributing properties in a historic district.

2. Applicants for demolition shall provide:

a. A professionally prepared estimate of costs of continued maintenance of the property in its current condition, of rehabilitation, and of demolition;

b. An engineer's or architect's report as to structural soundness; and

c. Professionally prepared estimates of the property's market value in its current condition, as rehabbed, and after demolition.

3. If a demolition approval is granted on any basis other than that of an imminent hazard or economic hardship, an alteration certificate will not be issued until a replacement/reuse plan for the property has been approved by the Town.

B. Review criteria for total demolition. Applicants requesting an alteration certificate for total demolition must provide data to clearly demonstrate all the following criteria:

1. The property proposed for demolition is not structurally sound, despite evidence of the owner's efforts to properly maintain the building, structure, or feature;

2. The property cannot be preserved, restored, rehabbed, or reused on site to provide for any reasonable, beneficial use of the property regardless of any proposed development plan for the property's site or adjacent properties;

3. The building, structure or feature cannot be practically moved to another site in the Town; and

4. The applicant demonstrates that the proposal mitigates to the greatest extent practical, all the following:

a. Any impacts that occur to the visual character of the neighborhood where demolition is proposed to occur;

b. Any impact on the historic significance of the buildings, structures, or features located on the property and adjacent properties;

c. Any impact to the integrity of buildings, structures, or features located on the property and adjacent properties; and

d. Any impact to archaeological deposits or ruins or the potential to access such resources and whether information can be recovered as part of the demolition process.

C. Review criteria for partial demolition. Applicants requesting an alteration certificate for partial demolition must provide data to clearly demonstrate all of the following criteria:

1. The partial demolition is required for the preservation, restoration, or rehabilitation of the property; and

2. The applicant demonstrates that the proposal mitigates to the greatest extent practical, all the following:

a. Any impact on the historic significance of the buildings, structures, or features located on the property and adjacent properties; and

b. Any impact on the integrity of the buildings, structures, or features located on the property and adjacent properties.

Sec. 16-11-150. Exemptions from alteration certificate requirements.

A. General

1. If an application for an alteration certificate is denied, the applicant may request an exemption from such certificate requirement pursuant to this section.

2. A request for exemption shall be initiated by the owner(s) with a complete application.

3. Exemption applications shall follow the same review steps as an alteration certificate.

4. The applicant shall have the burden of proof to establish hardship.

5. The Town may request additional information from the applicant as necessary to make informed decisions according to the applicable criteria for decision-making.

6. Alteration certificate exemptions are granted only to the specific owner and are not transferable.

B. Criteria for Exemption

1. Economic Hardship

a. The Town may solicit expert testimony and require that the applicant make submissions concerning any or all the following information before it makes a determination:

(1) Estimate of the cost of the proposed construction, alteration, demolition, or removal and an estimate of any additional cost that would be incurred to comply with the conditions of approval.

(2) A report from a licensed engineer or architect with experience in rehabilitation of historic properties as to the structural soundness of any buildings, structures, or features on the property and their suitability for rehabilitation.

(3) In the case of a proposed alteration, the cost of the project proposed by the applicant compared with the changes required by the Town.

(4) In the case of a proposed demolition, the estimated market value of the property in its current condition, after rehabilitation, and after demolition shall be compared, in addition to actual project costs.

(5) Amount paid for the property, the date of purchase or acquisition, and the party from whom purchased, including a description of the relationship, if any, between the owner of record or applicant and the person from whom the property was purchased.

(6) All appraisals obtained within the previous two (2) years by the owner or applicant in connection with the purchase, financing, or ownership of the property.

(7) Any listing of the property for sale or rent, price asked, and any written offers received within the previous two (2) years.

(8) The actual or market value of the land and improvements thereon according to the most recent assessment.

(9) Real estate taxes for the previous two (2) years.

(10) Any proposal for a replacement building, structure, or feature for the property and financial proof of the ability to complete the replacement project.

(11) For income producing property, the annual gross income from the property for the previous two (2) years and itemized operating and maintenance expenses for the previous two (2) years.

b. The following factors, evidence, and testimony are to be considered:

(1) The structural soundness of any buildings or structures on the property and their potential for rehabilitation.

(2) The economic feasibility of rehabilitation or reuse of the existing property in the case of a proposed demolition.

(3) For investment or income producing properties, the ability to obtain a reasonable rate of return on the property in its present condition, or in a rehabbed condition pursuant to the requirements of this Article.

(4) For non-income producing properties consisting of owner-occupied single-family dwellings and/or non-income producing institutional properties not solely operating for profit, the ability to maintain or to convert the property to a reasonable residential or institutional use in its present condition or in a rehabbed condition pursuant to the requirements of this Article or the ability to transfer the property for a reasonable rate of return.

(5) The consideration for economic hardship shall not include any of the following:

(a) Willful or negligent acts by the owner;

(b) Purchase of the property for substantially more than its market value;

(c) Failure to perform normal maintenance and repairs;

(d) Failure to diligently solicit and retain tenants;

(e) Failure to prescribe a rental amount which is reasonable; or

(f) Failure to provide normal tenant improvements.

3. Undue Hardship. An applicant requesting an exemption based on undue hardship must show that the application of the criteria creates a situation that is substantially inadequate to meet the applicant's needs because of specific health and/or safety issues.

4. Inability to Use

a. Two years after denial of a demolition permit approval, if no feasible use or ownership is found for the designed site or structure, the owner may request a waiver of all or a part of the restraint of demolition.

b. The Town may solicit expert testimony and require that the applicant make submissions concerning any or all the following information before the Town makes a determination:

(1) Documented evidence of applications and written correspondence, including written consultations, illustrating efforts made by the owner to make necessary repairs, to find an appropriate user or to find a purchaser for the property.

(2) Documented evidence of applications and written correspondence, including written consultations, illustrating efforts made by the owner to locate and obtain available assistance for making the property functional without demolition.

c. The following factors, evidence and testimony shall be considered:

(1) Efforts to locate and secure a potential user or purchaser for the Property.

(2) Efforts to locate and obtain available assistance for making the property functional without demolition.

(3) The consideration for inability to use shall not include any of the following:

(a) Willful or negligent acts by the owner;

(b) Purchase of the property for substantially more than its market value; or

(c) Failure to perform normal maintenance and repairs.

Section 16-11-160. Maintenance

A. The Board of Trustees intends to preserve from deliberate or inadvertent neglect the

exterior portions of historic landmarks or historic districts and all interior portions thereof whose maintenance is necessary to prevent deterioration of any exterior portion. No owner, lessee, or occupant of any historic landmark or contributing property within a historic district shall fail to prevent significant deterioration of the exterior of the building, structure, or feature beyond the condition of such historic landmark or contributing property within a historic district on the effective date of the designating ordinance.

B. No owner, lessee, or occupant of any historic landmark or contributing property within a historic district shall fail to comply with all applicable provisions of this Article and other ordinances of the city regulating property maintenance.

C. Before the Town attorney files a complaint in municipal court for failure to maintain the historic landmark or contributing property within a historic district, the Town shall notify the owner, lessee, or occupant of the need to repair, maintain or restore such property; shall assist the owner, lessee, or occupant in determining how to preserve such property; and shall give the owner, lessee, or occupant a reasonable time to perform such work.

D. Should the condition of the historic landmark or contributing property within a historic district require immediate repair or stabilization to mitigate unsafe or dangerous conditions and after notification, the owner has not undertaken such repair or stabilization, the Town may take such action and bill all expenses to the owner. Should the owner not remit such payment to the Town, after ninety (90) days, the Town shall record a notice with the County clerk and recorder of a lien against the property in violation. The lien created hereby shall be automatically perfected and prior to all other liens, regardless of their dates of recordation, except liens for general taxes and prior special assessments.

Section 16-11-170. Unsafe or Dangerous Conditions Exempted

Nothing in this Article shall be construed to prevent any measures of construction, alteration, removal, or demolition necessary to correct the unsafe or dangerous condition of any property, other feature, or parts thereof where such condition is declared unsafe or dangerous by the building official and where the proposed measures have been declared necessary by the building official to correct the condition, as long as only such work that is absolutely necessary to correct the condition is performed. Any temporary measures may be taken without first obtaining an alteration certificate under this Article, but a certificate is required for permanent construction, alteration, removal, or demolition.

Sec. 16-11-180. Notification Requirements for Public Hearings.

A. For public hearings required under this Article, notice of time, date and place of such hearing, and a summary or explanation of the subject matter of the hearing, shall be posted on the Town website of scheduled meetings and the historic preservation webpage not less than fifteen (15) days prior to the date of the hearing. In addition, at least fifteen (15) days prior to the hearing date, the Town shall:

1. Post hearing signs on the subject property to indicate that a landmark designation hearing has been scheduled. For proposed historic districts, hearing signs shall be posted on the boundaries of the proposed district at not less than every one-thousand (1,000) feet of the perimeter of the proposed district unless the Committee staff representative determines a more appropriate spacing or location for posting signs; and

2. For proposed designation of a historic landmark without an owner's consent, or for a proposed historic district, written notice of the hearing shall be mailed to record owners, as reflected by the records of the County Assessor, of all property included in the proposed designation.

3. Failure to send notice by mail to any such property owner where the address of such owner is unknown and not a matter of public record shall not invalidate any proceedings in connection with the proposed designation.

Sec. 16-11-190. Enforcement and penalties.

A. No person shall violate or permit to be violated any of the requirements of this Article or the terms of a landmark certificate.

B. Violations. Violations of this Article are punishable as is otherwise provided in this Code and the Municipal Code and, in addition, are subject to the following penalties:

1. Alterations to a designated historic landmark or contributing building, structure or features in a historic district without an approved landmark alteration certificate may result in a moratorium of up to one year as determined by the Town on all building permits for the subject property. The property owner shall also submit an application for an alteration certificate for review and consideration per section 16-11-110 within the timeframe specified on the notice of violation; and

2. Moving or demolishing a historic landmark or contributing building or structure within a historic district without an approved historic landmark or historic district alteration certificate result in a moratorium of up to 5 years as determined by the Town on all moving, demolition or building permits for the structure and for the property at the structure's original location. For moved buildings or structures, the property owner shall also submit an application for an alteration certificate for review and consideration per section 16-11-110 within the timeframe specified on the notice of violation.

Article XII.

Floodplain Areas

Sec. 16-12-10. Statutory authorization.

A. The Legislature of the State of Colorado has, in Title 29, Article 20 of the Colorado Revised Statutes, delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the Board of Trustees for the Town of Frederick, Colorado, does hereby adopt the following floodplain management regulations.

Sec. 16-12-20. Findings of fact.

A. The flood hazard areas of the Town are subject to periodic inundation that may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection, and relief and impairment of the tax base, all of which adversely affect the health, safety, and general welfare of the public.

B. These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazards which increase flood heights and velocities and, when inadequately anchored, damage uses in other areas. Uses that are inadequately floodproofed, elevated, or otherwise protected from flood damage also contribute to the flood loss. (Ord. 1148 §2, 2013)

Sec. 16-12-30. Statement of purpose.

A. It is the purpose of this Section is to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions to specific areas by provisions designed:

1. To protect human life and health;
2. To minimize expenditure of public money for costly flood control projects;
3. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
4. To minimize prolonged business interruptions;

5. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone, and sewer lines, streets, and bridges located in areas of special flood hazard;

6. To help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas; and

7. To ensure that potential buyers are notified that property is in an area of special flood hazard. (Ord. 1148 §3, 2013)

Sec. 16-12-40. Methods of reducing flood losses.

A. In order to accomplish its purposes, this Article includes methods and provisions for:

1. Restricting or prohibiting uses that which are dangerous to health, safety, and property due to water or erosion hazards, or that which result in damaging increases in erosion or in flood heights or velocities;

2. Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

3. Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;

4. Controlling filling, grading, dredging, and other development that which may increase flood damage; and

5. Preventing or regulating the construction of flood barriers that which will unnaturally divert flood waters or that which may increase flood hazards in other areas.

Sec. 16-12-50. Definitions.

A. Unless specifically defined below, words or phrases used in this Article shall be interpreted so as to give them the meaning they have in common usage and to give this Article its most reasonable application:

Alluvial fan flooding means flooding occurring on the surface of an alluvial fan or similar landform which originates at the apex and is characterized by high-velocity flows; active processes of erosion, sediment transport, and deposition; and unpredictable flow paths.

Apex means a point on an alluvial fan or similar landform below which the flow path of the major stream that formed the fan becomes unpredictable and alluvial fan flooding can occur.

Area of shallow flooding means a designated AO, AH, or VO zone on the Flood Insurance Rate Map (FIRM) for the Town of Frederick, Colorado, with a one percent (1) chance or greater annual chance of flooding to an average depth of one to three feet (1-3') where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Area of special flood hazard is the land in the floodplain within a community subject to a one percent (1%) or greater chance of flooding in any given year. The area may be designated as Zone A on the flood Hazard Boundary Map (FHBM). After detailed ratemaking has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AE, AH, AO, A1-99, VO, V1-30, VE, or V.

Base flood means the flood having a one-percent (1%) chance of being equaled or exceeded in any given year.

Base flood elevation (BFE) means the elevation shown on a FEMA Flood Insurance Rate Map for Zones AE, AH, A1-A30, AR, AR/A, AR/AE, AR/A1-A30, AR/AH, AR/AO, V1-V30, and VE that indicates the water surface elevation resulting from a flood that has a one percent (1%) chance of equaling or exceeding that level in any given year.

Basement means any area of the building having its floor sub-grade (below ground level) on all sides.

Critical facility means a structure or related infrastructure, but not the land on which it is situated, as specified in Section 16-12-180., that if flooded may result in significant hazards to public health and safety or interrupt essential services and operations for the community at any time before, during and after a flood. See Section 8.18.

Critical feature means an integral and readily identifiable part of a flood protection system, without which the flood protection provided by the entire system would be compromised.

Development means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations, or storage of equipment or materials.

Elevated building means a non-basement building (i) built, in the case of a building in Zones A1-30, AE, A, A99, AO, AH, B,C, X, and D, to have the top of the elevated floor, or in the case of a building in Zones V1-30, VE, or V, to have the bottom of the lowest horizontal structure member of the elevated floor elevated above the ground level by means of pilings, columns (posts and piers), or shear walls parallel to the floor of the water and (ii) adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood. In the case of Zones A1-30, AE, A, A99, AO, AH, B, C, X, and D, "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters.

In the case of Zones V1-30, VE, or V, "elevated building" also includes a building otherwise meeting the definition of "elevated building," even though the lower area is enclosed by means of breakaway walls if the breakaway walls met the standards of Section 60.3(e)(5) of the National Flood Insurance Program regulations.

Existing construction means for the purposes of determining rates, structures for which the "start of construction" commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. "Existing construction" may also be referred to as "existing structures."

Existing manufactured home park or subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

Expansion to an existing manufactured home park or subdivision means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

Flood or flooding means a general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland or tidal waters; and/or
2. The unusual and rapid accumulation or runoff of surface waters from any source.

Flood Insurance Rate Map (FIRM) means an official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

Flood Insurance Study is the official report provided by the Federal Emergency Management Agency (FEMA). The report contains flood profiles, water surface elevation of the base flood, as well as the Flood Boundary-Floodway Map.

Flood proofing means any combination of structural and non-structural additions, changes, or adjustments to structures that which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents.

Flood protection system means those physical structural works for which funds have been authorized, appropriated, and expended and that which have been constructed specifically to modify flooding in order to reduce the extent of the areas within a community subject to a "special flood hazard" and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees, or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

Floodplain or flood-prone area means any land area susceptible to being inundated by water from any source (see definition of Flooding).

Floodplain management means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works, and floodplain management regulations.

Floodplain management regulations means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance and erosion control ordinance), and other applications of police power. The term describes such state or local regulations, in any combination thereof, that which provide standards for the purpose of flood damage prevention and reduction.

Floodway (regulatory floodway) means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. The Colorado statewide standard for the designated height to be used for all newly studied reaches shall be one-half (1/2) foot (six (6) inches). Letters of map revision to the

existing floodway delineations may continue to use the floodway criteria in place at the time of the existing floodway delineation.

Functionally dependent use means a use that which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

Highest adjacent grade means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Historic structure means any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or
4. Individually listed on a local inventory or historic places in communities with historic preservation programs that have been certified either:
    a. by an approved state program as determined by the Secretary of the Interior or;
    b. directly by the Secretary of the Interior in states without approved programs.

Letter of map revision (LOMR) means FEMA's official revision of an effective Flood Insurance Rate Map (FIRM), or Flood Boundary and Floodway Map (FBFM), or both. LOMRs are generally based on the implementation of physical measures that affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective base flood elevations (BFEs), or the special flood hazard area (SFHA).

Letter of map revision based on fill (LOMR-F) means FEMA's modification of the special flood hazard area (SFHA) shown on the Flood Insurance Rate Map (FIRM) based on the placement of fill outside the existing regulatory floodway.

Levee means a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

Levee system means a flood protection system which consists of a levee or levees and associated structures, such as closure and drainage devices, that which are constructed and operated in accordance with sound engineering practices.

Lowest floor means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access, or storage, in an area other than a basement area, is not considered a building's lowest floor; provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of Section 60.3 of the National Flood Insurance Program regulations.

Manufactured home means a structure, transportable in one (1) or more sections, that which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle."

Manufactured home park or subdivision means a parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale.

Mean sea level means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

New construction means, for the purpose of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

New manufactured home park or subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

Recreational vehicle means a vehicle that which is:

1. built on a single chassis;

2. 400 square feet or less when measured at the largest horizontal projections;
3. designed to be self-propelled or permanently towable by a light duty truck; and
4. designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use

Start of construction includes substantial improvement and means the date the building permit was issued, provided that the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within one hundred eighty (180) days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations, or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Structure means a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

Substantial damage means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent (50%) of the market value of the structure before the damage occurred.

Substantial improvement means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure before "start of construction" of the improvement. This includes structures that which have incurred "substantial damage:, regardless of the actual repair work performed. The term does not, however, include either:

1. Any project for improvement of a structure to correct existing violation of state or local health, sanitary, or safety code specifications that which have been identified by the local code enforcement official and that which are the minimum necessary conditions; or
2. Any alteration of a "historic structure,", provided that the alteration will not preclude the structure's continued designation as a "historic structure."

Variance is a grant of relief to a person from the requirement of this Article when specific enforcement would result in unnecessary hardship. A variance, therefore, permits construction or development in a manner otherwise prohibited by this Article. (For full requirements, see Section 60.6 of the National Flood Insurance Program regulations.)

Violation means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Section 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) of the National Flood Insurance Program, is presumed to be in violation until such time as that documentation is provided.

Water surface elevation means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929 (or other datum, where specified) of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas. (Ord. 1148 §4, 2013)

Sec. 16-12-60. Lands to which Article applies.

A. This Article shall apply to all areas of special flood hazards and areas removed from the floodplain by the issuance of a FEMA letter of map revision based on fill (LOMR-F) within the jurisdiction of the Town. (Ord. 1148 §5, 2013)

Sec. 16-12-70. Basis for establishing areas of special flood hazard within the jurisdiction of the Town.

A. The areas of special flood hazard identified by the Federal Emergency Management Agency is a specific engineering report entitled "The Flood Insurance Study for the Town of Frederick, Colorado," dated July 13, 1982, with an accompanying Flood Insurance Rate Map, Flood Boundary-Floodway Maps (FIRM and FBFM) and any revisions thereto are hereby adopted by reference and declared to be a part of this Article. The Flood Insurance Study is on file at the Town offices.

Sec. 16-12-80. Compliance.

A. No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this Article and other applicable regulations.

Sec. 16-12-90. Abrogation and greater restrictions.

A. This Article is not intended to repeal, abrogate, or impair any existing easement, covenants, or deed restrictions. However, where this Article and other ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

Sec. 16-12-100. Interpretation.

A. In the interpretation and application of this Article, all provisions shall be:

1. Considered as minimum requirements;
2. Liberally construed in favor of the governing body; and
3. Deemed neither to limit nor repeal any other powers granted under state statutes.

Sec. 16-12-110. Warning and disclaimer of liability.

A. The degree of flood protection required by this Article is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This Article does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This Article shall not create liability on the part of the Town or any officer or employee thereof, or the Federal Emergency Management Agency, for any flood damages that result from reliance on this Article or any administrative decision lawfully made thereunder.

Sec. 16-12-120. Establishment of development permit.

A. A development permit shall be obtained before construction or development begins within any area of special flood hazard established in Section 16-12-70. Application for a development permit shall be made on forms furnished by the Town Engineer, and may include but not be limited to: plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, and drainage facilities; and the location of the foregoing. Specifically, the following information is required:
   1. Elevation in relation to mean sea level of the lowest floor (including basement) of all structures;
   2. Elevation in relation to mean sea level to which any structure has been floodproofed;

3. Certificate by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meets the floodproofing criteria in Section 16-12-170.A.2; and
4. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

B. Approval or denial of a development permit by the Town Engineer shall be based on all of the provisions of this Article and the following relevant factors:
   1. The danger to life and property due to flooding or erosion damage;
   2. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
   3. The danger that materials may be swept onto other lands to the injury of others;
   4. The compatibility of the proposed use with existing and anticipated development;
   5. The safety of access to the property in times of flood for ordinary and emergency vehicles;
   6. The costs of providing governmental services during and after flood conditions including maintenance and repair of streets and bridges, and public utilities and facilities such as sewer, gas, electrical, and water systems;
   7. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site;
   8. The necessity to the facility of a waterfront location, where applicable; and
   9. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use. (Ord. 1371 § 16, 2022)

Sec. 16-12-130. Designation of Local Administrator.

A. The Town Engineer is hereby appointed to administer and implement this Article by granting or denying development permit applications in accordance with its provisions.

Sec. 16-12-140. Duties and responsibilities of Local Administrator.

A. Duties of the Town Engineer shall include but not be limited to:

   1. Permit review.

      a. Review all development permits to determine that the permit requirements of this Article have been satisfied;

b. Review all development permits to determine that all necessary permits have been obtained from federal, state, or local governmental agencies from which prior approval is required; and
c. Review all development permits to determine if the proposed development adversely affects the flood-carrying capacity of the area of special flood hazard. For purposes of this Article, **adversely affects** means that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will increase the water surface elevation of the base flood more than one-half (1/2) foot at any point. Prior to approval of any permit for development with such adverse effects in areas of special flood hazard, coordinate application for conditional FIRM revision through FEMA (conditional letter of map revision), pursuant to the National Flood Insurance Program regulations. All costs of such application are to be incorporated into the permit fees paid by the applicant.

2. Use of other base flood data. When base flood elevation data has not been provided in accordance with Section 16-12-70, the Town Engineer, as may be reasonable, shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state, or other source, as criteria for requiring new construction, substantial improvements, or other development in Zone A as delineated on a Flood Insurance Rate Map, in order to administer Sections 16-12-170.A.1 and 16-12-170.A.2.
3. Information to be obtained and maintained.
   a. Obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures.
   b. For all new or substantially improved floodproofed structures:
      1. Verify and record the actual elevation (in relation to mean sea level) to which the structure has been floodproofed.
      2. Maintain the floodproofing certifications required in Section 16-12-120.A.3
      3. Maintain for public inspection all records pertaining to the provisions of this Article.
   c. Alteration of watercourse.
      1. Notify adjacent communities and the Colorado Water Conservation Board prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.

2. Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.

d. Interpretation of FIRM boundaries. Make interpretations where needed as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section 16-12-150. (Ord. 1148 §6, 2013; Ord. 1219 §1, 2016)

Sec. 16-12-150. Variance procedure.

A. Appeal Board.

1. The Board of Trustees shall hear and decide appeals and requests for variances from the requirements of this Article as the Board of Adjustment.
2. The Board of Adjustment shall hear and decide appeals when it is alleged there is an error in any requirement, decision or determination made by the Town Engineer in the enforcement or administration of this Article.
3. Those aggrieved by the decision of the Board of Adjustment may appeal such decisions to the Weld County District Court, as set forth in approved in Section C.R.S. § 31-23-307, C.R.S.
4. In passing upon such application, the Board of Adjustment shall consider all technical evaluations, all relevant factors, standards specified in other sections of this Article, including but not limited to those enumerated in Section 16-12-120., as well as to the following:
    a. The importance of the services provided by the proposed facility to the community; and
    b. No structure or other development may qualify for a variance unless it is protected by methods that minimize flood damages during the base flood and creates no additional threats to public safety.
5. Upon consideration of the factors of Subsection d. above and the purposes of this Article, the Board of Adjustment may attach such conditions to the granting of variances as it deems necessary to further the purposes of this Article.
6. The Town Engineer, through their his or her department, shall maintain the records of all appeal actions, including technical information, and report any variances to the Federal Emergency Management Agency.

B. Conditions for variances.

1. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half (1/2) acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base level, provided that items a. and b. in Section 16-12-150.A.4 above have been fully considered. As the lot size increases beyond one-half (1/2) acre, the technical justifications required for issuing the variance increase.
2. Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
3. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
4. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
5. Variances shall only be issued upon:
    a. A showing of good and sufficient cause;
    b. A determination that failure to grant the variance would result in exceptional hardship to the applicant; and
    c. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety or extraordinary public expense, create nuisances, or cause fraud on or victimization of the public as identified in Subsection 1.d. above, or conflict with existing local laws or ordinances.
6. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation. (Ord. 1148 §7, 2013)

Sec. 16-12-160. General standards for flood hazard reduction.

A. Anchoring.
    1. All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure, and to withstand hydrodynamic loads.
    2. All manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are

not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces. Specific requirements may be:

a. Over-the-top ties shall be provided at each of the four (4) corners of the manufactured home, with two (2) additional ties per side at intermediate locations, with manufactured homes less than fifty (50) feet long requiring one (1) additional tie per side;
b. Frame ties shall be provided at each corner of the home with five (5) additional ties per side at intermediate points, with manufactured homes less than fifty (50) feet long requiring four (4) additional ties per side;
c. All components of the anchoring system shall be capable of carrying a force of four thousand eight hundred (4,800) pounds; and
d. Any additions to the manufactured home shall be similarly anchored;.
e. The chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than thirty- six inches (36") in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

B. Construction materials and methods.
1. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
2. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
3. For all new construction and substantial improvements, fully enclosed areas below the lowest floor automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or exceed the following minimum criteria: A minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one (1) foot above grade. Openings may be equipped with screens, louvers, or other coverings or devices, provided that they permit the automatic entry and exit of floodwaters.

C. Utilities.
1. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.

2. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharge from the systems into floodwaters.
3. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
4. Electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

D. Subdivision proposals.
1. All proposals for the development of subdivisions including the placement of manufactured home parks and subdivisions shall meet Development Permit requirements of Section 16-12-120 be consistent with the need to minimize flood damage.
2. Base flood elevation data shall be generated for subdivision proposals and other proposed development including the placement of manufactured home parks and subdivisions which that are is greater than 50 lots or 5 acres, whichever is lesser, if not otherwise provided pursuant to this Article.
3. All subdivision proposals shall have public utilities and facilities such as electrical and water systems located and constructed to minimize flood damage.
4. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage.

E. Areas of Shallow Flooding (AO/AH Zones).
1. Located within the areas of special flood hazard established in this Article, are areas designated as **shallow flooding**. These areas have special flood hazards associated with base flood depths of 1 to 3 feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow; therefore, the following provisions shall apply:
    a. All new construction and substantial improvements of residential structures shall have the lowest floor (including basement) elevated above the highest adjacent grade to an elevation at least as high as one (1) foot above the depth number specified in feet on the Town's FIRM (at least three (3) feet if no depth number is specified).
    b. All new construction and substantial improvements of nonresidential structures:

1. Shall have the lowest floor (including basement) elevated above the highest adjacent grade to an elevation at least as high as one (1) foot above the depth number specified in feet on the Town's FIRM (at least three (3) feet if no depth number is specified); or
2. Together with attendant utility and sanitary facilities be designed so that in between the BFE and the lowest floor (including basement) the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads including the effects of buoyancy.

c. A registered professional engineer or architect shall submit a certification to the Town Engineer, that the standards of Section 16-12-160.E are satisfied.

d. Adequate drainage paths shall be provided around structures on slopes, to guide flood waters around and away from all proposed structures.

F. Floodways.

1. Floodways – located within areas of special flood hazard established in this Article, are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters thatwhich carry debris, potential projectiles, and erosion potential, the following provisions shall apply:

a. Encroachments are prohibited, including fill, new construction, substantial improvements, and other development within the adopted regulatory floodway **unless** it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.

b. If Section 16-12-160.F.1.a above is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of this Section 16-12-160 and Section 16-12-170, as applicable.

c. Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Regulations, the Town may permit encroachments within the adopted regulatory floodway that would result in an increase in base flood elevations, provided that the Town Engineer for purposes of this

Article, first applies for a conditional FIRM and floodway revision through FEMA. (Ord. 1148 §8, 2013)

Sec. 16-12-170. Specific standards.

A. Requirements. In all areas of special flood hazards where base flood elevation data has been provided as set forth in Section 16-12-70 or Section 16-12-140.A.2, and areas removed from the floodplain by the issuance of a FEMA letter of map revision based on fill (LOMR-F), the following provisions are required:
   1. Residential construction. New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to or at least one (1) foot above the base flood elevation.
   2. Nonresidential construction. New construction and substantial improvement of any commercial, industrial, or other nonresidential structure shall either have the lowest floor, including basement, elevated to one (1) foot above the base flood elevation; or, together with attendant utility and sanitary facilities, shall:
      a. Be floodproofed so that, below an elevation equal to one (1) foot above the base flood level, the structure is watertight with walls substantially impermeable to the passage of water;
      b. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and
      c. Provide that where a nonresidential structure is intended to be made watertight below an elevation equal to one (1) foot above the base flood level:
         1. A registered professional engineer or architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the application provisions of Section 16-12-140.A.3.b.2 and
         2. A record of such certificates that which includes the specific elevation (in relation to mean sea level) to which such structures are floodproofed shall be maintained with the official designated by the community under Section 16-12-130.

B. Manufactured homes.
   1. Manufactured homes shall be anchored in accordance with Section 16-12-160.A.2.
   2. All manufactured homes or those to be substantially improved shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is at least one (1) foot above the base flood elevation and is securely anchored to an adequately anchored foundation system.

C. Enclosures.
   1. New construction and substantial improvements, with fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access, or storage in an area other than a basement and that which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:
      a. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided;
      b. The bottom of all openings shall be no higher than one foot above grade; and
      c. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

D. Recreational Vehicles. Recreational vehicles placed on sites within special flood areas must either:
   1. Be on the site for fewer than 180 consecutive days;
   2. Be fully licensed and ready for highway use, which for purposes of this Subsection D shall mean that it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or
   3. Meet the permit requirements of Section 16-12-120, and the elevation and anchoring requirements for "manufactured homes" in Section 16-12-170.B of this Section 16-12-170.

Sec. 16-12-180. Standards for critical facilities.

A. A critical facility is a structure or related infrastructure, but not the land on which it is situated, as specified in Rule 6 of the Rules and Regulations for Regulatory Floodplains in Colorado, that if flooded may result in significant hazards to public health and safety or interrupt essential services and operations for the community at any time before, during, and after a flood.
   1. Classification of critical facilities. Critical facilities are classified under the following categories: (a) essential services; (b) hazardous materials; (c) at-risk populations; and (d) vital to restoring normal services.

a. Essential services facilities include public safety, emergency response, emergency medical, designated emergency shelters, communications, public utility plant facilities, and transportation lifelines. These facilities consist of:
    1. Public safety (police stations, fire and rescue stations, emergency vehicle and equipment storage, and emergency operation centers);
    2. Emergency medical (hospitals, ambulance service centers, urgent care centers having emergency treatment functions, and nonambulatory surgical structures, but excluding clinics, doctors' offices, and non-urgent-care medical structures that do not provide these functions);
    3. Designated emergency shelters;
    4. Communications (main hubs for telephone, broadcasting equipment for cable systems, satellite dish systems, cellular systems, television, radio, and other emergency warning systems, but excluding towers, poles, lines, cables, and conduits);
    5. Public utility plant facilities for generation and distribution (hubs, treatment plants, substations, and pumping stations for water, power, and gas, but not including towers, poles, power lines, buried pipelines, transmission lines, distribution lines, and service lines); and
    6. Air transportation lifelines; airports (municipal and larger), helicopter pads, and structures serving emergency functions, and associated infrastructure (aviation control towers, air traffic control centers, and emergency equipment aircraft hangars).

    Specific exemptions to this category include wastewater treatment plants (WWTP), nonpotable water treatment and distribution systems, and hydroelectric power generating plants and related appurtenances.

    Public utility plant facilities may be exempted if it can be demonstrated to the satisfaction of the Board of Trustees that the facility is an element of a redundant system for which service will not be interrupted during a flood. At a minimum, it shall be demonstrated that redundant facilities are available (either owned by the same utility or available through an intergovernmental agreement or other contract) and connected, the alternative facilities are either located outside of the one hundred (100) year floodplain or are compliant with the provisions of this Article, and an operations plan is in effect that states how redundant systems will provide service to the affected area in the event of

a flood. Evidence of ongoing redundancy shall be provided to the Board of Trustees on an as-needed basis upon request.

b. Hazardous materials facilities include facilities that produce or store highly volatile, flammable, explosive, toxic, and/or water-reactive materials. These facilities may include:
   1. Chemical and pharmaceutical plants (chemical plant, pharmaceutical manufacturing);
   2. Laboratories containing highly volatile, flammable, explosive, toxic, and/or water-reactive materials;
   3. Refineries;
   4. Hazardous waste storage and disposal sites; and
   5. Above ground gasoline or propane storage or sales centers.

   Facilities shall be determined to be critical facilities if they produce or store materials in excess of threshold limits. If the owner of a facility is required by the Occupational Safety and Health Administration (OSHA) to keep a material safety data sheet (MSDS) on file for any chemicals stored or used in the workplace, and the chemical(s) is stored in quantities equal to or greater than the threshold planning quantity (TPQ) for that chemical, then that facility shall be considered to be a critical facility. The TPQ for these chemicals is: either five hundred (500) pounds or the TPQ listed (whichever is lower) for the three hundred fifty-six (356) chemicals listed under 40 CFR Section 302 (2010), also known as extremely hazardous substances (EHS); or ten thousand (10,000) pounds for any other chemical. This threshold is consistent with the requirements for reportable chemicals established by the Colorado Department of Health and Environment. OSHA requirements for MSDS can be found in 29 CFR Section 1910 (2010). The Environmental Protection Agency (EPA) regulation "Designation, Reportable Quantities, and Notification," 40 CFR Section 302 (2010), and OSHA regulation "Occupational Safety and Health Standards," 29 CFR Section 1910 (2010), are incorporated herein by reference and include the regulations in existence at the time of the promulgation of this Section, but exclude later amendments to or editions of the regulations.

   Specific exemptions to this category include:

   1. Finished consumer products within retail centers and households containing hazardous materials intended for household use, and agricultural products intended for agricultural use.

2. Buildings and other structures containing hazardous materials for which it can be demonstrated to the satisfaction of the local authority having jurisdiction by hazard assessment and certification by a qualified professional (as determined by the local jurisdiction having land use authority) that a release of the subject hazardous material does not pose a major threat to the public.
3. Pharmaceutical sales, use, storage, and distribution centers that do not manufacture pharmaceutical products.
4. These exemptions shall not apply to buildings or other structures that also function as critical facilities under another category outlined in this Article.

c. At-risk population facilities include medical care, congregate care, and schools. These facilities consist of:
   1. Elder care (nursing homes);
   2. Congregate care serving twelve (12) or more individuals (day care and assisted living);
   3. Public and private schools (pre-schools, K-12 schools), before-school and after-school care serving twelve (12) or more children.

d. Facilities vital to restoring normal services including government operations. These facilities consist of:
   1. Essential government operations (public records, courts, jails, building permitting and inspection services, community administration and management, maintenance and equipment centers);
   2. Essential structures for public colleges and universities (dormitories, offices, and classrooms only).

      These facilities may be exempted if it is demonstrated to the Board of Trustees that the facility is an element of a redundant system for which service will not be interrupted during a flood. At a minimum, it shall be demonstrated that redundant facilities are available (either owned by the same entity or available through an intergovernmental agreement or other contract), the alternative facilities are either located outside of the one hundred (100) year floodplain or are compliant with this Section, and an operations plan is in effect that states how redundant facilities will provide service to the affected area in the event of a flood. Evidence of ongoing redundancy shall be provided to the Board of Trustees on an as-needed basis upon request.

2. Protection for critical facilities. All new and substantially improved critical facilities and new additions to critical facilities located within the special flood hazard

area shall be regulated to a higher standard than structures not determined to be critical facilities. For the purposes of this Section, protection shall include one (1) of the following:

a. Location outside the special flood hazard area; or
b. Elevation of the lowest floor or floodproofing of the structure, together with attendant utility and sanitary facilities, to at least two (2) feet above the base flood elevation.

3. Ingress and egress for new critical facilities. New critical facilities shall, when practicable as determined by the Board of Trustees, have continuous non-inundated access (ingress and egress for evacuation and emergency services) during a one hundred (100) year flood event. (Ord. 1148 §12, 2013)

Article XIII.

Definitions

Sec. 16-13-10. General rules of construction.

The following rules shall apply for construing or interpreting the terms and provisions of this UDC.

A. Meanings and intent. All provisions, terms, phrases, and expressions contained in this Code shall be construed according to the general purposes set forth in Section 16-01 and the specific purpose statements set forth throughout this Code. When, in a specific Article of this Code, a different meaning is given for a term defined for general purposes in this chapter, the specific Article's meaning and application of the term shall control.

B. Headings, illustrations, and text. In the event of a conflict or inconsistency between the text of this Code and any heading, caption, figure, illustration, table, or map, the text shall control.

C. Lists and examples. Unless otherwise specifically indicated, lists of items or examples that use terms such as "for example," "including," and "such as," or similar language are intended to provide examples and are not exhaustive lists of all possibilities.

D. Computation of time. The time in which an act is to be done shall be computed by excluding the first day and including the last day. If a deadline or required date of action falls on a Saturday, Sunday, or holiday observed by the town, the deadline or required date of action shall be the next day that is not a Saturday, Sunday or holiday observed by the Town. References to days are calendar days unless otherwise stated.

E. References to other regulations/publications. Whenever reference is made to a resolution, ordinance, statute, regulation, or document, it shall be construed as a reference to the most recent edition of such regulation, resolution, ordinance, statute, regulation, or document, unless otherwise specifically stated.

F. Delegation of authority. Any act authorized by this Code to be carried out by a specific official of the Town may be carried out by a designee of such official.

G. Mandatory and discretionary terms. The words "shall," "must," and "will" are mandatory in nature, establishing an obligation or duty to comply with the particular provision. The words "may" and "should" are permissive in nature.

H. Conjunctions. Unless the context clearly suggests the contrary, conjunctions shall be interpreted as follows:
    1. "And" indicates that all connected items, conditions, provisions or events apply;
    2. "Or" indicates that one or more of the connected items, conditions, provisions or events apply.

I. Tenses, plurals, and gender. Words used in the present tense include the future tense. Words used in the singular number include the plural number and the plural number includes the singular number, unless the context of the particular usage clearly indicates otherwise. Words used in the masculine gender include the feminine gender, and vice versa.

Sec. 16-13-20. Interpretations.

The Director has final authority to determine the interpretation or usage of terms used in this Code. Any person may request an interpretation of any term by submitting a written request to the director who shall respond in writing within thirty (30) days.

Sec. 16-13-30. Terms defined.

Terms used in this Land Use Code are defined as follows unless specifically addressed elsewhere in this code:

Abandoned sign means a sign that does not contain a message, or contains a commercial or event-based message that is obsolete (e.g., the name of a business that is no longer operational, or an advertisement for an event that has already occurred), for a continuous period of thirty (30) days.

Abut means meeting or touching at some point (such as, lots or parcels)

Accessory building means a subordinate building or structure, the use of which is customarily incidental to that of the main building or to the main use of the land, which is located on the same lot with the main building or use. Accessory buildings are only permitted when they are incidental or accessory to an existing and permitted principal or conditional use.

Accessory Dwelling Unit (ADU) means a living unit integrated (or attached) within a single dwelling detached unit or located in a detached accessory building, such as carriage houses or garages, located on the same lot as a single dwelling detached unit. An accessory dwelling unit may also be called a guest house. An accessory dwelling unit shall include a full kitchen, which shall include a sink, oven or stove, and refrigerator.

Accessory equipment means any equipment serving or being used in conjunction with a wireless communications facility (WCF), including, but not limited to, utility or transmission equipment, power supplies, generators, batteries, cables, equipment buildings, cabinets and storage sheds, shelters or other structures.

Accessory Structure, General means a detached, subordinate building or structure located on the same lot or parcel as a primary structure, used for purposes customarily incidental to the main, permitted use of the property.

Accessory use means a subordinate use, clearly incidental and related to the main structure, building, or use of land, and located on the same lot or parcel as that of the main structure, building or use.

Accommodations, Bed and Breakfast means the use of a single dwelling detached building as a place of overnight accommodation, in which:

1. Ten (10) or fewer guest rooms are rented to guests for daily and/or weekly terms;
2. Breakfast is provided to guests; and
3. The operator resides on the premises.

Accommodations , Hotel or Motel means a building or group of buildings used to provide overnight accommodations. The use may also include services such as meeting rooms, business centers (personal computers, fax machines, and printers for guest use), food service for guests, recreational facilities such as swimming pools and fitness centers, ballrooms, exhibit halls, and/or banquet rooms; provided, that such services are subordinate to the use of the building or buildings for overnight accommodations.

Adjacent means separated from a lot or parcel by one (1) of the following: a street, alley, or other right-of-way, outlot or tract of no greater than 30 feet in width, lake, stream, or open space parcel of no greater than 30 feet in width.

Adjacent property owner means an owner of record of any estate, right, or interest in real property adjacent to the subject property.

Administrative official means any employee who has the authority to approve or deny a land use decision, including but not limited to, land use applications and building permits.

Agricultural activity. See “commercial agriculture.”

Agricultural cultivation means the purposeful tilling, breaking up, or loosening of soil to prepare seedbeds, manage weeds, and enhance soil aeration and moisture retention for crop growth. It encompasses primary tillage and secondary tillage. Key methods range from conventional plowing to modern, reduced tillage, and precision agriculture techniques aimed at improving yields while managing environmental impacts like erosion.

Agricultural event *center* means a specialized facility designed to host gatherings, exhibitions, competitions, and educational programs focused on agriculture, livestock, and equestrian activities. These venues promote animal husbandry and farming, featuring areas for rodeos, sales, and agricultural education. They may also include agricultural auction houses and similar facilities.

Agricultural grazing means a method of livestock husbandry where herbivores, such as cattle, sheep, or goats, feed directly on growing forage like grass, legumes, and forbs in pastures or rangelands.

Agricultural land means land that is being used for commercial agriculture or passive agricultural or open spaces.

Agricultural processing means the post-harvest, physical, or chemical transformation of raw agricultural commodities (crops and livestock) into intermediate or final, consumer-ready products. It includes activities like cleaning, sorting, milling, drying, and packaging, aimed at increasing shelf life, enhancing safety, improving economic value, and reducing food waste.

Agricultural uses mean a category of land uses that includes commercial agriculture, as well as passive agricultural uses and open spaces.

Airport and Related Uses means any area of land or water used or intended for the landing and taking off of aircraft, including appurtenant areas, buildings, and facilities. "Related uses" encompass supporting infrastructure like hangars, control towers, cargo terminals, fuel farms, and, in some contexts, airport-associated commercial or industrial activities, such as lounges and parking.

Alley means an alternative transportation way which is used primarily for vehicular service access to the back or side of properties otherwise abutting a street. Alleys may also be used for pedestrian movement.

Alteration means any change, addition or modification in construction, occupancy or use.

Alternative tower structure means man-made trees, clock towers, bell steeples, light poles, traffic signals, buildings, and similar alternative design mounted structures that are compatible with the natural setting and/or surrounding structures, and camouflage or conceal the presence of antennas or towers so as to make them architecturally compatible with the surrounding area. This term also includes any antenna or antenna array attached to an alternative tower structure. A stand-alone monopole (including a replacement pole) in the right-of-way that accommodates small cell wireless facilities is considered an alternative tower structure to the extent it meets the camouflage and concealment standards of this Code.

Animal Hospital, Large Animals means a specialized veterinary facility dedicated to the diagnosis, treatment, and care of large-bodied animals, such as horses, cattle, sheep, pigs, llamas, and alpacas. These hospitals provide advanced medical care, including surgeries, imaging, and intensive care, often featuring specialized stalls, stocks, and equipment designed for large patients.

Animal Hospital, Small Animals means a specialized veterinary facility providing comprehensive medical, surgical, and diagnostic care for household pets—primarily dogs, cats, and sometimes small exotics like rabbits or guinea pigs. Unlike clinics, these hospitals generally feature advanced diagnostic equipment, 24-hour surveillance, and overnight care capabilities

Animal unit means the number of animals grouped together to be counted as one unit.

Antenna means any device used to transmit and/or receive radio or electromagnetic waves such as, but not limited to, panel antennas, reflecting discs, microwave dishes, whip antennas, directional and nondirectional antennas consisting of one (1) or more elements, multiple antenna configurations, or other similar devices and configurations, and exterior apparatus designed for telephone, radio, or television communications through the sending and/or receiving of wireless communications signals.

Apiary means a place where one (1) or more beehives are kept.

Applicant is the owner of land, the owner's authorized representative, or the optionee of the land, as well as mineral owners and lessees.

Appurtenances means the visible, functional, or ornamental objects accessory to and part of a building.

Aquifer recharge area means an area where water is absorbed into a natural aquifer adding to the zone of saturation.

Arcade is a series of arches supported on piers or columns that create a pedestrian corridor.

Archery range means a facility where only bows and arrows may be used for target practice.

Area of lot means the total horizontal area within the lot lines of a lot.

Artificial turf means a landscaping alternative made of plastic that mimics the look, feel, and function of a natural grass lawn or athletic field.

Assisted living facility or congregate care means a special combination of housing, supportive services, personalized assistance, and/or health care designed to respond to the individual needs of those who need help with activities of daily living. The facility may have a central and/or private kitchen, dining, recreational, and other facilities, with separate bedrooms or living quarters, where the emphasis of the facility remains residential.

Attached sign means a sign that is attached to the outside of a building or located inside a building but is highly visible through a window, and obviously intended to attract the attention of a person outside of the building (e.g., a wall sign, projecting sign, awning sign, or window sign).

Auction Yard means a physical location, building, or designated area where goods, equipment, or property are displayed and sold to the public through competitive bidding. It serves as a centralized, secure venue for auctioneers to sell items to the highest bidder.

Auditorium means a large room with rows of fixed or movable seats and/or standing room and often a stage which is used for performances and for public events or meetings, or a building containing such a room.

Awning means a roof-like cover of canvas or other material extending in front of a building, to provide decorative elements or protection from the sun or rain.

Awning or canopy sign means a sign that is mounted, painted, or attached to canvas or other material that is installed over a projecting structural framework above a building window or door.

Backyard chicken hens shall mean an accessory use in conjunction with an established single dwelling residence. A backyard chicken includes only hens. Roosters are not permitted as backyard chickens.

Banner means a type of temporary sign that is painted or printed on cloth, vinyl, or other flexible material, which is designed to be stretched between poles, fence posts or wire, or hung on walls with ties, clips, rails, brackets, hooks, or frames.

Banner frame means a frame system that is used for stretching banners, which is designed to prevent wrinkling and movement and to conceal fasteners.

Bar or tavern means a business that sells alcoholic beverages for on-premises consumption, and/or evening entertainment such as live music, comedy acts, a floorshow, or dancing. The use may include tables and chairs but does not have fixed theater-style seating. The use may include the sale of light snacks and sandwiches (prepackaged pizzas, burritos, subs, etc.) as required by the applicable liquor license (which may be any of the following classes of State alcohol licenses pursuant to C.R.S. § 12-47-401 et seq.: beer and wine, hotel and restaurant, tavern, or lodging and entertainment facility). The phrase "bar or tavern" does not include the phrase "sexually oriented business" or the temporary sale of alcohol for on-premises consumption.

Base station shall mean a structure or equipment at a fixed location that enables FCC licensed or authorized wireless communications between user equipment and a communications network. The definition of base station does not include or encompass a tower as defined herein or any equipment associated with a tower. Base station does include, without limitation:

1. Equipment associated with wireless communications services such as private broadcast and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul that, at the time the relevant application is filed with the Town under this Article and has been reviewed and approved under the applicable zoning or siting process, or under another State or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing such support; and
2. Radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration (including distributed antenna systems ("DAS") and small cell networks), that, at the time the relevant application is filed with the Town, has been reviewed and approved under the applicable zoning or siting process, or underanother State or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing such support.

The definition of base station does not include any structure that, at the time the relevant application is filed with the Town, does not support or house equipment described in Subsections 1 and 2 of this definition.

Battery energy storage system means an electric storage resource capable of receiving electrical energy from the power grid and storing it in batteries for later provision of electrical energy back to the power grid, with a capacity of one hundred fifty (150) MWh or greater. Battery energy storage systems with a capacity of less than one hundred fifty (150) MWh are classified as "utilities, minor."

Beacon, revolving means a rotating source of light.

Bee means any stage of the common domestic honey bee, Apis mellifera species.

Beekeeper shall mean the person responsible for beekeeping on a designated property.

Beekeeping shall mean the owning and breeding of bees.

Bikeway means a path designed for use by bicyclists, which may be used by pedestrians.

Billboard means large outdoor advertising structures typically positioned in high-traffic areas, such as alongside highways and busy streets. They are designed to capture the attention of passing motorists and pedestrians.

Blank wall means an exterior building wall with no openings and a single material and uniform texture on a single plane.

Block means a unit of land, or a group of lots, bounded by streets or by a combination of streets and public lands or other rights-of-way other than an alley, waterways, or any barrier to the continuity of development, or land which is designated as a block on any recorded subdivision tract.

Board of Trustees (Board) means the governing board of the Town of Frederick.

Boarding and rooming houses means a building or portion of which is used to accommodate, for compensation, eight (8) or more boarders or roomers, not including members of the occupant's immediate family who might be occupying such building. The word "compensation" shall include compensation in money, services, or other things of value.

Botanical Garden or Zoo*.* A botanical garden means a garden, usually open to the public, where a wide range of plants are grown for scientific and educational purposes*.* A zoo means a place where live animals are confined and exhibited to the public. The animals

may also be studied, given medical treatment, and bred. The term “zoo” does not include the phrases “park, passive” or “commercial agriculture,” retail sales and service uses that sell live animals, or any of the uses listed under the heading “veterinary and domestic animal uses.”

Brewery or distillery means a facility that produces fermented malt beverages or spiritous beverages on site. These facilities may sell their products off-site or within tasting rooms, seating areas, or dining areas included within the brewery or distillery facility.

Building means any permanent structure built for the shelter or enclosure of persons, animals, or property of any kind, which is governed by the following characteristics:

1. Is permanently affixed to the land.
2. Has one (1) or more floors and a roof.

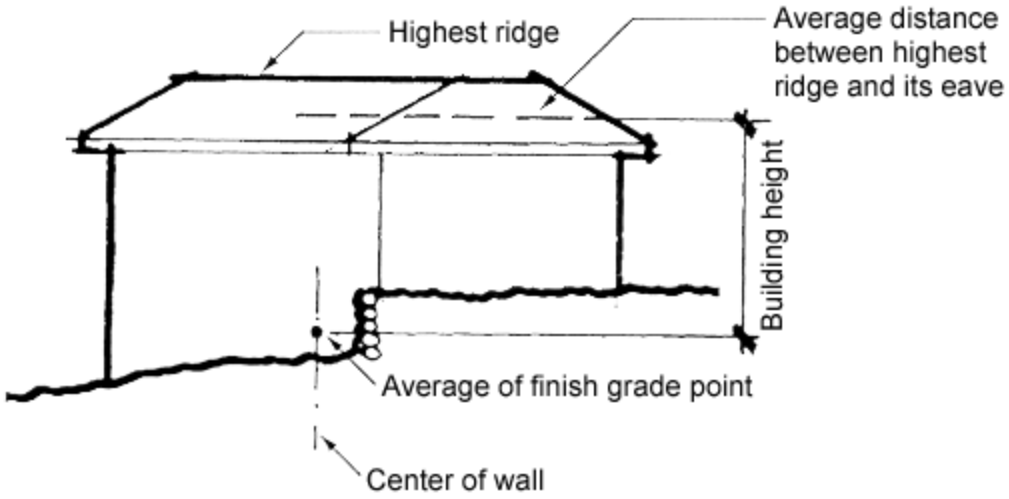
Building code means the set of standards that must be followed in the construction and remodeling of buildings and structures.

Building elevation means the external face of a building, projected onto a two (2) dimensional plane.

Building frontage means the horizontal, linear dimension of that side of a building which abuts a street, parking area, , or other circulation area open to the public.

Building height is measured from the average of finished grade at the center of all walls of the building to the top of the parapet or highest roof beam (whichever is higher) on a flat or shed roof, to the top of the parapet or deck level (whichever is higher) of a mansard roof, or the average distance between the highest ridge and its eave of a gable, hip, or gambrel roof.

Figure 13-1. Building Height Measurement



Building Materials and Lumber Sales means the retail or wholesale distribution of construction products—such as wood, drywall, roofing, and hardware—to contractors, developers, and homeowners. These businesses operate from yards or warehouses, often providing specialized services like material estimation, delivery, and professional advice for building projects.

Bulletin board means a cabinet sign structure that houses a display board upon which bulletins and posters are displayed.

Bus or taxi terminal, on-demand transportation dispatch means an off-street premises that is used for the parking or storage of buses or taxis and the loading or unloading of passengers.

Business services means a business that is primarily engaged in providing support services to other businesses, such as advertising and mailing, commercial photography, janitorial services, and temporary labor services. Uses that are included within the phrases "office, general," "light industry," or "retail sales and services" (e.g., attorneys, accountants, contractors, or office supply shops), are not included within the phrase "business services."

Caliper means the American Association of Nurserymen standard for trunk measurement of nursery stock, as measured at six (6) inches above the ground for trees up to and including four-inch caliper size, and as measured at twelve (12) inches above the ground for larger sizes.

Camouflage, concealment, or camouflage design techniques means a wireless communications facility is camouflaged or utilizes camouflage design techniques when any measures are used in the design and siting of wireless communications facilities with the intent to minimize or eliminate the visual impact of such facilities to surrounding uses. A

WCF site utilizes camouflage design techniques when it is integrated in an outdoor fixture such as a flagpole, or uses a design which mimics and is consistent with the nearby natural or architectural features (such as an artificial tree) or is incorporated into (including, without limitation, being attached to the exterior of such facilities and painted to match it) or replaces existing permitted facilities (including, without limitation, stop signs or other traffic signs or freestanding light standards) so that the presence of the WCF is not readily apparent.

Campgrounds and Recreational Vehicle Parks means an area of land developed and intended to provide short-term accommodations to guests in recreational vehicles or tents.

Car Wash means any area or business using self-service, in-bay automatic, or conveyor equipment for cleaning and washing motor vehicles, whether as a part of another business operation (e.g., as an accessory use to fueling, fast-charging, or service station), or as a stand-alone operation, of any type, on a commercial basis.

Cash-in-lieu means that the applicant, at the option of the Board of Trustees, may pay the Town money instead of land dedication in those cases where the dedication of land is unacceptable or inappropriate.

Cemetery means land used or intended to be used for the interment of the remains of human bodies or pets, whether such interment is above ground or below ground. The term "cemetery" includes graveyards, mausoleums, tombs, and columbariums.

Character means those attributes, qualities and features that make up and distinguish a development project and give such project a sense of purpose, function, definition, and uniqueness.

Check-cashing facility means a non-bank business (e.g., currency exchange, retailer) that converts checks, money orders, or commercial paper into immediate cash for a fee. These services, often used by unbanked or underbanked individuals, provide instant access to funds without requiring a traditional bank account.

Child care center means a facility, by whatever name known, that is maintained for the whole or part of a day for the care of five (5) or more children who are eighteen (18) years of age or younger and who are not related to the owner, operator, or manager, whether the facility is operated with or without compensation for such care and with or without stated education purposes. The term includes, but is not limited to, facilities commonly known as day care centers, school-age child care centers, before and after school programs, nursery schools, kindergartens, preschools, day camps, summer camps, and centers for developmentally disabled children and those facilities that give

twenty-four (24) hour care for children and includes those facilities for children under the age of six (6) years with stated educational purposes operated in conjunction with a public, private, or parochial college or a private or parochial school; except that the term shall not apply to any kindergarten maintained in connection with a public, private, or parochial elementary school system of at least six (6) grades or operated as a component of a school district's preschool program operated pursuant to Article 28 of Title 22, C.R.S. The term shall not include any facility licensed as a family child care home, a foster care home, or a specialized group facility that is licensed to provide care for three (3) or more children pursuant to Colorado Revised Statutes but that is providing care for three (3) or fewer children who are determined to have a developmental disability by a community centered board or who are diagnosed with a serious emotional disturbance.

Child care, in-home means a facility for child care in a place of residence of a family or person for the purpose of providing less than twenty-four-hour care for children under the age of eighteen (18) years who are not related to the head of such home. Child care, in-home may include infant-toddler child care homes, large child care homes, experienced provider child care homes, and such other types of family child care homes designated by rules of the State Department of Social Services pursuant to C.R.S. Section 26-6-106(2)(p).

Church or place of worship and assembly means a building containing a hall, auditorium, or other suitable room used for the purpose of conducting religious or other services or meetings of the occupants of such structure. Church or place of worship and assembly shall include churches, synagogues, or the like, but shall not include buildings used for commercial endeavors, including but not limited to commercial motion picture houses or stage productions.

Clerestory means a portion of an interior rising above adjacent rooftops and having windows admitting daylight to the interior.

Clinic means a building designed and used for the diagnosis and treatment of human patients that does not include overnight care facilities.

Clubs and lodges means organizations of persons for special purposes or for the promulgation of sports, arts, literature, politics, or other common goals, interests or activities, characterized by membership qualifications, dues or regular meetings, excluding clubs operated for profit and/or places of worship or assembly.

Cohesive means having a natural or logical agreement of parts connected, as in a cohesive neighborhood.

College or University means an educational institution that is authorized by the State of Colorado or other recognized accrediting entity to award associates' or higher degrees.

Collocation means the mounting or installation of transmission equipment on an eligible support structure for the purpose of transmitting and/or receiving radio frequency signals for communications purposes.

Colony means a hive and its equipment and appurtenances, including bees, comb, honey, pollen, and brood.

Colorado Medical Marijuana Code means Section 12-43.3-101 et seq., C.R.S., as may be amended.

Colorado Medical Marijuana Program means that program defined by Section 25-1.5-106(2)(d), C.R.S., as may be amended.

Combs means all materials which are normally deposited into hives by bees. It does not include extracted honey or the royal jelly, trapped pollen, and processed beeswax.

Commercial agriculture means a group of land uses that are related to grazing or raising livestock or land uses which produce products that originate from the land's productivity, such as farming, ranching, forestry, viticulture, floriculture, beekeeping, tree farming, hemp cultivation, animal husbandry, and horticulture (including within greenhouses), and the storage, packaging, and processing of products produced on-site. The phrase "commercial agriculture" does not include the phrase "intensive agriculture," nor does it include the cultivation or processing of marijuana.

Commercial Amusement and Recreation, Indoor means a use that provides amusement and recreational activities indoors (except sexually-oriented businesses, indoor firing or gun ranges, fitness instruction or gymnasium, and bars, taverns, or nightclubs), including, but not limited to:

1. Arcades;
2. Bowling alleys;
3. Escape rooms;
4. Game arcades (e.g., video games, skee ball, and comparable amusement machines);
5. Indoor archery ranges;
6. Indoor axe throwing;
7. Indoor mini-golf;
8. Indoor playgrounds (may include conventional playground equipment, inflatables, trampolines, rock climbing walls, zip lines, and comparable equipment);

9. Indoor skydiving;
10. Indoor electric go-kart tracks;
11. Indoor skating rinks (ice or roller);
12. Laser tag;
13. Local area network ("LAN") gaming centers;
14. Ping-pong centers;
15. Pool/billiard rooms; and
16. Recreation centers.

Commercial Amusement and Recreation, Outdoor means uses that provide commercial amusement outdoors, including but not limited to:

1. Amusement parks or theme parks;
2. Batting cages;
3. Bumper boats;
4. Go-kart tracks;
5. Golf driving ranges;
6. Miniature golf establishments;
7. Outdoor paintball courses; and
8. Water slides and wave pools.

The phrase "Commercial Amusement and Recreation, Outdoor" does not include the phrases "outdoor firing or gun range," "golf course," "outdoor stadium, arena, amphitheater, or drive-in theater" or "race track," or the term "zoo."

Commercial equestrian facilities means a boarding stable, riding school or academy, riding arena, or exhibition facility for horses, donkeys, or mules, but not facilities that are associated with residential or agricultural uses and solely for the private use of the residential or agricultural landowner or lessee. Commercial equestrian facilities typically include barns, stables, corrals, riding arenas, or paddocks.

Commercial mineral deposits means oil, gas, gravel, and other natural deposits that may be extracted from a property for economic benefit.

Commercial stables means any building, barn, or other premises whatsoever at which equine species are boarded, or from where they are let out for hire, for working, training, or riding, or from which equine species are provided and used to give instruction in riding.

Commercial vehicle means:

1. Any motor vehicle, trailer, or semi-trailer that:

a. Is designed or used to carry freight, other vehicles, equipment, passengers for a fee, or merchandise in the furtherance of any business enterprise; and
b. Has a gross weight of more than ten thousand (10,000) pounds;

2. Any step van or truck that is designed for commercial moving or parcel delivery services;
3. Any truck that is used for mobile retail sales (e.g., ice cream, lunches);
4. Any vehicle with more than four wheels that is used for business purposes;
5. Any trailer that is used to haul machinery, supplies, or equipment for business purposes (horse trailers, boat trailers, motorcycle trailers, RV trailers, and car trailers put to personal use are not included in the definition);
6. Any trailer that is used for commercial hauling (e.g., waste, junk, lawn clippings) or commercial moving services;
7. Any vehicle that has permanently mounted outside brackets or holders for ladders, tools, pipes, or other similar equipment, unless such vehicle is used for on-call emergency services contracted by the Town of Frederick or other governmental entity.

Common equestrian stabling and grazing means shared pastures and/or common barns for horses in a rural subdivision which is owned and maintained by a homeowners' association.

Common open space means a parcel of land, an area of water, or a combination of land and water within the site designated for a subdivision or planned unit development and intended primarily for the use or enjoyment of residents, occupants, and owners of the subdivision or planned unit development.

Community, civic, educational, and institutional uses means a category of land uses that includes cemeteries; crematoriums; day care centers, adult or child; funeral homes; hospitals; places of assembly; prison or jails; schools, elementary or middle; schools, high; schools, vocational or trade; and universities or colleges.

Community Facility (Public or Private) means a publicly or privately owned facility or office building which is primarily intended to serve the recreational, educational, cultural, administrative, or entertainment needs of the community as a whole.

Community Garden means a shared, often urban, piece of land managed and cultivated by a group of people to grow vegetables, fruits, herbs, and flowers. These spaces, which can be divided into individual plots or managed collectively, provide residents with access to fresh, affordable produce, foster social interaction, and improve local environmental health

Compatibility means the characteristics of different uses, activities, or design which allow them to be located near or adjacent to each other in harmony. Some elements affecting compatibility include height, scale, mass, and bulk of structures. Other characteristics include pedestrian or vehicular traffic, circulation, access, and parking impacts. Other important characteristics that affect compatibility are landscaping, lighting, noise, odor, and architecture. *Compatibility* does not mean *the same as*. Rather, *compatibility* refers to the sensitivity of development proposals in maintaining the character of existing development.

Composting facility means a facility to which vegetative waste materials, such as lawn clippings, tree trimmings, weeds, and vegetable food scraps from more than one lot or parcel are delivered for composting. The phrase “composting facility” does not include processing of biosolids from wastewater.

Comprehensive Plan means the Town of Frederick Comprehensive Plan.

Comprehensive Plan update means an update to or replacement of the Comprehensive Plan that is adopted by the Planning Commission and approved by the Board. The phrase "Comprehensive Plan update" also includes ratification of an existing Comprehensive Plan by resolution of the Board after a review of the plan in its entirety.

Compressed gravel means gravel used for construction purposes that meets current Town standards.

Condominium means a single dwelling unit in a multiple unit structure, which is separately owned and which may be combined with an undivided interest in the common areas and facilities of the property.

Connecting walkway means:

1. Any street sidewalk; or
2. Any walkway that directly connects a building entrance to the street sidewalk, and connects other origins and destinations for pedestrians, including but not limited to commercial establishments, schools, parks, dwellings, work places, and transit stops, without requiring pedestrians to walk across parking lots or driveways, around buildings or following parking lot outlines which are not aligned to a logical route.

Conservation easement means a legal document created pursuant to C.R.S. Section 38-30.5-101 et seq., which restricts the development rights of property in perpetuity and permits the property to be used only for the conservation purposes permitted in C.R.S.

Section 38-30.5-101 et seq., Section 170(h) of the Internal Revenue Code, and the Treasury Regulations adopted under Section 170(h).

Construction vehicle means:

1. Any tracked vehicle used for construction, grading, or excavation, such as bulldozers, excavators, drilling machines for mining or driving piles, and comparable vehicles;
2. Any wheeled vehicle that is used for construction that uses off-highway tires, including loaders, graders, soil compactors, skidders, and comparable vehicles;
3. Dump trucks;
4. Cement mixer trucks; and
5. Bucket trucks.

Container (a/k/a cargo or shipping container) means a truck trailer body that can be detached from the chassis for loading into a vessel, a rail car, or stacked in a container depot. Containers may be ventilated, insulated, refrigerated, flat rack, vehicle rack, open top, bulk liquid, or equipped with interior devices. A standard container may be twenty (20) feet, forty (40) feet, forty-five (45) feet, forty-eight (48) feet, or fifty-three (53) feet in length, eight (8) feet or eight (8) feet six (6) inches in width, and eight (8) feet six (6) inches or nine (9) feet (6) six inches in height.

Contiguous, in terms of determining the area devoted to the cultivating, producing, possessing or processing of medical marijuana and medical marijuana plants, means an uninterrupted expanse of space on the same floor or the level of the primary residence that can be measured by framing the area with four (4) or more continuous and connected straight lines. The space within a single room which is defined by permanent perimeter walls is contiguous; the space within adjoining rooms divided by a permanent wall or permanent structure but accessible via a common doorway or connected by a common hallway is contiguous; however, nonadjacent spaces separated by two (2) or more permanent walls or separated by floors or levels of the building are not contiguous.

Contractor's Shop or Storage Yard means a designated property, building, or land area used by construction trades to store, maintain, and secure equipment, vehicles, tools, and building materials (e.g., lumber, pipe, gravel). These sites often serve as base operations for administrative tasks, minor assembly work, and off-site material storage.

Convenience lending means:

1. A business engaged in providing short-term loans to individuals in exchange for personal checks or bank account access as collateral; or

2. A business that, for a fee, cashes checks, warrants, drafts, money orders, or other commercial paper serving the same purpose, but is not a state or federally chartered bank, savings association, credit union, industrial loan company, or retail store that is engaged primarily in the business of selling consumer goods.

Cornice means a continuous, molded projection that crowns a wall or other construction, or divides it horizontally for compositional purposes.

Correctional facility (including jails and prisons) means a publicly or privately operated facility housing persons awaiting trial or persons serving a sentence after being found guilty of a criminal offense.

Covenants means a private written agreement outlining regulations specific to a development. As private restrictions, they are not enforced by the Town. In the event of conflict between the covenants and this Code, this Code controls.

Crematorium means a facility for the burning of corpses, human or animal, to ashes. Crematoriums do not include establishments where incinerators are used to dispose of toxic or hazardous materials, infectious materials, or narcotics.

Critical plant communities means vegetation which is essential to the conservation of threatened or endangered species and which may require special management considerations or protection.

Crosswalk means a pathway marked off for pedestrians to cross a street.

Cul-de-sac means a local street with only one (1) outlet and having the other end for the reversal of traffic movement.

Cultivation or cultivate means 1. all phases of growth of marijuana from seed to harvest; or 2. preparing, packaging or repackaging, labeling or relabeling of a usable form of marijuana.

Cultural assets means buildings, locations, and other features considered historically or socially significant to the community.

Data center means a building or portion thereof that is used by telecommunications carriers, internet access providers, or internet service providers, in which equipment for telecommunications and data processing use (e.g., servers, data storage devices, switches, routers, and other comparable technology infrastructure) is concentrated and physically secured. Equipment in a data center may be owned or operated by more than one entity.

The phrase “data center” does not include the phrase “wireless telecommunications facility.”

Day Care Center, Adult or Child means:

1. Adult day care center, which is a facility that is certified by the State of Colorado to provide health and social services on a less than 24-hour basis to elderly, blind, or disabled adults.
2. Child day care center which is a facility, by whatever name known, which is maintained for the whole or part of a day for the care of five or more children under the age of sixteen (16) years and not related to the owner, operator, or manager thereof, whether such facility is operated with or without compensation for such care and with or without stated educational purposes. The term includes: (i) facilities commonly known as “day care centers,” “day nurseries,” “nursery schools,” “kindergartens,” “preschools,” “play groups,” “day camps,” “summer camps,” “centers for mentally retarded children,” and (ii) facilities that provide 24-hour care for dependent and neglected children, and (iii) facilities for children under the age of six years with stated educational purposes operated in conjunction with a public, private, or parochial college or a private or parochial school, except that the term does not apply to any kindergarten maintained in connection with a public, private, or parochial elementary school system of at least six grades. Child care centers are classified as either “small” (five (5) to twelve (12) children) or “large” (thirteen (13) or more children).

Dedicated land means land transferred to the Town by platting, title, deed, or other legal method approved by the Town Attorney.

Dedication means any grant by the owner of a right to use land for the public in general, involving a transfer of property rights and an acceptance of the dedicated property by the appropriate public agency.

Density means the overall average number of dwelling units located on the gross or net residential acreage (as applicable) contained within the development and calculated on a per-acre basis. Gross density is calculated by dividing the total number of units by the total acreage. Net density is calculated by dividing the [total number of units] by the [total acreage minus all publicly dedicated land].

Dental or medical office, clinic, or lab means office space used for the examination or treatment of patients on an outpatient basis (with no overnight stays by patients), generally by appointment, including:

1. Chiropractors, licensed massage therapists, occupational therapists, physical therapists, and acupuncturists;
2. Dentists, orthodontists, and oral surgeons;
3. Medical lab testing facilities;
4. Medical doctors (physicians, pediatricians, obstetricians, gynecologists, radiologists, geriatricians, surgeons, podiatrists, osteopaths, ophthalmologists, anesthesiologists, etc.);
5. Medical imaging centers;
6. Midwives;
7. Nutritionists, Ayurveda medicine practitioners, traditional Chinese medicine practitioners, homeopaths;
8. Optometrists;
9. Speech therapists;
10. Outpatient surgery centers;
11. Psychiatrists, clinical psychologists, clinical social workers, hypnotherapists, and marriage and family therapists;
12. Physiatrists, physiotherapists, orthotics, prosthetics, recreational therapists, audiologists, respiratory therapists, rehabilitation counselors, prosthetic technicians, and personal care assistants; and
13. Other comparable health care professionals.

Design standards means the standards that set forth specific improvements requirements.

Detached sign means a sign that is not attached to or located inside a building (e.g., a monument sign).

Detention basin means a man-made or natural water collector facility designed to collect surface and subsurface water in order to impede its flow and to release the same gradually at a rate not greater than that prior to the development of property, into natural or man-made outlets.

Developer means any person, partnership, joint venture, limited liability company, association, or corporation who participates as owner, promoter, developer, or sales agent in the planning, platting, development, promotion, sale, or lease of a development.

Development means the carrying out of any building activity or mining operation, the making of any material change in the use or appearance of any structure or land, or the dividing of land into two (2) or more parcels. When appropriate in

context, *development* shall also mean the act of developing or to the result of development. *Development* shall also include:

1. Any construction, placement, reconstruction, alteration of the size, or material change in the external appearance of a structure on land;
2. Any change in the intensity of use of land, such as an increase in the number of dwelling units in a structure or on a tract of land or a material increase in the intensity and impacts of the development;
3. Any change in use of land or a structure;
4. Any alteration of a shore or bank of a river, stream, lake, pond, reservoir, or wetland;
5. The commencement of drilling oil or gas wells, mining, stockpiling of fill materials, filling, or excavation on a parcel of land;
6. The demolition of a structure;
7. The clearing of land as an adjunct of construction;
8. The deposit of refuse, solid, or liquid waste or fill on a parcel of land;
9. The installation of landscaping within the public right-of-way, when installed in connection with the development of adjacent property; and
10. The construction of a roadway through or adjoining an area that qualifies for protection as a wildlife or natural area.

Development shall ***not*** include:

1. Work by a highway or road agency or railroad company for the maintenance or improvement of a road or railroad track, if the work is carried out on land within the boundaries of the right-of-way;
2. Work by any public utility for the purpose of inspecting, repairing, renewing, or constructing on established rights-of-way any mains, pipes, cables, utility tunnels, power lines, towers, poles, or the like; provided, however, that this exemption shall not include work by a public entity in constructing or enlarging mass transit or fixed guide way mass transit depots or terminals, or any similar traffic-generating activity;
3. The maintenance, renewal, improvement or alteration of any structure, if the work affects only the interior, the color of the structure, or the decoration of the exterior of the structure;
4. The use of any land for an agricultural activity;
5. A change in the ownership or form of ownership of any parcel or structure; or
6. The creation or termination of rights of access, easements, covenants concerning development of land, or other rights in land.

Development plan means the written and graphical documents that detail the provisions for development of a planned unit development. These provisions may include, and need not be limited to, easements, covenants and restrictions relating to use; location and bulk of buildings and other structures; intensity of use or density of development; utilities, private and public streets, ways, roads, pedestrian areas, and parking facilities; and common open space and other public facilities.

Developmental disability means a disability that is manifested before the person reaches twenty-two (22) years of age; constitutes a substantial handicap to the affected individual; and is attributable to mental retardation or related conditions which include cerebral palsy, epilepsy, autism, or other neurological conditions when such conditions result in impairment of general intellectual functioning or adaptive behavior similar to that of a mentally retarded person.

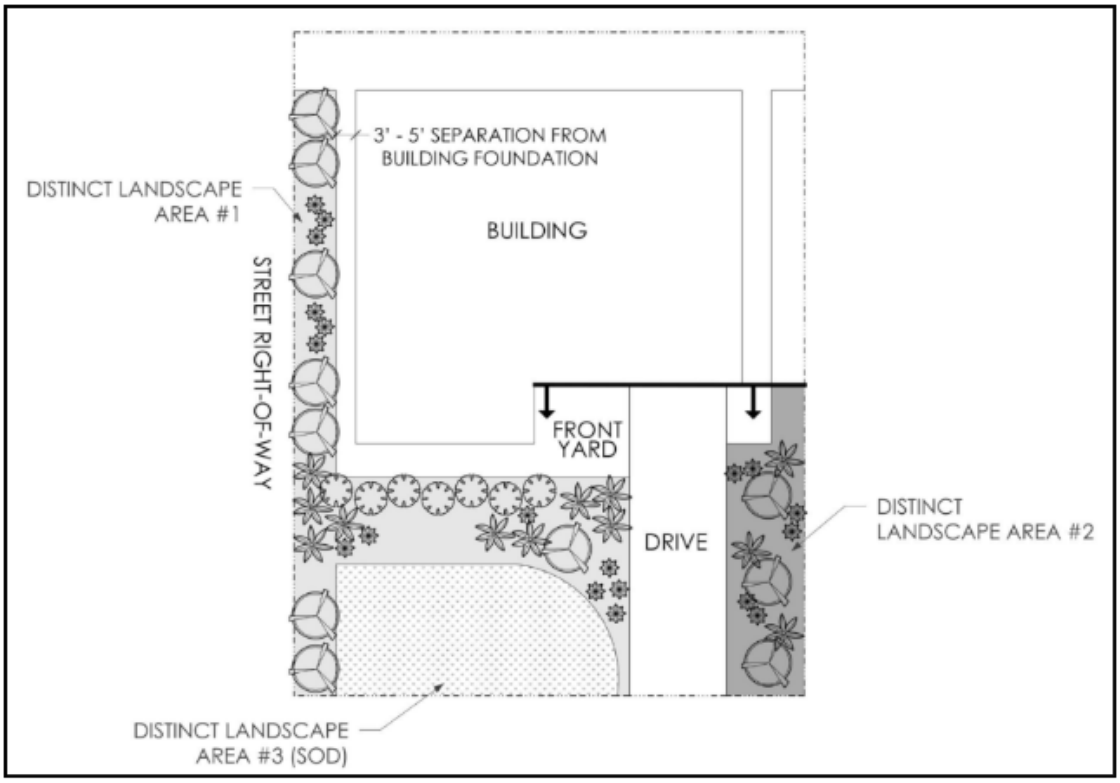
Director means the Planning Director or, in the absence of a Director, an employee of the Planning Department who is designated by the Town Manager to make such decisions and take such actions as are authorized or required of the Planning Director under this Code, or the designee of either.

Disposal means facilities for the disposal of nonnuclear waste or fill. The term includes solid waste disposal sites and facilities, as defined by C.R.S. § 30-20-101; and hazardous waste disposal sites, as defined by C.R.S. § 25-15-200.3.

Distillery shall mean an industrial use with appropriate state liquor licensing that is primarily a manufacturing facility that produces more than fifteen thousand (15,000) gallons per year of spirituous beverages on site. Distilleries may, but are not required to, include a tasting room in which guests/customers may sample and/or purchase the product as with bar, tavern and restaurant uses with appropriate liquor licensing.

Distinct Landscape Area means a landscaped area located between a structure and the right of way, or a form of landscaping distinct from others (such as a rock landscaping area).

Figure 13-2. Distinct Landscape Area, Corner Lot Landscaping and 50% Coverage



Distribute or distribution means the actual, constructive or attempted transfer, delivery, sale or dispensing to another, with or without remuneration.

Dormer means a projecting structure built out from a sloping roof, usually housing a vertical window or vent.

Downtown means the original business district of the Town.

Drive aisles means the lanes in a parking lot devoted to the passage of vehicles, as opposed to the parking stalls. The term *drive aisle* does not include lanes used only or primarily for drive-in customer service.

Drive-in use (also Drive-up and Drive-through) means an establishment which, by design, physical facilities, service or packaging procedures, encourages or permits customers to receive services, obtain goods, or be entertained while remaining in their motor vehicles.

Driveway means a constructed vehicular access serving one (1) or more properties and abutting a public or private road.

Dwelling, multifamily. See multi-dwelling

Dwelling, single attached means a residential building containing dwelling units, each of which has primary ground floor access to the outside and which are attached to each other by party walls without openings. The term is intended primarily for such dwelling types as townhouses and duplexes.

Dwelling, single-dwelling detached. See single-dwelling

Dwelling unit means a building or portion of a building that provides complete independent living facilities, including permanent provisions for living, sleeping, eating, cooking and sanitation, for one household.

Easement means a right to land generally established in a real estate deed or on a recorded plat to permit the use of land by the public, a corporation, or particular persons for specified uses.

Eave means the overhanging lower edge of a roof.

E.G. means "for example," and is intended to be illustrative and not exclusive.

Electronic message center (EMC) means a display surface that is composed of light emitting diodes (LEDs) or comparable devices, that is capable of displaying variable messages and graphics.

Elevation means the external vertical plane of a building. Elevations are considered different if they have different roof lines, building materials, details, color, and overall stylistic expression.

Eligible facilities request means any request for modification of an existing tower or base station that does not substantially change the physical dimensions of such tower involving:

1. Collocation of new transmission equipment;
2. Removal of transmission equipment; or
3. Replacement of transmission equipment.

Eligible support structure means any *tower* or *base station* as defined in this Article; provided, that it is existing at the time the relevant application is filed with the Town under this Article.

Employees means the total number of persons to be employed in a building during normal periods of use.

Engineering Design Standards means the Design Standards and Construction Specifications of the Town of Frederick, Colorado, adopted and amended from time to time pursuant to Chapter 11, Frederick Municipal Code.

Entertainment facilities and theaters means a building or part of a building devoted to showing motion pictures or dramatic, musical, or live performances.

Environmentally sensitive areas means aquifer recharge areas, significant wildlife habitat and migration corridors, unique vegetation and critical plant communities, and ridge lines.

Essential Infrastructure Facilities means the physical and virtual systems, assets, and networks vital to a society's functionality, safety, and economic stability. Their disruption would have a debilitating effect on public health, safety, and national security. Key sectors include energy, water, transportation, healthcare, and telecommunications. Examples include bridges, power grids, and hospitals.

Existing tower means a constructed tower or base station that was reviewed, approved, and lawfully constructed in accordance with all requirements of applicable law as of the time it was built. For example, a tower that exists as a legal, nonconforming use and was lawfully constructed is existing for purposes of this definition.

Family means an individual living alone, or either of the following groups living together as a single housekeeping unit and sharing common living, sleeping, cooking, and eating facilities:

1. Any number of persons related by blood, marriage, adoption, guardianship or other duly authorized custodial relationship; or

2. Any unrelated group of persons consisting of:

    a. Not more than three (3) persons;

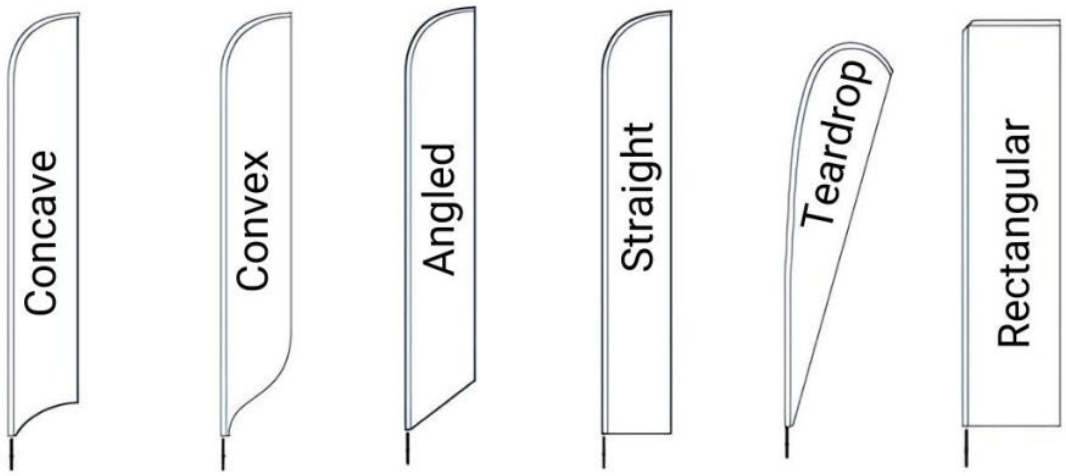
    b. Not more than two (2) unrelated adults and their children, if any; or

    c. Not more than eight (8) developmentally disabled persons and appropriate staff occupying a dwelling unit and living as a single, nonprofit housekeeping unit.

Farm animals means animals commonly raised or kept in an agricultural, rather than an urban, environment, including but not limited to roosters, pigs, sheep, goats, horses, cattle, llamas, emus, ostriches, donkeys, and mules.

Feather flag means a flag that is mounted on a temporary flagpole (e.g., a flagpole that is installed in a mount that is staked into the ground, or attached to a weighted base), which may be vertical, bowed, or flexible. Feather flags do not include flags that are flown from straight, rigid flagpoles that are permanently installed in the ground or temporarily or permanently attached to buildings, light poles, or utility poles.

Figure 13-3. Illustrative Examples of Feather Flags



Feedlot means any tract of land or structure, pen or corral, wherein cattle, horses, sheep, goats, emus, ostriches, or swine are maintained in close quarters for the purpose of fattening such livestock for final shipment to market.

FEMA means the Federal Emergency Management Agency.

FHA means the Federal Housing Administration.

Financial institution includes the following types of businesses: banks including savings and loans, credit agencies, investment companies, brokers and dealers of securities and commodities, security and commodity exchanges, and insurance agents.

Fitness instruction or gymnasium means a business that provides instruction (generally by way of organized, regularly scheduled classes) related to movement and physical fitness within an enclosed building, including but not limited to:

1. Aerobics and stretching;
2. Boxing or kickboxing;
3. Dance;

4. Gymnastics;
5. Martial arts;
6. Spinning;
7. Swimming;
8. Weight lifting; or
9. Yoga.

Flag means a flexible piece of fabric, that is attached along one (1) edge to a straight, rigid flagpole (directly or with rope), and which is designed to move when the wind blows. Flags are typically (but not necessarily) rectangular in shape, and often (but not always) include printed or embroidered insignia that symbolizes a nation, state, or organization, or that displays a graphic or message.

Floodplain or flood hazard area means an area which has been designated by the Board of Trustees, the Colorado Water Conservation Board, or FEMA as susceptible to flooding.

Flood-prone means an area subject to flooding which has not been designated by the Board of Trustees, the Colorado Water Conservancy Board, or FEMA.

Floodway means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.

Floor area, also called *gross floor area*, means the total square footage of the building measured along the outside walls of the building and including each floor level, but not including open balconies, garages, or other enclosed automobile parking areas and basement storage areas, and not including one-half (1/2) of all storage and display areas for durable goods.

Floor area ratio (FAR) means the amount of gross floor area of all principal buildings on a lot or block, as the case may be, divided by the total area of such lot, or the block size, respectively, on which such buildings are located. For mixed-use blocks, the residential square footage shall be added to the commercial development for a total block FAR.

Food catering means a business in which the principal use is the preparation of food and meals on the premises, and where food and meals are delivered to another location for consumption.

Food product production means an establishment in which the principal use is the production of food products on the premises to be sold on the premises and may or may

not be consumed on the premises. Examples of this type of establishment include but are not limited to bakeries, candy shops, ice cream shops, and pet treat shops.

Footprint, also called *ground level footprint*, means the outline of the total area which is covered by a building's perimeter at ground level.

Foster care home means a facility that is certified by the County Department of Social Services or a child placement agency for child care in a place of residence of a family or person for the purpose of providing twenty-four-hour family care for a child under the age of eighteen (18) years who is not related to the head of such home, except in the case of relative care.

Freestanding communications tower means a structure that is designed and constructed to support one or more wireless communication facilities and including all appurtenant devices attached to it. A freestanding communications tower may be designed to be solely supported by attachment to the ground or supported by direct attachment to the ground and with guy wires, and may be of either lattice or monopole construction.

Freestanding sign means a sign which is supported by one (1) or more columns, uprights, poles, or braces extended from the ground, or which is erected on the ground, and shall also include a monument sign and pole signs but does not include a sign attached to a structure.

Fueling Station means a building or land area used for the retail dispensing or sales of vehicular fuels and Level 3 DC fast-charging of electric vehicles. The phrase "fueling station" does not include any vehicle repairs or services. A fueling station may include a retail store that sells goods and services, but primarily ready-to-eat food products (not intended for on-premises consumption), groceries, sundries, and automotive fluids and accessories (e.g., windshield washer fluid, batteries, motor oil, car window shades). The phrase "fueling station" does not include the phrase "truck stop."

Functional artificial turf means artificial turf that is located in a recreational use area or other space that is regularly used for civic, community, or recreational purposes, which may include a playground, a sports field, a picnic ground, an amphitheater, a portion of a park, and the playing area of a golf course, such as a driving range, chipping and putting green, tee box, green, fairway, and rough; or a component of a product designed and approved by a professional engineer for civil infrastructure projects, including but not limited to: (i) covers for solid waste facilities and brownfield sites; and (ii) revetments for slopes, channels, levees, and dams.

Functional open space means open space which is large enough to serve a practical purpose such as recreation, wildlife habitat, or preservation of areas of agricultural, archeological or historical significance and shall exclude areas used for off-street parking, off-street loading, service driveways, and setbacks from oil and gas wells or their appurtenances, or other hazards to the public.

Functional turf means turf that is located in a recreational use area or other space that is regularly used for civic, community, or recreational purposes, which may include playgrounds; sports fields; picnic grounds; amphitheaters; portions of parks; and the playing areas of golf courses, such as driving ranges, chipping and putting greens, tee boxes, greens, fairways, and roughs.

Funeral Parlor, Mortuary, or Crematory means an establishment that provides for:

1. Human funeral services; and/or
2. Embalming and the performance of other services used in the preparation of the dead for burial; and/or
3. A crematorium with an incinerator.

In addition to these functions, these facilities may also store caskets, funeral urns, hearses and other vehicles used in funeral processions.

Gable means the triangular portion of a wall enclosing the end of a pitched roof from cornice or eaves to ridge.

Garden court means an open-air, landscaped courtyard or central open space, often surrounded on at least three sides by building facades, designed for residential or public use. They typically provide a green, accessible, and pedestrian-friendly area that often acts as a communal, enclosed focal point within neighborhoods.

Gasoline station. See fueling, fast-charging, or service station.

General Assembly or place of assembly means a building, portion of a building, or property in which people assemble for civic, educational, religious, social, or cultural purposes. This use includes facilities used for worship and accessory celebratory events; meeting halls; event centers; fraternal organizations; outdoor assembly areas; and private clubs.

General Retail means a business or establishment engaged in the sale of goods, merchandise, or consumer products directly to the general public for personal or household use. This includes, but is not limited to, clothing stores, grocery stores, pharmacies, bookstores, electronics stores, and specialty shops. General retail does not

include wholesale sales, manufacturing, or businesses primarily engaged in providing services rather than goods.

Geologic hazards means unstable or potentially unstable slopes, undermining, faulting, landslides, rockfalls, flood, wildfire, or similar naturally occurring dangerous features or soil conditions or natural features unfavorable to development.

Glare means light emitted from a luminaire that trespasses beyond the object that the luminaire is intended to illuminate, such that the point source of the light is visible to pedestrians, motorists, or people within nearby buildings.

Golf Course means privately or publicly owned and managed land used for the game of golf, which may include accessory uses such as driving ranges, pro-shops, club houses, and restaurants.

Governmental Office / Services means physical or digital locations where public sector employees perform administrative tasks, while government services are the actions, benefits, or programs (e.g., healthcare, infrastructure, public safety) provided to citizens to meet societal needs. Governmental services, delivered by local, state, or federal agencies, are designed to support communities. Services encompass actions, such as administrative tasks, issuing documents, or providing support, carried out by agencies for individuals or businesses.

Grade means:

1. The lowest point of elevation of the finished surface of the ground, paving, or sidewalk within the area between the building and the property line, when the property line is more than five (5) feet from the building, between the building and a line five (5) feet from the building.
2. The degree of rise or descent of a sloping surface.

Grade, finished means the final elevation of the ground surface after development.

Grade, natural means the elevation of the ground surface in its natural state, before man-made alterations.

Gross square footage (GSF) means the total floor area designed for occupancy and use, including basements, mezzanines, stairways, and upper floors, if any, expressed in square feet and measured from the centerline of joint partitions and from outside wall faces.

Group home means a dwelling unit in which up to eight (8) individuals live together (but not more than one who is required to register as a sex offender pursuant to C.R.S. § 18-3-

412.5, as amended) and receive supportive services and are supervised by persons who live in the residence. **Guest house** - See accessory dwelling unit.

Hazardous waste disposal means a hazardous waste disposal site, as defined by C.R.S. § 25-15-200.3, as may be amended, superseded, or recodified from time to time.

Heavy Equipment Sales, Service, and Rental means businesses that provide, maintain, and manage large-scale, capital-intensive machinery—such as excavators, bulldozers, and cranes—used in construction, mining, and forestry. These companies offer options to purchase new/used equipment, rent, or lease machinery without operators, while also providing maintenance, repairs, and parts support.

Helistop means an area of land or portion of a building or structure that is used for the landing and takeoff of helicopters for a single user (e.g., a news station, hospital, or law enforcement agency).

High street means a street within a town with Main Street characteristics (such as wider sidewalks, planters or landscaping, lighting, buildings located closer to the sidewalk, etc.).

Hip roof means a roof having sloping ends and slides meeting at an inclined projecting angle.

Hive means a structure intended for the housing of one (1) bee colony.

Home occupation means a use conducted entirely or partly within a dwelling unit, or in an accessory structure located on the same lot or tract as a dwelling, that complies with the requirements of the local code for the residential use. The home occupation use must be clearly incidental and secondary to the use of the property for residential purposes, not change the character of the structure or the immediate area, and now have any exterior evidence that a home occupation is present.

Homeowners' association (HOA) means the association set up to enforce the covenants and maintain all common areas and buildings for a development, also known as *owners' association*.

Horizontal mixed use means development that integrates diverse land uses, such as residential, commercial, and retail, across a single, cohesive project site, often with separate, adjacent buildings. This approach creates walkable neighborhoods that combine, for example, apartment complexes, office buildings, and retail centers within a single, interconnected development, rather than stacking them vertically in one structure.

Horticulture means the growing of fruits, vegetables, herbs, flowers, or ornamental plants.

Hospital means an institution that is licensed, certified, or approved as a "hospital" by the Colorado Department of Public Health and Environment ("CDPHE"), where sick or injured persons are given medical care and, in the course of same, may be housed overnight, fed, and provided nursing and related services. The term "hospital" also includes a free-standing emergency department.

Hotel, motel, or lodging establishment. See Accommodations, Hotel or Motel.

Hydrozone means landscape containing vegetation requiring similar water needs and exposure. For the purpose of this code, hydrozones are broken into three (3) categories. A hydrozone may be irrigated or nonirrigated. For example, a naturalized area planted with native vegetation that will not need supplemental irrigation once established is a nonirrigated hydrozone. In the approved plant list, if a plant is identified as being in more than one (1) hydrozone, the higher hydrozone designation shall be used in the landscape and hydrozone plans.

Table 13-1. Hydrozone Classifications

Hydrozone	Irrigation Water Required for an Average Year	General Land Use
Low Hydrozone	0–6 gallons per sq. ft. per year	Limited uses. Plant materials within this zone are typically drought-tolerant natives used to provide visual interest, habitat, and ecological services.
Medium Hydrozone	6–12 gallons per sq. ft. per year	Limited uses. Plant materials within this zone are typically drought-tolerant natives used to provide visual interest, habitat, and ecological services.
High Hydrozone	12–18.70 gallons per sq. ft. per year	High pedestrian traffic areas. Plant materials within this zone are intended for high-pedestrian traffic areas such as athletic fields or community gathering spaces. There are limits to the amount of high water use plant materials that may be used.

I-25 Corridor and Highway 52 Corridor means the area within one thousand five hundred (1,000) feet of the rights-of-way of Interstate Highway 25 and State Highway 52.

Illumination, direct means lighting by means of an unshielded light source (including neon tubing) which is effectively visible as a part of the sign, where light travels directly from the source to the viewer's eye.

Illumination, indirect means lighting by means of a light source directed at a reflecting surface in a way that illuminates the sign from the front, or a light source that is primarily designed to illuminate the entire building facade upon which a sign is displayed. Indirect illumination does not include lighting which is primarily used for purposes other than sign illumination; e.g., parking lot lights or lights inside a building that may silhouette a window sign but are primarily installed to serve as inside illumination.

Illumination, internal means lighting by means of a light source that is within a sign having a translucent background, silhouetting opaque letters or designs, or which is within letters or designs that are themselves made of a translucent material.

Industrial, Heavy means industrial uses that are not specifically defined elsewhere in this Code, that can be described in one of the following ways:

1. Primary processing or manufacturing or repair operations not specifically defined elsewhere in this Chapter or this definition, that involve:
   a. A material risk of significant environmental contamination, explosion, or fire;
   b. Perceptible ground vibration at the property line;
   c. Excessive noise or dust emissions at the property line and downwind;
   d. Large-scale outdoor storage of inputs or products;
   e. Significant outdoor installations of processing equipment;
   f. Outside emission of objectionable odors;
   g. Twelve or more round-trips by semi-trailer trucks per day; or
2. Processing of minerals, ores, logs, pulpwood, or fossil fuels (except precious and semi-precious stone cutting for jewelry or precision instruments such as lasers or watches); or
3. Activities that are required to undergo New Source Review under the Federal Clean Air Act, or are subject to construction or operation permits pursuant to the Colorado Stationary Sources Program or Title V of the Federal Clean Air Act.

Industrial, Light. means a land use that involves research and development, assembly, remanufacturing, compounding, packaging, testing, or treatment of products, generally from previously prepared materials or components, with limited outside storage and limited truck traffic, external impacts, or risks, such that the use is not defined as "Industrial, Heavy". Light industry also includes wholesaling, warehousing, and distribution uses that involve fewer than twenty-four (24) truck round-trips per day. The phrase "Industrial, Light" does not include the phrase "vehicle service and repair, light." For illustrative purposes, Industrial, Light uses may include:

1. Assembly, testing, repair, or refurbishing of products, instruments, electronics, office and computing machines, and fixtures using premanufactured components;
2. Offices of general contractors; specialty subcontractors; tradesmen; or telecommunications providers which include:
    a. Overhead door access to indoor storage of tools, parts, and materials;
    b. Parking of commercial vehicles or a fleet of cars, vans, or light trucks that are used in the business; or
    c. Limited outdoor storage areas;
3. Food production (e.g., commercial kitchen or bakery) and packaging, but not:
    a. Meat processing involving butchering of large animal carcasses;
    b. Medical marijuana-infused products manufacture; or
    c. Restaurants;
4. Beverage production (alcoholic and nonalcoholic) and bottling, except at scales that place such production within the definition of "pub or tavern";
5. Furniture making or refinishing;
6. Manufacture of textiles or apparel;
7. Screen printing of apparel (except low volume screen printing at a retail store);
8. Printing and publishing, except copy centers, and except printing presses that require a stationary source permit or permit for air emissions;
9. Research, development, and testing laboratories (e.g., for development of products, equipment, or materials), if not classified as "office, general," "office, medical," or "heavy industry";
10. Disassembly of consumer electronics and/or appliances into component parts, where all operations and storage are within an enclosed building;
11. Manufacture of glass products (e.g., window panes, bottles and jars), including hand-blown products;
12. Fabrication of building materials such as countertops, drywall, and cut stone (if not classified as heavy industry);
13. Manufacture or compounding of pharmaceutical products, dietary supplements, health and beauty products, and herbal products;
14. Packaging of products;
15. Storing, selling, and/or distributing merchandise for or to retailers; industrial, commercial, institutional, or professional business users; or wholesalers (but not wholesale membership clubs in which memberships are available to the general public, which are classified as "retail sales and services"); or
16. Collection, processing (bailing, compacting, flattening, grinding, shredding, crushing, mechanical sorting, or cleaning), and storage of recyclable materials (e.g., waste

paper, motor oil, aluminum and other scrap metal, polystyrene foam, porcelain, batteries, electronic components, textiles, plastics, discarded clothing or shoes, cardboard, and other recyclable household materials) prior to transport to another location for reuse or recycling; provided, that all collection and processing activities and materials storage are located within an enclosed building.

Infrastructure means those man-made structures which serve the common needs of the population, such as: potable water systems; wastewater disposal systems; solid waste disposal sites or retention areas; storm drainage systems; electric, gas or other utilities; bridges; roadways; bicycle paths or trails; pedestrian sidewalks, paths or trails; and transit stops.

In Home Daycare means a child care service provided in a professional caregiver's own home, rather than a commercial facility.

Integrate means to combine or coordinate separate elements (such as housing, recreation, jobs, and shopping), so as to provide a harmonious, interrelated whole, organized, or structured so that constituent parts function cooperatively.

Irrigation ditch or canal means a channel designed to transport irrigation water.

Junk means garbage and all other waste matter or discarded or unused material such as, but not limited to, salvage materials, scrap metal, scrap materials, bottles, tin cans, paper, boxes, crates, rags, used lumber and building materials, manufactured goods, appliances, fixtures, furniture, machinery, motor vehicles or other such items which have been abandoned, demolished or dismantled, or are in such a condition as to be unusable for their original use, but may be used again in present or different form for a new use; discarded or inoperable vehicles, machinery parts and tires; and other materials commonly considered to be refuse, rubbish, or junk.

Kennel or Animal Day Care (Indoor and Outdoor Facilities) means a facility in which four or more household pets are temporarily housed, groomed, bred, boarded, or trained, and may also be incidentally treated for medical conditions, which facility includes an outdoor component, such as dog runs. The phrase "kennel" includes for-profit facilities; as well as not-for-profit or public facilities at which abandoned or rescued animals are housed and offered for adoption.

Laboratory (Research). See office, general or office, medical, as applicable.

Land Use Code means the Town of Frederick, Colorado, Land Use Code, as amended from time to time.

Landowner means any owner of a legal or equitable interest in real property, and includes the heirs, successors, and assign of such ownership interests.

Landscaped area means an area that is permanently devoted and maintained to the growing of shrubbery, grass, and other plant material or by the use of such materials as crushed stone, lava rock, or similar materials.

Landscaping means any combination of living plants such as trees, shrubs, plants, vegetative ground cover, or turf grasses, and may include structural features such as walkways, fences, benches, works of art, reflective pools, fountains, or the like. *Landscaping* shall also include irrigation systems, mulches, topsoil use, soil preparation, revegetation, or the preservation, protection and replacement of existing trees.

Large Vehicle Transportation Center / Maintenance Facility means a centralized, industrial-scale infrastructure designed to house, service, repair, and manage a fleet of heavy-duty or high-volume vehicles, such as transit buses, commercial trucks, or municipal equipment. These facilities often go beyond simple maintenance, offering specialized services like heavy repairs, unit rebuilds, and, in some cases, serving as regional hubs for rural or public transit providers.

LF means linear foot.

Library or Museum mean public or private institutions that acquire, preserve, and display items of cultural, historical, or scientific value. While libraries focus on organizing collections of books and digital media for education, museums primarily conserve and exhibit artifacts, art, and specimens. Both serve to educate and inform the public.

Light Equipment Sales, Service, and Rental means a business that provides, maintains, and supports smaller-scale tools, machinery, and equipment for construction, residential, commercial, or industrial use. Unlike heavy equipment dealers, these businesses focus on portable or easily transported items and often provide repair and maintenance services for both rented and customer-owned equipment.

Lighting, indirect, when applied to the lighting of signs, shall mean reflected light only from a concealed light source outside the sign face which reflects from the sign face only or from the sign face and sign copy.

Liquor store means a business that sells alcoholic beverages, including distilled spirits or hard liquor, for off-premises consumption. The phrase “liquor store” includes businesses that are licensed pursuant to C.R.S. § 12-47-401, et seq., as retail liquor stores or liquor-

licensed drug stores. The phrase “liquor store” does not include a business that sells only beer or wine for off-premises consumption.

Live-work unit means a type of residential mixed-use building that combines a dwelling unit with an integrated permissible non-residential use that is open to the public and principally used or operated by one or more of the residents of the dwelling unit.

Livestock means domestic animals kept or raised for use, pleasure, and/or profit.

Lot means a designated area of land established by plat or subdivision of at least a sufficient size to meet minimum requirements for use, street frontage, coverage, and area, and to provide required yards and other open spaces in the zoning district in which the lot is located, and which has access onto a public or private street.

Lot depth means the average distance between the front lot line and the rear lot line.

Lot, double frontage means a lot which fronts on one (1) public or private street and backs on another.

Lot, flag means a lot so shaped and designed that the main building site area is set back from the street on which it fronts and includes an access strip connecting the main building site with the frontage street.

Lot line, front means the property line dividing a lot from a street. On a corner lot, only one (1) street line shall be considered as a front line. The shorter street frontage shall be considered the front line.

Lot line, rear means the line opposite the front lot line.

Lot line, side means any lot lines other than the front lot line or rear lot line.

Lot size means the total horizontal area within the lot lines of a lot; synonymous with area of lot.

Lot width means the distance parallel to the front lot line, measured at the front building setback line. Lot width on a curving front lot line means the distance parallel to the tangent of the front lot line at the building setback line. The lot width and the lot frontage may have different lengths on an irregularly shaped lot as they are measured at different points on the lot.

Lux means a measure of illuminance (a measure of light that falls upon or passes through an object), in terms of lumens per square meter.

Manual changeable copy center means a sign element in which letters, numbers, or symbols may be changed manually without altering the face of the sign (e.g., by placement of letters into tracks). Manual changeable copy centers are sometimes known as “readerboards” or “marquee signs.”

Manufactured home means a building that is transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities, and which has certification required by the United States Secretary of Housing and Urban Development and was constructed in compliance with the requirements of 42 U.S.C. § 5401 et seq., Manufactured Home Construction and Safety Standards, and the regulations of the Department of Housing and Urban Development that are promulgated thereunder. The phrase “manufactured home” does not include the phrase “recreational vehicle,” nor does it include the phrase “mobile home.”

Manufacturing means a business which makes products by hand or by machinery.

Marijuana uses means: (1) any “medical marijuana business,” as the phrase is defined in C.R.S. § 44-10-103(35), as may be amended, superseded, or recodified from time to time; and any “retail marijuana business,” as the phrase is defined in C.R.S. § 44-10-103(58), as may be amended, superseded, or recodified from time to time.

Medical marijuana means any marijuana that is intended for medical use and is grown for a purpose authorized by C.R.S. 25-1.5-106.

Medical marijuana-infused product means a product infused with medical marijuana that is intended for use or consumption other than by smoking, including but not limited to edible products, ointments, and tinctures. These products, when manufactured or sold by a licensed medical marijuana center or a medical marijuana-infused product manufacturer, shall not be considered a food or drug for the purposes of the "Colorado Food and Drug Act", Part 4 of Article 5 of Title 25, C.R.S.

Medical marijuana patient means a person who meets the definition of *patient* under Article XVIII, Section 14(1)(d) of the Colorado Constitution and applicable law.

Medical marijuana physician means a doctor of medicine as defined in Article XVIII, Section 14(1)(e) of the Colorado Constitution and meeting all requirements of Section 25-1.5-106, C.R.S., as may be amended.

Medical marijuana plant means marijuana plants, seedlings or any part thereof in a living condition that are lawfully cultivated, produced, possessed, or processed pursuant to the

provisions of Article XVIII, Section 14 of the Colorado Constitution, the Colorado Medical Marijuana Code, the Colorado Medical Marijuana Program, and other applicable laws or regulations governing the cultivation, production, possession or processing of medical marijuana.

Medical use means that use described and defined in Article XVIII, Section 14 of the Colorado Constitution, the Colorado Medical Marijuana Code and the Colorado Medical Marijuana Program.

Mini-storage warehouse. See self-storage.

Mining and Mineral Extraction means the process of removing valuable minerals, ores, and geological materials from the Earth's crust. It involves techniques like surface mining (open-pit, strip) and underground mining to obtain resources such as metals, coal, and stone for industrial use. These activities include exploration, drilling, and processing to separate materials from waste

Mitigation means the replacement of trees removed from a site, the relocation of existing trees, the planting of new trees to compensate for caliper inches lost when trees are impacted due to the development process

Mixed use shall mean the development of a lot, tract, or parcel of land, building, or structure with two (2) or more different uses, including but not limited to residential, office, retail, public uses, personal service, or entertainment uses, designed, planned, and constructed as a unit.

Mixed-use building means a building designed, planned, and constructed as a unit, used partially for residential use and partly for non-residential uses, including but not limited to office, retail, public uses, personal service, or entertainment uses.

Mobile home means a dwelling that is built on a chassis designed for long-term residential occupancy, that is capable of being installed in a permanent or semi-permanent location, with or without a permanent foundation, and with major appliances and plumbing, gas, and electrical systems installed but needing the appropriate connections to make them operable, and that may be occasionally drawn over the public highways, by special permit, as a unit or in sections to its permanent or semi-permanent location. Mobile homes are different from manufactured homes in that they were either constructed before the adoption of 42 U.S.C. § 5401, et seq., Manufactured Home Construction and Safety Standards, or are otherwise not in compliance with said federal law and its implementing regulations. The phrase "mobile home" does not include the phrase "recreational vehicle."

Model home means a dwelling temporarily used as a sales office or demonstration home for a residential development under construction, said dwelling being used as an example of a product offered for sale to purchasers (by a realtor, building developer, or contractor). The dwelling may be furnished but not occupied as a residence while being used as a model home.

Model plans means a set of standard plans for a home. Models are considered different if they have different floor plans, garage placement, and building massing (form and structure).

Modified grid pattern means a grid pattern of streets and blocks adapted to the topography, unique natural features, environmental constraints, and peripheral open space areas.

Monopole means a single, freestanding pole-type structure supporting one (1) or more antennas.

Monument sign means a detached permanent sign that is supported by a base structure that is not a pole (or if a pole is used, the pole is concealed).

Mullion means a slender vertical member dividing the opening for a pair of double doors, sometimes removable to permit the passage of large objects or, also, a vertical member between the lights of a window.

Multi-dwelling means a building that is comprised of three or more dwelling units, sharing common vertical walls or horizontal floors and ceilings, that is not otherwise defined as a townhome or a multiplex (e.g., residences commonly referred to as apartments, garden apartments, apartment buildings, or condominiums).

Multiplex means a building that is comprised of three to five dwelling units, which is architecturally designed to resemble a large single-dwelling detached building (e.g., the boundaries of the individual dwelling units are not easily discernible from outside of the building, garage doors are screened from view, and entry doors are arranged so that when viewed from the adjacent street, there appears to be only one principal entrance to the building).

Multi-Use Path means a specialized pathway designed to safely accommodate diverse, non-motorized users simultaneously—including walkers, runners, cyclists, skaters, and people with mobility devices. These trails are typically paved, 8 to 12 feet wide, and separated from vehicular traffic to serve both transportation and recreation purposes.

Municipality means an incorporated city or town.

Muntin means a rabbeted member for holding the edges of windowpanes within a sash.

Natural areas means floodplains and flood ways, natural drainage and water ways, significant native trees and vegetation, wildlife travel corridors, special habitat features such as raptor nest sites, key nesting, breeding or feeding areas for birds; fox and coyote dens, prairie dog colonies over twenty-five (25) acres in size, remnant native prairie habitat, plains cottonwood galleries, and any wetland.

Natural medicine means psilocybin or psilocyn and other substances described in the Regulatory Act as "natural medicine."

Natural medicine business means any of the following entities licensed under the Regulatory Act and includes natural medicine healing centers, natural medicine cultivation facilities, natural medicine products manufacturers, natural medicine testing facilities, and any other business entity licensed to perform operations related to natural medicine by the state licensing authority.

Natural medicine healing center means a facility where an entity is licensed by the state licensing authority that permits a facilitator as defined by the Regulatory Act, to provide and supervise natural medicine services for a participant as defined by the Regulatory Act, which includes a participant consuming and experiencing the effects of regulated natural medicine or regulated natural medicine product under the supervision of a facilitator.

Natural medicine manufacturing means the production of natural medicine as defined in this Code.

Natural medicine product means a product infused with natural medicine that is intended for consumption, as provided by the Regulatory Act.

Natural medicine services means a preparation session, administrative session, and integration session, as provided by the Regulatory Act.

Neighborhood means a geographical area, the focus of which is residential uses, but also may include a mixture of activities that people need to live. A neighborhood may include a diversity of housing types, schools, parks, shopping and jobs (frequently service-type), and a civic component.

Nonconforming building means a building or structure, or portion thereof, that does not conform to the regulations of this Code, but that was lawfully constructed under the regulations in force at the time of construction.

Nonconforming use means a use that does not conform to the use regulations of this Code, but that was lawfully established under the regulations in force at the time the use was established and has been in regular use since that time.

Non-functional artificial turf means artificial turf that does not meet the definition of "functional artificial turf" found in this Code.

Nonfunctional turf means turf that does not meet the definition of "functional turf" found in this Code.

Nursing home, memory care, Alzheimer's care means a State-licensed residential facility that is regulated as a skilled nursing facility (as defined in C.R.S. § 26-4-103(11)), which provides meals, assistance with daily activities, such as dressing, grooming, and bathing, and medical care for persons who are temporarily or permanently unable to care for themselves. The phrase "nursing home, memory care, Alzheimer's care" does not include "group home for the elderly."

Off-premise sign means speech that proposes a commercial transaction at a location other than the property upon which the message is displayed, or advertises a business that is not located on the property upon which the message is displayed.

Off-street parking area means all off-street areas and spaces designed, used, required, or intended to be used for the parking, storage, maintenance, service, repair, display, or operation of motor vehicles, including driveways or access ways in and to such areas, but not including any outdoor storage area used principally as a recreational vehicle, boat, or truck storage use, storage areas for landscaping, and other bulk items or public streets and rights-of-way.

Office, general means buildings from which professional, administrative, financial, clerical, brokering, real estate, and limited technical services are provided. The phrase includes, but is not limited to, the following types of businesses:

1. Accounting, auditing and bookkeeping;
2. Advertising and graphic design (except mailing services, which are "business services");
3. Architectural, engineering, and surveying services;
4. Attorneys and court reporters;
5. Banks, savings and loans, credit agencies, and investment companies;
6. Brokering of motor vehicles, commodities, and other items where the thing brokered is not stored on site for any length of time;

7. Business incubators (unless the businesses being incubated are classified as another type of use, such as light industry);
8. Computer programming and data recovery services;
9. Corporate headquarters;
10. Data processing and word processing services;
11. Detective agencies;
12. Government offices;
13. Insurance;
14. Interior design;
15. Real estate sales and off-site rental offices;
16. Research and development (not including on-site manufacturing or fabrication, and not including marijuana uses);
17. Retail catalog, internet, and telephone order processing, but not warehousing; and
18. Virtual office services.

Oil and gas facility means equipment or improvements used or installed at an oil and gas location for the exploration, production, withdrawal, treatment, or processing of crude oil, condensate, E&P waste, or gas. A properly plugged and abandoned well is not an oil and gas facility.

Oil and gas operation. See mineral extraction, oil and gas.

Oil or gas well means a well, the principal production of which at the mouth of the well is oil or gas.

Open space means any land or water area with its surface open to the sky, which serves specific uses of: providing park and recreation opportunities, conserving natural areas, wildlife habitat, agricultural areas, and environmental resources, structuring urban development form, and protecting areas of agricultural, archeological, or historical significance. *Open space* shall not be considered synonymous with vacant or unused land, but serves important urban functions. Usable open space shall exclude areas used for off-street parking, off-street loading, service driveways and setbacks from active oil and gas wells and their appurtenances, or other hazards to the public.

Optional premises means the premises specified in an application for a medical marijuana center license with related growing facilities in Colorado for which the licensee is authorized to grow and cultivate marijuana for a purpose authorized by Section 14 of Article XVIII of the State Constitution.

Other wireless communications facilities means:

1. Wireless communications facilities that are mounted on a base station; including but not limited to those wireless communications facilities attached to a roof or a wall; or
2. Modification of an existing wireless communications tower or base station that involves:
    a. Collocation of new transmission equipment;
    b. Removal of transmission equipment; or
    c. Replacement of transmission equipment.

Outdoor inventory, display, and sales means the display of products for sale outside a building or structure in areas which customers have access to, including vehicles, garden supplies, tires, boats and aircraft, farm equipment, motor homes, burial monuments, building and landscape materials, and lumber yards.

Outdoor Seating Area means an unenclosed space, such as a patio, deck, or sidewalk, adjacent to or part of a building that is designated for patrons to sit, relax, or consume food and beverages. It features movable or fixed furniture, including tables, chairs, and benches, and is often designed to enhance leisure, dining, or socializing in the open air.

Outdoor Storage Facility means the keeping, outside a building, of any equipment, goods, material, merchandise, or vehicles in the same place for more than twenty-four (24) hours. Semi-trailers may not be used for residential or storage uses except on construction sites. Outdoor storage shall not include the storing of junk or the parking of inoperable motor vehicles.

Outlot means a measured piece of land contained within subdivided land that is not a building lot. An outlot may be conveyed to the public for open space or other public purposes, be retained by the developer for later subdivision, or be conveyed to an owners association. An outlot may be used for landscaping, monument signage, trails, and buffering.

Owner means the person or entity that owns real property.

Paired home (a/k/a duplex or dwelling, two-unit) means a building that is comprised of two dwelling units, in one of two configurations: a side-by-side paired home, in which the dwelling units are separated by a shared wall with no penetrations, and each unit has a separate principal entrance; or an over-under paired home, in which dwelling units are separated by a floor, and the units may be accessed from an interior foyer with a staircase,

or have separate principal entrances at street level. A paired home may be located on one lot or split between two legal lots.

Parapet means a low, protective wall at the edge of a terrace, balcony, or roof, especially that part of an exterior wall, fire wall or party wall that rises above the roof.

Parcel means a tract or plot of land.

Park means an area open to the general public and reserved for recreational, educational, or scenic purposes.

Park, active means an area of land that provides for active outdoor recreation opportunities for the public (open to the community) or residents of a subdivision or development, which are generally not commercial in nature. The phrase "park, active" includes areas for active recreational activities including, but not limited to:

1. Skate parks;
2. Sports fields and play courts (e.g., tennis courts, basketball courts, pickleball courts, and outdoor racquetball or squash courts);
3. Outdoor swimming pools and splash parks.

Park, passive means an area of land that provides passive outdoor recreation opportunities for the public (open to the community) or residents of a subdivision or development, which are generally not commercial in nature. The phrase "park, passive" includes areas for passive recreational activities including, but not limited to:

1. Jogging, cycling, tot-lots, fitness trails, and playgrounds;
2. Arboretums, wildlife sanctuaries, forests, and other natural areas which may be used for walking or hiking; or
3. Other passive recreation-oriented parks, including picnic areas.

Parking garage. See Parking Structure.

Parking lot. See surface parking.

Parking Structure means a structure that is composed of one or more above-ground or below-ground levels that are used for the parking of passenger motor vehicles. Structured parking may be totally below grade (underground structured parking); or partially or totally above grade (above-ground structured parking); and may be separate from or integrated into a building that is used for other purposes. Structured parking includes parking lifts. Structured parking is the principal use of land if it is not related to a specific land use on the same parcel.

Participant means an individual who is twenty-one (21) years of age or older who receives natural medicine services prescribed by and under the supervision of a facilitator, as provided by the Regulatory Act.

Pawnbroker Business means a business that is regulated by C.R.S. § 29-11.9-101, et seq., that:

1. Regularly contracts to advance money to customers on the delivery of tangible personal property by the customer on the condition that the customer, for a fixed price and within a fixed period of time, has the option to cancel the contract; or
2. Purchases tangible personal property that has not previously been sold at retail in the course of its business of reselling tangible personal property.

Pedestrian scale (human scale) means the proportional relationship between the dimensions of a building or building element, street, outdoor space, or streetscape element and the average dimensions of the human body, taking into account the perceptions and walking speed of a typical pedestrian.

Pergola means a structure of parallel colonnades supporting an open roof of beams and crossing rafters or trellis work, over which climbing plants are trained to grow.

Permanent monument means any structure of masonry and/or metal permanently placed on or in the ground, including those expressly placed for surveying reference.

Personal Services Establishment means a business that is engaged in the provision of informational, instructional, personal improvement, personal care, or similar services within an enclosed building, including, but not limited to:

1. Art, music, and computer programming instruction;
2. Beauty and barber shops;
3. Cooking instruction;
4. Driving schools;
5. Handicraft or hobby instruction;
6. Laundry and dry-cleaning retail outlets;
7. Portrait shops or photography studios;
8. Shoe repair; or
9. Tailor/alterations shops.

Pervious surface means a surface that allows precipitation to infiltrate directly into the ground.

Phase means a portion of property that is being platted and engineered for development at the same time. **Phase** may also include stages of building construction.

Pilaster means a rectangular support or pier treated architecturally as a column, with a base shaft and capital.

Pixel pitch means a measurement of the resolution of an electronic message center display, in terms of the distance (generally in millimeters) between the center of a light emitting diode (LED) cluster (pixel) and the center of the next LED pixel. Lower pixel pitch measurements indicate higher display resolution.

Plan, in general, means the map and supporting documentation for a development, which includes but is not limited to lots, blocks, easements, rights-of-way, pedestrian ways, park and school sites, open space areas, and conservation areas. With regard to planned unit developments, "plan" means the provisions for development of a planned unit development, which may include, and need not be limited to, easements, covenants, and restrictions relating to use, location, and bulk of buildings and other structures, intensity of use or density of development, utilities, private and public streets, ways, roads, pedestrian areas, and parking facilities, common open space, and other public facilities.

Planned unit development (PUD) means an area of land, controlled by one (1) or more landowners, to be developed under unified control or a unified plan of development for a number of dwelling units, commercial, educational, recreational, or industrial uses, or any combination of the foregoing, the plan for which does not correspond in lot size, bulk, or type of use, density, lot coverage, open space, or other restriction to the existing land use regulations.

Planning area, with reference to annexation, means the area delineated on the Town of Frederick Comprehensive Plan Land Use Map, within which the Town will consider the annexation of property. With reference to planned unit development, "planning area" means an individual area within a planned unit development within which use or development standards may be applied that are not generally applicable to the planned unit development as a whole.

Planning area boundary, with reference to annexation, means the outer boundary of the area surrounding the Town that the Town will consider annexing and developing, as delineated on the Town of Frederick Comprehensive Plan Land Use Map. With reference to planned unit development, planning area boundary means the boundary between planning areas, or the shared boundary of a planning area and the outer boundary of the planned unit development.

Planning Director. See **Director.**

Planting season means the period from March 15 to June 15 and the period from September 1 to October 15 of any calendar year.

Plat means a map of certain described land prepared in accordance with the requirements of this Code and C.R.S. Section 38-51-106 as an instrument for recording of real estate interests with the County Clerk and Recorder.

Pole-mounted small cell wireless facility means a small cell facility with antennas that are mounted and supported on an alternative tower structure, which includes a replacement pole.

Pole sign means a detached permanent sign that is mounted upon one (1) pole.

Portable sign means a sign that is designed to be easily moved from one (1) location to another, and when placed, is neither fastened to a permanent structure or building, nor staked or otherwise installed into the ground. Portable signs include signs that are mounted on trailers, wheeled carriers, or frames that are designed to be placed onto a surface without being secured to it.

Preservation means the act of keeping existing trees safe from injury, harm or destruction during the development process.

Primary caregiver means a person who meets the definition of *primary caregiver* under Article XVIII, Section 14(1)(f) of the Colorado Constitution and applicable law.

Primary residence means the place that a person, by custom and practice, makes his or her principal domicile and address and to which the person intends to return, following any temporary absence, such as vacation. Residence is evidenced by actual daily physical presence, use, and occupancy of the primary residence and the use of the residential address for domestic purposes, such as, but not limited to, slumber, preparation of and consumption of meals, regular mail delivery, vehicle and voter registration, or credit, water, and utility billing. A person shall have only one (1) primary residence. A primary residence shall not include accessory buildings.

Principal building entrance. See principal entrance.

Principal entrance means a door that provides a primary point of public pedestrian access into a building. The phrase “principal building entrance” does not include doors used principally as emergency exits, or with regard to premises that are open to the public, doors that provide restricted access (e.g., for employees or deliveries).

Principal use means the main use of land or of a structure as distinguished from a subordinate or accessory use.

Prison or jail means a public facility for the judicially required detention or incarceration of people, where inmates and detainees are under twenty-four (24)-hour supervision by professionals, except when on approved leave. The facility may also be established in conjunction with a law enforcement or public safety building, established for the temporary detention of adult or juvenile persons while being processed for arrest or detention by law enforcement.

Professional office. See office, general.

Projecting sign means a sign that is mounted upon a building wall such that the sign face is perpendicular to the building wall.

Proof of ownership means ownership as specified in a current title insurance commitment or policy, or certification of title, issued by a title insurance company licensed by the State.

Property means all real property that may or may not be subject to land use regulation by the Town.

Property line means the boundary of any lot, parcel, tract, or outlot as the same is described in the conveyance of such property to the owner; and does not include the streets or alleys upon which the said lot, parcel tract, or outlot abuts.

Property rights mean the rights a property owner within the Town has to use his or her property within the legal parameters set forth in this Code.

Protective care means a licensed homeless youth shelter as defined in C.R.S. § 26-6-102(17), a day treatment center as defined in C.R.S. § 26-6-102(10), a secure residential treatment center as defined in C.R.S. § 26-6-102(35), an acute treatment unit as defined in 2 CCR § 502-1, substance use disorder treatment facilities that provide ASAM Level III residential services as such services are defined in 2 CCR § 502-1 (e.g., nonhospital residential detoxification units), residential child care facilities that are designated to provide mental health services (see § 7.701.2.G, 12 CCR § 2509-8), psychiatric residential treatment facilities, and comparable facilities.

Provisions of the plan means the written and graphic materials referred to in the definition of the term “plan.”

Public hearing means a meeting called by a public body for which public notice has been given and which is held in a place at which the general public may attend to hear issues and to express their opinions.

Public improvement means any drainage ditch, roadway, parkway, sidewalk, pedestrian way, tree lawn, landscaped open space, off-street parking area, lot improvement, or other facility which benefits the public.

Public open space means an open space area conveyed or otherwise dedicated to the municipality, state, county, or other public body for recreational or conservation uses.

Public property means real property owned or controlled by the Town, excluding the public right-of-way.

Public right-of-way (ROW) means any public street, way, alley, sidewalk, median, parkway, or boulevard that is dedicated to public use.

Public use means a use which is owned by and operated for the public by the Town, County, state, or federal governments, school districts, recreation district, or other special district as defined by Title 32 of the Colorado Revised Statutes.

Public utility means a common carrier supplying electricity, wire telephone service, natural gas, water, wastewater or storm water service, or similar public services, but shall not include railroads, other forms of rail mass transit or depots or terminals supporting the same, or wireless telecommunication facilities.

Public Works Facility means a government-owned and operated building, structure, or site designed to support, maintain, and manage community infrastructure, services, and equipment. These facilities, often called public works yards, serve as operation centers for maintenance crews, housing vehicles, materials, and administrative offices for public services.

PUD zoning document means a planned unit development approval document containing maps, figures, graphics, tables, and/or narrative, that establishes standards for the development of property zoned PUD, including allowable land uses, housing formats (if residential uses are included), bulk standards, and other standards for the use and development of land within the PUD.

Quasi-public means having the nature or characteristics of being public but owned by a private or not-for-profit entity.

Raw water means water rights acceptable to the Town for domestic purposes, or water rights acceptable to the Town that may be used for irrigation of public facilities.

Recording or Broadcasting Studio means a facility for the recording, production, and/or transmitting of audio or video material, such as music, voice, or video.

Recreation Center (Indoor or Outdoor) means a facility designed for community leisure, sports, and social activities. These centers typically house gyms, swimming pools, sports courts, and meeting rooms, providing a centralized location for physical fitness, classes, and community engagement for all ages.

Recreational vehicle ("RV") means a vehicle that is:

1. Built on a single chassis;
2. Four hundred (400) square feet or less when measured at the largest horizontal projections;
3. Designed to be self-propelled or permanently towable by a light duty truck; and
4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

The phrase "recreational vehicle" also includes any vehicle that may be used for recreation or personal purposes, including, but not limited to, a boat, motor home, camper trailer, detached camper or detached trailer of any design, whether commercially manufactured or homemade, but not including a manufactured home or mobile home. The phrase "recreational vehicle" includes any trailer used to transport any recreational vehicle(s). For illustrative purposes, the phrase "recreational vehicle" includes:

1. Camping trailer or tent trailer, which means a folding structure, constructed of canvas, plastic, or similar water repellent material, designed to be mounted on wheels and designed for travel and recreation.
2. Motorized camper, motor home, recreational conversion van or bus, which means a recreational vehicle consisting of a portable, temporary dwelling to be used for travel, recreation, and vacation uses, and constructed as an integral part of a self-propelled vehicle.
3. Pick-up camper, which means a vehicle designed to be mounted on or loaded into a pick-up truck chassis for use as a temporary dwelling for travel and recreation.
4. Travel trailer, which means a towed vehicle designed as a temporary dwelling for travel and recreation.

5. Travel trailer, self-contained, which means a trailer which can operate independently of connections to sewer, water, and electric systems. It contains a water-flushed toilet, lavatory, shower or bath, and kitchen sink, all of which are connected to water storage and sewage holding tanks located within the trailer.

Recreational vehicle park. See campground or RV park.

Recreational vehicle site means a plot of ground within a recreational vehicle park intended for the accommodation of either a recreational vehicle, tent, or other individual camping unit on a temporary basis.

Recreational Vehicle Storage means a parcel of land specifically developed for the outdoor storage of privately-owned recreational vehicles in exchange for compensation.

Recycling Center means a location for the collection of recyclable materials (e.g., waste paper, motor oil, aluminum and other scrap metal, polystyrene foam, porcelain, batteries, electronic components, textiles, plastics, discarded clothing or shoes, cardboard, and other recyclable household materials), for processing (bailing, compacting, flattening, grinding, shredding, crushing, mechanical sorting, or cleaning) and storage prior to transport to another location for reuse or recycling, where some or all processing and storage activities are located outside of a building. Such a facility, if entirely enclosed within a building or buildings, shall be considered "Industrial, Light." The phrase "recycling center" does not include the phrase "salvage yard."

Recycling facility. See recycling center.

Registry identification card means that document, issued by the State Department of Public Health, which identifies a patient authorized to engage in the medical use of marijuana and such patient's primary care-giver, if any has been designated.

Regulated natural medicine means natural medicine that is cultivated, manufactured, tested, stored, distributed, transported, or dispensed, as provided by the Regulatory Act.

Regulated natural medicine *product* means a natural medicine product that is cultivated, manufactured, tested, stored, distributed, transported, or dispensed, as provided by the Regulatory Act.

Relocation means the practice of moving an existing tree to another site or other location within the same site.

Replacement pole means a newly constructed and permitted traffic signal, utility pole, street light, flagpole, electric distribution, or street light poles or other

similar structure of proportions and of equal height or such other height that would not constitute a substantial change to a preexisting pole or structure in order to support a WCF or small cell facility or to accommodate collocation and remove the preexisting pole or structure.

Research and Development Facility means a specialized building or laboratory dedicated to conducting scientific research, experimentation, product design, and testing to develop new products, technologies, or processes. These facilities focus on innovation, prototyping, and technical improvements rather than immediate commercial manufacturing.

Residential Assembly (HOA) means a facility located within a residential neighborhood or development managed by a HOA that is used for gatherings of people for charitable, educational, cultural, religious, or social purposes.y, and manufactured homes.

Resource extraction, minerals means the extraction of coal or other mineral resources (including sand and gravel, but not oil and gas) from the land (surface or subsurface). The phrase "resource extraction, minerals" does not include cut and fill operations within a property, construction or maintenance of canals or reservoirs, or the removal and transportation of fill from one property to another as part of an approved development plan; provided, that both properties are controlled by the same landowner.

Resource extraction, oil and gas means any structure, facility, or activity which is constructed on or disturbs land in association with oil or gas drilling, production, or waste treatment and disposal, including but not necessarily limited to wells, tanks or tank batteries, pits, access roads for ingress and egress, and pipelines.

Restaurant (with drive-up or drive-through) means an establishment in which the principal business is the sale of food and beverages that are prepared for customers and served in a ready-to-consume state, and includes a drive-up or drive-through component. This type of restaurant may include indoor and/or outdoor dining areas. Restaurants may also provide live entertainment for customers seated at indoor dining tables. Fermented malt beverages, and/or malt, special malt, or vinous and spirituous liquors may be produced and sold on the premises as provided in applicable alcohol beverage licenses. The term "restaurant" does not include the phrase "bar or tavern" (although they can be co-located as zoning may allow), and does not include the phrase "adult-oriented use" or "sexually oriented business".

Restaurant (without drive-up or drive-through) means an establishment in which the principal business is the sale of food and beverages that are prepared for customers and served in a ready-to-consume state, and does not include a drive-up or drive-through

component. This type of restaurant may include indoor and/or outdoor dining areas. Restaurants may also provide live entertainment for customers seated at indoor dining tables. Fermented malt beverages, and/or malt, special malt, or vinous and spirituous liquors may be produced and sold on the premises as provided in applicable alcohol beverage licenses. The term “restaurant” does not include the phrase “bar or tavern” (although they can be co-located as zoning may allow), and does not include the phrase “adult-oriented use” or “sexually oriented business”.

Resubdivision or replat means the changing of any existing lot or lots, outlots, street rights-of-way or easements of a subdivision plat previously recorded with the County Clerk and Recorder.

Retail sales and services Retention basin means a pond, pool, or basin used for permanent storage of water runoff.

RF compliance letter means a letter from the wireless communications facility applicant certifying that the proposed WCF will comply with federal regulations regarding radio frequency emissions.

Right-of-way means a strip of land occupied or intended to be occupied by a street, crosswalk, railroad, road, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, or for another special use. The usage of the term *right-of-way* for land platting purposes shall mean that every right-of-way established and shown on a final plat is to be separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions of such lots or parcels. Rights-of-way intended for streets, crosswalks, water mains, sanitary sewers, storm drains or any other use involving maintenance by a public agency shall be dedicated to public use on the plat on which such right-of-way is established.

Roof, gable means a roof sloping downward in two (2) parts from a central ridge, so as to form a gable at each end.

Roof, hip means a roof having sloping ends and sides meeting at an inclined projecting angle.

Rooftop sign means a sign that is installed, in whole or in part, above an eave line or parapet of a building. It does NOT include signs affixed to the tops of canopies, entryways, archways, or other features that are not part of the main building.

Rural road means a street designed following the rural local cross-section as described in approved version of the Town of Frederick Design Standards and Construction Specifications.

Salvage yard / junkyard means any establishment that is maintained, used, or operated for storing, buying, or selling wrecked, scrapped, ruined, or dismantled motor vehicles or motor vehicle parts. Salvage yards are also referred to by Colorado law as “automobile graveyards.” See C.R.S. § 43-1-502.

Sanitary facilities means toilets, urinals, lavatories, showers, utility sinks, and drinking fountains, and the service buildings containing these units.

Sanitary Landfill means an engineered, highly regulated waste disposal site designed to minimize environmental harm and health risks, unlike open dumps. It involves compacting waste in thin layers, covering them daily with soil, and using liners and leachate collection systems to prevent groundwater contamination.

Sanitary waste station means a facility used for removing and disposing of waste from self-contained camping vehicle sewage holding tanks.

School means any building or part or any building used for instructional purposes to provide elementary, secondary, post-secondary, or vocational education. School does not include "child/day care centers" but includes the following more specific uses: public school, private school, business, vocations, and trade schools.

School, elementary or middle means a school that provides general full-time educational curriculum for two or more grades from Kindergarten through eight.

School, high means a school that provides general full-time educational curriculum for grades nine (9) through twelve (12).

School, Private means a school that is established, conducted, and primarily supported by a nongovernmental agency.

School, Public means a free, tax-supported school that is controlled and operated by or contracted with the St. Vrain Valley School District.

School, vocational or trade means an educational facility that primarily teaches skills that directly prepare students for jobs in a trade or profession, resulting in a certificate, diploma, or degree awarded upon the student’s completion of the curriculum. Examples include, but are not limited to, art schools, business colleges, trade schools, massage schools, and beauty schools.

Searchlight means an apparatus used to project a beam of light.

Self-storage means a facility that provides individual storage compartments within a building for household or commercial goods. Storage spaces may be accessed from interior hallways or individual outside doors or overhead doors. A self-storage use may include a single dwelling unit for one or more persons employed by and residing at the self-storage facility for the purpose of on-site management and security.

Senior housing means housing intended and operated for occupancy by persons fifty-five (55) years of age or older as further defined by the US Fair Housing Act and Housing for Older Persons Act of 1995.

Service building means a structure housing toilet, lavatory, bath, laundry, service sink and other such sanitary facilities as may be required.

Setback means the required unoccupied open space between the nearest projection of a structure and the property line of the lot on which the structure is located.

Setback, front means the distance a building or structure must be placed from the front lot line.

Setback, rear means the distance a building or structure must be placed from the rear lot line.

Setback, side means the distance a building or structure must be placed from the side lot line.

Sexually-Oriented Business means an adult arcade, adult bookstore, adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, sexual encounter establishment or other similar business and includes:

1. The opening or commencement of any sexually oriented business as a new business;
2. The conversion of an existing business, whether or not a sexually oriented business, to a sexually oriented business;
3. The addition of any sexually oriented business to any other existing sexually oriented business;
4. The relocation of any sexually oriented business; or
5. The continuation of a sexually oriented business in existence on the effective date of the initial ordinance codified herein.

SF means square foot.

Shooting Range, Indoor means an indoor area designed for the safe discharge of archery, rifles, shotguns, handguns, or any other firearm or similar device for the purpose of sport shooting or military/law enforcement training. The range may use silhouettes, skeet, trap, or other similar materials to facilitate target practice. Excluded from this use shall be general hunting and discharging of firearms on private property with the property owner's permission as prohibited by Municipal Code Section 10-224. Excluded from this use type are amusements that simulate shooting but do not involve potentially lethal projectiles (e.g., laser tag, foam darts, etc.) which are classified as "indoor amusement, recreation, or entertainment."

Shopping center means a group of retail and service establishments located in a complex which is planned, developed, owned, or managed as a unit, with off-street parking provided on the property.

Side-loaded garage means a garage that faces a side street and not the principal frontage or front lot line.

Sidewalk means the hard surface path within the street right-of-way for use by pedestrians and/or bicyclists.

Sidewalk sign means a type of portable sign that is designed to be placed (but generally not anchored) upon a hard surface in order to attract the attention of pedestrians.

Sight distance triangle means the area at the corners of an intersection that is to be kept free of shrubs, ground covers, berms, fences, structures or other materials or items greater than thirty (30) inches in height. Overstory decidous trees may be planted in the triangular area under certain conditions. Further definition is provided in the approved version of the Town of Frederick Design Standards and Construction Specifications.

Sign means any surface, fabric, device, or display that includes (or is specifically designed to include) lettered, pictorial, or sculptured matter that is intended to convey information to people on a sidewalk, in a parking lot, on a public street or other right-of-way, or on nearby property. The term sign also includes all structural members (if any).

Sign area (or signable area) means the square footage of all that area within the outside dimension of the sign or cabinet containing the sign, not including support structures. In the case where letters or symbols are attached directly to a wall or structure with no other background, the sign area shall be the square footage contained within the smallest single continuous perimeter of no more than 12 straight lines.

Sign face means the surface area of a sign which is designed for placement of text, symbols, or images.

Signal interference letter means a letter from the applicant certifying that the proposed WCF will comply with all federal regulations regarding radio signal interference.

Significant Tree means any tree with a diameter at breast height (DBH) of six inches (6") or more.

Significant wildlife habitat and migration corridors are areas designated by the Colorado Division of Wildlife and/or the Colorado Natural Diversity Information Source (www.ndis.nrel.colostate.edu) as areas of landscape that provide food, cover, and water sufficient to meet the needs of a given species to survive and reproduce.

Single-dwelling detached means a building that serves as a single dwelling unit, which is typically located on a privately-owned lot with private yards on each side of the building. Single-dwelling detached buildings may also be located on property that is subject to a condominium declaration, such that the building is surrounded by limited common elements for use by residents of the single-dwelling detached residence, which serves essentially the same purpose as a private yard.

Site for towers (other than towers in the right-of-way and eligible support structures) shall mean the current boundaries of the leased or owned property surrounding the tower or eligible support structure and any access or utility easements currently related to the site. A site, for other alternative tower structures, base stations and small cell facilities in the right-of-way, is further restricted to that area comprising the base of the structure and to other related accessory equipment already deployed on the ground.

Site plan means a scale drawing of a lot, showing the actual measurements, the size and location of any existing and/or proposed buildings, the location of the lot in relation to abutting streets, and other details such as parking areas, access points, landscaped area, building areas, setbacks from lot lines, building heights, floor areas, densities, utility locations, and easements.

Site sign means a type of temporary sign that is constructed of vinyl, plastic, wood, metal, or other comparable rigid material, which is displayed on a structure that includes at least two (2) posts.

Site specific development plan means the final plat of a subdivision or final development plan of a PUD (Planned Unit Development) when approved by the Board of Trustees pursuant to Article 6 of this Code.

Small cell wireless facility means a wireless communications facility where each antenna is located inside an enclosure of no more than three cubic feet in volume, or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements could fit within an imaginary enclosure of no more than three cubic feet; and primary equipment enclosures are not larger than seventeen (17) cubic feet in volume. The following associated equipment may be located outside of the primary equipment enclosure and, if so located, is not included in the calculation of equipment volume: electric meter, concealment, telecommunications demarcation box, ground-based enclosure, backup power systems, grounding equipment, power transfer switch, and cut-off switch.

Sock sign means a type of temporary sign that is constructed of flexible material, designed to fit over a permanent sign face or mount.

Specified anatomical areas means:

1. Less than completely and opaquely covered: human genitals, pubic region, buttocks and female breast below a point above the top of the areola; or
2. Human male genitals in a discernibly turgid state even if completely and opaquely covered.

Specified sexual activities means acts, simulated acts, exhibitions, representations, depictions or descriptions of:

1. Human genitals in a state of sexual stimulation or arousal;
2. Fondling or other erotic touching of human genitals, pubic region, buttocks or female breasts;
3. Intrusion, however slight, of any object, any part of an animal's body, or any part of a person's body into the genital or anal openings of any person's body or into the body of an animal;
4. Cunnilingus, fellatio, anilingus, masturbation, bestiality, lewd exhibition of genitals, or excretory function; or
5. Flagellation, mutilation, or torture for purposes of sexual arousal, gratification or abuse.

Stage means a raised floor or platform at least three (3) feet above the surrounding floor measured perpendicularly from the edge of the stage to the surrounding floor and at least thirty-six (36) square feet in area.

State licensing authority means the authority created under the Regulatory Act for the purpose of regulating and controlling the licensing of the cultivation, manufacturing, testing, storing, distribution, transfer, and dispensation of regulated natural medicine and regulated natural medicine product, as provided by the Regulatory Act.

Storage yard means a location for outdoor storage of operable equipment and materials for off-site processing, construction projects, or right-of-way maintenance; and/or operable recreational vehicles, boats, trucks, commercial vehicles, or passenger vehicles. A storage yard may include an accessory office and an accessory dwelling unit for one or more persons employed by and residing at the storage yard for the purpose of on-site management and security. The phrase "storage yard" does not include the phrase "salvage yard / junkyard" and does not include outdoor storage that is accessory to another principal use.

Street means a public or private thoroughfare which affords the principal means of access to abutting or adjacent property.

Street elevation means a street-facing building elevation.

Street furniture means constructed objects, such as outdoor seating, kiosks, bus shelters, sculpture, tree grids, trash receptacles, fountains, and telephone booths, that have the potential for enlivening and giving variety to streets, sidewalks, plazas, and other outdoor spaces open to and used by the public.

Streetscape means the distinguishing character of a particular street within the public right-of-way, including paved materials, and the adjacent space extending along both sides of a street, including landscaping, sidewalks, medians, lighting, street furniture, and signage.

Structure means a combination of materials to form a construction for use, occupancy, or ornamentation, whether installed on, above, or below the surface of land or water.

Subdivider or developer means any person, partnership, joint venture, limited liability company, association, or corporation who participates as owner, promoter, developer, or sales agent in the planning, platting, development, promotion, sale, or lease of a development.

Subdivision means the platting of a lot or the division of a lot, tract, parcel, or outlot of land into one or more lots or outlots.

Subsidence means a local mass movement that involves the downward settling or sinking of the solid earth's surface. Subsidence may be due to natural geologic processes or human activity such as coal mining.

Substance abuse treatment facility, outpatient means structures and land used for the treatment of alcohol or other drug abuse where neither meals nor lodging is provided.

Substantial change for eligible support structures means a modification substantially changes the physical dimensions of an eligible support structure if, after the modification, the structure meets any of the following criteria: (a) for towers other than alternative tower structures or towers in the right-of-way, it increases the height of the tower by more than ten percent (10%) or by the height of one (1) additional antenna array with separation from the nearest existing antenna not to exceed twenty (20) feet, whichever is greater; for other eligible support structures, it increases the height of the structure by more than ten percent (10%) or more than ten (10) feet, whichever is greater; (b) for towers other than towers in the right-of-way, it involves adding an appurtenance to the body of the tower that would protrude from the edge of the tower more than twenty (20) feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater; for eligible support structures, it involves adding an appurtenance to the body of the structure that would protrude from the edge of the structure by more than six (6) feet; (c) for any eligible support structure, it involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four (4) cabinets; or for towers in the right-of-way and base stations, it involves installation of any new equipment cabinets on the ground if there are no preexisting ground cabinets associated with the structure, or else involves installation of ground cabinets that are more than ten percent (10%) larger in height or overall volume than any other ground cabinets associated with the structure; (d) for any eligible support structure, it entails any excavation or deployment outside the current site; (e) for any eligible support structure, it would defeat the concealment elements of the eligible support structure (for the purposes of this subsection (e), a change which undermines the concealment elements of an eligible support structure will be considered to defeat the concealment elements); or (f) for any eligible support structure, it does not comply with conditions associated with the siting approval of the construction or modification of the eligible support structure or base station equipment, unless the noncompliance is due to an increase in height, increase in width, addition of cabinets, or new excavation that would not exceed the thresholds identified in subsections (a), (b), and (c) of this definition. For purposes of determining whether a substantial change exists, changes in height are measured from the original support structure in cases where deployments are or will be separated horizontally, such

as on buildings' rooftops; in other circumstances, changes in height are measured from the dimensions of the tower or base station, inclusive of originally approved appurtenances and any modifications that were approved prior to February 22, 2012.

Substantial modification means any modification of a sign that involves alteration or replacement of a structural support, enlargement of the sign area, material changes to the sign height or sign clearance, obvious changes of materials or components (e.g., replacement of wood with plastic), addition of new components (e.g., installation of lighting or an EMC) or repairs that cost more than fifty percent (50%) of the replacement cost of the sign. Substantial modifications do not include replacement of sign panels in a sign cabinet with comparable materials that display different messages, replacement of existing light sources with compliant light sources (unless the electrical work exceeds the repairs limit), painting, or repainting.

Supermarket. See Retail, General.

Surface parking means an area of land that is designated for the parking of passenger motor vehicles in parking spaces, the related parking aisles, the landscaped areas that are surrounded by parking spaces and parking aisles, and the landscaped areas at the corners of the paved areas insofar as their inclusion in the surface parking area gives it a regular shape. Surface parking uses may include electric vehicle charging stations as an accessory use. The phrase "surface parking" does not include driveways on individual residential lots, nor does it include individual garages or carports.

Tandem garage means a garage that allows for the parking of one (1) car in front of another.

Tandem parking means parking two (2) cars in a driveway or parking space so that one (1) car is right in front of the other and the front car cannot move until the back car is moved.

Tavern. See bar or tavern.

Temporary use means a prospective use intended for limited duration and to be located in a zoning district that may or may not permit such use and shall not include continuing a nonconforming use or building.

Title commitment means formal documentation from a title company listing the name of the owner of the property under consideration, the legal description of the property and any legal holdings on the property such as easements, rights-of-way, or liens.

Tower means any structure that is built for the sole or primary purpose of supporting one (1) or more any FCC licensed or authorized antennas and their associated facilities, including structures that are constructed for wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul, and the associated site. The term includes self-supporting lattice towers, guy towers or monopole towers, radio and television transmission towers, microwave towers, common carrier towers, cellular telephone towers, alternative tower structures and the like.

Towing and Storage Facility means a secure and fenced, commercial location where tow truck operators store motor vehicles that have been impounded by law enforcement, repossessed, or wrecked. These facilities serve as temporary holding sites, distinct from salvage yards / junkyards.

Town means the Town of Frederick, Colorado.

Town of Frederick Comprehensive Plan means the plan which was adopted by the Planning Commission and Board of Trustees in accordance with C.R.S. Section 31-23-206, to guide the future growth, protection, and development of the Town, affording adequate facilities for housing, transportation, comfort, convenience, public health, safety, and general welfare of its population.

Townhome means a building that is comprised of three or more dwelling units, in which the dwelling units are separated by a shared wall with no penetrations, and each unit has a separate principal entrance.

Tract. See **Outlot.**

Trail means a travel way established either through construction or use and is passable by at least one or more of the following, including but not limited to: foot traffic, bicycles, in-line skates, wheelchairs, or cross-country skis.

Transit Center means a centralized, off-street hub for public transportation, designed to facilitate transfers between multiple bus routes, rail lines, or other modes like shuttles and bikes. These facilities act as key gathering points, featuring amenities such as shelters, ticketing, and, at times, retail.

Transit facilities means facilities such as bus stops, bus terminals, transit stations, transfer points, or depots.

Transmission equipment means equipment that facilitates transmission for any FCC licensed or authorized wireless communications service, including, but not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, and regular and backup power supply. The term includes equipment associated with wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.

Tree lawn means a strip of landscaping within the right-of-way, generally between the roadways and an adjacent sidewalk.

Trip means a single or one-way vehicle movement to or from a property or study area. Trips can be added together to calculate the total number of vehicles expected to enter and leave a specific land use or site over a designated period of time.

Truck stop means an establishment engaged primarily in the fueling or charging of tractor trucks or similar commercial vehicles, and may also include facilities for parking, servicing, or repair of tractor trucks or similar commercial vehicles (but not body repairs (collision centers), paint, upholstery, engine replacement or reconditioning, air conditioning replacement, tire recapping, or custom body work) and the sale of accessories and equipment for such vehicles. A truck stop may include overnight accommodations, showers, or restaurant facilities primarily for the use of truck crews. The phrase "truck stop" does not include the phrase "fueling, fast-charging, or service station."

Undermining means land that has been mined under the surface of the ground.

Urgent care facility means a walk-in, community-based medical clinic that provides prompt, non-life threatening urgent care for illnesses and injuries requiring same-day attention, typically outside of hospital emergency rooms. They act as a bridge between primary care and the emergency department, often offering extended hours and on-site diagnostic services like X-rays.

Usable form of marijuana means the seeds, leaves, buds, and flowers of the plant (genus) cannabis, and any mixture or preparation thereof, which are appropriate for medical use as provided in Colorado Constitution Art. XVIII, Sec. 14, but excludes the plant's stalks, stems, and roots.

USGS datum means the United States Geological Survey basis of elevations.

Utility Facility, Major means generating plants (except nuclear), electrical switching stations, electrical transmission substations, water or wastewater treatment plants, and other comparable infrastructure. The phrase "major utilities" does not include utility or

communications uses that are more specifically defined as utility, minor or essential utilities. Major Utility Facility includes photovoltaic facilities or solar farms. *Photovoltaic arrays (two (2) MW or more)* means a photovoltaic generation facility with a nameplate capacity of two (2) MW or more that is a principal use of land. Photovoltaic arrays that have a nameplate capacity of less than two (2) MW are classified as "utilities, minor." Photovoltaic arrays that are installed on rooftops or over parking lots are not regulated as principal uses. Major Utility Facility includes overhead power lines (transmission lines). *Overhead power lines (transmission lines)* (one hundred ten (110) kV or more) means high voltage (one hundred ten (110) kilovolts or more) power lines that are used to transmit electricity over long distances.

Utility Facility, Minor means water booster stations, wastewater lift stations, electrical distribution substations, gas regulator substations, battery energy storage systems with a capacity less than one hundred fifty (150) MWh, and other comparable infrastructure used in the provision or distribution of utility service.

Vacant land means land that does not have development on it.

Vegetation means plants growing in a place, including but not limited to trees shrubs, vines, grasses, and groundcover.

Vehicle Sales and Rental, Heavy means the sale or rental of all vehicles except for cars and light trucks. It includes commercial vehicles, recreational vehicles, boats, manufactured homes, or construction vehicles at the location where inventory is stored. The phrase "heavy vehicle sales or rental" includes outdoor storage of such vehicles for brokers. Not included in the definition are:

1. Brokering of commercial or construction vehicles that are stored off-site and delivered directly to customers (an office, general use); and
2. Indoor storage of commercial or construction vehicles for brokers who are located off-site (a light industrial or heavy logistics use).

Vehicle Sales and Rental, Light means the sale or rental of passenger vehicles (cars and light trucks) at the location where inventory is stored. The phrase "light vehicle sales and rental" includes outdoor storage of passenger vehicles for brokers. Not included in the definition are:

1. Brokering of passenger vehicles which are stored off site and delivered directly to customers (a general office use);
2. Indoor storage of passenger vehicles for brokers who are located off site (a light industrial or heavy logistics use, depending upon the volume of sales); and

3. Passenger motor vehicle rental locations that have not more than five rental vehicles stored on site at any one time (a retail sales and services use).

Vehicle Service and Repair, Heavy means:

1. The provision of repair or service to passenger vehicles that includes work that does not qualify as "light motor vehicle repairs and service," including but not limited to body repairs (collision centers), paint, upholstery, engine replacement or reconditioning, air conditioning replacement, tire recapping, and custom body work; and
2. Any type of repairs to commercial vehicles or construction vehicles.

The phrase "heavy vehicle service and repair" may include light motor vehicle repairs and service, as well as the installation of audio, video, and navigation systems (which, with respect to passenger vehicles, are otherwise classified as "retail sales and services"), but does not include the phrases "light industry" or "heavy industry."

Vehicle Service and Repair, Light means:

1. Routine service to passenger vehicles that generally takes less than 90 minutes to complete (e.g., tire rotation and balance, brake service, oil changes, glass repair and replacement, fluid changes, etc.); and
2. Repairs and service to motorcycles, scooters, snowmobiles, all-terrain vehicles ("ATVs"), riding lawnmowers, and other vehicles with engines of less than one thousand five hundred (1,500) cc displacement.

The phrase "light vehicle service and repair" does not include the phrases "heavy vehicle service and repair," "heavy industry," or "light industry."

Vested property right means the right to undertake and complete the development and use of property under the terms and conditions of a site specific development plan, pursuant to Article 6 of this Code.

Veterinary facilities, small animal clinic see **Animal Hospital, Small Animals**

Veterinary facilities, large animal clinic see Animal Hospitals, Large Animals

Vocational School means an accredited, state-approved institution offering organized, career-focused training for specific trades or technical fields. These institutions, often called trade or technical schools, provide, certificates, diplomas, or degrees, and are designed to prepare students for employment without requiring a traditional four-year college degree.

Walkable means a distance of one-quarter (1/4) mile or within a five (5) to ten (10) minute walk.

Walkway means:

1. A hard surface path for pedestrian movement not located within a public right-of-way.
2. Any portion of a parking area restricted to the exclusive use of pedestrian travel.

Wall sign means a type of permanent sign that is painted on, applied, or attached to a wall of a building.

Waste transfer station means the use of land or a facility, regardless of name or title, to unload solid waste from vehicles, and with or without intermediate processing (bailing, compacting, flattening, grinding, shredding, crushing, mechanical sorting, or cleaning) subsequently reload the waste onto other vehicles for delivery to another waste transfer station, storage site, or disposal site.

Wastewater and Water Treatment Facilities means infrastructure systems that collect and treat used water from homes, industries, and businesses to remove contaminants, pathogens, and nutrients before safely discharging it into the environment or reusing it, as well as facilities that treat drinking water prior to distribution to end users.

Wholesale Distribution Center means a specialized, high-volume facility that acts as an intermediary in the supply chain, receiving bulk goods from manufacturers and storing them temporarily before distributing them to retailers, other wholesalers, or commercial end-users.

Wildlife rehabilitation means a premises used for wildlife rehabilitation by the holder of a wildlife rehabilitator license or provisional wildlife rehabilitator license issued by the State of Colorado pursuant to 2 CCR § 406-14.

Window sign means a type of temporary or permanent sign that is: (1) painted on, applied to, or attached to a window; or (2) installed or positioned within a building such that the sign face is oriented towards and highly visible through a window that is within six (6) feet of the sign.

Window transparency means, for the purposes of this Article, any area of a window that is not covered or obstructed by a sign, such that the visibility through the window in both directions is not blocked by a sign. The actual visibility through the window (e.g., a pedestrian's ability to overcome daytime glare) is not a factor in the determination of window transparency.

Winery. See **Industrial, Light**.

Wireless communications facility or WCF means a facility used to provide personal wireless services as defined at 47 U.S.C. § 332(c)(7)(C); or wireless information services provided to the public or to such classes of users as to be effectively available directly to the public via licensed or unlicensed frequencies; or wireless utility monitoring and control services. A WCF does not include a facility entirely enclosed within a permitted building where the installation does not require a modification of the exterior of the building; nor does it include a device attached to a building, used for serving that building only and that is otherwise permitted under other provisions of the Code. A WCF includes an antenna or antennas, including, without limitation, direction, omnidirectional and parabolic antennas, support equipment, alternative tower structures, and towers. It does not include the support structure to which the WCF or its components are attached if the use of such structures for WCFs is not the primary use. The term does not include mobile transmitting devices used by wireless service subscribers, such as vehicle or handheld radios/telephones and their associated transmitting antennas, nor does it include other facilities specifically excluded from the coverage of this Article.

Wireless Communication, Attached means a wireless facility that is affixed to an existing structure, for example, an existing building, tower, water tank, utility pole, etc., which does not include an additional wireless communication support structure.

Wireless Telecommunication, Freestanding means a wireless facility that consists of a stand-alone support structure or tower, antennas and accessory equipment that is not considered an alternative tower structure.

Wireless Telecommunication, Alternative Tower Structure means a wireless facility attached to man-made trees, clock towers, bell steeples, light poles, traffic signals, buildings, and similar alternative design mounting structures that are compatible with the natural setting and/or surrounding structures, and that camouflage or conceal the presence of antennas or towers so as to make them architecturally compatible with the surrounding area. This term also includes any antenna or antenna array attached to an Alternative Tower Structure. A stand-alone Monopole (including a Replacement Pole) in the public right-of-way that accommodates Small Cell Facilities is considered an Alternative Tower Structure to the extent it meets stealth and concealment standards for wireless communications facilities.

Wireless Telecommunications, Small Cell means low-powered, compact antennas and radio equipment deployed on existing infrastructure like streetlights and utility poles to

enhance network capacity and speed, particularly for 5G and high-density areas. They act as miniature, localized cell towers, reducing the load on macro networks

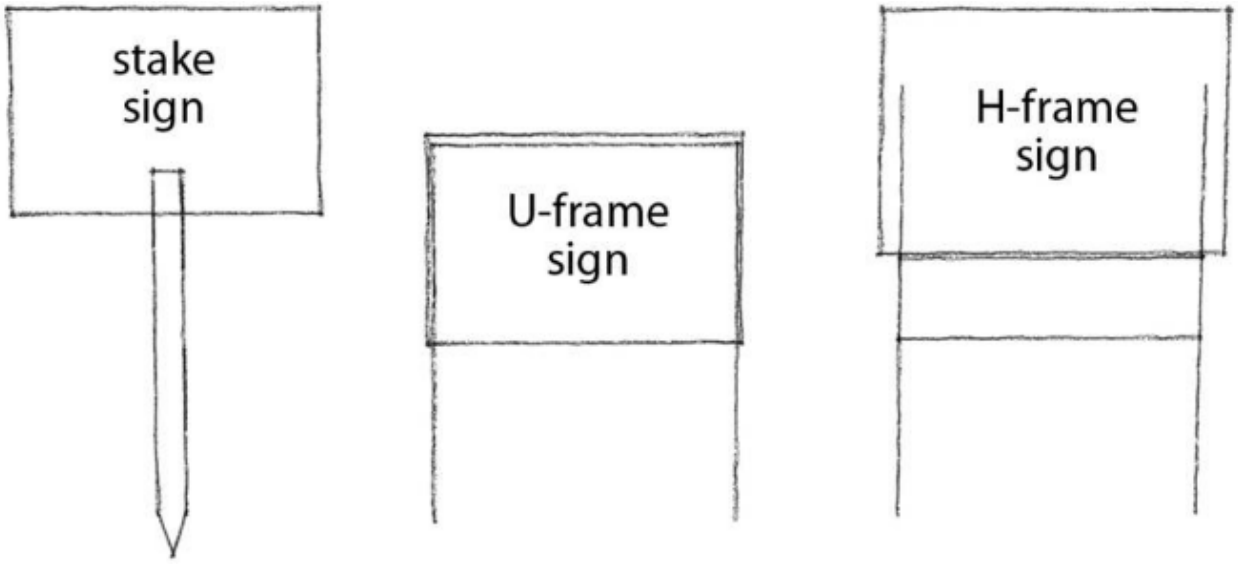
Yard means the area between a building and a building setback or a property line.**Yard, front** means a yard extending across the full width of the lot between the front lot line and the nearest line or point of the building.

Yard, rear means a yard extending across the full width of the lot between the rear lot line and the nearest line or point of the building.

Yard, side means a yard extending from the front yard to the rear yard between the side lot line and the nearest line or point of the building.

Yard sign means a type of temporary sign that is constructed of paper, vinyl, plastic, wood, metal or other comparable material, which is mounted on a stake or a frame structure (often made from wire) that includes one (1) or more stakes.

Figure 13-4: Illustrative Yard Signs



Zone district means an area that is governed by standardized zoning regulations as established in Article 2.

Zoning map means the official zoning map adopted by the Town by ordinance, as amended.

NOTICE OF PUBLIC HEARING
PLANNING COMMISSION
TOWN OF FREDERICK

NOTICE IS HEREBY GIVEN that the Planning Commission will hold a PUBLIC HEARING commencing on Thursday, March 19th at 6:30 pm. This meeting will be held both in person and virtually

To join virtually, access the meeting through Microsoft Teams using the following information:
Meeting ID: 229 286 565 79 Passcode GXuhzM
The public hearing will be held for the purpose of considering the Town of Frederick Land Use Code adoption, Zoning Map amendment, and incorporation of the Land Use Code into the Town of Frederick Municipal Code pursuant to the Codes of the Town of Frederick and applicable State statutes.

Interested and affected parties are encouraged to attend. The Planning Commission will be taking written comments submitted prior to the hearing. Comments submitted prior to 5:00PM on the hearing date listed above will be forwarded with the staff report. During a public hearing, public input can be received.

Copies of the Land Use Code update and supporting materials are available for the public to review. Please contact Project Planner, Audem Gonzales, at agonzales@frederickco.gov to receive instructions on how to access the materials.

Dated this 25th day of February, 2026

TOWN OF FREDERICK, COLORADO

By:_____
Tricia David, Town Clerk

Published: Longmont Times Call February 28, 2026-2158103

Prairie Mountain Media, LLC

PUBLISHER'S AFFIDAVIT

County of Boulder
State of Colorado

The undersigned, Agent, being first duly sworn under oath, states and affirms as follows:

1. He/she is the legal Advertising Reviewer of Prairie Mountain Media LLC, publisher of the *Longmont Times Call*.
2. The *Longmont Times Call* is a newspaper of general circulation that has been published continuously and without interruption for at least fifty-two weeks in Boulder County and meets the legal requisites for a legal newspaper under Colo. Rev. Stat. 24-70-103.
3. The notice that is attached hereto is a true copy, published in the *Longmont Times Call* in Boulder County on the following date(s):

Feb 28, 2026

Melissa Najera
Signature

Subscribed and sworn to me before me this
2nd day of March, 2026

Shayla Najera
Notary Public

(SEAL)

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