



Planning Commission Agenda

Thursday, January 5th, 2023

Regular Meeting – 6:00 P.M.

Frederick Town Hall

401 Locust St.

Built On What Matters

In order to promote social distancing and to protect the health and safety of our Commission members, staff, and community this meeting will be hybrid and conducted via Zoom and in person.

Interested parties are encouraged to access the meeting via Zoom or in person at Town Hall.

The meeting information is as follows:

Join Zoom Meeting

<https://zoom.us/j/94063773463?pwd=aXg1M1d3V0VTKytRWnpPWHc3S2VDZz09>

Meeting ID: 940 6377 3463

Passcode: 24689

One tap mobile

+16699006833,,94063773463# US (San Jose)

+12532158782,,94063773463# US (Tacoma)

Dial by your location

+1 669 900 6833 US (San Jose)

+1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston)

+1 929 436 2866 US (New York)

+1 301 715 8592 US (Washington DC)

+1 312 626 6799 US (Chicago)

Meeting ID: 940 6377 3463

Find your local number: <https://zoom.us/j/94063773463>

Please contact Town Clerk Meghan Martinez for questions regarding the meeting. 720-382-5500 or

mmartinez@frederickco.gov

Call to Order – Roll Call

Additions to the Agenda

Action Agenda

A. Approval of minutes from the December 15th, 2022 meeting

Public Meeting

- B. Amendments to Articles 1, 3 and 4 of the Frederick Land Use Code- Planning Manager- van Deutekom and Town Land Use Attorney- Messenger

- Staff presentation
- Questions for the Staff
- Motions

Approval: *I move to approve PCR-2023-01A, which recommends approval of the Land Use Code amendments.*

Approval with Conditions: *I move to approve PCR-2023-01C, which recommends approval of the Land Use Code amendments with the following conditions; 1. (list conditions)*

Denial: *I move to approve PCR-2023-01B, which recommends denial of the Land Use Code amendments.*

- Discussion
- Vote

Other Business

Upcoming Meeting – Likely February 16th, 2023 or a joint meeting with the Board of Trustees on Tuesday, February 24th, 2023



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MINUTES
TOWN OF FREDERICK
PLANNING COMMISSION
MEETING CONDUCTED IN PERSON AND VIA ZOOM
DECEMBER 15, 2022
6:00 PM

CALL TO ORDER: At 6:03 p.m., Chairperson Moe called the meeting to order and requested roll call.

ROLL CALL:

- Present: Chairperson Moe, Commissioner Kelly, Commissioner Scott, Commissioner Conroy, Commissioner Sammartino.
- Not present: Alternate Commissioner Mahoney, Commissioner Stark.
- Staff: Planning Manager Ali van Deutekom, Town Attorney Jason Meyers, Land Use Attorney Christine Francescani, Town Clerk Meghan Martinez, and Assistant Town Clerk Emily Nitcher.

APPROVAL OF AGENDA:

Town Clerk Meghan Martinez introduced new commissioners Kelly and Sammartino and outlined the recruitment process and term limits. Staff recommended the planning commission select a new interim vice chair.

APPROVAL OF NOVEMBER 17, 2022 MINUTES:

Motion by Commissioner Conroy and seconded by Commissioner Scott to approve the November 17, 2022 Minutes.

Upon roll call vote, motion passed 4 to 1, with Commissioner Sammartino abstaining from voting.

Bylaws:

Town Attorney Jason Meyers and Land Use Attorney Christine Francescani presented the proposed Sample of Bylaws.

Chairperson Moe, and Commissioner Scott discussed adding more detail to the agenda, to provide the public with greater detail for understanding.

Commissioner Kelly suggested a Hard Stop meeting end and Town Attorney Jason Meyers suggested a clause that provides the commissioners the ability to continue to another date and adjourn the meeting.

The Commissioners had questions about the Town Ordinances that affect the planning commission.

There was discussion about how to handle conflicts of interest.

Built on What Matters.

There was discussion of adding executive sessions into the bylaws.

The Commissioners expressed that the bylaws are to be a rubric of how the planning commission operates.

Adding a process to amend the bylaws was discussed.

Staff to bring a sample agenda with the level of detail discussed.

Staff to bring examples and facilitate coordination of thoughts and comments.

OTHER BUSINESS:

Interim Vice Chair:

Motion by Commissioner Scott and seconded by Commissioner Kelly to appoint Commissioner Conroy as the interim vice chair.

Upon roll call vote, motion passed unanimously, 5 to 0.

There being no further business of the Planning Commission, Chairperson Moe adjourned the meeting at 7:34 p.m.

Approved by the Planning Commission:

Tracy Moe, Chairperson

ATTEST:

Emily Nitcher, Secretary to Planning Commission



TOWN OF FREDERICK

PLANNING COMMISSION

Tracy Moe, Chairman

vacant, Alternate Commissioner
William Mahoney, Alternate Commissioner
Roger Kelley, Commissioner

Kristin Conroy, Commissioner
Nathan Scott, Commissioner
Joseph Sammartino, Commissioner

Amendments to Articles 1, 3 and 4 within the Frederick Land Use Code.

Agenda Date: January 5, 2023

Attachments: A. Land Use Code Update Framework
B. Proposed Land Use Table redlines

Submitted by: Ali van Deutekom
Planning Manager

Summary Statement:

In 2022, the Frederick Land Use Code was assessed by the Town's Land Use Attorney, Todd Messenger. Out of the assessment came a recommendation that prior to presentation of a completely updated Land Use Code, the Town should develop and consider two interim, high priority updates: the land use table and implementation of the 25/52 East Subarea Plan. This is the first of the interim updates, the land use table.

Strategic Plan Alignment:



2. Community and Economic Vitality-

2.5 Continue work on updating the Land Use Code

Detail of Issue/Request:

In the summer of 2021, the Board of Trustees adopted a long-term Strategic Plan for the Town of Frederick. This plan is broken down into areas of concentration. One of the concentrations is Community and Economic Vitality. Under the umbrella of 2. Community and Economic Vitality is 2.5 Continue work on updating the Land Use Code. Todd Messenger created the strategic assessment of the current code, which staff has included as an attachment for the benefit of the new Planning Commissioners. The Update Framework was presented and accepted by the Planning Commission and the Town Board in 2022.

The interim amendments to the existing Land Use Code to update and modernize the land use table provides immediate public benefits in terms of protection of community character, economic

development, and code administration. With the proposed changes, each use is a principal land use and is defined broadly enough to include a full range of activities with comparable impacts, yet narrow enough to avoid overlaps among listed land uses. Every land use listed in the Land Use Table is defined in the proposed changes. Where appropriate, the Land Use Code definition aligns with the Colorado State Statute definition.

The types of land uses permitted conditionally, by-right, and by special use in each zone district has largely remained the same. A fourth option for general application was added to the table as “limited use.” “Limited Uses” may have unusual or special characteristics, like a conditional use, but don’t require the public hearing level of approval and are approved administratively. In effect, the “limited use” designation calls out land uses that would currently be designated as permitted by-right, but subject to use-specific standards. The hierarchy of complexity for an application approval would be as follows:

From most complex to least complex: conditional use, limited use, permitted use. Special use remains a designation that applies only to review of oil and gas facilities.

It is intended that the interim updates to the land use table, with adjustments and reorganization as appropriate, will be incorporated into the revised Land Use Code when it is complete.

Review Criteria:

Section 4.7.9.b. 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:

- (1) To correct a manifest error in the text of this Code;
- (2) To provide for changes in administrative practices as may be necessary to accommodate changing needs of the community and the Town staff;
- (3) To accommodate innovations in land use and development practices that were not contemplated at the adoption of this Code; or
- (4) To further the implementation of the goals and objectives of the Comprehensive Plan.

All four of the review criteria are met with the proposed code amendments.

Public Notice:

This proposed amendment was properly noticed according to the requirements found in C.R.S. §24-6-402(2)(c).

Legal/Political Considerations:

The Town’s Land Use Attorney created the amendments to the Land Use Table.

Alternatives/Options:

Approval: I move to approve PCR-2023-01A, approval of the Land Use Code amendments.

Approval with Conditions: I move to approve PCR-2023-01C, approval of the Land Use Code amendments with the following conditions; 1. (list conditions)

Denial: I move to approve PCR-2023-01B, denial of the Land Use Code amendments.

Staff Recommendation:

Staff requests that the Planning Commission consider approving PCR-2023-01A which recommends approval of this request without conditions.

Town of Frederick Land Use Code Update



UPDATE FRAMEWORK

Board of Trustees Study Session

| May 17, 2022



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EXECUTIVE SUMMARY

Context

The Town of Frederick is experiencing stress that is expected in communities that are undergoing rapid growth and change. Some Town residents feel a sense of uneasiness that the Town could be transformed from a place that is unique (and desirable because of that uniqueness) into a place that is not that different from any other community on the outskirts of the Denver metropolitan area. Other Town residents are concerned that an approach to new development that is too cautious or restrictive may result in investments in non-residential uses and amenities leapfrogging past Frederick, which could have long-term impacts on economic development.

Overall Strategic Assessment

The Town's current Land Use Code ("Code") has reached a stage of complexity and obsolescence that justifies its complete replacement. That said, there are some components of the Code that could be re-used, either in their current form or in concept. As the Town drafts a replacement Code, it should take into account those elements of the current Code that have served the Town well, and consider their incorporation into the new Code.

Key Recommendations

This Update Framework suggests that the Code:

1. Address all forms of development so that applications are processed in a timely, efficient, and fair manner—ensuring that landowners are empowered to creatively meet markets, solve problems, and optimize the use of their land.
2. Use the lens of "community character" to evaluate current standards and proposed new ones. Specifically, the physical form of development involves a balance among areas used for buildings and structures, pavement, and landscaping or natural features. The impact of development standards on that balance, that is, on *community character*, should be well understood as those standards are considered for inclusion in the new Code.
3. Completely rework the land uses that are set out in the current Table 3-1 (the matrix that shows the land uses that are allowed in each zoning district) so that each use is a principal land use that is defined broadly enough to include a full range of activities with comparable impacts, yet narrow enough to avoid overlaps among listed land uses.
4. Coordinate the land use table and the parking table so that each row of the land use table has a corresponding row in the parking table.
5. Create new zoning districts and update current zoning districts to better reflect the Town's development priorities and to implement the 25/52 East Subarea Plan.
6. Create established neighborhood zoning districts that allow for the expansion or modification of existing homes through the application of flexible administrative standards that encourage reasonable, context-sensitive improvements.
7. Use maximum density and minimum open space requirements, combined with a range of different permissible lot sizes and housing types, to reduce or eliminate reliance on Planned Unit Development zoning for new residential development.
8. Use a durable organizational structure that facilitates adaptation of the Code over time. That structure should compartmentalize preliminary text, substantive requirements, nonconformities, review procedures, enforcement, and measurements, acronyms, and definitions into separate and sequential Articles.

PREFACE

This Update Framework helps to build a bridge between the Town of Frederick's existing and emerging plans and what will become a proposed new Land Use Code ("Code"). It sets out proposed strategic approaches and priorities for reform of the Code based on the Town's planning objectives and perspectives with regard to the appropriate nature and scope of the Town's role in regulating the use and development of land. This document is built upon input from policy makers, community residents, landowners, and developers, and Town Staff, along with observations of and experiences with land use approval proceedings, a review of the current Code and the Town's planning documents, and the extensive experience of the author in planning, plan implementation, and land use law in Colorado and other states.

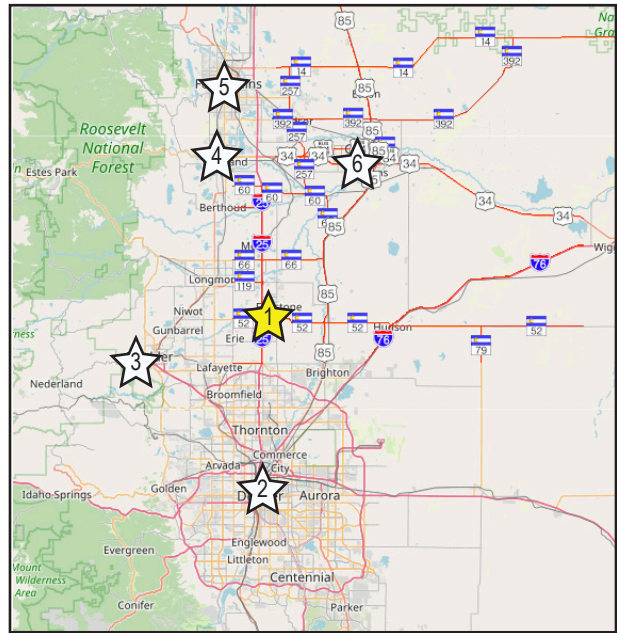
While all code update and reform projects are dynamic, that is, they respond to new opportunities, challenges, information, and perspectives as they come up, this document gives focus and stability to the Code update project by providing both a starting point and a strategic direction for the policy and technical discussions and detailed drafting efforts that will follow.

Experience shows that there are certain words and phrases that are commonly used in land use regulation, but are interpreted very different ways by different people. For example, to some, the "character" of the community may principally have to do with its physical design, or with the physical design of a certain area (e.g., downtown), whereas to others, the "character" of the community may have more to do with social networks than physical design. To avoid unnecessary confusion, this Update Framework also suggests an initial shared vocabulary that avoids unnecessary misunderstandings and creates a framework for policy development.

FREDERICK IN CONTEXT

Regional Context

The Town occupies an area of just under 16 square miles in the vicinity of the crossroads of Interstate 25 and Highway 52—north of the Denver metro area, south of the Fort Collins-Loveland metro area, and southwest of the City of Greeley (see Map 1, below). The Town is close to Longmont, Boulder, Dacono, Fort Lupton, Firestone, and Erie. The Town's central location allows for easy access to shopping, dining, education hubs, employment, and recreational opportunities, many of which are located in other jurisdictions.



Map 1: Regional Context. Frederick (1) is central to Denver (2), Boulder (3), Loveland (4), Fort Collins (5), and Greeley (6).

Sociodemographics and the Pace of Growth

In the 2010s, subdivisions of single-family detached homes attracted a lot of attention from home buyers, home builders, and developers. That fueled explosive growth in single-family detached residential subdivisions in the latter part of the decade—growth that continues today. In fact, the Town's growth outpaced projections that the Town relied upon in its most recent Compre-

hensive Plan. Today, it is estimated that the Town is among the fastest-growing communities in the State of Colorado.

During the 2016 Comprehensive Plan (“2016 Plan”) update, the Town’s estimated population was 10,935 people. Demographers at the time projected a population increase of about 18 percent (2,000 people) during the five-year period between 2015 and 2020. Actual growth was approximately 33 percent (the official 2020 Census count was 14,513 people). Population growth in the single year between 2020 and 2021 is estimated at 5.5 percent (802 people). Based on 2021 estimates, the Town is home to approximately 5,281 households, the residents of which account for roughly 40 percent of the population of the Carbon Valley.

It is an old saw in marketing that “birds of a feather flock together.” In general, Frederick is a Town comprised of families with children, above-median incomes, and high levels of education. According to the most recently available data (mostly from 2019):

- 93.4 percent of the Town’s housing stock is owner-occupied.
- 73.4 percent of Town residents have attended college, and 11.2 percent of Town residents earned advanced degrees.
- The average number of people per household is 3.11.
- The median household income is \$105,827.
- The median value of a home is \$363,200.
- The poverty rate is 1.8 percent.
- The Town is home to 841 businesses.

A full [Community Profile](#) report is available on the Town’s web site.

Predictable, Yet Difficult Growing Pains

It appears that in recent years, residential growth in Town outpaced nonresidential growth, straining resources and generating increased pressure on the Town Board to find a fiscally responsible way to deliver lifestyle amenities, local goods and services, and economic / employment opportunities for the Town’s residents. This pressure is based on an inherent understanding that the Town, as a regulator and a provider of municipal services and infrastructure, plays an important role in the private real estate market.

The Code is a key part of how the Town participates in the market. Experience shows time and again that a code that uses the power and direction of the private market to deliver community benefits is more effective than a code that either resists the market (e.g., development moratoria, overly burdensome zoning provisions, or restrictive rate-of-growth programs) or fails to recognize it (e.g., failure to leverage private investments to deliver public benefits at all).

Not surprisingly, growth pressures tend to create tensions. Some are opposed to further growth. Others embrace it. In the middle are questions and concerns about the availability and allocation of public resources (e.g., water supply, public services, and infrastructure) and the impacts of land use decision-making on community character, lifestyle amenities, economic opportunities, and the function of the community. An effective Code will reflect the policy priorities of the community with regard to these questions and concerns.

In this respect, history shows that the Town has done well using the power of the single-family residential market to deliver community benefits in the areas of connectivity and recreational amenities. Yet at present, the range of community ben-

efits and amenities sought has expanded, and the Code's relationship to emerging market opportunities is not well defined.

Among priority issues the Town faces in 2022 are:

- The need for balancing synergistic land uses, including primary employment, retail, restaurant, recreation, service, medical, entertainment, and diversified housing (price point, format, amenity mix, and for-sale / for-rent), as balanced land uses improve and maintain quality of life, economic opportunity, and the fiscal health of Town government, and reduce risks associated with economic downturns and other crisis situations.
- The need for a comprehensive approach and direction with respect to long-term stewardship of the Town's water resources and investments in water rights and infrastructure, as water is an essential resource for both current residents and future development.

PLANNING FRAMEWORK

The Comprehensive Plan

The 2016 Plan is the current version of the Town's Comprehensive Plan.¹ The intent of the 2016 Plan is to set out a vision for the growth, development, and redevelopment of the Town. The 2016 Plan has a ten year horizon; however, it is evident that the 2016 Plan relied upon projections that underestimated the growth and change in the Town and the region, and Town priorities have changed since its adoption. Moreover, the 2016 Plan suggested "a systematic review" of the plan, resulting in updates and amendments, "every 3 to 5 years."²

To that end, the Town Board of Trustees ("Town Board") has budgeted for a comprehensive re-

evaluation and update to the 2016 Plan, starting in 2022, in order to realign the Town's land use policies with current community perspectives and preferences. The Town Board has also taken steps to reorient plan-related decision making to address emerging priorities above dated ones.

While the 2016 Plan is out-of-date in some respects, the vision of the plan, expressed from the perspective of a person in the year 2036 looking back over the past two decades,³ likely has continuing support in the community and among policymakers. The Code update will, of necessity, test the 2016 Plan's vision against current data, perspectives, and priorities, and as such may help establish the groundwork for the vision expressed in the updated Comprehensive Plan.

The 25/52 East Subarea Plan

In 2021, the Town initiated its first "sub-area plan," for the area at the Northeast quadrant of Interstate 25 and Highway 52. The 25/52 East Subarea Plan carries forward a geographically specific part of the 2016 Plan's vision, in which development of the northeast quadrant of the I-25 / Highway 52 interchange was described as follows:

In additional (sic) to hosting national retailers, the interchange area has emerged as a thriving business park that supplies regional employment opportunities. To the north, the eastern side of I-25 has developed into highly successful motor row. In addition, mixed-use residential and commercial developments at the interchange, as well as at State Highway 52 and Colorado Boulevard, supply residents with everyday goods and services.

In a nutshell, the 25/52 East Subarea Plan anticipates that the land closest to I-25 and Highway 52

¹ C.R.S. § 31-23-206 imposes a duty on the Planning Commission to develop a master plan (a/k/a Comprehensive Plan).

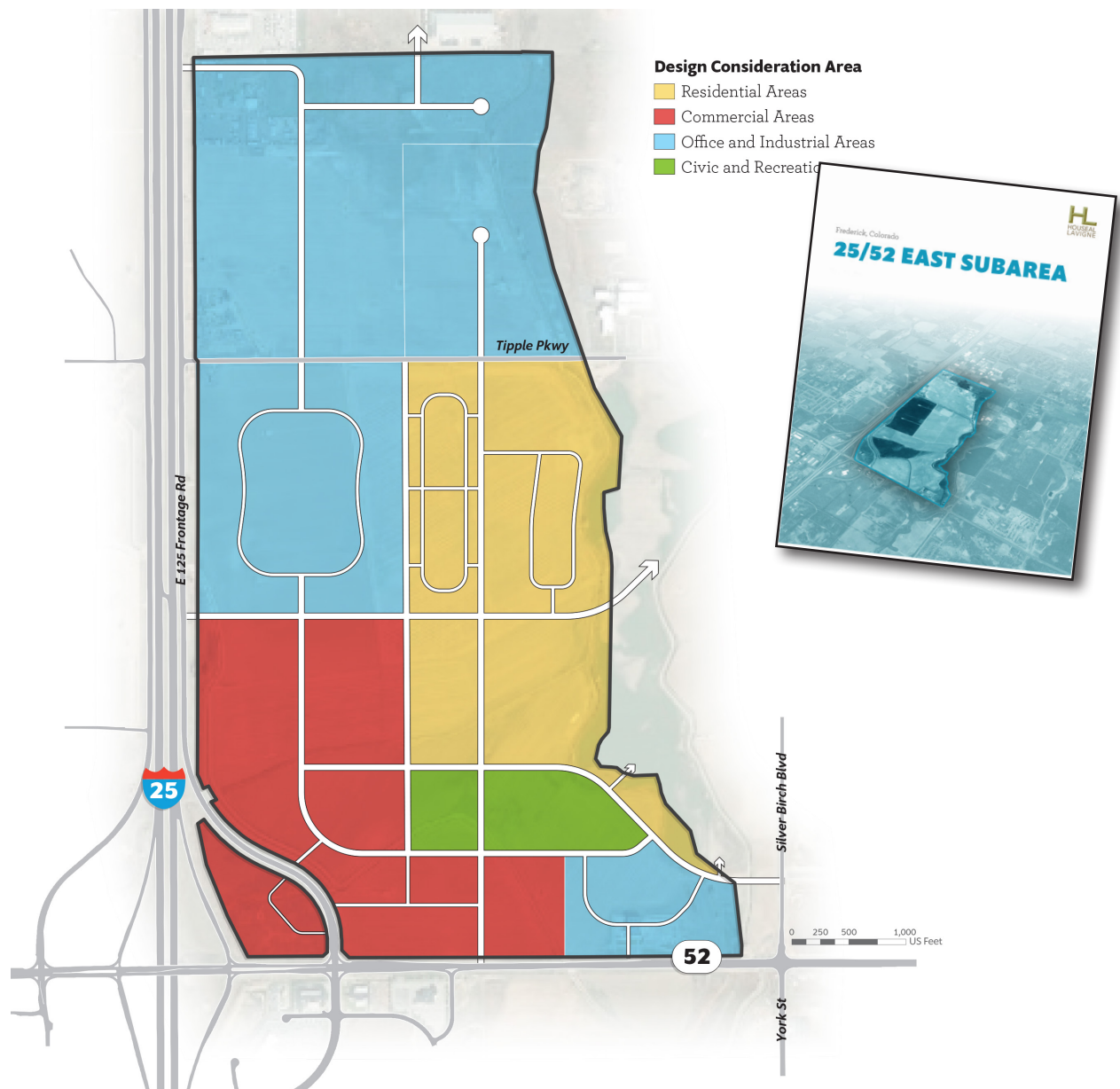
² 2016 Plan, Ch. 11, p. 95.

³ 2016 Plan, Ch. 4, pp. 34-35.

will be developed as a mixed use “place” that includes retail, restaurant, personal service, and entertainment uses, as well as (potentially) office and hospitality uses. These uses are anticipated to border on (or be integrated with) outdoor recreation, cultural, and leisure uses to the northeast. Those uses are anticipated to transition to multifamily, townhome, and other relatively dense housing forms further to the northeast. The western parts

of the planning area and the areas north of Tipple Parkway are anticipated to build out principally as uses that provide for primary employment (light industrial, office, medical office, and research and development). See Map 2.

The Planning Commission adopted the Subarea Plan on March 17, 2022. The Board of Trustees ratified the Subarea Plan on March 22, 2022.



Map 2: 25/52 East Subarea Plan Land Use Map.

LEGAL FRAMEWORK

The Difference Between Plans and Codes

In general, plans are advisory documents that express the Town's visions and policies. Codes are regulatory documents that set out specific requirements as to the use and development of land that have the force of law. That is why there is a big difference between the strategic level of detail of a plan document (e.g., a comprehensive plan, a corridor plan, a special area plan, or a sub-area plan) and the specific, technical requirements of a land use code. In sum, the rule of thumb is that the code implements the plans, and changes in use or development of land follow the code. See Figure 1.

The Role of the Code

The Code is not the only tool for plan implementation, but it is a critical one. The Code sets out the enforceable rules with respect to the use and development of private land. As such, it guides how (and in some cases, whether) private investments in land development, redevelopment, use, and reuse take shape.

Statutory Authorizations and Limitations

Frederick is a statutory town. As a statutory town, Frederick has the power to enact ordinances that are not inconsistent with state law, and that are necessary and proper to provide for the health, safety, prosperity, order, comfort, and convenience of the municipality. The Colorado Revised Statutes address a range of matters that are pertinent to the Code, including but not limited to master planning, zoning, subdivision, planned unit development, public meetings, open records, oil and gas operations, and vested rights. The statutes both confer authority upon the Town and constrain the exercise of that authority.



Figure 1: Planning Sequence.

A SHARED VOCABULARY

Community Character

Community character is a phrase that tends to mean different things to different people. For the purposes of the Code update, it will be used to describe the relative balance of three broad physical elements of any given place: buildings, paved areas, and “green” areas. With respect to these elements, community character is principally experienced from public rights-of-way (streets and trails) and from neighboring properties.

Framed this way, community character operates kind of like a red-green-blue color palette. See Figure 2, next page.

- In “urban” places, the defining visual element is buildings.
- In “auto-urban” places, the defining visual element is pavement (usually parking lots).
- In “rural” places, the defining visual element is “green” (whether natural or cultivated).

Using this approach, various patterns of development are relatively easy to classify as “urban,” “auto-urban,” “suburban,” or “rural.” That rubric allows for the evaluation of land use and zoning regulations in relation to larger objectives regarding community character. For example, where new or modified parking or landscaping standards are proposed, the impacts of the standards on the relative dominance of buildings, paved areas, and “green” areas on hypothetical development sites will also be considered. Table 1 (next page) shows how different types of design standards relate to the community character rubric.

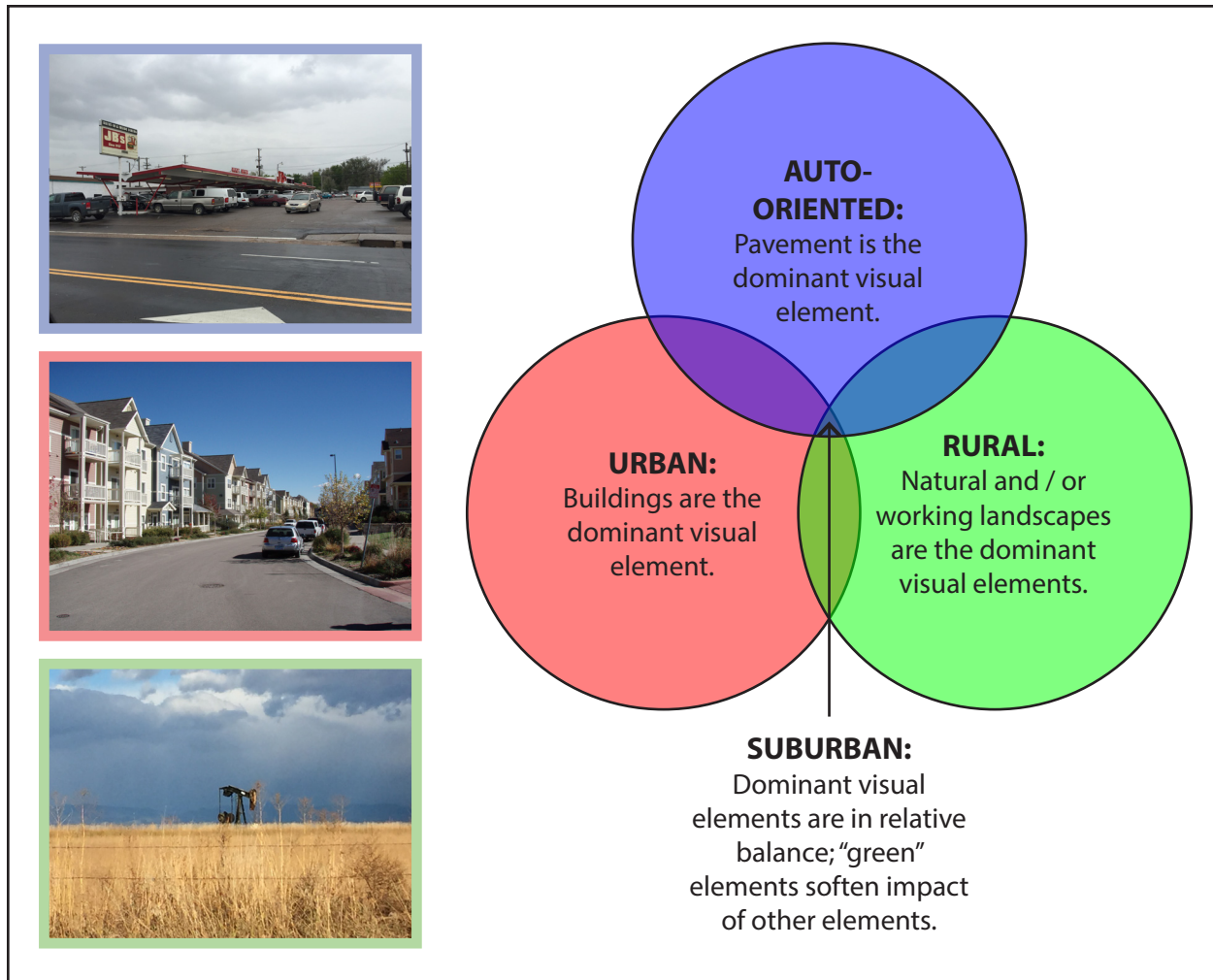


Figure 2: Community Character Palette

Table 1: Design Parameters and Community Character Palette			
Factor	Impact of Factor on —		
	Buildings	Vehicular Use Areas	“Green” Open Space
Design and functional classification of streets	Generally related to scale of use, which is a proxy for the scale of buildings	Influences width, uninterrupted length, access points, medians, etc.	Access points and landscaped medians may affect perception of “green” open space
Block size	Sometimes related to the types of buildings that are constructed	Affects the uninterrupted length of streets	Defines maximum areas of contiguous “green” open space
Vehicular access to lots	May influence building disposition (where buildings are located on the lot)	Influences how much pavement is visible from certain rights-of-way	Influences how much “green” is possible in street-facing yards
Building coverage	Related to mass of building	More building coverage means less area available for vehicular use areas	More building coverage means less area available for “green” open space

Table 1: Design Parameters and Community Character Palette			
Factor	Impact of Factor on —		
	Buildings	Vehicular Use Areas	“Green” Open Space
Building disposition	Affects how much the building dominates the view from the street and neighboring property	May affect how much of the lot’s vehicular use area is visible from the street and neighboring property	Affects how much “green” open space is possible between the building and the street and neighboring property
Building height	Affects the relative visual dominance of buildings	Generally affect the number of required parking spaces, which for surface lots, increases amount of land used for vehicles	As building coverage and parking coverage expand, area remaining for “green” open space shrinks
Architecture	Affects how much the building dominates the view from the street and neighboring property	Structural elements, such as screen walls, pergolas, street furniture, and public art can be used to screen vehicular use areas	Architectural styles can be used to blend in with or stand out from “green” open space
Landscaping	Can soften buildings and de-emphasize their relative impact on community character	Can soften parking areas and de-emphasize their relative impact on community character	Can enhance the relative significance of “green” open space on community character

Compatibility and Harmony

Compatibility and harmony are words that are often used in the context of land use decision-making. Arguably, ensuring compatibility and harmony among uses is a core purpose of zoning.

All too often, participants in the land use approval process evaluate whether a particular proposal is “compatible” or “harmonious” with its surroundings by way of a gut-check. Yet the underlying components of compatibility and harmony implicate more than 32 facets across three dimensions: physical, functional, and temporal.

The physical dimension of compatibility and harmony includes at least 16 facets: environmental impacts (which also includes impacts of environmental condition on the proposed use), historic context, building placement, architectural style, building scale, building massing, rhythm of solids and voids, structures and outdoor equipment, frontage types, building intensity, landscaping and fences, outdoor storage, building orientation, signage, window and door openings, and cladding materials and color.

The functional dimension also includes at least 16 facets: external risks, hours of operation (and peak hours), traffic movements, traffic volume, noise, lighting, dust (as well as smoke, odors, and electromagnetic interference), access, stormwater runoff, security and crime impacts, blighting influences, parking overflows, heavy truck trip generation, vehicular-pedestrian conflicts, impacts on public resources such as water and schools, and the potential for economic or other functional synergies among related uses.

The temporal dimension is different. It has to do with the point in time at which compatibility is evaluated. If the context surrounding a particular proposed development is undeveloped or likely to redevelop into something entirely new, then the measure of compatibility may be more appropriately calibrated to anticipated future development than the existing condition. This is particularly key in areas where development or redevelopment are desired, and new projects are expected to establish the desired character and quality for a larger area.

During a code update project, it is helpful to deconstruct the terms “compatible” and “harmonious” into constituent parts for the purposes of discussing and evaluating proposed policies and standards. The standards that are ultimately adopted should be specific enough to address facets of compatibility and harmony that are community priorities—ideally without using the terms “compatible” or “hamonious” at all.

Streamlined, User-Friendly Code

One purpose of the Code update project is to make the code “user-friendly.” Key to carrying out that purpose, is understanding who the users are and what they are looking for. That understanding guides choices regarding the organization and vocabulary of the code.

There are different primary audiences for different parts of the Code. For example, a landowner may be interested in questions like, “what can I use this land for, and how much of that can I do,” while a land planner or engineer will need to know the answers to more detailed questions like, “what are the allowable physical dimensions of the buildings,” or “how many parking spaces must be provided?” Advocates will be interested in administrative questions like “who approves development proposals,” and “how does one navigate the approval process.” Code enforcement officials, lawyers, and judges need to know how the Code is enforced.

In all cases, the Code should be presented in plain language, tables should be used when their use simplifies presentation of material, and graphics should be used to explain difficult concepts or definitions that are not easily presented with plain language.

To this last point, while graphics-intensive codes are a current fad, this Update Framework suggests that the use of graphics should be strategic. Graph-

ics should not be used gratuitously. First, creating and editing graphics is usually labor-intensive, so using graphics unnecessarily leads to higher costs, or potentially worse, higher risks of confusion (as graphics and code text are increasingly in conflict), as the Code is amended over time. Second, oftentimes graphics are taken literally by their audience, which can either stifle creativity or set unreasonable expectations (either too high or too low, or in complex situations, potentially both).

Electronic Presentation

The Town currently uses Code Publishing Company (“CPC”) to publish its Code online. The CPC presentation of the Code is robust, easily browsed, and easily searched. Additionally, the CPC service includes access to prior versions of the Code, which is helpful when addressing issues that come up with respect to the potential nonconforming status of existing development. While this Update Framework makes no recommendation regarding selection of a code publisher, the Town should consider the current feature set as the minimum specification if a new publishing platform is considered.

STRATEGIC ASSESSMENT

Relationship to Comprehensive Plan

The divergent paths of planning and regulation in the Town over time have created disconnects between the Town’s articulated land use policies (in the 2016 Plan) and the regulations that are intended to carry those policies out (the Code). Moreover, the pace of change in the Town and the region have rendered certain parts of both the 2016 Plan and the Code obsolete or ineffective.

As to the 2016 Plan, the market data that supported land use planning and some land use policies is now dated, and structural changes in retail and

the continuing impacts of the global pandemic on bricks-and-mortar retail investments have changed the way such data are considered. That means a new land use plan that is responsive to current and projected market conditions and resource constraints is needed to guide zoning and rezoning decisions.

The 2016 Plan includes a “residential growth strategy” that calls for the Town to take active measures to facilitate the build-out of residential developments. While this Update Framework does not take a position about whether residential growth should be curtailed, there does not appear to be a current need for the Town to take a proactive role in promoting the build-out of existing approved subdivisions.

Other provisions of the 2016 Plan appear to remain supported in the community, including but not limited to housing diversity; neighborhood connectivity; good community design; economic diversification; downtown as the “heart of the community”; and intensification of key intersections like I-25 and Highway 52.

Since the Code update will take place concurrently with the Comprehensive Plan update, the projects will coordinate to the maximum extent possible. To the extent that the Code update has a headstart, the Code update will provide a structure that will allow for subsequent amendments that implement new plans, without unintended consequences regarding the structure of the Code. Information gathered during the Code update process, including policy perspectives and solutions that are offered by participants, will be provided to those who are leading the comprehensive planning process.

Structural Condition of the Code

☞ ***The Code is in poor structural condition. It should be completely reorganized and rewritten from the “ground up.”***

The “bones” of the existing Code—that is, its original structure and essential terms—are now 20 years old. The Code was not comprehensively revised and restructured after the 2016 Plan was adopted. This Update Framework suggests that, even without reference to its content, the Code has become structurally unsound, and that, at a minimum, comprehensive reorganization is warranted.

Over the course of the last 20 years, the Code has been amended time and again. Some of the major amendments involved the creation of entirely new articles to address specific land uses (*e.g.*, manufactured home parks) or geographies (*e.g.*, Article 15, Downtown Code). While the amendments themselves served the purposes for which they were created, they did not necessarily integrate well into the Code itself.

In the short run, sometimes it is desirable to create free-standing provisions like Article 15 in order to address pressing issues. However, in the long run, it is almost always preferable to fully integrate such provisions into the rest of the code, creating a resulting structure in which different types of content are grouped together (and separated from each other in a disciplined manner).

A well-structured code has enhanced durability because it is relatively easy to amend without unintended consequences. While structural degredation of code is a normal (and perhaps unavoidable) process, the enhanced durability that good initial structure provides allows for greater regulatory stability and longer periods of time between rewrites.

Accessory dwelling means an apartment integrated within a single-family dwelling or located in a detached accessory building, such as carriage houses or agricultural-type outbuildings, located on the same lot as single-family dwellings. In the Agriculture and Estate Residential Zoning Districts, accessory dwellings shall be limited to a minimum of five hundred (500) square feet and a maximum of one half (1/2) the total floor area of the primary residence. In the R-1 and R-2 Zoning Districts, accessory dwellings shall be limited to a minimum of five hundred (500) square feet and a maximum of one thousand (1,000) square feet in floor area. For purposes of calculating residential density, each accessory dwelling shall count as one-half (1/2) dwelling unit. There shall not be more than one (1) accessory dwelling located on a lot in addition to the single-family dwelling.

Figure 3: The definition of “accessory dwelling,” set out in LUC § 1.15, includes text that defines the phrase (shown in blue), regulatory text controlling the floor area and the number of accessory dwellings (shown in red), and measurement text that indicates how accessory dwellings are counted when the density of a project is measured (shown in green).

Definitions

➡ **Definitions of words and phrases should be consolidated and refined. Gaps and overlaps should be avoided, and text that is not definitional removed.**

Most of the definitions of words and phrases that are used in the Code are set out in Section 1.15. However, there are also definitions set out in Sections 5.2, 8.5, 9.2, 10.1, and 14.2. Sections 7.21 and 15.3 are entitled, “Definitions,” but contain only general cross references to Article 1.

In addition to the organizational issues, within the definitions there are many words and phrases that are poorly defined, that overlap with other definitions (see Land Use, *supra*), or that include standards, procedures, or measurement text. See Figure 3. Such conditions significantly increase the risk of confusion, and the risk that important standards, procedures, or measurements will be overlooked or discovered late in the development review process.

The Vocabulary and Organization of Land Use

➡ **The land use table should be comprehensively updated to include consolidated, re-defined, and new land uses that provide flexibility and respond to current and future market demands.**

Generally, Table 3-1 in the current Code sets out a list of potentially permissible land uses, and

the zoning districts in which the land uses are allowed, allowed after an administrative “special use” process, allowed after a public hearing “conditional use” process, and not allowed. Although the inclusion and *format* of Table 3-1 represents a “best practice” in code drafting, the *content* of Table 3-1 has much room for improvement. This Update Framework suggests that the list of land uses in Table 3-1 be refined to ensure that:

- All listed uses are “principal land uses”;
- Gaps, overlaps, and redundancies among related land uses are resolved;
- All land uses have a corresponding (and clear) definition in the Code;
- The table does not include procedural requirements (other than the generic type of approval that is required); and
- The table does not merge land uses with development standards.

Industrial Uses. Not all of the uses listed in Table 3-1 as “Industrial Uses” are industrial in nature. Among the uses that are industrial, there are issues with both overspecification and overlapping definitions (see Table 2, next page). In order to reduce confusion, implement the 25/52 East Sub-area Plan, promote job creation and economic development, and streamline approval procedures regarding desirable industrial uses in other ar-

Table 2: Industrial Uses in Existing Table 3-1

Permitted Uses	A	R-E	R-1	R-2	R-3	R-MH1	R-MH2	D-A	D-B	C-N	C-C	C-H52	C-E	BLI	I	P	Additional Regulations
Dry-cleaning plants															C		C-E: (13), (14), (28)
Heavy industrial uses															P		(6), (28)
Light industrial (production, assembly and packaging)												C	P	P	P		(6), C-E: (13), 28
Machine shop														P	P		(28)
Manufacturing and preparing food products															P		(28)
Manufacturing, assembly or packaging of products from previously prepared materials													P	C	P		(6), C-E (13), (28)
Manufacturing of electric or electronic instruments and devices													P	C	P		C-E: (13), (28)
Plumbing, electrical and carpenter shops														P	P		(6), (28)
Research, experimental or testing laboratories												C	P	C	P		C-E: (13), (28)
Resource extraction, processes and sales establishments	C														C	C	(6), (28)
Warehouse, distribution and wholesale uses														P	P		(6), (28)
Workshops and custom small industry											C	P	P	P	P		C-E: (13), (28)

eas of the Town, the industrial use classifications should be reconsidered and overhauled.

One approach to simplifying the classifications of industrial uses is to focus on their external impacts. In general, these impacts relate to:

- Heavy truck traffic;
- Noise, dust, odors, electromagnetic interference, glare, and ground vibration;
- Environmental risks (e.g., risk associated with leaks or releases of hazardous materials, risk of explosions, etc.); and
- Visual impacts of outdoor storage areas, outdoor processing areas, and outdoor appurtenances and equipment.

Viewed through this lens, industrial uses can be described in a simplified way. Uses that are low-impact with regard to each of these measures can be classified as “light industrial.” Uses that are low impact in terms of risks and aesthetics, but high impact in terms of truck traffic can be classified as “logistics.” Uses that are high impact in terms of risks and aesthetics can be classified as “heavy industrial.” Although “heavy industrial” does not have to address the volumes of truck traffic (because in general the other externalities are more important), a fourth classification, which would involve high risks or aesthetic impacts combined with high levels of heavy truck traffic could also be made, if necessary. See Figure 4, next page.

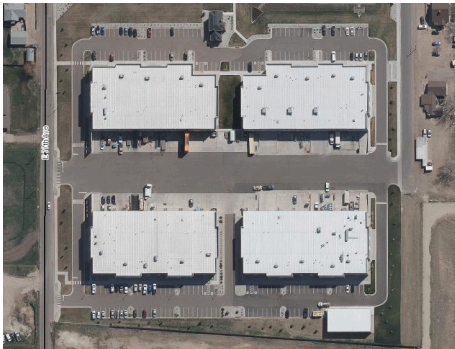
		Environmental Risks / External Impacts	
		Below Threshold	At or Above Threshold
Heavy Truck Traffic	Below Threshold	 Light Industrial	 Heavy Industrial
	At or Above Threshold	 Logistics	 Heavy Industrial (or 4th Classification)

Figure 4: Simplified Industrial and Logistics Classifications
(image source: Adams County, Colorado GIS (2020 aerial photography))

A simplified approach to industrial uses, comprised of light industrial, heavy industrial, and logistics would eliminate the need for land uses like “machine shop,” “dry-cleaning plants,” “manufacturing and preparing food products,” “manufacturing, assembly or packaging of products from previously prepared materials,” “manufacturing of electric or electronic instruments and devices,” “plumbing, electrical and carpenter shops,” “research, experimental or testing laboratories,” “resource extraction, processes and sales establishments,” and “workshops and custom small industry.”

Marijuana Uses. Under the “Business / Commercial / Retail Uses” heading in Table 3-1, the current

Code lists “Marijuana Grow Facility,” “Marijuana: Recreational - Up to 6 Plants,” “Marijuana Retail Operation,” “Medical Marijuana: Patient, Up to 6 Plants,” “Medical Marijuana: Patient, More than 6 Plants But Less Than 99 Plants,” “Medical Marijuana Primary Caregiver, Up to 6 Plants,” and “Medical Marijuana Primary Caregiver, More than 6 Plants But Less Than 99 Plants” as land uses.

Marijuana grow facilities and marijuana retail operations (neither of which are defined in the Code) do not appear to be allowed in the Town (there are no Ps, Ss, or Ps in the corresponding row of Table 3-1). However, Table 3-1 indicates that “additional regulation” numbered 28 applies to them (more on that below).

The rest of the marijuana land uses are not really land uses. For example, the phrase “marijuana: recreational” which is not defined in the Code is, presumably, included in Table 3-1 to allow a certain maximum number of marijuana plants to be grown in homes located in certain zoning districts for personal use of the home’s occupants.

The phrase “medical marijuana patient” is defined in the Code, and the definition creates more confusion than it resolves.⁴ As far as Table 3-1 goes, the inclusion of “medical marijuana patient” may work the same way as “marijuana: recreational” with regard to the cultivation of (in this case, medical) marijuana plants, but it is hard to tell. It is also hard to tell whether a medical marijuana patient could “lawfully” grow 12 plants, six medical and six recreational. In any case, it is hard to argue that a “person who meets the definition of patient . . .” is a *land use*, which would technically mean that that person is not allowed to traverse the C-N, C-C, C-H52, C-E, BLI, I or P zoning districts (except with regard to the I zoning district, if the person grows more than 6 plants but less than 99 plants, a conditional use permit would potentially be available to authorize such activity). Same goes for “medical marijuana primary caregiver.”⁵

In 2019, most of Colorado’s marijuana laws were updated and recodified at C.R.S. § 44-10-101, *et seq.* (“Colorado Marijuana Code”). There are additional marijuana provisions in C.R.S. §§ 25-1.5-106 and 26-1.5-106.5. The new laws substantially expanded the different types of marijuana businesses that can be licensed in Colorado. Even if most or all of the license types are not allowed in the Town, all marijuana provisions in the Code

should be updated and reorganized as appropriate to reflect the statutory amendments.

Storage Containers. The last column of Table 3-1 is entitled “Additional Regulations (Apply in All Districts Unless Otherwise Stated).” In this column “The numbers of additional regulations . . . relate to regulations that can be found following the Table of Permitted Uses.” Those standards “are in addition to the general criteria applicable to all uses and to the general development and subdivision standards stated in Articles 2 and 4, respectively.”

Every row of Table 3-1 that includes a land use, whether that land use is permitted anywhere in the Town or not, includes a reference to “Additional Regulation” number 28. That standard limits the use of “storage containers” (shipping containers). A cross-reference from Table 3-1 to the end of a long list of use-specific standards is not an intuitive location for addressing containers. Moreover, the impact of storage container limitations on site design for warehousing and distribution uses should be considered during the Code update process.

Community Design

➤ ***The community design principles in the existing Code contain valuable material, but in their current condition they are poorly organized and insufficiently focused.***

Article 2 of the current Code sets out “Community Design Principles and Development Standards.” Some focus group participants commented on the positive impact that Article 2 has had on the quality of development. This Update Framework supports the idea that there is valuable material in Article 2 that should be transferred into a new Code.

Still, the majority of the emphasis in the existing Article 2 is residential neighborhoods, and in that respect, principally single-family detached

⁴“Medical marijuana patient” is defined in the Code as “a person who meets the definition of patient under Article XVIII, Section 14(1)(d) of the Colorado Constitution and applicable law.”

⁵The Code defines “primary caregiver” as “a person who meets the definition of primary caregiver under Article XVIII, Section 14(1)(f) of the Colorado Constitution and applicable law.”

residential neighborhoods. Community design standards should be context-specific and should embrace (and enhance) all types of development within the Town. In an effort to reorganize the Code into a more durable structure, the material in Article 2 should be reallocated within the new Code, and the applicability of that material to different types of development should be clarified.

Balancing Land Uses

➡ ***The Code and the Official Zoning Map should provide for appropriate balancing of land uses.***

Balancing land uses involves several factors. First, the Official Zoning Map should provide a sufficient inventory of strategically located land (identified during the Comprehensive Plan update) for desirable nonresidential land uses. Second, the Code should make it relatively easy to obtain approvals for nonresidential uses that the Town wants. Finally, the Code should describe land uses in a manner that neither over-specifies them (resulting in micro-management of land use) or under-specifies them (allowing too wide a range of land use impacts to be permitted under the same land use definition), and then allocate land uses among zoning districts in a way that facilitates development of clusters of mutually supporting uses.

Development Review Procedures

➡ ***Development review must be calibrated to statutes to the extent required by law, and review by public hearing should be undertaken only where required by statute or where such review will add value to the development and the community. The Town should reduce the use of Planned Unit Development procedures.***

The most commonly used development review procedures are set out in Article 4. Article 4 is entitled “Subdivision Regulations,” but includes development review procedures and standards for 20 different types of applications, most of which are not related to subdivision review.

In addition to the review procedures in Article 4, there are a variety of procedures and procedural elements (e.g., time calculations and review fees) scattered throughout the rest of the Code. They are set out in Sections 1.11, 1.13, Article 5, 8.12 through 8.15, inclusive, 9.3 to 9.7, inclusive, 10.2, 10.20, 11.1, 11.2, 11.4, 11.5, 11.8, 11.11, 12.1, 12.6, 12.7, 12.10, 13.2 to 13.8, inclusive, 14.4 to 14.9, inclusive, 14.11 to 14.18, inclusive, and 15.2.

The development review procedures include significant details regarding application requirements. As such, presently, changes to the application requirements must be approved by the Town Board by Ordinance. A simpler Code would authorize Staff to develop application forms that are pertinent to decision-making based on the standards in the Code.

The development review procedures also include standards for decision-making. With regard to sketch plans and preliminary plats, the standards may tend to discourage some types of desirable nonresidential or mixed-use development, including that which is contemplated by the 25/52 East Subarea Plan. For example, sketch plans and preliminary plats (which would apply with equal force to a residential subdivision and an industrial park, office park, or retail subdivision) must:

[further] the goals and policies of the Comprehensive Plan, including:

- (a) The proposed development promotes the Town’s small-town, rural character;
- (b) Proposed residential development adds diversity to the Town’s housing supply;
- (c) Proposed commercial development will benefit the Town’s economic base;
- (d) Parks and open space are incorporated into the site design;
- (e) The proposed project protects the Town’s environmental quality; and

- (f) The development enhances cultural, historical, educational and/or human service opportunities.

While the Town's review procedures are not terribly complicated compared to some other Front Range jurisdictions, there are opportunities to reallocate which uses are permitted "as-of-right" and which uses are permitted only after Planning Commission recommendation and Town Board approval of a conditional use permit.

Similarly, common use of planned unit development ("PUD") review procedures is an indicia of weakness in the Code. PUD procedures are intended to provide flexibility for high-quality development that does not strictly comply with "straight zoning" district standards. Instead of creating essentially a new zone for each new development, this Assessment suggests that "straight zoning" districts should be flexible enough to accommodate—and encourage—creative, high-quality development.

Enforcement

➡ **Enforcement procedures should follow statutory requirements, and to the extent local control is available, reflect current practice.**

Enforcement procedures are set out in Article 6, entitled, "Enforcement." There are additional enforcement procedures in Sections 7.20, 9.14, 10.22, and 11.12.

There are a number of statutory provisions that control enforcement and available remedies, including but not limited to: C.R.S. §§ 31-23-308, 31-15-103, 31-15-401, 31-15-402 (nuisances), 24-67-106 (regarding planned unit development), 31-15-1101 (mobile home parks), and 31-16-101 (penalties). The enforcement provisions of the Code should be compared to the statutory authorizations and refined as necessary.



Figure 5: Too often, development review procedures are overcomplicated, not unlike a marble run. A well-conceived development review process should be, as Albert Einstein once put it in a different context, "as simple as possible, but not simpler." Every step of the review process should be purposefully designed so that it tends to improve quality or add value.

That said, code enforcement in the Town does not appear to present material issues (other than the interpretive issues that attend to a code at this stage of its life cycle). As such, except as provided above, the existing code enforcement program should be retained.

PROPOSED CODE STRUCTURE

This Update Framework recommends the following order of content presentation in a new Code:

- *Preliminaries* (the title and purposes of the Code, the situations where the Code applies and does not apply, the authority for the Code, where the Code applies, how the Code relates to the Comprehensive Plan and to other laws, how do deal with applications that are in process at the time a new Code is adopted, how

the Code relates to private covenants, *etc.*).

- *Development Standards* (the substantive standards for land use and development; for example, what land uses are allowed in each area of the Town, how intense those uses may be, parameters for how the development must be designed, *etc.*).
- *Special Standards and Management of Development Impacts* (requirements for special districts, annexations, dedications, *etc.*, that are not directly related to project design).
- *Nonconformities and Incremental Compliance* (how the Code applies to situations where the use or condition of the land was allowed before the new Code was adopted, but is now prohibited or limited by the new Code; and how to either allow the condition to continue as an approved condition or to bring the property into compliance over time).
- *Development Review Procedures* (the people or bodies that are responsible for decision-making and the procedures that an applicant must follow in order to obtain various approvals that are required by the Code).
- *Enforcement and Remedies* (how the Code is enforced, and what remedies the Town may seek for violations of the Code).
- *Measurements and Definitions* (how various measurements are taken and what the technical words and phrases mean).

NEXT STEPS

This Update Framework is an early step in the Code update project. It provides a policy foundation and strategic approach for the work ahead. After the Update Framework is accepted by the Planning Commission and the Town Board, the iterative work of code drafting will begin.

It is anticipated that the work of developing and vetting code priorities and regulatory “tools” will be assisted by a committee. Fairfield and Woods will provide the committee with issue outlines to focus discussion around critical land use and development design issues. The consensus of the committee as to those issues will then be translated into code text, which will be delivered to the Town for further review (by Town Staff and potentially the committee as well).

The Code team will check in with the Planning Commission and Town Board several times as the new Code is developed, in order to verify that it is reflective of the shared perspectives and values of the community. Some of those check-ins will also include “open house” poster-board sessions where Town residents, landowners, and business owners will be invited to review concepts and offer their perspectives and comments.

Towards the end of the process, a draft new Code will be provided to the Town for public review and comment. That draft will be updated as appropriate after review, and will be presented to the Planning Commission as an “initial public hearing draft.” After a formal public hearing, the Planning Commission will make a recommendation to the Town Board (with or without modifying the initial public hearing draft). The Town Board will then consider a final public hearing draft (with such modifications as are appropriate) at a formal adoption hearing.

As the Code is developed, information will be posted on the Town’s web site at:

<https://frederickco.gov>

PROPOSED AMENDMENTS TO THE FREDERICK LAND USE CODE TO UPDATE THE LAND USE TABLE AND PROVIDE RELATED DEFINITIONS AND PROCEDURES BY AMENDING SECTION 1.15, DEFINITIONS, BY REPLACING SECTION 3.4, MATRIX OF PERMITTED, CONDITIONAL, AND SPECIAL USES BY ZONING DISTRICT – USE-SPECIFIC STANDARDS, AND BY AMENDING ARTICLE 4, SUBDIVISIONS, SECTION 4.11

Section 1. Sec. 1.15, Definitions, Town of Frederick Land Use Code, is amended as follows (strikethrough represents deleted text, underline means added text, and * * * means large blocks of unmodified text):

* * *

Adult-oriented use means a use of property where the principal use, or a significant or substantial adjunct to another use of the property, is the sale, rental, display or other offering of live entertainment, dancing, or material which is distinguished or characterized by its emphasis on depicting, exhibiting, describing, or relating to specified sexual activities or specified anatomical areas as the primary attraction to the premises, including, but not limited to:

(1a) Adult arcade, which means any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five ~~(5)~~ or fewer persons per machine at any one ~~(1)~~ time, and where the images so displayed are distinguished or characterized by the depicting or describing of specified sexual activities or specified anatomical areas.

(2b) Adult bookstore or adult video store, which means a place where books, magazines, motion pictures, prints, photographs, periodicals, video or audio recordings, novelties and devices, or any of these things, which have as their primary or dominant theme, matter depicting, illustrating, describing, or relating to specified sexual activities or specified anatomical areas, are sold or offered for sale to adults; and includes a place with only a portion or section of its area set aside for the display or sale of such material to adults, except that any place, otherwise included within this definition, that derives not more than ~~ten~~10 percent ~~(10%)~~ of its gross income from the sale of such material shall be exempt from the provisions of this Section so long as such material is kept in a location where it is not visible and shall not be a self-service item for the customers of such place.

(3e) Adult cabaret, which means a nightclub, bar, restaurant or similar business which regularly features:

(a~~1~~) Persons who appear in a state of nudity;

(b~~2~~) Live performances which are characterized by the exposure of specified anatomical areas or by specified sexual activities; or

(c~~3~~) Films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas.

(4d) Adult motel means a hotel, motel, or similar business which offers private rooms to the public and provides patrons live performances or closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas.

(5e) Adult motion picture theater means a business where films, motion pictures, video cassettes, slides, or similar photographic reproductions are regularly shown which are characterized by the depiction or description of specified sexual activities or specified anatomical areas.

(6f) Adult photo studio means any establishment which, upon payment of a fee, provides photographic equipment and/or models for the purpose of photographing specified anatomical areas.

(7g) Adult theater means a theater, concert hall, auditorium, or similar business which regularly features persons who appear in a state of nudity or live performances which are characterized by the exposure of specified anatomical areas or by specified sexual activities.

(8h) Peep booth means a viewing room, other than a private room, of less than one hundred fifty (150) square feet of floor space upon the premises of a sexually oriented business where there are exhibited photographs, films, motion pictures, video cassettes, or other video reproductions, slides or other visual representations which depict or describe specified sexual activities or specified anatomical areas.

(9i) Private room means a room in an adult motel that is not a peep booth, has a bed in the room, has a bath in the room or adjacent to the room, and is used primarily for lodging.

(10j) Sexual encounter establishment means a business or commercial establishment which, as one (1) of its primary business purposes, offers for any form of consideration, a place where two (2) or more persons may congregate, associate, or consort for the purpose of specified sexual activities or the exposure of specified anatomical areas, when one (1) or more of the persons exposes any specified anatomical area.

(11k) 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:

(a1) The opening or commencement of any sexually oriented business as a new business;

(b2) The conversion of an existing business, whether or not a sexually oriented business, to a sexually oriented business;

(c3) The addition of any sexually oriented business to any other existing sexually oriented business;

(d4) The relocation of any sexually oriented business; or

(e5) The continuation of a sexually oriented business in existence on the effective date of the initial ordinance codified herein.

~~(l) 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.~~

~~(2) Human male genitals in a discernibly turgid state even if completely and opaquely covered.~~

~~(m) 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 breast.~~

~~(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.~~

~~(5) Flagellation, mutilation, or torture for purposes of sexual arousal, gratification or abuse.~~

~~(n) 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.~~

* * *

Agricultural activity. See commercial agriculture. ~~means farming, including plowing, tillage, cropping, utilization of best management practices, seeding, cultivating, or harvesting for the production of food and fiber products (except commercial logging and timber harvesting operations); the grazing or raising of livestock (except in feedlots); aquaculture; sod production; orchards; Christmas tree plantations; nurseries; and the cultivation of products as part of a recognized commercial enterprise. The application of fertilizers, herbicides, and pesticides is incidental to this activity.~~

Agricultural land means land that is being used for ~~agricultural activities~~commercial agriculture.

Agricultural uses means a category of land uses that includes agritainment and commercial agriculture.

Agritainment means a for-profit business operation, located and operated on agricultural land~~an agricultural property~~. The business provides educational and/or entertainment opportunities to its patrons in an agriculturally-oriented environment by way of activities, events, demonstrations, displays, interactive participation, tours, lectures, and/or the sale

of agriculturally related products. Characteristic [activities that may constitute uses permitted in](#) an agritainment business include but are not limited to:

- (1) Animal petting zoo and farm animal centers;
- (2) Community event;
- (3) Concessions;
- (4) Country store/craft shop;
- (5) Cultural or special events and religious festivals;
- (6) Educational activities and programs;
- (7) Farm tours;
- (8) Farmers market;
- (9) Farm-life activities and entertainment; [and](#)
- (10) Thematic vacations or events.

* * *

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 ~~pursuant to this Article~~. 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 chapter](#).

~~Animal boarding means the operation of an establishment in which domesticated animals other than household pets are housed, groomed, bred, boarded, trained or sold. This term shall not include the operation of a kennel.~~

* * *

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.

* * *

~~Automotive repair, major means an establishment primarily engaged in the repair or maintenance of commercial and heavy-truck-oriented motor vehicles, trailers, and similar large mechanical equipment, including paint, body, and fender and major engine and engine part overhaul, provided that it is conducted within a complete enclosed building. Such use shall not include the sale of fuel, gasoline, or petroleum products.~~

~~Automotive repair, minor means an establishment primarily engaged in the repair or maintenance of passenger and light-truck-oriented motor vehicles, trailer, and similar mechanical equipment, including brake, muffler, upholstery work, tire repair and change, lubrication, tune-ups and transmission work, car washing, detailing, polishing, or the like, provided that it is conducted within a completely enclosed building. Such use shall not include the sale of fuel, gasoline or petroleum products.~~

* * *

~~Bar or tavern means an establishment providing or dispensing fermented malt beverages and/or malt, vinous, or spirituous liquors, and in which the sale of food products such as sandwiches or light snacks is secondary.~~

Bar, tavern, or nightclub a business that sells alcoholic beverages for on-premise 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 (chips, pretzels, nuts, etc.) 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, vintner's restaurant, or lodging and entertainment facility). The phrase "bar, tavern, or nightclub" does not include the phrase "sexually oriented business" or the temporary sale of alcohol for on-premise consumption.

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 150 MWh or greater. Battery Energy Storage Systems with a capacity of less than 150 MWh are classified as "Utilities, Minor."

* * *

~~Bed and breakfast means an establishment operated in a private residence or portion thereof, which provides temporary accommodations to overnight guests for a fee and which is occupied by the operator of such establishment.~~

Bed and breakfast means the use of a single-family detached building as a place of overnight accommodation, in which:

(1) Five 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.

Bed and breakfasts may also provide a location for private events (e.g., weddings and receptions).

* * *

Boarding and rooming house means a building or portion of which is used to accommodate, for compensation, four (4) 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.

* * *

Brew pub, distillery pub, or limited winery means:

- (1) A brew pub as defined in C.R.S. § 44-3-103(5);
- (2) A distillery pub as defined in C.R.S. § 44-3-103(14);
- (3) A limited winery as defined in C.R.S. § 44-3-103(25);
- (4) A microbrewery; or
- (5) A microdistillery; or
- (6) A microwinery.

~~Brewpub means an establishment that is primarily a restaurant where malt, vinous and/or spirituous liquors (beer, wine or hard liquor) are manufactured on the premises as an accessory use, primarily for sale and consumption on premises. A brewpub may distribute its products off-site as consistent with state law. Establishments that do not contain a restaurant component as the primary use are consider microbreweries, microwineries, or microdistilleries and are subject to different regulations. Regardless of the presence of a restaurant component, establishments that exceed the maximum production limits for microbreweries, microwineries, or microdistilleries are considered breweries, wineries or distilleries and are subject to different regulations.~~

~~Also see definitions and regulations for restaurants, microbreweries, microwineries, microdistilleries, breweries, wineries, and distilleries.~~

* * *

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".

* * *

Campground or RV park means an area of land developed and intended to provide short-term accommodations to guests in recreational vehicles or tents.

* * *

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.

* * *

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 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 lodging means a building or group of buildings in which, in the aggregate, six or more rooms are 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.

* * *

Community, civic, educational, and institutional uses means a category of land uses that includes cemetery, crematorium, day care center, adult or child, funeral home, hospital, place of assembly, prison or jail, school, elementary or middle, school, high, school, vocational or trade, and university or college.

* * *

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.

* * *

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.

* * *

Crematorium ~~or crematory means a place where human or animal remains are reduced~~ 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.

* * *

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 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 to 12 children) or “large” (13 or more children).

* * *

Disposal means facilities for the disposal of non-nuclear 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.

* * *

Duplex (a/k/a dwelling, two-family) means a building that is comprised of two dwelling units, in one of two configurations: a side-by-side duplex, 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 duplex, 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.

~~Dwelling means a building used exclusively for residential occupancy, including single-family dwellings, two-family dwellings, and multi-family dwellings.~~

Dwelling, multi-family. See multifamily. ~~means a dwelling containing three (3) or more dwelling units, not including hotels, motels, fraternity houses and sorority houses, and similar group accommodations.~~

~~Dwelling, single-family means a building designed exclusively for occupancy by one (1) family, but not including a mobile home, otherwise provided herein.~~

Dwelling, single-family 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-family detached. See single-family detached. ~~means a single-family dwelling which is not attached to any other dwelling or building by any means, excluding mobile homes and manufactured housing situated on a permanent foundation.~~

~~Dwelling, two-family means a building occupied by two (2) families living independently of each other.~~

Dwelling unit means ~~one (1) or more rooms and a single kitchen and at least one (1) bathroom, designed, occupied, or intended for occupancy as separate quarters for the exclusive use of a single family for living, cooking and sanitary purposes, located in a single-family, two-family or multi-family dwelling, or mixed-use building~~ 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 family.

* * *

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:

(1a) Any number of persons related by blood, marriage, adoption, guardianship or other duly authorized custodial relationship; or

(2b) Any unrelated group of persons consisting of:

(a1) Not more than three (3) persons;

(b2) Not more than two (2) unrelated adults and their children, if any; or

(c3) Not more than eight (8) developmentally disabled persons and appropriate staff occupying a dwelling unit and living as a single, nonprofit housekeeping unit.

* * *

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.

* * *

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.

* * *

Fueling, fast-charging, or service station means a building or land area used for the retail dispensing or sales of vehicular fuels; Level 3 DC fast-charging of electric vehicles; towing of automobiles and light trucks (but not storage of inoperable automobiles or light trucks); or the sale and installation of lubricants, tires, batteries, brakes, mufflers, and similar vehicle repairs and accessory installations. The phrase "fueling, fast-charging, or service station" does not include collision centers or facilities that provide transmission repair, engine overhauls, or repair of commercial vehicles. A fueling, charging or service 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 fast-charging, or service station" does not include the phrase "truck stop."

Funeral home means ~~a building used for the preparation of the deceased for burial or cremation, for the display of the deceased and/or for ceremonies or services related thereto, including cremation and the storage of caskets, funeral urns, funeral vehicles, and other funeral supplies.~~ 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.

In addition to these functions, funeral homes may also store caskets, funeral urns, hearses and other vehicles used in funeral processions. A funeral home may also include a crematorium with no more than one incinerator as an accessory use.

* * *

Gasoline station. See fueling, fast-charging, or service station. ~~means any building, land area, premises, or portion thereof, where gasoline or other petroleum products or fuels are~~

~~sold and light maintenance activities such as engine tune-ups, lubrication, minor repairs, and carburetor cleaning may be conducted. Gasoline station shall not include premises where major automobile maintenance activities such as engine overhaul, automobile painting, and body fender work are conducted.~~

General Commercial Uses means a category of land uses that includes business services, convenience lending, fitness instruction or gymnasium, liquor store, office, general, office, medical, pawnbroker, personal services, and retail sales and service.

* * *

Golf Course means land used for the game of golf, which may include accessory uses such as driving ranges, pro-shops, club houses, and restaurants.

* * *

Group home means a dwelling unit in which up to eight 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. For the purposes of this Code, there are four classifications of group homes:

(1) Community residential homes (a/k/a group home for persons with intellectual and developmental disabilities), which is a state-licensed group home, exclusively for the care of persons with developmental disabilities, as defined by C.R.S. § 25.5-10-202.

(2) Group home for the aged, which is a group home of persons who are 60 years of age or older who do not need nursing facilities, and who so elect, to live in conventional residential surroundings. The phrase “group home for the aged” does not include nursing facilities (as defined in C.R.S. § 25.5-4-103(14)) or institutions providing life care (as defined in C.R.S. § 11-49-101(6)).

(3) Group home for persons with behavioral or mental health disorders, which is a state-licensed group home for persons with behavioral or mental health disorders as defined in C.R.S. § 27-65-102, who are screened by a professional person as provided in C.R.S. § 27-65-102(27) prior to occupying the group home, and who do not include persons determined to be not guilty by reason of insanity to a violent offense and persons who have been convicted of a felony involving a violent offense.

(4) Group home for substance use disorders, which is a state-certified Group Home serving persons protected by the provisions of the Federal Fair Housing Act living in a recovery residence.

~~Group home, developmentally disabled means a group home licensed by the State for the exclusive use of not more than eight (8) developmentally disabled persons and the appropriate staff.~~

~~Group home, elderly means an owner-occupied or nonprofit group home for the exclusive use of not more than eight (8) persons sixty (60) years of age or older and the appropriate staff.~~

~~(a) Nonprofit group home means a group home for the aged which is owned and operated by a person or organization as provided by C.R.S. Section 31-23-303.~~

~~(b) Owner-occupied group home means a group home for the aged which is owned and operated by an individual or individuals who actually reside at and maintain their primary place of residence in the group home.~~

~~Group home, mentally ill means a group home licensed by the state for the exclusive use of not more than eight (8) mentally ill persons and the appropriate staff.~~

* * *

~~Health club means a facility that provides physical fitness services and/or equipment to its members.~~

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 re-codified from time to time.

Heavy industry means industrial uses that are not specifically defined elsewhere in this Code, that can be described in one of the following three 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) 12 or more round-trips by semi-trailer trucks per day; or

(2) Processing of minerals (except precious and semi-precious stone cutting for jewelry or precision instruments such as lasers or watches), ores, logs, pulpwood, or fossil fuels; 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.

For illustrative purposes, heavy industrial uses include (if they meet the thresholds of this definition), but are not limited to:

(1) Coal cleaning plants with thermal dryers; coke oven batteries; carbon black plants (furnace process); petroleum refineries; petroleum storage and transfer units (except retail gasoline stations); and bulk fuel dealers;

(2) Facilities used in the primary or secondary production of metals (e.g., primary zinc, copper, or lead smelters; primary aluminum ore reduction plants; iron and steel mills; sintering plants; secondary metal production plants; and blacksmith shops);

(3) Portland cement plants;

(4) Sawmills and pulp mills;

(5) Incinerators with the capacity to charge more than 250 tons of refuse per day;

(6) Lime plants; phosphate rock processing plants; sulfur recovery plants; and hydrofluoric, sulfuric, or nitric acid plants;

(7) Fossil fuel combustion (except for electricity generation) totaling more than 250 million BTUs per hour of heat input;

(8) Fabrication of motor vehicles, manufacturing equipment, durable goods, or pre-fabricated homes or home components;

(9) Drycleaner processing plants that use large quantities of PERC or comparable petrochemical solvents;

(10) Manufacture of plastic products (except assembly of parts that are manufactured elsewhere);

(11) Hot mix asphalt plants; and

(12) Meat processing involving butchering of large animal carcasses.

Heavy logistics center means a wholesaling, warehousing, or distribution use that provides a central location for receiving, storing, and distributing raw materials, semi-finished goods, or finished goods. Heavy logistics centers may be warehouses in which goods are stored (a/k/a “product warehouses”), or truck terminals in which goods are transferred between trucks or between trucks and trains or other transportation modes (a/k/a “truck terminals”), or moving warehouses (including indoor storage of portable on-demand storage containers), or wholesaling operations (but not wholesale membership clubs in which memberships are available to the general public, which are classified as “retail sales and services”). Heavy logistics centers are expected to generate 24 or more truck round-trips per day.

Heavy motor vehicle sales or rental means the sale or rental of commercial vehicles, recreational vehicles, boats, manufactured homes, or construction vehicles at the location where inventory is stored. The phrase “heavy motor 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).

Heliport means an area of land that is made available to the public or two or more private companies or individuals for the landing and takeoff of helicopters, which may include

related buildings and facilities, such as fixed-base operators, hangars, fueling and de-icing facilities, maintenance facilities, and restaurants.

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).

* * *

Hospital means an institution ~~providing health services primarily for human in-patient medical or surgical care for the sick or injured, and including related facilities such as laboratories, out-patient departments, training, and central services facilities and staff offices~~ 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.

Hospitality, Recreation, and Entertainment Uses means a category of land uses that includes bar, tavern, or nightclub, bed and breakfast, campground or RV park, commercial lodging, golf course, indoor amusement, recreation, and entertainment, indoor firing or gun range, outdoor commercial amusement, outdoor firing or gun range, outdoor stadium, arena, amphitheater, or drive-in theater, park, active, park, passive, race track, restaurant, sexually-oriented business, and zoo.

Hotel, motel, or lodging establishment ~~means a building intended and used for occupancy as a temporary abode for individuals who are lodged with or without meals, in which there are five (5) or more guest rooms.~~ See commercial lodging.

* * *

Indoor amusement, recreation, and entertainment 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.](#)

[Indoor Firing or Gun Range 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."](#)

~~Industrial, heavy means uses engaged in the basic processing and manufacturing of materials or products predominately from extracted or raw materials, or a use engaged in storage of or manufacturing processes using flammable or explosive materials, or storage or manufacturing processes that potentially involve hazardous conditions. Heavy industrial shall also mean those uses engaged in the operation, parking, and maintenance of vehicles, cleaning of equipment, or work processes involving solvents, solid waste or sanitary waste transfer stations, recycling establishments, and transport terminals (truck terminals, public works yard). See heavy industry.~~

~~Industrial, light means uses engaged in the manufacturing, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales, or distribution of such products. Further, light industrial shall mean uses such as the manufacture of electronic instruments, preparation of food products, pharmaceutical manufacturing, research and scientific laboratories, or the like. Light industrial shall not include uses such as mining and extracting industries, petrochemical industries, rubber refining, primary metal, or related industries. See light industry.~~

[Industrial, processing, recycling, storage, and disposal uses means a category of land uses that includes composting facility, disposal, heavy industry, heavy logistics center, light industry, recycling collection center, resource extraction, minerals, resource extraction, oil and gas, salvage yard, self-storage, storage yard, and waste transfer station.](#)

* * *

[Intensive agriculture means the raising, care, or feeding livestock, where the animals are stabled, confined, fed and/or maintained a total of 45 days or more in any 12-month period, and, where crops, vegetation, forage growth, or post-harvest residues are not](#)

growing, irrigated, or sustained in the normal growing season over any portion of the lot or facility. The phrase “intensive agriculture” also includes concentrated aquatic animal production. The phrase “intensive agriculture” does not encompass (without more) cattle and sheep that are moved between winter and summer pastures, including those confined for more than 45 days due to adverse conditions, and breeding stock on property where other cattle are grazing.

* * *

~~Junkyard means an industrial use contained within a building, structure, or parcel of land, or portion thereof, used for collecting, storing, or selling wastepaper, rags, scrap metal, or discarded material, or for collecting, dismantling, storing, salvaging, or demolishing vehicles, machinery, or other material and including the sale of such material or parts thereof. Junkyard shall not include a recycling facility.~~

~~Kennel means a facility licensed to house dogs, cats, or other household pets and/or where grooming, breeding, boarding, training, or selling of animals is conducted as business.~~

Kennel, indoor means an indoor facility (with no outdoor components) in which four or more household pets of the same species are temporarily housed, groomed, bred, boarded, or trained, and may also be incidentally treated for medical conditions. The phrase “kennel, indoor” 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.

Kennel, Outdoor means a facility in which four or more household pets of the same species 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, outdoor” 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.

* * *

Light Industry 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 “Heavy Industry” or “Heavy Logistics Center.” Light industry also includes wholesaling, warehousing, and distribution uses that involve fewer than 24 truck round-trips per day. For illustrative purposes, light industrial uses may include:

(1) Assembly, testing, repair, or refurbishing of products, instruments, electronics, office and computing machines, and fixtures using pre-manufactured 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 non-alcoholic) and bottling, except at scales that place such production within the definition of “brew pub, distillery pub, or limited winery”;
- (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 Title V 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.

~~Limited indoor recreation facility means a place where recreation activities occur completely within an enclosed structure, including but not limited to bowling alleys, skating rinks, pool halls, video, and pinball parlors.~~

~~Limited outdoor recreation facility means a place with outdoor activities, including but not limited to miniature golf, batting cages, water slides, skateboard parks, driving ranges, and go-cart tracks.~~

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 (see definition of "residential mixed-use") that is open to the public and principally used or operated by one or more of the residents of the dwelling unit.

* * *

Long-term care facility means any of the following:

~~(a) — Convalescent center means a health institution that is planned, organized, operated, and maintained to offer facilities and services to inpatients requiring restorative care and treatment and that is either an integral patient care unit of a general hospital or a facility physically separated from, but maintaining an affiliation with, all services in a general hospital.~~

~~(b) — Intermediate health care facility means a health-related institution planned, organized, operated, and maintained to provide facilities and services which are supportive, restorative, or preventive in nature, with related social care, to individuals who, because of a physical or mental condition, or both, require care in an institutional environment but who do not have an illness, injury, or disability for which regular medical care and twenty-four-hour-per-day nursing services are required.~~

~~(c) — Nursing care facility means a health institution planned, organized, operated, and maintained to provide facilities and health services with related social care to inpatients who require regular medical care and twenty-four-hour-per-day nursing services for illness, injury, or disability. Each patient shall be under the care of a physician licensed to practice medicine in the State. The nursing services shall be organized and maintained to provide twenty-four-hour-per-day nursing services under the direction of a registered professional nurse employed full time.~~

* * *

Manufactured home means ~~a single-family dwelling which:~~

~~(a) — Is partially or entirely manufactured in a factory;~~

~~(b) — Is at least twenty-four (24) feet wide and thirty-six (36) feet long;~~

~~(c) — Is permanently affixed to and installed on an engineered permanent foundation;~~

~~(d) — Has a pitched or cosmetically equivalent roof, and brick or wood exterior siding; and~~

~~(e) — Complies with HUD or UBC standards, as applicable, or meets or exceeds equivalent requirements and performance engineering standards.~~ 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 re-codified 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 re-codified from time to time.

* * *

~~Medical and dental offices and clinics means an establishment operated by one (1) or more duly licensed members of the human health care professions, including but not limited to physicians, dentists, chiropractors, psychiatrists, and osteopaths, where patients are not lodged overnight but are admitted for examination and/or treatment.~~ See office, medical.

* * *

~~Meeting place and place for public assembly means a hall, auditorium, or other suitable room used for the purpose of conducting meetings of the membership and guests of the owner of such structure. The same shall not include commercial endeavors such as commercial movie picture houses, stage productions, or the like.~~ See place of assembly.

~~Membership club means an association of persons, whether incorporated or unincorporated, for some common purpose, excluding groups organized primarily to render a service carried on as a business, a not-for-profit club, and churches or places of worship or assembly.~~

* * *

~~Mini-storage warehouse means a building or a group of buildings containing separate, individual self-storage units divided from the floor to ceiling by a wall with an independent entrance from the exterior of the building, designed to be rented or leased to the general public for private storage of personal goods, materials, and equipment.~~ See self-storage.

* * *

Mobile home means ~~a single-family dwelling unit partially or entirely manufactured in a factory, built on a permanent chassis, and designed to be transported on streets to the place where it is to be occupied as a dwelling unit. A mobile home shall conform to the following design and installation standards:~~

- ~~(a) — Is at least twenty-four (24) feet wide and thirty-six (36) feet long;~~
- ~~(b) — Is permanently affixed to and installed on an engineered, permanent perimeter foundation;~~
- ~~(c) — Has a pitched or cosmetically equivalent roof and brick or wood exterior siding; and~~
- ~~(d) — Complies with HUD or UBC standards, as applicable, or meets or exceeds equivalent requirements and performance engineering standards.~~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.”

* * *

Motorcycle, scooter, or ATV sales or rental means the sale or rental of motorcycles, scooters, snowmobiles, or ATVs at the location where inventory is stored. The phrase “motorcycle, scooter, or ATV sales or rental” includes outdoor storage of motorcycles, scooters, snowmobiles, or ATVs for off-site brokers. The phrase does not include:

- (1) — Brokering of motorcycles, scooters, snowmobiles, or ATVs that are stored off-site and delivered directly to customers (a general office use); or
- (2) — Indoor storage of motorcycles, scooters, snowmobiles, and ATVs for brokers who are located off-site (a light industrial or heavy logistics use, depending upon the volume of sales).

Motor vehicle and transportation uses means a category of land uses that includes fueling, fast-charging, or service station, truck stop, heliport, helistop, motor vehicle wash, surface parking, structured parking, passenger motor vehicle sales or rental, heavy motor vehicle sales or rental, motorcycle, scooter, or ATV sales or rental, and bus or taxi terminal, on-demand transportation dispatch, and RV storage.

Motor vehicle 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.

* * *

Multifamily 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).

~~Multiple-family dwelling means a dwelling containing three (3) or more dwelling units, including what is commonly known as an apartment building, but not including group, row or townhouses, or hotels, motels, condominiums, fraternity and sorority houses, and similar group accommodations.~~ See multifamily.

Multiplex means a building that is comprised of three to five dwelling units, which is architecturally designed to resemble a large single-family detached building (i.e., 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).

* * *

~~Nightclub means a bar or tavern containing more than one hundred (100) square feet of dance floor area.~~ See bar, tavern, or nightclub.

* * *

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."

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.

Office, medical 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, ayurvedic 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.

* * *

~~Oil and gas operation 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. See mineral extraction, oil and gas.~~

* * *

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 commercial amusement 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 “outdoor commercial amusement” 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”.

* * *

Outdoor firing or gun range means the use of land 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 do not involve potentially lethal projectiles (e.g., paintball) which are classified as “outdoor commercial amusement.”

Outdoor stadium, arena, amphitheater, or drive-in theater means:

(1) Outdoor stadium or arena, which is an outdoor area surrounded by tiered rows of seats or benches, designed for the viewing of live sporting events, rodeos, equestrian events, livestock exhibitions, concerts, or other organized entertainment.

(2) Amphitheater, which is an outdoor stage (covered or uncovered) designed for live performances and / or the display of films, that faces a lawn or hardscaped area used for temporary or permanent seating.

(3) Drive-in theater means an area of land that includes one or more large outdoor screens or other structure for the display of motion pictures and an area for parking automobiles from which the motion pictures are viewed.

* * *

Overhead power lines (110 kV or more) means high voltage (110 kilovolts or more) power lines that are used to transmit electricity over long distances.

* * *

Park means an area open to the general public and reserved for recreational, educational, or scenic purposes. Parks are classified as “active” or “passive”. See park, active and park, passive.

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 ~~means an off-street parking area within a building.~~ See structured parking.

Parking lot ~~means an off-street parking area or vehicular use area.~~ See surface parking.

Passenger motor vehicle sales or rental means the sale or rental of passenger vehicles at the location where inventory is stored. The phrase “passenger motor vehicle sales or rental” includes outdoor storage of passenger vehicles for brokers. Not included in the definition are:

(1) Brokering of passenger vehicles which that 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).

Pawnbroker means a business that is regulated by C.R.S. § 12-56-101, 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.

* * *

~~Personal and business service shops means shops primarily engaged in providing services generally involving the care of the person or such person's apparel or rendering services to business establishments, such as laundry or dry-cleaning retail outlets, portrait/photographic studios, beauty or barber shops, employment service, or mailing and copy shops excluding publishing and engraving.~~

Personal services 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.

* * *

Photovoltaic arrays (2 MW or more) means a photovoltaic generation facility with a nameplate capacity of 2 MW or more that is a principal use of land. Photovoltaic arrays that

have a nameplate capacity of less than 2 MW are classified as “Utilities, minor”.
Photovoltaic arrays that are installed on rooftops or over parking lots are not regulated as principal uses.

* * *

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.

* * *

Planning Director means the person designated by the Town Manager to administer the provisions of this Code.

* * *

~~Principal building entrance means 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 doors that provide restricted access (e.g., for employees or deliveries). 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 regards to premises that are open to the public, doors that provide restricted access (e.g., for employees or deliveries).

* * *

Prison or jail means a facility for the judicially required detention or incarceration of people, where inmates and detainees are under 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 means an office for professionals such as physicians, dentists, lawyers, architects, engineers, artists, musicians, designers, teachers, accountants, and others who through training are qualified to perform services of a professional nature and where no storage or sale of merchandise exists, except as accessory to the professional services. See office, general.~~

* * *

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., non-hospital 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.

* * *

Race track means a commercial facility consisting of a track, either paved or unpaved, which is used primarily for the sport of racing motor vehicles (cars, motorcycles, or all-terrain vehicles, but not go-karts). A racetrack may include seating, concession areas, restaurants, sky boxes, parking facilities, maintenance facilities, accessory offices, garages, and accessory retail facilities. The phrase “race track” includes any facility used for driving automobiles under simulated racing or driving conditions (test tracks, “shakedown” tracks, or other similar facilities), regardless of whether they include seating, concession areas, or retail facilities for the general public.

* * *

Recording or TV Studio means a facility for the recording and production of audio or video material, such as the recording of music, voice, video, for live broadcast or post-production.

Recreational vehicle (“RV”) means a vehicle that 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.

~~Recreational~~The phrase “recreational vehicle” also includes (RV) means any vehicle ~~that~~which may be used for recreation or personal purposes, ~~including and shall include~~, but not be 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.~~ ~~Recreational~~The phrase “recreational vehicle” includes any trailer used to transport any recreational vehicle(s). Additionally, the following shall be considered a ~~For illustrative purposes, the phrase “recreational vehicle” includes:~~

~~(1a)~~ (1a) 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.

~~(2b)~~ (2b) 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.

~~(3e)~~ (3e) 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.

~~(d) — Tent means a portable or temporary cover or shelter, with or without side panels, which is supported by poles and is made of canvas, plastic, or similar materials.~~

(4e) Travel trailer, which means a towed vehicle designed as a temporary dwelling for travel and recreation.

(5f) 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 ~~means a parcel of land specifically developed for locating only recreational vehicles on lots on a short-term basis.~~ See campground or RV park.

Recreational vehicle storage ~~facility~~ means a parcel of land specifically developed for ~~locating, storing, displaying, or selling~~ privately-owned recreational vehicles in exchange for compensation, whether such storage is outdoors, covered, or indoors.

* * *

Recycling collection 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 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 "light industry." The phrase "recycling collection center" does not include the phrase "salvage yard."

~~Recycling facility means a building used for the collection and/or processing of recyclable material. Processing shall mean the preparation of material for efficient shipment by such means as baling, compacting, flattening, grinding, crushing, mechanical sorting, or cleaning. Such a facility, if entirely enclosed within a building or buildings, shall be considered a warehouse. See recycling collection center.~~

* * *

~~Research laboratories means a building or group of buildings in which are located facilities for scientific research, investigation, testing, or experimentation, but not facilities for the manufacture or sale of products except as incidental to the main purpose of the laboratory. See office, general or office, medical, as applicable.~~

Residential forms means a category of residential land uses that includes single-family detached, duplex, townhome, multiplex, multifamily, and manufactured home.

Residential mixed-use means a building that contains a residential use and one or more hospitality, recreation and entertainment uses, general commercial uses, community, civic, educational, and institutional uses, or workshop and custom small industry uses that are open to the public, provided that such uses are permissible in the underlying zoning district. The phrase "residential mixed-use" includes the phrase "live-work unit," but also includes buildings in which the dwelling units are separated from the non-residential uses. Multifamily uses are not classified as "residential mixed-use" if they include an on-site leasing office, or if they provide recreational, leisure, or business center amenities that are

available only for the use of residents of the multifamily use and their guests. However, multifamily uses that provide support services for residents that are not typical within the multifamily housing market, such as schools, day care facilities, job training, or similar functions, are classified as “residential mixed-use.”

~~Resource extraction, processes, and sales means removal or recovery by any means whatsoever of sand, gravel, soil, rock, minerals, mineral substances, or organic substances other than vegetation, from water or land on or beneath the surface thereof, exposed or submerged. The term shall also apply to any processing or reprocessing, packaging, or sale of renewable energy through passive or active means, including but not limited to solar, wind, and hydro-turbine power generation, processing or storage.~~

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 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. A restaurant may include indoor and / or outdoor dining areas, and drive-up, drive-in, or drive-through facilities. 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.

~~Restaurant, drive-in or drive-through means any establishment in which the principal business is the sale of foods and beverages to the customer in a ready-to-consume state and in which the design or principal method of operation of all or any portion of the business is to allow food or beverages to be served directly to the customer in a motor vehicle without the need for the customer to exit the motor vehicle. See restaurant.~~

~~Restaurant, fast food means any establishment in which the principal business is the sale of food and beverages to the customer in a ready-to-consume state, and in which the design or principal method of operation includes the following characteristics:~~

- ~~(a) Food and beverages are usually served in paper, plastic or other disposable containers;~~
- ~~(b) The consumption of food and beverages is encouraged or permitted within the restaurant building, within a motor vehicle parked upon the premises or at other facilities on the premises outside the restaurant building, or for carry-out; and~~
- ~~(c) Drive-through facilities are allowed, subject to review of traffic patterns, vehicle stacking areas, and entrance and exit locations. See restaurant.~~

~~Restaurant, standard means any establishment in which the principal business is the sale of food and beverages to customers in a ready-to-consume state; where fermented malt beverages and/or malt, special malt or vinous and spirituous liquors may be produced on the premises as an accessory use; and where the design or principal method of operation includes one (1) or both of the following characteristics:~~

~~(a) Customers are served their food and/or beverages by a restaurant employee at the same table or counter at which the items are consumed; or~~

~~(b) Customers are served their food and/or beverages by means of a cafeteria-type operation where the food or beverages are consumed within the restaurant building.~~

~~Also see definitions and regulations for brewpubs, microbreweries, microdistilleries, microwineries, breweries, wineries, and distilleries. [See restaurant.](#)~~

* * *

~~Retail establishment, large means a retail establishment, or any combination of retail establishments in a single building, occupying more than twenty-five thousand (25,000) gross square feet of floor area, devoted to the sale or rental of goods, including stocking, to the general public for personal or household consumption or to services incidental to the sale or rental of such goods, except that no supermarket shall be deemed to be a large retail establishment.~~

~~Retail establishment, small means an establishment, or any combination of retail establishments in a single building, occupying twenty-five thousand (25,000) or less gross square feet of floor area devoted to the sale or rental of goods, including stocking, to the general public for personal or household consumption or to services incidental to the sale or rental of such goods.~~

Retail sales and services means a use involving the sale, lease, or rental of consumer, home, and business goods to consumers. Such uses include but are not limited to department stores, furniture stores, clothing stores, second-hand stores, thrift shops, consignment stores, and establishments providing the following products or services: antiques, appliances, art, art supplies, beauty supplies, bicycles, books, building supplies, magazines and newspapers, craft supplies, copies, costumes, dry goods, electronics, fabric, framing, games, garden supplies, gifts, groceries, hardware, head shops, home improvement goods, household products, jewelry, lumber, music, musical instruments, office supplies, party supplies, pets and pet supplies, pharmaceuticals, phones, photography equipment, produce, sporting goods, stationary, temporary signs, toys, and videos; and new automotive parts and accessories. The phrase also includes services such as charitable donation collection centers, coin laundries, installation of electronics (e.g., audio systems and navigation systems) into motor vehicles, passenger motor vehicle rentals provided that not more than five rental vehicles are stored on-site at any time, picture framing, real estate offices that are open for walk-in traffic; repairs of products sold by the establishment (e.g., a computer store may also repair computers), repairs of consumer electronics, tattoo parlors, and comparable services.

The phrase “retail sales and services” does not include uses that are classified or defined more specifically in this Code, including but not limited to restaurants (all types); sexually-

oriented businesses; retail marijuana uses; pawnbrokers, convenience lending, and liquor store. retail sales and services uses are generally conducted indoors.

* * *

Salvage yard 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.

* * *

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 through 12.

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.

* * *

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.

* * *

~~Shooting range means an area or structure specially 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. See indoor firing or gun range or outdoor firing or gun range, as applicable.~~

~~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. See indoor firing or gun range.~~

~~Shooting range, outdoor means the use of land 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. See outdoor firing or gun range.~~

* * *

Single-family 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-family 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-family detached residence, which serves essentially the same purpose as a private yard.

Small cell wireless facility means a wireless communications facility where each antenna is located inside an enclosure of no more than three ~~(3)~~ 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 ~~(3)~~ 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.

* * *

Special residential uses means a category of land uses that includes assisted living or congregate care, group home, residential mixed-use, nursing home, memory care, Alzheimer's care, and protective care.

~~Special school means places of education for all types of activities including martial arts, dance, instruction to play a musical instrument, or other similar personal skill instruction.~~

* * *

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 breast;

(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 3 feet above the surrounding floor measured perpendicularly from the edge of the stage to the surrounding floor and at least 36 square feet in area.

* * *

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 a 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” and does not include outdoor storage that is accessory to another principal use.

* * *

Structured parking 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. Structured parking uses may include electric vehicle charging stations as an accessory use.

* * *

Supermarket ~~means a retail establishment primarily selling food, as well as other convenience and household goods, which occupies a space of not less than twenty-five thousand one (25,001) square feet. See retail sales and services.~~

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. Surface parking is a principal use of property if it is not related to a specific land use on the same parcel.

* * *

~~Tavern means an establishment providing or dispensing fermented malt beverages and/or malt, special malt, vinous, or spirituous liquors and in which the sale of food products such as sandwiches or light snacks is secondary.~~ See bar, tavern, or nightclub.

* * *

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.

* * *

Truck stop means an establishment engaged primarily in the fueling, servicing, repair, or parking of tractor trucks or similar heavy commercial vehicles, including the sale of accessories and equipment for such vehicles. A truck stop may also 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.”

* * *

University or college means an educational institution that is authorized by the State of Colorado or other nationally recognized accrediting entity to award associates’ or higher degrees.

Utilities, major means generating plants (except nuclear and photovoltaic), electrical switching stations, electrical transmission substations, water or wastewater treatment plants, or 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.

Utilities, minor means water booster stations, wastewater lift stations, electrical distribution substations, gas regulator substations, battery energy storage systems with a capacity less than 150 MWh, and other comparable infrastructure used in the provision or distribution of utility service.

Utility uses means a category of land uses that includes battery energy storage system, data center, overhead power lines (110 kV or more), photovoltaic arrays (2 MW or more), utilities, minor, and utilities, major.

* * *

Veterinary facilities, small animal clinic means any facility maintained by or for the use of a licensed veterinarian in the diagnosis, treatment, or prevention of animal diseases wherein the animals are limited to dogs, cats, or other comparable household pets and wherein the overnight care of said animals is ~~prohibited except when~~ limited to cases in which overnight care is necessary in the medical treatment of the animal.

Veterinary facilities, large animal clinic means any facility maintained by or for the use of a licensed veterinarian in the diagnosis, treatment, or prevention of animal diseases wherein the animals are not limited to dogs, cats, or other comparable household pets (any may include by way of illustration and not limitation horses, cows, bison, elk, deer, llamas, alpacas, sheep, goats, chickens, turkeys, ducks, and pigs), and wherein the overnight care of

said animals is ~~prohibited except when~~ limited to cases in which overnight care is necessary in the medical treatment of the animal. A veterinary facilities, large animal clinic use may include a wildlife rehabilitation use.

~~Veterinary hospital means any facility which is maintained by or for the use of a licensed veterinarian in the diagnosis, treatment, or prevention of animal diseases.~~

Veterinary and Domestic Animal Uses means a category of land uses that includes commercial equestrian facilities, kennel, indoor, kennel, outdoor, veterinary facilities, large animal clinic, veterinary facilities, small animal clinic, and wildlife rehabilitation.

* * *

~~Warehouse and distribution means a use engaged in storage, wholesale, and distribution of manufactured products, supplies, or equipment, including accessory offices or showrooms, including incidental retail sales, but excluding bulk storage of materials that are inflammable or explosive or that create hazardous or commonly recognized offensive conditions.~~

~~Warehousing means a business which stores or stocks merchandise or commodities.~~

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 re-load the waste onto other vehicles for delivery to another waste transfer station, storage site, or disposal site. in addition to transferring solid waste, a waste transfer station may also include a recycling collection center and / or light industrial uses related to recycling.

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.

* * *

~~Winery shall mean an industrial use with appropriate state liquor licensing that is primarily a manufacturing facility that produces more than one hundred thousand (100,000) gallons per year of vinous beverages on site. Wineries 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. See light industry.~~

* * *

Wireless telecommunications uses means a category of land uses that includes freestanding communications tower, alternative tower structure, small cell wireless facility, and other wireless communications facilities.

* * *

Workshop and custom small industry means a ~~facility~~ light industrial use wherein goods are produced or repaired by hand, using hand tools or small-scale equipment, including small

engine repair, furniture making and restoring, upholstering, restoration of antiques and other art objects, or other similar uses.

* * *

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.

Section 2. Sec. 3.4, Matrix of Permitted, Conditional, and Special Uses by Zoning District – Use-Specific Standards, Town of Frederick Land Use Code, is repealed and replaced in its entirety with the following:

Sec. 3.4. Permitted, Conditional, Special, and Limited Uses by Zoning District; Use-Specific Standards; Residential Protection Standards; Accessory Use and Structure Standards (including ADUs and Home Occupations)

1. *Interpretation of Use Tables; Multiple Uses of a Lot.*
 - a. *Generally.* The tables set out in this Section (“Use Tables”) describe which land uses are allowed (“A”), allowed if certain conditions are met (and in some cases, after posted no-tice and comment) (“S”), allowed after notice and comment if certain conditions are met (“L”), allowed after public hearing if certain conditions are met (“C”), and not allowed (“-”) in each zoning district.
 - b. *Legend.* The following symbols are used in the matrices in this Division:
 - i. “A” means “allowed.” Allowed uses are subject to administrative review for compliance with the general requirements of this Code, which include the standards set out in subsections 12 through 23, inclusive of this section, as may be applicable.
 - ii. “L” means “limited use.” Limited uses are subject to administrative review for compliance with use-specific standards, and for compliance with the general requirements of this Code, which include the standards set out in subsections 2 through 11 of this section, inclusive, as may be applicable.
 - iii. “S” means “special use.” Special uses are subject to administrative review for compliance with use-specific standards, and for compliance with general standards for all limited uses, and the general requirements of this Code, which include the standards set out in subsections 2 through 11 of this section, inclusive, as may be applicable. Special uses do not require a public hearing, but have additional notice and public comment requirements compared to limited uses. Special uses are not “as-of-right” uses.
 - iv. “C” means “conditional use.” Conditional uses are subject to public hearing review for compliance with use-specific standards, general standards for all conditional uses, and the general requirements of

v. “-” means that the use is not allowed in the specified district.

- i. “Use-specific standards” are those standards that apply to individual limited or conditional uses (not to permitted uses), as set out in subsections 2.b. and c., 3.b., 4.b., 5.b., 6.b., 7.b., 8.b., 9.b., 10.b., and 11.b.. For the purposes of applying use-specific standards, the phrase “all zoning districts” means all zoning districts where the use is designated as a limited use or a conditional use.

d. *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.

- i. Hazardous waste disposal
- ii. Marijuana uses

2. Residential Uses.

Table 3-1 Residential Land Uses																
Land Use	Zoning District															
	A	R-E	R-1	R-2	R-3	R-MH1	R-MH2	D-A	D-B	C-N	C-C	C-H52	C-E	BLI	I	P
Residential Uses (Forms)																
Single-Family Detached	P	P	P	P	-	-	P	P ²	P ²	-	-	-	C	-	-	-
Duplex	-	-	-	P	P	-	-	P ²	P ²	C	-	-	C	-	-	-
Townhome		-	-	P	P	-	-	P ²	P ²	C	-	C	C	-	-	-
Multiplex	--	-	-	P	P	-	-	P ²	P ²	C	-	C	C	-	-	-
Multifamily	-	-	-	C	L	-	-	P ²	P ²	C	-	C	C	-	-	-
Manufactured Home	-	-	-	-	-	P	P	-	-	-	-	-	-	-	-	-
Special Residential Uses																

Table 3-1 Residential Land Uses																
Land Use	Zoning District															
	A	R-E	R-1	R-2	R-3	R-MH1	R-MH2	D-A	D-B	C-N	C-C	C-H52	C-E	BLI	I	P
Assisted Living or Congregate Care	-	-	L	L	L	-	-	-	C ²	L	-	C	P	L	-	-
Boarding and Rooming House	-	-	-	-	C	-	-	-	-	L	-	C	L	-	-	-
Group Home	L	L	L	L	L	-	L	L ²	L ²	L	-	C	C	-	-	-
Residential mixed-use ¹	-	-	-	-	-	-	-	L ²	L ²	C	L	L	P	P	-	-
Nursing Home, Memory Care, Alzheimer's Care	-	-	C	C	L	-	-	-	C ²	L	-	C	P	L	-	-
Protective Care	-	-	-	-	C	-	-	-	-	-	-	-	C	C	-	-
TABLE NOTE: ¹ Residential mixed-use includes "mixed use" projects that contain "mixed-use dwelling units". ² All uses in the D-A and D-B zoning districts are subject to chapter 15 of this Code.																

b. *Use-Specific Standards for Residential Uses and Special Residential Uses.*

- i. *Single-family detached.* Single-family detached may be approved within the C-E zoning district if it is demonstrated that the requirements of section 3.4.2.c., below, are met.
- ii. *Duplex.*
 1. C-N: Duplex may be approved within the C-N zoning district if it is part of a horizontally mixed-use development and situated such that it provides a transition between the nonresidential component of the development and existing or approved adjacent duplex or single-family detached residential development.
 2. C-E: In the C-E zoning district, duplexes may be approved within the C-E zoning district if it is demonstrated that the requirements of section 3.4.2.c., below, are met.
- iii. *Townhome.*
 1. All zoning districts: Townhome buildings shall not contain more than 8 dwelling units.
 2. C-N and C-H52: Townhomes may be approved within the C-N or C-H52 zoning district if they are part of a horizontally mixed-use development and situated such that they provide a transition between the nonresidential component of the development and existing or approved adjacent townhome, duplex, or single-family detached residential development.
 3. C-E: Townhomes may be approved within the C-E zoning district if it is demonstrated that the requirements of section 3.4.2.c., below, are met.
- iv. *Multiplex.*
 1. C-N and C-H52: Multiplex may be approved within the C-N or C-H52 zoning district if it is part of a horizontally mixed-use

development and situated such that it provides a transition between the nonresidential component of the development and existing or approved adjacent duplex or single-family detached residential development.

2. C-E: Multiplex may be approved within the C-E zoning district if it is demonstrated that the requirements of section 3.4.2.c., below, are met.

v. *Multifamily.*

1. C-E: Multifamily may be approved within the C-E zoning district if it is demonstrated that the requirements of section 3.4.2.c., below, are met.
2. All zoning districts except C-E: Multifamily may be approved if it is part of a horizontally mixed-use development and situated such that it provides a transition between the nonresidential component of the development and existing or approved adjacent residential development.

vi. *Assisted Living or Congregate Care.*

1. R-1: Assisted living or congregate care facilities may be approved within the R-1 zoning district if:
 - a. The subject property is at least 2.5 acres in area;
 - b. The floor area ratio does not exceed 0.2; and
 - c. The subject property takes access from a collector or arterial street.
2. R-2: Assisted living or congregate care facilities may be approved within the R-2 zoning district if:
 - a. The subject property is at least 2 acres in area;
 - b. The floor area ratio does not exceed 0.25; and
 - c. The subject property takes access from a collector or arterial street.
3. R-3: Assisted living or congregate care facilities may be approved within the R-3 zoning district if:
 - a. The subject property is at least 1.5 acres in area;
 - b. The floor area ratio does not exceed 0.3; and
 - c. The subject property takes access from a collector or arterial street.
4. D-B: Assisted living or congregate care facilities may be approved within the D-B zoning district if they are spaced from other assisted living or congregate care facilities, and from nursing home, memory care, Alzheimer's care facilities, such that no two such facilities are located on the same block.
5. C-N and C-H52: Assisted living or congregate care facilities may be approved within the C-N and C-H52 zoning districts if the principal access to the subject property is a collector or arterial street.

6. BLI: Assisted living or congregate care facilities may be approved within the BLI zoning district if they are part of or adjacent to a hospital campus.

vii. *Boarding and Rooming House.*

1. R-3: Boarding and rooming house may be approved within the R-3 zoning district if the capacity of the facility is limited to not more than four boarders or roomers, and the building is designed as (or to resemble) a single-family detached dwelling.
2. C-N, C-H52, and C-E: Boarding and rooming house may be approved within the C-N, C-H52, and C-E zoning districts if it is demonstrated that:
 - a. Public ingress and egress to the building is provided using a single, common principal entrance.
 - b. Access to sleeping rooms is from the interior of the building.
 - c. Not less than one full bathroom that is accessible from a common area is provided for every five occupants or fraction thereof.
 - d. Sleeping rooms do not include cooking facilities.

viii. *Group Home.*

1. All zoning districts: In addition to the standards of the underlying zoning district, the following standards apply to the specified types of group homes:
 - a. Group homes for the aged shall be spaced from each other (measured between the nearest lot lines) by the lesser of:
 - i. 750 ft.; or
 - ii. Such minimum spacing as is required so that no two group homes occupy the same block or take access from the same street segment.
 - b. Group homes for persons with behavioral or mental health disorders shall be spaced from each other (measured between the nearest lot lines) by the lesser of:
 - i. 750 ft.; or
 - ii. Such minimum spacing as is required so that no two group homes occupy the same block or take access from the same street segment.
2. R-MH2, D-A, D-B, C-N, and C-H52: Group homes may be approved within the R-MH2, D-A, D-B, C-N, and C-H52 zoning districts if they are located within:
 - a. An existing residential building that meets applicable state licensing requirements; or
 - b. A new building that conforms to the requirements of the underlying zoning district.

3. C-E: Group homes may be approved within the C-E zoning district if it is demonstrated that the requirements of section 3.4.2.c., below, are met.
- ix. *Residential mixed-use.*
1. D-A and D-B. Residential mixed-use may be approved within the D-A and D-B zoning districts if the use is configured as one or more live-work units that comply with the standards set out in Section 15.11.2.
 2. C-H52. Residential mixed-use may be approved within the C-H52 zoning districts if:
 - a. The use is configured as one or more live-work units; or
 - b. The ground floor is occupied exclusively by non-residential uses that are open to the public, with the exception of a lobby providing access to upper floors.
 3. C-N and C-C. Residential mixed-use may be approved within the C-N and C-C zoning districts if:
 - a. The use is configured as one or more live-work units; or
 - b. The subject property is at least 1.75 acres in area.
- x. *Nursing home, memory care, Alzheimer's care.*
1. R-1: Nursing home, memory care, Alzheimer's care facilities may be approved within the R-1 zoning district if:
 - a. The subject property is at least 2.5 acres in area;
 - b. The floor area ratio does not exceed 0.2; and
 - c. The subject property takes access from a collector or arterial street.
 2. R-2: Nursing home, memory care, Alzheimer's care facilities may be approved within the R-2 zoning district if:
 - a. The subject property is at least 2 acres in area;
 - b. The floor area ratio does not exceed 0.25; and
 - c. The subject property takes access from a collector or arterial street.
 3. R-3: Nursing home, memory care, Alzheimer's care facilities may be approved within the R-3 zoning district if:
 - a. The subject property is at least 1.5 acres in area;
 - b. The floor area ratio does not exceed 0.3; and
 - c. The subject property takes access from a collector or arterial street.
 4. D-B: Nursing home, memory care, Alzheimer's care facilities may be approved within the D-B zoning district if they are spaced from other nursing home, memory care, Alzheimer's care facilities, and from assisted living or congregate care facilities, such that no two such facilities are located on the same block.
 5. C-N and C-H52: Nursing home, memory care, Alzheimer's care facilities may be approved within the C-N and C-H52 zoning

districts if the principal access to the subject property is a collector or arterial street.

6. BLI: Nursing home, memory care, Alzheimer's care facilities may be approved within the BLI zoning district if they are part of or adjacent to a hospital campus.

xi. *Protective Care.*

1. R-3: Protective care may be approved within the R-3 zoning district if:
 - a. The subject property takes access from a collector or arterial street;
 - b. The rear yard and the side yards behind the front building line are enclosed with a solid wall that is at least 6 ft. in height.
2. C-E: Protective care may be approved within the C-E zoning district if:
 - a. The subject property does not take access from a street segment that also provides access to single-family detached, duplex, townhome, or multiplex residential uses; and
 - b. The rear yard and the side yards behind the front building line are enclosed with a solid wall that is at least 6 ft. in height.
3. BLI: Protective care may be approved within the BLI zoning district if the rear yard and the side yards behind the front building line are enclosed with a solid wall that is at least 6 ft. in height.

- c. *Standards for all residential uses (forms) and group homes in the C-E zoning district.* Residential uses may only be proposed as a secondary use in the C-E zoning district and shall be limited to 25 percent of the total gross area of the overall plan. Such uses shall be subject to site plan review, which shall demonstrate compliance with the standards of this subsection c.:

- i. *Mix of housing types.* A mix of permissible housing types shall be included in any development plan proposing residential uses, as follows:

1. A minimum of two residential uses shall be required on any residential portion of a development plan greater than 10 acres but less than 30 acres in area, including all parcels that are part of a phased development.
2. A minimum of three residential uses shall be required on any residential portion of a development plan greater than 30 acres in size, including all parcels that are part of a phased development.

- ii. *Limitations on single-family detached uses.*

1. Lot area for single-family detached uses shall not exceed 6,250 square feet.

2. A maximum of 50 percent of a residential portion of the project may be occupied by single-family detached lots and adjacent streets and alleys.
- iii. *Variability and arrangement of lots.* Lot sizes and dimensions shall be varied to provide for a variety of housing types and configurations, and to avoid monotonous streetscapes. The lot size and layout pattern shall be designed to allow residences to face toward a street.
- iv. *Access to a park, central feature, or gathering place.* At least 90 percent of the dwellings shall be located within 1,320 ft. (walking distance, without crossing an arterial street) of a neighborhood park, a privately owned park, or a central feature or gathering place that is located either within the project or within an adjacent development. Such parks, central features, or gathering places shall contain one or more of the following uses:
 1. Public parks (active or passive) or other open lands; or
 2. Privately-owned parks (active or passive) meeting the following criteria:
 - a. Land Area.
 - i. In development projects greater than two acres in gross area, private parks must be a minimum of 10,000 sf. in area.
 - ii. In development projects with a gross area of two acres or less, such private parks must be a minimum of six percent of the gross site area.
 - b. Location. Parks must be highly visible, secure settings formed by the street layout and pattern of lots and easily observed from streets. Rear facades and rear yards of dwellings shall not abut more than two sides or more than 50 percent of the perimeter of the park.
 - c. Accessibility. All parts of each park shall be safely and easily accessible by pedestrians, and open to the public.
 - d. Facilities. Parks shall consist of multiple-use turf areas, walking paths, plazas, pavilions, picnic tables, benches, or other features for various age groups to utilize.
 - e. Maintenance. Parks shall be maintained by the developer or property owners' association.
 - f. Storm drainage. If the park integrates storm drainage and detention functions, the design of such facilities shall not result in slopes or gradients that conflict with other recreational and civic purposes of the park.
3. Community facilities or neighborhood support/recreation facilities (which are permitted as an accessory use to housing). If such facility is smaller than the required minimum size for privately owned parks as required in subparagraph 2 above, then the facility shall be physically integrated with such park space as needed to meet the required minimum size.

3. Hospitality, Recreation, and Entertainment Uses.

- a. *Hospitality, Recreation, and Entertainment Use Table.* The hospitality, recreation, and entertainment land uses that are allowed in each zoning district are set out in Table 3-2, Hospitality, Recreation, and Entertainment Uses.

Table 3-2 Hospitality, Recreation, and Entertainment Uses																
Land Use	Zoning District															
	A	R-E	R-1	R-2	R-3	R-MH1	R-MH2	D-A	D-B	C-N	C-C	C-H52	C-E	BLI	I	P
Adult-Oriented Use	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-
Bar, Tavern, or Nightclub	-	-	-	-	-	-	-	L	L	C	L	L	L	C	-	-
Bed and Breakfast	P	L	L	-	-	-	-	L	L	-	-	-	-	-	-	-
Brew Pub, Distillery Pub, or Limited Winery	-	-	-	-	-	-	-	L	L	L	L	P	L	P	P	-
Campground or RV Park	L	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Commercial Lodging	-	-	-	-	-	-	-	P	P	C	P	P	P	C	-	--
Golf Course	C	C	C	C	C	-	C	-	-	-	-	-	C	C	-	P
Indoor Amusement, Recreation, and Entertainment	-	-	-	-	-	-	-	P	P	P	P	P	P	C	C	-
Indoor Firing or Gun Range	L	-	-	-	-	-	-	-	-	-	-	L	L	L	L	-
Outdoor Commercial Amusement	-	-	-	-	-	-	-	-	-	C	C	C	C	C	-	-
Outdoor Firing or Gun Range	C	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C
Outdoor Stadium, Arena, Amphitheater, or Drive-In Theater	-	-	-	-	-	-	-	C	C	-	-	C	C	C	-	P ¹
Park, Active	P	P	P	P	P	P	P	-	-	P	P	P	P	P	P	P
Park, Passive	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Race Track	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-
Restaurant	-	-	-	-	-	-	-	P ¹	P ¹	P ¹	P ²	P ²	P ¹	L	C	-
Zoo	C	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C
TABLE NOTES: ¹ Drive-in and drive-through facilities are not allowed. Restaurants that include outdoor dining areas are subject to the residential protection standards of section 3.4.12. ² If the use includes drive-in, drive-through, or outdoor dining facilities, it is processed as a limited use ("L"). See section 3.4.3.b. for applicable standards.																

b. *Use-Specific Standards for Certain Hospitality, Recreation, and Entertainment Uses.*

- Adult-oriented use.* Adult-oriented uses may be approved in the I zoning district if it is demonstrated that the applicable residential protection standards of section 3.4.12 are met.
- Bar, Tavern, or Nightclub.*

1. All zoning districts: Bar, tavern, and nightclub uses may be approved if it is demonstrated that the applicable residential protection standards of section 3.4.12 are met.
 2. BLI: Bar, tavern, and nightclub uses may be approved if it is demonstrated that not more than 35 percent of the contiguous land area within the BLI zoning district in which the use is proposed is used or approved for bar, tavern, or nightclub, commercial lodging, restaurants, retail sales and services, indoor amusement, recreation, and entertainment, or day care facilities, adult or child.
- iii. *Bed and Breakfast.*
1. R-E and R-1: Bed and breakfast uses may be approved in the R-E and R-1 zoning districts if it is demonstrated that:
 - a. The use is an adaptive re-use of an existing single-family detached dwelling unit, located on a lot that conforms to the underlying zoning district requirements; and
 - b. All parking that is required for the use is provided on-site.
 2. D-A and D-B: Bed and breakfast uses may be approved in the D-A and D-B zoning districts if it is demonstrated that:
 - a. The use is an adaptive re-use of an existing single-family detached dwelling unit; and
 - b. All parking that is required for the use is provided on-site or on private property within 150 feet of the bed and breakfast (remote parking), measured lot line to lot line. If remote parking is used, its availability shall be secured by agreement in a form approved by the Town attorney or by common ownership of the owner of the property upon which the bed and breakfast use is located.
- iv. *Brew Pub, Distillery Pub, or Limited Winery.* Brew pub, distillery pub, or limited winery uses may be approved in the D-A, D-B, C-N, C-C, C-H52, C-E, BLI, and I zoning districts if it is demonstrated that:
1. The applicable residential protection standards of section 3.4.12 are met; and
 2. Spent or used grain (and comparable nontoxic byproducts of the brewing process) may be stored outdoors for not more than 24 hours, provided that the temporary storage area of spent or used grain is:
 - a. Designated on the approved site plan;
 - b. Located in the interior side or rear yard or within the building envelope; and
 - c. Fully enclosed within a suitable container, secured, and screened behind a solid, opaque fence or wall measuring that is at least five feet in height.

- v. *Campground or RV Park.* Campground or RV park uses may be approved in the A zoning district if it is demonstrated that:
1. The minimum area of the subject property is 10 acres;
 2. If the use includes a campground, it is developed to the “modern” standard as defined in 6 CCR 1010-9 § 2.10e.
 3. The density, dimensions, and location of each campsite shall be as set out in Table 3-3, Campsite Standards.

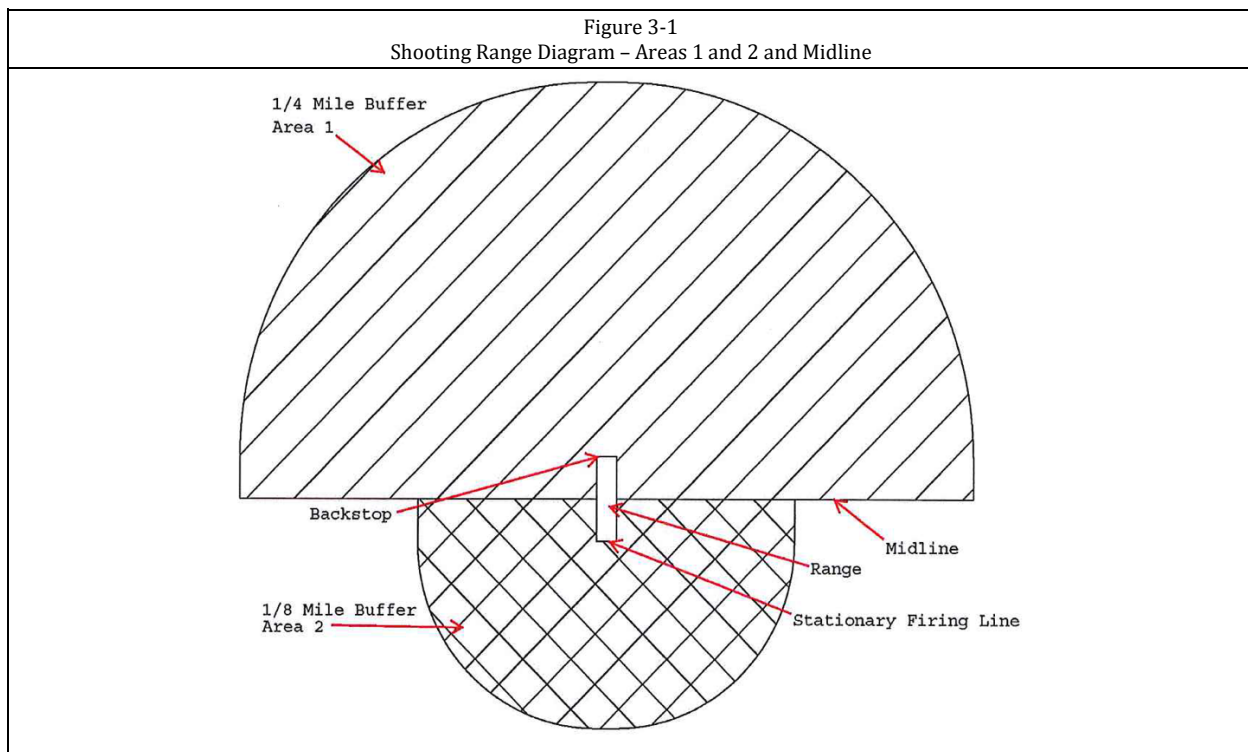
Table 3-3 Campsite Standards	
Density of campsites (per acre of the subject property)	6 sites/acre
Minimum RV campsite dimensions	35 ft. x 50 ft.
Minimum tent campsite dimensions	35 ft. x 35 ft.
Minimum and maximum number of campsites (tent or RV) in a cluster	Min.: 4 / Max.: 12
Minimum spacing between clustered campsites	40 ft.

4. The route between the nearest arterial street and the campground does not include a local residential street.
 5. Campsites are configured as follows:
 - a. Access to camping spaces shall be from paved internal, private streets.
 - b. Parking spaces must be paved or gravel.
 - c. An internal pedestrian circulation system shall be provided that connects clusters of campsites to each other and to amenities and sanitary facilities.
 - d. Areas between campsite clusters shall be used to provide amenities or landscaping.
 6. The campground or RV park is enclosed by a six-foot tall privacy fence.
 7. If the use adjoins an arterial street or is located within 250 feet of the boundary of an R-E, R-1, R-2, or R-3 zoning district, a 25-foot wide landscape buffer shall be provided along property lines that abut the street and that are closest to the zoning district boundary. The landscape buffer shall be planted with one tree and five shrubs (outside of the required privacy fence) for every 35 feet of property line for which a buffer is required.
- vi. *Commercial Lodging.*
1. C-N: Commercial lodging may be approved in the C-N zoning district if it is demonstrated that:
 - a. The use does not include conference facilities or ballrooms; and
 - b. If the use adjoins the boundary of an R-E, R-1, R-2, or R-3 zoning district, a five-foot tall privacy fence shall be provided along the district boundary line, and an eight-foot wide landscape strip shall be provided along the inside of the fence, planted with one tree for every 35 feet of property line for which a buffer is required.

2. BLI: Commercial lodging may be approved in the BLI zoning district if it is demonstrated that (at the time of application and inclusive of the proposed use) not more than 35 percent of the contiguous land area within the BLI zoning district in which the use is proposed is used or approved for bar, tavern, or nightclub, commercial lodging, restaurants, retail sales and services, indoor amusement, recreation, and entertainment, or day care facilities, adult or child.
- vii. *Golf Course*. Golf course uses may be approved in the R-E, R-1, R-2, R-3, R-MH2, C-E, and BLI zoning districts if it is demonstrated that:
 1. Appropriate controls will prevent golf balls from leaving the subject property, including but not limited to spacing the centerline of each hole not less than 150 feet from property lines;
 2. All principal and accessory buildings are set back not less than 50 feet from property lines; and
 3. The golf course provides an organizing feature and open space amenity to a residential, light industrial, or office park development.
 - viii. *Indoor Amusement, Recreation, and Entertainment*. Indoor amusement, recreation, and entertainment uses may be approved in the BLI or I zoning district if it is demonstrated that (at the time of application and inclusive of the proposed use) not more than 35 percent of the contiguous land area within the zoning district in which the use is proposed is used or approved for commercial lodging, restaurants, retail sales and services, indoor amusement, recreation, and entertainment, or day care facilities, adult or child.
 - ix. *Indoor Firing or Gun Range*. Indoor firing or gun range may be approved in the A, C-H52, C-E, BLI, and I zoning districts if it is demonstrated that the applicable residential protection standards of section 3.4.12 are met.
 - x. *Outdoor Commercial Amusement*. Outdoor commercial amusement uses may be approved in the C-N, C-C, C-H52, C-E, and BLI zoning districts if it is demonstrated that the applicable residential protection standards of section 3.4.12 are met.
 - xi. *Outdoor Firing or Gun Range*. All outdoor firing ranges will be reviewed concurrently by the Town of Frederick Police Department. Outdoor firing or gun range may be approved in the A and P zoning districts if it is demonstrated that all of the following standards are met:
 1. The residential protection standards of section 3.4.12.
 2. Hours of operation shall be limited to the hours between sunrise and sunset, except that the hours may be extended until 10:00 p.m. one night per week with the approval of the Director for purposes of subdued lighting certification of law

enforcement officers or civilians as part of a formal course of instruction.

3. All shooting stations shall be located a minimum of 200 feet from any property line.
4. When an outdoor range is proposed, all existing, habitable dwellings in the area shall be mapped as shown in Figure 3-1. No existing habitable dwelling is permitted within Area 1 or Area 2 as shown on Figure 3-1.
 - a. Area 1 represents a 1,320-foot buffer measured from the exterior berm and backstop.
 - b. Area 2 represents a 660-foot buffer from the exterior berm and stationary firing line.
 - c. The midline is the dividing line between Area 1 and Area 2 and is half the distance between the backstop and the stationary firing line.



5. Stationary firing lines shall be covered by a baffle system beginning at least three feet behind the firing line, unless used for skeet or trap shooting.
6. A baffle system covering all firing lines shall eliminate “blue-sky” above the shooter’s vision of the bullet backstop. Blue sky elimination is used for the purpose of eliminating the likelihood that any bullet will travel over the backstop area, leaving the shooting range. This requirement may be waived if a Range Technical Team Advisor provides evidence that the

baffles are not necessary to ensure the safety of neighboring properties and this evidence is verified by a Town expert as established by the Director and Chief of Police.

7. The perimeter of the outdoor range shall be surrounded by a fence, wall, or other impediment to pedestrians with a minimum height of six feet and meeting all other applicable regulations identified in Article 2.
8. Warning signs shall be posted at 150-foot intervals along the entire perimeter of the outdoor firing or gun range. The signs shall state in both English and Spanish, "CAUTION: Firearms in Use. Keep Out" and be made of a weather-proof material. Signs shall be yellow and black and must be able to be read by a person or ordinary visual acuity from a distance of five feet.
9. In addition to the standard requirements for a conditional use application, the application for an outdoor shooting range shall also include the following:
 - a. A complete layout of each range, including firing lines, blue sky elimination technique, target areas, backstops, and berms;
 - b. Sound study or projected noise contours;
 - c. Existing and proposed structures; occupied dwellings within 1,320 feet of the secured boundaries of the facility; roads, streets, or other access areas; buffer areas, and parking areas for the facility; and
 - d. A proposed lead management program.
- xii. *Outdoor Stadium, Arena, Amphitheater, or Drive-In Theater.*
 1. All zoning districts except D-A and D-B: Outdoor stadium, arena, amphitheater, or drive-in theater uses may be approved if it is demonstrated that the applicable residential protection standards of section 3.4.12 are met.
 2. D-A and D-B: In the D-A and D-B zones, the use is restricted to outdoor amphitheaters that are owned and operated by the Town of Frederick or other governmental or quasi-governmental entity. Such uses are specifically not subject to the limitations of Table 3-12, Residential Protection Spacing Standards.
- xiii. *Race Track.* Race track uses may be approved in the I zoning district if it is demonstrated that:
 1. The applicable residential protection standards of section 3.4.12 are met;
 2. The road course will not be illuminated; and
 3. The use will not operate between 8:00 p.m. and 9:00 a.m.
- xiv. *Restaurant.*
 1. C-C and C-H52: Restaurant uses in the C-C and C-H52 zoning districts that include drive-in or drive-through facilities may be approved if it is demonstrated that:

Table 3-4 General Commercial Uses																
Land Use	Zoning District															
	A	R-E	R-1	R-2	R-3	R-MH1	R-MH2	D-A	D-B	C-N	C-C	C-H52	C-E	BLI	I	P
Pawnbroker	-	-	-	-	-	-	-	-	-	C	L	C	C	-	-	-
Personal Services	-	-	-	-	-	-	-	P	P	P	P	P	P	P	P	-
Recording or TV Studio	-	-	-	-	-	-	-	P	P	P	P	P	P	P	-	-
Retail Sales and Services	-	-	-	-	-	-	-	P	P	P	P	P	P	P	P	-

b. *Use-Specific Standards for Certain General Commercial Uses.*

i. *Convenience Lending.* Convenience lending may be approved in the C-N, C-C, C-H52, and C-E zoning districts if it is demonstrated that:

1. Such uses are spaced not less than 1,320 feet from each other and from pawnbroker uses, measured from principal entrance to principal entrance; and
2. The applicable residential protection standards of section 3.4.12 are met.

ii. *Pawnbroker.* Pawnbroker may be approved in the C-N, C-C, C-H52, and C-E zoning districts if it is demonstrated that:

1. Such uses are spaced not less than 1,320 feet from each other and from convenience lending uses, measured from principal entrance to principal entrance; and
2. The applicable residential protection standards of section 3.4.12 are met.

5. *Veterinary and Domestic Animal Uses.*

a. *Veterinary and Domestic Animal Use Table.* The veterinary and domestic animal land uses that are allowed in each zoning district are set out in Table 3-5, Veterinary and Domestic Animal Uses.

Table 3-5 Veterinary and Domestic Animal Uses																
Land Use	Zoning District															
	A	R-E	R-1	R-2	R-3	R-MH1	R-MH2	D-A	D-B	C-N	C-C	C-H52	C-E	BLI	I	P
Commercial Equestrian Facilities	L	C	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Kennel, Indoor	P	C	-	-	-	-	-	-	-	C	P	C	P	P	C	-
Kennel, Outdoor	L	-	-	-	-	-	-	-	-	-	-	-	-	L	L	-
Veterinary Facilities, Large Animal Clinic	P	-	-	-	-	-	-	-	-	-	-	-	-	P	C	-
Veterinary Facilities, Small Animal Clinic	P	-	-	-	-	-	-	-	-	P	P	P	P	P	P	-
Wildlife Rehabilitation	P	P	-	-	-	-	-	-	-	-	-	-	-	-	-	P

b. *Use-Specific Standards for Certain Veterinary and Domestic Animal Uses.*

- i. *Commercial Equestrian Facilities.* Commercial equestrian facilities may be approved in the A and R-E zoning districts if it is demonstrated that:
 1. Corrals are spaced at least 100 feet from any existing residence or retail sales building (if a residence or retail sales building is constructed or relocated on the subject property, the corral must be relocated to maintain the 100-foot spacing).
 2. The facility accommodates no more than two horses per acre.
 3. At least 1/2 acre of pasture is provided for each horse.
 - ii. *Kennel, Indoor.* Kennel, indoor uses may be approved in the R-E, C-N, C-H52, and I zoning districts if it is demonstrated that the applicable residential protection standards of section 3.4.12 are met.
 - iii. *Kennel, Outdoor.* Kennel, outdoor uses may be approved in the R-E, C-N, C-H52, and I zoning districts if it is demonstrated that:
 1. The applicable residential protection standards of section 3.4.12 are met;
 2. All animals will be housed indoors during the hours between 10:00 p.m. and 7:00 a.m.; and
 3. Outdoor dog runs and comparable facilities are appropriately secured to prevent animal escape.
 - iv. *Veterinary Facilities, Large Animal Clinic.* Veterinary services, large animal clinic may be approved in the I zoning district if it is demonstrated that the applicable residential protection standards of section 3.4.12 are met.
6. *Community, Civic, Educational, and Institutional Uses.*
- a. *Community, Civic, Educational, and Institutional Use Table.* The community, civic, educational, and institutional land uses that are allowed in each zoning district are set out in Table 3-6, Community, Civic, Educational, and Institutional Uses.

Table 3-6 Community, Civic, Educational, and Institutional Uses																
Land Use	Zoning District															
	A	R-E	R-1	R-2	R-3	R-MH1	R-MH2	D-A	D-B	C-N	C-C	C-H52	C-E	BLI	I	P
Cemetery	C	C	-	-	-	-	-	-	-	-	-	-	-	-	-	L
Crematorium	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	-
Day Care Center, Adult or Child	C	-	C	C	C	-	-	-	-	P	P	P	P	P	C	C
Funeral Home	-	-	-	-	-	-	-	P	-	-	L	L	C	C	-	-
Hospital	-	-	-	-	-	-	-	-	-	-	C	C	P	P	C	C
Place of Assembly	C	-	L/C ¹	L/C ¹	L/C ¹	-	L/C ¹	P	P	P	P	P	P	P	C	P
Prison or Jail	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	C
School, Elementary or Middle	P	P	P	P	P	P	P	-	-	P	P	P	P	P	P	P
School, High	P	P	P	P	P	P	P	-	-	P	P	P	P	P	P	P
School, Vocational or Trade	-	-	-	-	-	-	-	-	-	P	P	C	P	P	C	C

Table 3-6 Community, Civic, Educational, and Institutional Uses																
Land Use	Zoning District															
	A	R-E	R-1	R-2	R-3	R-MH1	R-MH2	D-A	D-B	C-N	C-C	C-H52	C-E	BLI	I	P
University or College	-	-	-	-	-	-	-	-	-	P	P	C	P	P	C	C
TABLE NOTE: ¹ Places of assembly with a seating capacity of less than 600 are a limited use ("L"). Places of assembly with a seating capacity of 600 or more are a conditional use ("C").																

b. *Use-Specific Standards for Community, Civic, Educational, and Institutional Uses.*

- i. *Cemetery.* Cemeteries may be approved in the A, R-E, and P zoning districts if it is demonstrated that they are not located within the Downtown Development Area, or within 1,320 feet of the boundaries of the Downtown Development Area.
- ii. *Day Care Center, Adult or Child.*
 1. A, R-1, R-2, R-3, and P: Day care center, adult or child may be approved in the A, R-1, R-2, R-3, and P zoning districts if it is demonstrated that the use meets all applicable state licensing requirements, and:
 - a. The use is accessed by a collector or arterial street, or by a local street if the subject property is located on the corner of a local street and an arterial or collector street; or
 - b. The use is co-located with an existing school (of any type), university or college, or place of assembly.
 2. I: Day care center, adult or child may be approved in the I zoning district if it is demonstrated that:
 - a. The use is primarily intended to provide an amenity to employees within the zoning district; and
 - b. Other existing and approved uses in the zoning district within 1,320 feet do not present a material hazard to the adults or children receiving care.
- iii. *Funeral Home.* Funeral home uses may be approved in the C-C, C-H52, C-E, and BLI zoning districts if it is demonstrated that the applicable standards of section 3.4.18 are met.
- iv. *Hospital.* Hospitals may be approved in the C-C, C-H52, I, and P zoning districts if it is demonstrated that, if the use includes an emergency room or trauma center, the subject property has access to an arterial street without the use of local or collector street segments that also provide access to residential uses.
- v. *Place of Assembly.*
 1. A, R-1, and R-2: Places of assembly may be approved in the A, R-1, and R-2 zoning districts if it is demonstrated that:
 - a. The subject property is at least two acres in area;
 - b. The floor area ratio does not exceed 0.15; and

- c. The subject property adjoins an arterial or a collector street and takes access from either the adjacent arterial or collector street, or if located at an intersection with a local street, from the intersecting local street.
 - 2. R-3 and R-MH2: Places of assembly may be approved in the R-3 and R-MH2 zoning districts if it is demonstrated that:
 - a. The subject property is at least 1.5 acres in area;
 - b. The floor area ratio does not exceed 0.25; and
 - c. The subject property adjoins an arterial or a collector street and takes access from either the adjacent arterial or collector street, or if located at an intersection with a local street, from the intersecting local street.
 - 3. I: Places of assembly may be approved in the I zoning district if it is demonstrated that the use does not include an outdoor assembly area.
- vi. *Prison or Jail.* Prison or jail may be approved in the P zoning district if it is demonstrated that the prison or jail 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.
- vii. *School, Vocational or Trade.*
 - 1. All zoning districts: Access to the subject property shall be provided based on the design capacity of the proposed use, as follows:
 - a. More than 250 students design capacity: Arterial or collector street.
 - b. 50 to 250 students design capacity: Arterial or collector, or a local street, provided that the route between the access point and the nearest arterial or collector does not pass a single-family or duplex residential use.
 - c. Less than 50 students design capacity: Any street type.
 - 2. I: School, vocational or trade may be approved in the I zoning district if it is demonstrated that:
 - a. If the use provides hands-on instruction, it meets the standards for the use that is most closely related to the hand-on instruction.
 - b. If the use that is most closely related to the hands-on instruction is not allowed in the I zone, then the vocational or trade school is not allowed.
- viii. *University or College.*
 - 1. All zoning districts: Access to the subject property shall be provided based on the design capacity of the proposed use, as follows:
 - a. More than 250 students design capacity: Arterial or collector street.
 - b. 50 to 250 students design capacity: Arterial or collector, or a local street, provided that the route between the

access point and the nearest arterial or collector does not pass a single-family or duplex residential use.

c. Less than 50 students design capacity: Any street type.

2. I: University or college may be approved in the I zoning district if it is demonstrated that the area of the university or college that is located within the I zoning district provides hands-on instruction, research, workshop, or laboratory space that is closely related to a permissible land use in the I zoning district.

7. *Industrial, Processing, Recycling, Storage, and Disposal Uses.*

- a. *Industrial, Processing, Recycling, Storage, and Disposal Use Table.* The industrial, processing, recycling, storage, and disposal land uses that are allowed in each zoning district are set out in Table 3-7, Industrial, Processing, Recycling, Storage, and Disposal Uses.

Table 3-7 Industrial, Processing, Recycling, Storage, and Disposal Uses																
Land Use	Zoning District															
	A	R-E	R-1	R-2	R-3	R-MH1	R-MH2	D-A	D-B	C-N	C-C	C-H52	C-E	BLI	I	P
Composting Facility	C	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-
Disposal Facility	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-
Heavy Industry	-	-	-	-	-	-	-	-	-	-	-	-	-	C	L	-
Heavy Logistics Center	-	-	-	-	-	-	-	-	-	-	-	-	-	C	L	-
Light Industry	-	-	-	-	-	-	-	-	-	-	-	C	P	P	P	-
Recycling Collection Center	-	-	-	-	-	-	-	-	-	-	-	-	C	C	C	C
Resource Extraction (Minerals)	C	-	-	-	-	-	-	-	-	-	-	-	-	-	C	C
Resource Extraction (Oil and Gas)	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S
Salvage Yard	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-
Self-Storage	-	-	-	-	-	-	-	-	-	-	C	C	-	C	C	-
Storage Yard	-	-	-	-	-	-	-	-	-	-	-	-	-	C	L	-
Waste Transfer Station	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-

- b. *Use-Specific Standards for Industrial, Processing, Recycling, Storage, and Disposal Uses.*

- i. *Composting Facility.* Composting facility uses may be approved if it is demonstrated that:

1. The use provides appropriate controls to prevent dust and windblown debris from leaving the site;
2. The use is spaced 1,000 feet from existing or approved places of assembly, schools (any type), colleges or universities, day care centers (adult or child), active or passive parks, zoos, and outdoor commercial amusement;
3. The applicable residential protection standards of section 3.4.12 are met; and

4. The applicable outdoor storage standards of section 3.4.16 are met.
- ii. *Disposal Facility*. Disposal facility uses may be approved in the I zoning district if:
 1. The disposal facility is not a hazardous waste disposal site as regulated by Title 25, Article 15, Part 2, Hazardous Waste Disposal Sites, as may be amended from time to time.
 2. The application for approval of the disposal facility is reviewed by the Colorado Department of Public Health and Environment (“CDPHE”) pursuant to Title 30, Article 20, Part 1, Solid Wastes Disposal Sites and Facilities, Colorado Revised Statutes.
 - a. The report and recommendation of CDPHE are required prior to the processing of the application by the City.
 - b. No disposal site shall be approved without a recommendation of approval by CDPHE.
 - c. Technical conditions of approval suggested by CDPHE shall be incorporated into the certificate of designation.
 3. CDPHE issues a certificate of designation for the disposal site, as required by Title 30, Article 20, Part 1, Solid Wastes Disposal Sites and Facilities, Colorado Revised Statutes, as may be amended from time to time.
 4. The facility has a recommendation of approval by the CDPHE and the Town Board finds that:
 - a. The facility is not located within an area of special flood hazard, an area of geological hazard, or an area that would create material risks to water supply, irrigation infrastructure, or significant wildlife habitat;
 - b. The subject property is at least 100 acres in area;
 - c. All disposal operations are set back at least 300 feet from property lines;
 - d. The applicable residential protection standards of section 3.4.12 are met;
 - e. The applicable outdoor storage standards of section 3.4.16 are met;
 - f. Trucks that enter and exit the facility have access to a state highway without traversing local or collector street segments that provide access to residential uses;
 - g. Property boundaries that are adjacent to streets are landscaped with a buffer that:
 - i. Is at least 40 feet wide;
 - ii. Includes a four-foot tall berm that is designed to appear integrated into the landscape; and
 - iii. Is planted with four trees per 100 feet of frontage or fraction thereof; and

- h. There is no exclusive site for solid waste disposal (pursuant to C.R.S. § 30-20-107) with capacity to serve the Town's needs;
- i. There is a demonstrated need for the facility to serve the residents and businesses of the Town;
- j. The facility conforms to any the objectives or policies set out in the Comprehensive Plan, if any, with respect to such facilities;
- k. The facility complies with all technical rules promulgated by CDPHE;
- l. The financial assurances provided pursuant to C.R.S. § 30-20-104.5, are adequate to serve their purposes; and
- m. The disposal facility would create a net public benefit to the region and the residents and property owners of the Town, taking into account:
 - i. The effect that the disposal site and facility will have on the surrounding property, taking into consideration the types of processing to be used, surrounding property uses and values, and wind and climatic conditions;
 - ii. The convenience and accessibility of the solid wastes disposal site and facility to potential users;
 - iii. The ability of the applicant to comply with the health standards and operating procedures provided for in Title 30, Article 20, Part 1, Solid Wastes Disposal Sites and Facilities, Colorado Revised Statutes, and such rules and regulations as may be promulgated thereunder; and
 - iv. Recommendations by health departments that have jurisdiction within five miles of the facility.
- iii. *Heavy Industry*. Heavy industry may be approved in the BLI and I zoning districts if it is demonstrated that:
 - 1. The subject property is at least five acres in area;
 - 2. 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;
 - 3. The applicable residential protection standards of section 3.4.12 are met;
 - 4. The applicable outdoor storage standards of section 3.4.16 are met; and
 - 5. The facility is buffered from adjoining arterial and collector streets and zoning district boundaries with a landscape strip (outside of any fenced areas) that is not less than 15 feet in width, planted with one tree and two shrubs per 35 feet of

such boundary (a platted landscape buffer tract may be used for this purpose).

- iv. *Heavy Logistics Center.* Heavy logistics center may be approved in the BLI and I zoning districts if it is demonstrated that:
 - 1. Trucks that enter and exit the subject property have access to a state highway without traversing local or collector street segments that provide access to residential uses;
 - 2. The applicable residential protection standards of section 3.4.12 are met;
 - 3. The applicable outdoor storage standards of section 3.4.16 are met;
 - 4. The facility is buffered from adjoining arterial and collector streets and zoning district boundaries with a landscape strip (outside of any fenced areas) that is not less than 15 feet in width, planted with one tree and two shrubs per 35 feet of such boundary (a platted landscape buffer tract may be used for this purpose).
- v. *Light Industry.* Light industry may be approved in the C-H52 zoning district if it is demonstrated that:
 - 1. The light industrial use provides a product or service that is available to the public on-site;
 - 2. Bay doors are not visible from adjoining streets or R-E, R-1, R-2, or R-3 zoning district boundaries; and
 - 3. The applicable residential protection standards of section 3.4.12 are met.
- vi. *Recycling Collection Center.* Recycling collection center may be approved in the C-E, BLI, I, or P zoning districts if it is demonstrated that:
 - 1. The use provides appropriate controls to prevent dust and windblown debris from leaving the site;
 - 2. Recyclable materials are collected indoors, or in bins or other secured containers outdoors, and all other activities, such as tipping, sorting, compaction, transfer, and reloading are conducted in a fully enclosed building;
 - 3. Public streets will not be utilized at any time for parking, stacking, or storage of employee vehicles, visitor vehicles, or trucks;
 - 4. The facility includes sufficient drive aisles and parking areas to avoid conflicts between truck operations, passenger vehicles (e.g., for drop-off of household wastes), and the use of emergency access easements and fire lanes;
 - 5. The internal circulation system is designed to eliminate the need for the backing of truck traffic, pavement design is suitable for heavy vehicles and the road base is capable of withstanding expected loads, and drive aisles are designed to

be passable by loaded collection and transfer vehicles in all weather conditions;

6. Parking and loading areas are paved and separated from areas where baled recyclable materials are stored;
 7. Trucks that enter and exit the subject property have access to a state highway without traversing local or collector street segments that provide access to residential uses;
 8. Scavenging will be prohibited and prevented;
 9. The applicable residential protection standards of section 3.4.12 are met; and
 10. The applicable outdoor storage standards of section 3.4.16 are met.
- vii. *Resource Extraction (Minerals)*. Resource extraction (minerals) may be approved in the A, I, or P zoning districts if it is demonstrated that:
1. The applicable residential protection standards of section 3.4.12 are met;
 2. The applicable outdoor storage standards of section 3.4.16 are met;
 3. The use is spaced at least 1,320 feet from places of public assembly, day care centers (adult or child), and schools (any type);
 4. Extraction activities are in accordance with a master plan for extraction that is approved by the Board of Trustees along with the conditional use, which addresses:
 - a. The potential for effective multiple sequential use of the subject property to provide the optimum benefit to the landowner, neighboring property owners, and the Town as a whole;
 - b. The development or preservation of land to enhance development of physically attractive surroundings that are compatible with the surrounding area;
 - c. The anticipating timing and sequencing of the mining operation, including the types and volumes of material anticipated to be extracted; and
 - d. A reclamation plan that implements the requirements of C.R.S. § 34-32-101, et seq., ("Colorado Mined Land Reclamation Act").
 5. Property boundaries are landscaped with a buffer that:
 - a. Is at least 25 feet wide;
 - b. Is planted with four trees and six shrubs per 100 feet of frontage or fraction thereof; and
 - c. Includes an eight-foot tall security fence on the inside of the buffer.
 6. Crushing and processing operations are conducted in an enclosed facility that provides dust control;

7. Noise generated by the use shall not exceed 45 dBA at any residential building wall between the hours of 9:00 PM and 7:00 AM;
 8. Trucks that enter and exit the subject property have access to a state highway without traversing local or collector street segments that provide access to residential uses, and the access route is designed and constructed to withstand the weight of loaded heavy vehicles and mining equipment; and
 9. Access roads within the subject property are designed and maintained to limit airborne dust and erosion, and to prevent tracking of debris onto public rights of way.
- viii. *Resource Extraction (Oil and Gas)*. Resource extraction (oil and gas) is subject to Article 9, Oil and Gas Drilling and Production.
- ix. *Salvage Yard*. Salvage yard uses may be approved in the I zoning district if it is demonstrated that:
1. The subject property does not have frontage on a state or federal highway or arterial street;
 2. Trucks that enter and exit the subject property have access to a state highway without traversing local or collector street segments that provide access to residential uses;
 3. No boundary of the subject property is also a zoning district boundary;
 4. The property is enclosed by a privacy fence or wall that is at least seven feet in height but not more than nine 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 applicable residential protection standards of section 3.4.12 are met; and
 8. The applicable outdoor storage standards of section 3.4.16 are met.
- x. *Self-Storage*. Self-storage uses may be approved in the C-C, C-H52, CLI, and I zoning districts if it is demonstrated that:
1. A minimum 5/8-inch water tap serves (or will serve) the subject property;
 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 facility is designed such that exterior bay doors are screened from adjoining streets or R-E, R-1, R-2, or R-3 zoning district boundaries; and
 4. The applicable residential protection standards of section 3.4.12 are met; and
 5. The applicable outdoor storage standards of section 3.4.16 are met.
- xi. *Storage Yard.* Storage yard uses may be approved in the BLI and I zoning districts if it is demonstrated that:
1. A minimum 5/8-inch water tap serves (or will serve) the subject property;
 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 applicable residential protection standards of section 3.4.12 are met; and
 4. The applicable outdoor storage standards of section 3.4.16 are met.
 5. The storage container standards set out in section 3.4.17 (as may be applicable) are met.
- xii. *Waste Transfer Station.* The Town shall request a technical review of the site and facility documents and operation plan from CDPHE pursuant to 6 CCR 1007-2 § 7.1 for all applications for approval of a waste transfer station, and CDPHE recommendations are incorporated into the application materials prior to Town processing of the application. Waste transfer station uses may be approved in the I zoning district if, after such review, it is demonstrated that:
1. The subject property is at least five acres in area;
 2. No building or area in which the unloading, storage, processing, or transfer of wastes or recyclable materials will take place shall be located within:
 - a. 100 feet of any property line; or
 - b. 500 feet of:
 - i. Any nonresidential structure located on property that is not owned or leased by the owner of the waste transfer station;
 - ii. Any area of special flood hazard;
 - iii. Any wetland;
 - iv. Any water well;
 - v. Any natural or artificial pond (including a detention or retention pond or facility), stream, irrigation ditch or canal, water way, or water course; and

3. Trucks that enter and exit the subject property have access to a state highway without traversing local or collector street segments that provide access to residential uses;
4. All activities associated with waste transfer, such as tipping, sorting, storage, compaction, transfer, reloading, and related activities are conducted in a fully enclosed building;
5. Public streets will not be utilized at any time for parking, stacking, or storage of employee vehicles, visitor vehicles, or trucks;
6. The facility includes sufficient drive aisles and parking areas to avoid conflicts between truck operations, passenger vehicles (e.g., for drop-off of household wastes), and the use of emergency access easements and fire lanes;
7. The internal circulation system is designed to eliminate the need for the backing of truck traffic, pavement design is suitable for heavy vehicles and the road base is capable of withstanding expected loads, and drive aisles are designed to be passable by loaded collection and transfer vehicles in all weather conditions;
8. The facility incorporates a collection and disposal system that prevents liquids contained in waste materials, as well as liquids generated by normal operations (such as wash-out and cleaning of equipment, trucks, and floors), from contaminating the soil, surface water, or ground water;
9. Tipping, loading, and unloading areas shall be constructed of impervious material and equipped with drains connected to either:
 - a. A public wastewater system; or
 - b. A corrosion-resistant holding tank; or
 - c. An alternative system, if the applicant demonstrates that the alternate design will prevent waste liquids from contaminating the soil, surface water, or ground water; and
10. The facility will accept only household wastes, commercial, and industrial wastes and recyclable materials, and no asbestos wastes, wastes classified as hazardous in accordance with C.R.S. § 25-15-101, et seq. shall be knowingly accepted;
11. Overnight truck parking will not be allowed;
12. An on-site operator will be on duty at all times that the facility is open;
13. The operation of the waste transfer station and the storage and handling of all solid wastes will be practiced according to an operations plan that includes methods to prevent the attraction, harborage, or breeding of wildlife or insects, rodents, and other vectors (e.g., flies, maggots, roaches, rats,

mice, and similar vermin), and to eliminate conditions which cause or may potentially cause:

- a. Harm to the public health and the environment;
- b. Congregation of birds;
- c. Safety hazards to individuals and surrounding property;
and
- d. Excessive odor problems, unsightliness, and other
nuisances;

14. The facility will be maintained in a neat and orderly appearance at all times through the prevention and control of uncontained waste, trash, and litter;

15. Open burning and scavenging will be prohibited and prevented;

16. The applicable residential protection standards of section 3.4.12 are met; and

17. The applicable outdoor storage standards of section 3.4.16 are met.

8. *Motor Vehicle and Transportation Uses.*

- a. *Motor Vehicle and Transportation Use Table.* The motor vehicle and transportation land uses that are allowed in each zoning district are set out in Table 3-8, Motor Vehicle and Transportation Uses.

[illegible]

b. *Use-Specific Standards for Motor Vehicle and Transportation Uses.*

i. *Fueling, Fast-Charging, or Service Station.*

1. All zoning districts: Fueling, fast-charging, or service stations are subject to the applicable residential protection standards of section 3.4.12., and the applicable stacking standards of section 3.4.18.
2. C-N: Fueling, fast-charging, or service stations may be approved in the C-N zoning district if it is demonstrated that the use does not include a vehicle wash or vehicle service.

ii. *Truck Stop.* Truck stops may be approved in the I zoning district if it is demonstrated that:

1. The use complies with the applicable residential protection standards of section 3.4.12.; and
2. The use does not take access from Highway 52.

iii. *Heliport.* Heliport may be approved in the I zoning district if it is demonstrated that:

1. The facility implements the applicable design standards set out in U.S. Department of Transportation Advisory Circular No. 150/5390-2C, dated April 24, 2012, as may be amended, supplemented, or superseded from time to time; and shall meet all other applicable Federal Aviation Administration ("FAA") requirements.
2. A noise impact assessment is provided that identifies the initial and 20-year projected Day Night Level ("DNL") noise contour lines beginning with 50 DNL and proceeding to 65 DNL, showing compliance with the following standards:
 - a. The 65 DNL line is completely within airport property or property zoned I that is subject to an easement for noise and aviation; and
 - b. The 55 DNL line does not include any property that is zoned R-E, R-1, R-2, R-3, D-A, or D-B.

iv. *Helistop.* Helistops may be approved in the A, BLI, or I zoning district if it is demonstrated that:

1. The helistop complies with the standards that are applicable to heliports, as set out in section 3.4.8.b.iii.; and
2. The helistop is associated with a hospital or a public agency that provides first-responder services.

v. *Motor Vehicle Wash.* Motor vehicle wash may be approved in the C-N, C-C, C-H52, C-E, BLI, and I zoning districts if it is demonstrated that:

1. Ingress to and egress from automated and full-service vehicle wash facilities is oriented to side lot lines;
2. Detailing and finishing operations do not interfere with site circulation or access to required parking spaces;
3. The applicable residential protection standards of section 3.4.12 are met; and
4. The applicable stacking standards of section 3.4.18 are met.

vi. *Surface Parking.*

1. D-A and D-B: Surface parking uses may be approved in the D-A and D-B zoning districts if it is demonstrated that:
 - a. The parking surface is paved with a dust-free, all-weather surface;
 - b. The subject property is not more than 1/2 acre in area;
 - c. The landscaping standards of section 2.14 are met; and
 - d. The use does not have frontage on Fifth Street.
2. C-C, C-H52, and P: Surface parking uses may be approved in the C-C, C-H52, and P zoning districts if it is demonstrated that:
 - a. The parking surface is paved with a dust-free, all-weather surface;
 - b. The use provides parking for adjacent land uses or for park-and-ride transit services;
 - c. Overnight parking is prohibited; and
 - d. The landscaping standards of section 2.14 are met.

vii. *Structured Parking.*

1. D-A and D-B: Structured parking uses may be approved in the D-A, D-B zoning districts if it is demonstrated that:
 - a. The subject property is not more than 1/2 acre in area;
 - b. Vehicular ingress and egress is designed to minimized vehicular-pedestrian conflicts; and
 - c. Either the use does not have frontage on Fifth Street or the ground level of the Fifth Street frontage incorporates permissible hospitality, recreation, and entertainment uses or general commercial uses.
2. C-C and C-H52: Structured parking uses may be approved in the C-C and C-H52 zoning districts if it is demonstrated that:
 - a. The use provides parking for adjacent land uses or for park-and-ride transit services; and

- b. Overnight parking is prohibited.
- 3. P: Structured parking uses may be approved in the P zoning district if it is demonstrated that the use is operated by the Town or another public or quasi-public entity, and provides parking for park-and-ride transit services or for adjacent or remote governmental or recreational facilities.
- viii. *Passenger Motor Vehicle Sales or Rental.* Passenger motor vehicle sales or rental may be approved in the C-C, C-H52, C-E, BLI, and I zoning districts if it is demonstrated that:
 - 1. Not more than one vehicle display pad, which may be elevated up to three feet in height as measured at the highest point, is provided per 100 feet of road frontage.
 - 2. No other materials for sale will be displayed between the principal building and the right-of-way.
 - 3. Vehicles will be stored on paved parking surfaces.
 - 4. No bay door is oriented directly towards residential, public open space, or public right-of-way unless there is an intervening building that blocks the view of the bay door.
 - 5. If washing areas are provided, they are covered and have drains that are connected to the sanitary sewer system. The drains shall be constructed with an oil/water separator, and all treatment facilities shall be approved by the Town Engineer.
- ix. *Heavy Motor Vehicle Sales or Rental.* Heavy motor vehicle sales or rental uses may be approved in the I zoning district if it is demonstrated that the standards that apply to passenger motor vehicle sales or rental uses are met.
- x. *RV Storage.* RV Storage may be approved in the I zoning district if it is demonstrated that:
 - 1. 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;
 - 2. The facility is designed such that exterior bay doors are screened from adjoining streets or R-E, R-1, R-2, or R-3 zoning district boundaries;
 - 3. The applicable residential protection standards of section 3.4.12 are met; and
 - 4. The applicable outdoor storage standards of section 3.4.16 are met.

9. *Utility Uses.*

- a. *Utility Use Table.* The utility land uses that are allowed in each zoning district are set out in Table 3-9, Utility Uses.

Table 3-9 Utility Uses																
Land Use	Zoning District															
	A	R-E	R-1	R-2	R-3	R-MH1	R-MH2	D-A	D-B	C-N	C-C	C-H52	C-E	BLI	I	P
Battery Energy Storage Systems	L	L	L	L	L	L	L	-	-	-	-	L	L	L	L	-
Data Center	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	-
Overhead Power Lines (110 kV or more)	C	C	C	C	C	C	C	-	-	C	C	C	C	C	C	C
Photovoltaic Arrays (2 MW or more)	L	L	L	-	-	-	-	-	-	-	-	-	-	-	-	L
Utilities, Minor	L	L	L	L	L	L	L	L	L	L	L	L	L	L	P	L
Utilities, Major	C	C	C	C	C	C	C	-	-	C	C	C	C	C	C	C

b. *Use-Specific Standards for Utility Uses.*

- i. *Battery Energy Storage Systems.* Battery energy storage systems may be approved within the A, R-E, R-1, R-2, R-3, R-MH1, R-MH2, C-H52, C-E, BLI, and I zoning districts if it is demonstrated that:

1. The facility is located within or adjacent to an existing or approved electrical substation or photovoltaic array (2 MW or more), or within 300 feet of same on the same side of the street;
2. The facility complies with NFPA 1, *Fire Code*, and NFPA 855, *Standard for the Installation of Stationary Energy Storage Systems*;
3. The cells, modules, units, and installation are certified for compliance with ANSI/CAN/UL 9540, *Energy Storage Systems and Equipment*;
4. In container-type systems, containers are not stacked;
5. The facility is enclosed with a seven-foot tall security fence; and
6. In all zoning districts except A, BLI, and I, the facility is buffered from adjacent arterial and collector streets and residential district boundaries with a landscape strip (outside of the fenced area) that is not less than 15 feet in width, planted with one tree and two shrubs per 35 feet of such boundary, except where tree plantings would interfere with connections between the facility and the electrical substation;
7. The applicant agrees that prior to construction, the applicant will provide written confirmation that:
 - a. The electric utility provider has approved the facility for connection to the power grid; and
 - b. Easements, if necessary to connect the facility to the power grid, have been secured.
8. The applicant provides reasonable assurances to the Town that batteries and equipment will be removed from the site at the

- end of their useful life and recycled or disposed of in accordance with applicable law; and if an outdoor BESS use is terminated, the site will be restored to its original condition.
- ii. *Overhead Power Lines (110 kV or more)*. Overhead power lines (110 kV or more) may be approved in any zoning district other than D-A or D-B if it is demonstrated that:
1. If required by the Colorado Public Utilities Commission (“PUC”), a certificate of need from the PUC (or an exemption certification) has been issued.
 2. To the extent practicable, new transmission lines shall be located within existing transmission easements or routed outside of the Town.
 3. New transmission lines that are not located within existing transmission easements shall be routed to minimize the impact of poles and lines on existing development through spacing between the transmission line and the following uses or infrastructure:
 - a. 300 feet from dwelling units, schools (all types), and places of assembly; and
 - b. 500 feet from arterial streets.
- iii. *Photovoltaic Arrays (2 MW or more)*. Photovoltaic arrays (2 MW or more) may be approved within the A, R-E, R-1, or P zoning districts if it is demonstrated that:
1. The facility is enclosed with a seven-foot tall security fence; and
 2. The applicant agrees that prior to construction, the applicant will provide written confirmation that:
 - a. If the facility is intended to be connected to the power grid, the electric utility provider has approved the facility for such connection; and
 - b. Easements, if necessary to connect the facility to the power grid, have been secured.
 3. The applicant provides reasonable assurances to the Town that equipment will be removed from the site at the end of its useful life and recycled or disposed of in accordance with applicable law; and if photovoltaic array (2 MW or more) use is terminated, the site will be restored to its original condition.
- iv. *Utilities, Minor*. Minor utilities may be approved in any zoning district if it is demonstrated that:
1. There is a need for the minor utility in order to serve residents of the Town, and the proposed location optimizes the delivery of the utility service to customers;
 2. The minor utility is designed and located to mitigate its impact on surrounding land uses in terms of noise, odor, and risk of fire, explosion, or release of hazardous materials or gasses; and

3. The minor utility is appropriately secured, as determined by the Town Engineer according to applicable industry standards or best practices.
- v. *Utilities, Major.* Major utilities may be approved in any zoning district except D-A and D-B if it is demonstrated that:
 1. The utility provider demonstrates that there is a need for the major utility in order to serve residents of the Town;
 2. The facility is enclosed by a seven-foot tall security fence;
 3. The facility is buffered from adjacent arterial and collector streets and residential district boundaries with a landscape strip (outside of the fenced area) that is not less than 25 feet in width, planted with one tree and five shrubs per 35 feet of such boundary (keeping such areas as are necessary for access and connection to overhead power lines clear as required to ensure safe operations);
 4. The major utility use is not located in a special flood hazard area; and
 5. If the utility is a sewer plant, the subject property is situated in a location that will tend to minimize the impacts of odors on nearby residential uses and zones.

10. *Wireless Telecommunications Uses.*

- a. *Wireless Telecommunications Use Table.* The wireless telecommunications land uses that are allowed in each zoning district are set out in Table 3-10, Wireless Telecommunications Uses.

Table 3-10 Wireless Telecommunications Uses																
Land Use	Zoning District															
	A	R-E	R-1	R-2	R-3	R-MH1	R-MH2	D-A	D-B	C-N	C-C	C-H52	C-E	BLI	I	P
Freestanding Communications Tower	C	C	C	C	C	C	C	-	-	C	C	C	C	C	C	C
Alternative Tower Structure	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
Small Cell Wireless Facility	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Other Wireless Communications Facilities	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L

- b. *Use-Specific Standards for Wireless Telecommunications Uses.* All wireless communications facilities (“WCFs”) in Table 3-10 are subject to the applicable standards and procedures in this subsection 3.4.10.b.
 - i. *General.* WCF includes a ground-mounted base station which must be used as an accessory structure that is connected to an antenna mounted on or affixed to an existing building.

- ii. *Height and setbacks.*
 - 1. Roof- or building-mounted commercial mobile radio service ("CMRS") 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 as part of the approval.
 - 2. Roof- or building-mounted whip antennae of no more than three inches in diameter, in groupings of five or less, may extend up to 12 feet above the parapet wall.
 - 3. All freestanding WCFs shall be set back at least 300 feet from all residentially zoned properties or residential structures on properties otherwise zoned.
- iii. *Accessory buildings and facilities.*
 - 1. Accessory buildings located on the ground shall be no larger than 400 square feet and must be constructed of durable, low-maintenance materials that are architecturally compatible and integrated with existing buildings and structures.
 - 2. On sites with greater than 100 cubic feet of cabinet area that is visible from a public right-of-way or residentially zoned or used area, equipment must be enclosed in one or more accessory buildings.
 - 3. Accessory buildings and facilities are to be screened, to the extent possible, from public streets and sidewalks, either by screening, landscaping, location, or other comparable techniques.
- iv. *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.
- v. *Wireless communications facilities in public rights-of-way or on public property.*
 - 1. Permission to use right-of-way ("ROW") or public property. For WCFs in the ROW, the applicant shall execute a nonexclusive license to use the public ROW in a form approved by the Town Attorney.
 - 2. Attachment of WCFs on an existing traffic signal, streetlight pole, or similar structure shall require written evidence of a license, or other legal right or approval, to use such structure by its owner.
 - 3. 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.
- vi. *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 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.

vii. *Abandonment and removal.*

1. 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.
2. The Town, in its sole discretion, may require an abandoned WCF to be removed. The owner of such WCF shall remove the same within 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.

viii. *Camouflage/concealment.*

1. 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.
2. 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). 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 at the request of the Director.
3. 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 thereby.

4. All WCFs shall be constructed out of or finished with nonreflective materials (visible exterior surfaces only).
- ix. *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.
- x. *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.
- xi. *Lighting.* WCFs shall not be artificially 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.
- xii. *Noise.* Noise generated on the site must not exceed the levels permitted in this 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.
- xiii. *Landscaping and fencing requirements (excluding building-mounted WCFs, alternative tower structures, and small cells in the ROW).*
 1. WCFs shall be landscaped with a buffer of irrigated plant materials that effectively screen the view of the WCF from adjacent residential property. The standard buffer shall consist of the front, side, and rear landscaped setback on the perimeter of the site.
 2. 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.
 3. No trees larger than four inches in DBH may be removed, unless authorized by the Planning Director. To obtain such authorization, the applicant shall show that tree removal is necessary, the applicant's plan minimizes the number of trees

to be removed, and any trees removed are replaced at a ratio of two to one (2:1) to a total caliper of the removed trees. Additional landscaping required by the Town will be maintained at the expense of the owner of the WCF.

- xiv. *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.
- xv. *Alternative tower structures not in the ROW.* Alternative tower structures shall be located, designed, and constructed as follows:
 - 1. The structure shall be sited in a manner that evaluates the proximity of the facility to residential structures and residential district boundaries;
 - 2. 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;
 - 3. 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;
 - 4. The height or size of the proposed structure shall be minimized as much as possible; and
 - 5. 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.
- xvi. *Alternative tower structures in the 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:

1. 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.
2. 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:
 - a. Consistent with the size and shape of the poles and pole-mounted equipment installed by communications companies on utility poles near the structure; and
 - b. Sized to minimize the negative aesthetic impacts to the public right-of-way.
3. 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.
4. 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.
5. 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.
6. 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 500 feet from the pole or structure.

7. Any such pole shall in no case be higher than 30 feet.
8. Any such pole shall be separated from any other pole, accessory equipment, or WCF in the ROW by a distance of at least 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 500 feet from another WCF will meet the intent of reducing visibility and visual clutter of WCFs to the extent possible.
9. To the extent reasonably feasible, collocations are required in order to limit the number of poles within the right-of-way.
10. Equipment enclosures shall be located out of view as much as possible and shall comply with Town criteria (e.g., sight line criteria).
11. When placed near a residential property, the WCF shall be placed adjacent to the common side yard property line between adjoining residential properties, such that the WCF minimizes visual impacts equitably among adjacent properties. In the case of a corner lot, the WCF may be placed adjacent to the common side yard property line between adjoining residential properties, or on the corner formed by two intersecting property lines. If these requirements are not reasonably feasible from a construction, engineering, or design perspective, the applicant may submit a written statement to the Director requesting the WCF be exempt from these requirements.

xvii. *Towers.*

1. 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.
2. Tower structures should use existing land forms, vegetation, and structures to aid in screening the facility from view or blending in with the surrounding built and natural environment.
3. Monopoles shall taper from the base to the top.
4. All towers, excluding alternative tower structures in the right-of-way, shall be enclosed by security fencing or wall at least six feet in height and shall also be equipped with an appropriate anti-climbing device consistent with Town Code.

- xviii. *Related accessory equipment.* Accessory equipment for all WCFs shall meet the following requirements in addition to any other applicable standards of this subsection 3.4.10.b.:
1. All buildings, shelters, cabinets, and other accessory components shall be grouped as closely as technically possible.
 2. The total footprint coverage area of the WCF's accessory equipment shall not exceed 350 square feet, unless otherwise approved by the Director;
 - a. No related accessory equipment or accessory structure shall exceed 15 feet in height;
 - b. 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.
- xix. *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.
- xx. *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.
- xxi. *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:
1. Comply with any permit or license issued by a local, state, or federal agency with jurisdiction of the WCF;
 2. Comply with easements, covenants, conditions and/or restrictions on or applicable to the underlying real property;
 3. Be maintained in good working condition and to the standards established at the time of application approval; and
 4. 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.

5. Compliance report. Upon request by the Town, the applicant shall provide a compliance report within 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.

xxii. *Conditional mitigation measures; co-location.*

1. The Town encourages co-location of wireless telecommunications facilities to minimize the number of sites.
2. 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 use by conditional review or site development plan.

11. *Agricultural Uses.*

- a. *Agricultural Use Table.* The agricultural land uses that are allowed in each zoning district are set out in Table 3-11, Agricultural Uses.

Table 3-11 Agricultural Uses																
Land Use	Zoning District															
	A	R-E	R-1	R-2	R-3	R-MH1	R-MH2	D-A	D-B	C-N	C-C	C-H52	C-E	BLI	I	P
Agritainment	C	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Commercial Agriculture	P ¹	P ¹	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Common Equestrian Stabling and Grazing	L	L	-	-	-	-	-	-	-	-	-	-	-	-	-	-
TABLE NOTE: ¹ If the commercial agriculture use involves the keeping of animals (including bees), limited use review ("L") applies.																

- b. *Use-Specific Standards for Agricultural Uses.* Agritainment, commercial agriculture (when reviewed as a limited use), and common equestrian stabling and grazing may be approved if it is demonstrated that:
 - i. If the use involves the keeping of horses, cattle, llamas, buffalo, beefalo, or sheep, the subject property must have been used for grazing of such animals for a period of not less than two years immediately prior to annexation, and animal density is limited to:
 1. Two per acre for horses, cattle, llamas, buffalo, and beefalo, and at least one-half (1/2) acre of pasture is required for each such animal.
 2. Three per acre for sheep.
 - ii. Corrals, if any, are spaced at least 100 feet from any existing residence or retail sales building (if a residence or retail sales building is constructed or relocated on the subject property, the corral must be relocated to maintain the 100-foot spacing).
 - iii. Apiaries, if any, comply with the requirements set out in section 3.4.22.

12. *Residential Protection Standards.*

- a. *Purpose.* The purpose of the residential protection standards is to promote the public health, safety, and welfare by protecting existing residential uses and established residential neighborhoods from the potentially adverse visual, noise, light, traffic, and other impacts arising from the development of certain new commercial, retail, industrial, or institutional/civic uses in close proximity. Accordingly, these standards seek to create a "transition area" between the edges of nonresidential and residential zoning districts and uses.
- b. *Measurement of Minimum Distances.* All required minimum distances set forth shall be measured from the nearest property line of one designated location to the nearest property line of the other designated location along a straight line extended between the two points without regard to intervening structures.
- c. *Limitations on Permitted Uses.*
 - i. Unless specifically exempt pursuant to this section 3.4, notwithstanding any other provision of this section 3.4 (including Tables 3-1, 3-2, and 3-4 through 3-11, inclusive), the uses specified in Table 3-12, Residential Protection Spacing Standards, shall not be established or developed within the distance specified below of an existing residential use or of a residential zoning district boundary.
 - ii. Residential zoning districts, for the purposes of this standard, shall include residential portions of a mixed-use development that are not located on the same lot as a non-residential use.
 - iii. Nothing in this subsection shall be interpreted to prohibit a lawfully operating use listed below from continuing its operation, if subsequent to the listed use's establishment, a residential use or zone district, or other protected use, is established or locates within the distances specified below.

Table 3-12 Residential Protection Spacing Standards			
Land Use Category / Land Use	Required Spacing From . . .		
	R-E, R-1, R-2, R-3, R-MH1, and R-MH2 zoning district boundaries	Existing or approved residential uses in . . .	
		C-E zoning district	all other zoning districts
Hospitality, Recreation, and Entertainment Uses			
Adult-Oriented Use	1,000 ft.	1,000 ft.	1,000 ft.
Bar, Tavern, or Nightclub	250 ft.	250 ft.	N/A
Indoor firing or gun range	250 ft.	250 ft.	250 ft.
Outdoor Commercial Amusement	500 ft.	500 ft.	N/A
Outdoor Firing or Gun Range	1,000 ft.	1,000 ft.	1,000 ft.
Outdoor Stadium, Arena, Amphitheater, or Drive-In Theater	1,000 ft.	N/A	N/A
Race Track	1,000 ft.	1,000 ft.	1,000 ft.
Restaurant with Drive-In or Drive- Through Facilities	250 ft.	250 ft.	N/A
Zoo	1,000 ft.	1,000 ft.	1,000 ft.
General Commercial Uses			
Convenience Lending	250 ft.	250 ft.	N/A
Pawnbroker	250 ft.	250 ft.	N/A

Table 3-12 Residential Protection Spacing Standards			
Land Use Category / Land Use	Required Spacing From . . .		
	R-E, R-1, R-2, R-3, R-MH1, and R-MH2 zoning district boundaries	Existing or approved residential uses in . . .	
		C-E zoning district	all other zoning districts
Retail sales and services – liquor stores	250 ft.	250 ft.	N/A
Retail sales and services – outdoor sales	250 ft.	250 ft.	N/A
Veterinary and Domestic Animal Uses			
Kennel, Indoor	125 ft.	125 ft.	N/A
Kennel, Outdoor	250 ft.	250 ft.	N/A
Veterinary Facilities, Large Animal Clinic	250 ft.	250 ft.	N/A
Community, Civic, Educational, and Institutional Uses			
Prison or Jail	1,000 ft.	1,000 ft.	1,000 ft.
Industrial, Processing, Recycling, Storage, and Disposal Uses			
Composting Facility	1,000 ft.	1,000 ft.	1,000 ft.
Disposal Facility	1,000 ft.	1,000 ft.	1,000 ft.
Heavy Industry	500 ft. (or separated by arterial street)	500 ft. (or separated by arterial street)	500 ft.
Heavy Logistics Center	500 ft.	500 ft.	N/A
Resource Extraction (Minerals)			
Resource Extraction (Oil and Gas)			
Salvage Yard	1,000 ft.	1,000 ft.	1,000 ft.
Storage Yard	500 ft.	500 ft.	500 ft.
Waste Transfer Station	1,000 ft.	1,000 ft.	1,000 ft.
Motor Vehicle and Transportation Uses			
Fueling, Fast-Charging, or Service Station	250 ft.	250 ft.	N/A
Truck Stop	500 ft.	500 ft.	500 ft.
Heliport	1,000 ft.	1,000 ft.	1,000 ft.
Helistop	1,000 ft.	1,000 ft.	1,000 ft.
Motor Vehicle Wash	250 ft.	250 ft.	N/A
Passenger Motor Vehicle Sales or Rental	250 ft. / 500 ft. from any outdoor repair or maintenance activities	250 ft. / 500 ft. from any outdoor repair or maintenance activities	N/A
Heavy Motor Vehicle Sales or Rental	250 ft. / 500 ft. from any outdoor repair or maintenance activities	250 ft. / 500 ft. from any outdoor repair or maintenance activities	N/A
Bus or Taxi Terminal, On-Demand Transportation Dispatch	250 ft.	N/A	N/A
RV Storage	500 ft.	500 ft.	N/A

d. *Development and Operational Standards.*

- i. *Applicability.* Land uses that are subject to residential protection standards, but not specifically identified in Table 3-12, Residential Protection Spacing Standards, are subject to these standards (in addition to applicable use and development standards stated in this Article and Article 2) when the proposed use is located either within or within 250 of a R-E, R-1, R-2, R-3, R-MH1, or R-MH2 zoning district boundary.

- ii. *Conflicting Provisions.* When the provisions of this subsection conflict with the provisions found in other sections of this Code, the provision that the director determines is more protective of existing residential uses shall apply.
- iii. *Operational Standards.*
 - 1. Seating and food service may be provided on an outside patio or enclosure of a restaurant use, provided the patio or enclosure is no more than one-third the gross floor area of the principal use.
 - 2. Outdoor seating and food service must close by 10:00 p.m. Outside activity shall not be conducted between the hours of 10:00 p.m. and 7:00 a.m., and no delivery, loading, privately-contracted trash removal or compaction, or other such operations shall be permitted between the hours of 10:00 p.m. and 7:00 a.m. unless the Applicant submits evidence that such operations comply with the noise standards in Chapter 10-198 of the Municipal Code.
- e. *Parking, Access, and Circulation Standards.* The off-street parking area for the use shall be a minimum of 15 feet from the lot line of adjacent properties zoned for residential purposes. The parking area shall be landscaped according to section 2.14 and screened to prevent glare from vehicle headlights from intruding on adjacent residential properties.
- f. *Review of Uses Subject to this Subsection.*
 - i. Uses Permitted By-Right ("P") or by Limited Use Approval ("L").
 - 1. *Review Process.* Uses subject to these residential area protection standards that are otherwise permitted by-right ("P") shall be reviewed according to the procedure stated in Article 4, "Site Plan," of this Land Use Code. At the Planning Director's discretion, based on consideration of the proposed use's potential impacts on nearby residential uses or zoning districts, full conditional use review may be required for any permitted by-right or limited use.
 - 2. *Review Criteria.* All by-right uses subject to this provision shall be approved, approved with conditions, or denied based on their compliance with both the standards stated in this subsection for residential area protection, and the general review criteria and standards applicable to a Site Plan.
 - ii. *Conditional Uses.* Uses subject to these residential area protection standards that are permitted as conditional uses ("C") shall be reviewed and approved according to Section 4.9, Conditional Uses. Approval or denial of the use shall be based on its compliance with both the standards stated in this subsection for residential area protection, and the general and applicable specific review criteria and standards stated in Section 4.9.

13. *Accessory Uses and Accessory Buildings (Except Accessory Dwelling Units and Home Occupations).*

- a. All accessory buildings and uses:
 - i. Shall be subject to the general, dimensional, operation, and use-specific regulations stated in this article. In the case of any conflict between the standards of this section and any other requirement of this Code, the standards in this section shall control.
 - ii. Must be reasonably and customarily incidental to the principal use and structure.
 - iii. Must be located on the same lot as the principal use and structure.
 - iv. Must be constructed concurrently or following construction of the principal use or structure, except for accessory dwelling units and caretaker units which must have a valid permit issued for the associated principal structure.
 - v. Shall not create a combination of uses, which is the combination of two principal uses. Combination uses will not meet the above standard in terms of being subordinate or providing service to the principal use.
 - vi. Must meet the restrictions on pervious surfaces as outlined in Article 2.
 - b. *Accessory uses.* Accessory uses must be subordinate in the area of the footprint, size, and purpose to the principal use.
 - c. *Accessory buildings.*
 - i. In the A zoning district:
 - 1. Accessory buildings are those buildings not 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.
 - 2. Accessory buildings shall have a maximum footprint of 5,000 square feet.
 - 3. The maximum height of the accessory building is the maximum height of the underlying zoning district.
 - ii. In all other zoning districts, the maximum total footprint of all accessory buildings is 90 percent of the footprint of the principal building, and the maximum height of accessory buildings is the same as the maximum height for principal buildings in the underlying zoning district.
14. *Home Occupations.* Home occupations are subject to the following standards:
- a. Medical, dental and real estate offices are not permitted as home occupations.
 - b. In addition to the family occupying the dwelling containing the home occupation, there shall not be more than one outside employee in the home occupation.
 - c. The employee and clients may park in on-street curbside parking spaces.
 - d. The home occupation shall not exceed 1,000 square feet or 30 percent of the total square footage of the dwelling, whichever is less, or can be located in an accessory building not to exceed 500 square feet.

- e. All exterior aspects of the home occupation operation shall not disrupt the residential character of the area.
- f. The maximum number of clients which may visit the home occupation per day is 10.

15. *Accessory Dwelling Units*. Accessory dwelling units (“ADUs”) are subject to the following standards:

- a. A, R-E, R-1, and R-2 zoning districts: One ADU is allowed as an accessory to each single-family detached principal use in an A, R-E, R-1, or R-2 zoning district, provided that it is located on the same lot as the principal use, and subject to the following limitations on floor area:
 - i. In the A and R-E zoning districts --
 - 1. Min. floor area: 500 sf.
 - 2. Max. floor area: 50 percent of the total floor area of the principal building.
 - ii. In the R-1 and R-2 Zoning Districts --
 - 1. Min. floor area: 500 sf.
 - 2. Max. floor area: 1,000 sf.
- b. BLI and I zoning districts: One ADU may be allowed as an accessory use, provided that it is located on the same lot as the principal use, and the applicant demonstrates the need for the ADU in order to provide for security or ensure safe operation of the use.

16. *Outdoor Storage*.

- a. All buildings on the site shall incorporate three different types of cladding materials, resulting in significant variation in the building facades, and the building materials used for buildings, roofs, and other structures are compatible with the desired character of the zone.
- 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. All storage facilities shall be concealed through the use of a solid fence or wall that shall not have an uninterrupted length exceeding 50 feet. The maximum height of the fence shall be eight feet. Pilasters, brick, texture transitions and stepping of the fence planes are required. The use of additional trees and berming that provide year-round screening of a sufficient height to further conceal all stored materials is required to prevent visual impacts on neighboring businesses, residential uses and the streetscape.
- d. Storage shall not be permitted within any applicable setback, public right-of-way or in landscaped areas.
- e. A minimum of 25 percent of the site must be maintained in live landscaped area.
- f. A 50-foot wide landscaped buffer is required along all perimeter streets if storage is adjacent to the right-of-way.
- g. A mechanism for long-term maintenance of all fencing is required (i.e., owners’ association, development agreement, or covenants).
- h. Outdoor loudspeaker systems are prohibited.

17. *Use of Storage Containers.*

- a. The use of storage containers shall be limited as provided in Table 3-13, Use of Storage Containers.

Table 3-13 Use of Storage 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-N, C-C, C-H52, C-E, D-A, D-B, and P	0	(c)
BLI and A	1/acre	(a), (b)
I	4/acre	(a), (b)

- b. Permanent containers are containers that remain on the subject property at all times. Permanent containers in the BLI, I, and A zoning districts are considered an accessory structure. Permanent containers shall be:
- Identified on an approved site plan and located in an outdoor storage area that meets the requirements set out in section 3.4.16;
 - Situated such that they meet all setbacks (contiguous lots under single ownership may be considered a single lot for this purpose) and are outside of all easements;
 - Permanently anchored in accordance with the Building Code (a building permit is required);
 - Painted to complement the principal building;
 - Accessible only to the landowner or employees of the business on the subject property; and
 - Arranged so that they are not stacked.
- c. 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 BLI, I, and A zoning districts, transitory containers:
 - Shall not be present on the subject property for a period of more than 180 consecutive days;
 - Shall be located in an outdoor storage area that meets the requirements set out in section 3.4.16;
 - Shall be situated such that they meet all setbacks (contiguous lots under single ownership may be considered a single lot for this purpose) and are outside of all easements;

4. Shall be accessible only to the landowner or employees of the business on the subject property.
 5. Shall be arranged so that they are not stacked.
- ii. In all other zoning districts, transitory containers used for temporary on-site storage shall not be present on the subject property for more than 30 days per year, unless they are:
1. Used for temporary storage of construction materials or equipment in conjunction with a valid building permit; or
 2. Allowed in conjunction with an approved temporary use.

18. *Stacking and Design Standards for Drive-In and Drive-Through Facilities.* 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.

- a. *Minimum Number of Vehicle Stacking Spaces.* Off-street stacking spaces shall be provided as set out in Table 3-14, Minimum Number of Vehicle Stacking Spaces by Land Use.

Table 3-14 Minimum Number of Vehicle Stacking Spaces by Land Use		
Activity Type	Minimum Stacking Spaces	Measured From ¹
Bank teller lane	4	Teller or Window
Automated teller machine	3	Automated Teller Machine
Restaurant drive-through	6	Order Box
Restaurant drive-through	4	Order Box to Pick-Up Window
Vehicle wash stall, automatic	4	Entrance
Vehicle wash stall, self-service	3	Entrance
Funeral home/mortuary	4	Primary Passenger Loading Area for Processions
All other drive-through facilities	4	Pick-Up Window
TABLE NOTE: ¹ Measured so that the driver’s side window is centered on the teller, order box, or window, as applicable.		

- b. *Design and Layout.* Required drive-through lanes and facilities and vehicle stacking spaces are subject to the following design and layout standards:

- i. *Vehicle Stacking Spaces.*
1. *Size.* The minimum dimensions of vehicle stacking spaces must be nine feet by 20 feet.
 2. *Location.* Stacking spaces may not impede on- or off-site traffic movements, nor impede movements into or out of off-street parking spaces.
 3. *Design.*

- a. Stacking spaces shall be separated from other internal driveways by raised medians if the Town Engineer deems the median necessary for safe and efficient traffic movement.
 - b. Vehicle stacking areas adjacent to public streets or sidewalks shall be separated from such streets or sidewalks by walls or landscaping with berms.
- ii. *Drive-In (Drive-Through) Facilities and Lanes.*

1. *Location and Screening.*

- a. 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.
- b. 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 20 feet from any adjacent public street or sidewalk. The entire 20-foot setback must be landscaped and bermed to screen the drive-in lane and facility from adjacent streets.
- c. Drive-in lanes adjacent to public streets or sidewalks shall be separated from such streets or sidewalks by walls or landscaping with berms.
- d. Vehicle wash facilities and gas station auto service bays shall be located on the side or rear of principal structures to minimize their visibility from public streets.
- e. In addition to any buffering required by Article 2, drive-in lanes adjacent to residential uses shall be separated from such uses by an opaque wall at least six feet high, located so that required buffer landscaping is between the wall and the adjacent residential use.

19. *Design and Performance Standards for Nonresidential Uses in the C-E Zoning District.*

- a. *Limit on use outside buildings.* Except for off-street parking and loading areas, all outdoor storage shall be screened above and beyond what is required in other zoning districts as determined in this Land Use Code.
- b. *Building design.*
 - i. To the extent reasonably feasible, industrial buildings shall provide a primary entrance that faces and opens directly onto the adjacent street sidewalk or a walkway, plaza or courtyard that has direct

linkage to the street sidewalk without requiring pedestrians to cross any intervening driveways or parking lots.

- ii. Notwithstanding section 3.4.19.b.i., above, buildings may orient away from the street if the development provides a campus or park-like development block with a unifying, formative internal framework of outdoor spaces and connecting walkways that function as an alternative to street sidewalks by connecting buildings within the site and directly connecting to common destinations in the district (such as transit stops, restaurants, child care facilities and convenience shopping centers). Such an internal network shall provide direct pedestrian access to the street sidewalk.

- c. Buildings shall be clad with one or more of the following materials: brick, CMU block, wood, vinyl, stucco, stone and other materials similar in type.

- d. Prefabricated buildings and metal buildings are not permitted.

20. *Seasonal Sales*. Seasonal Sales refers to temporary commercial uses that typically conduct business on vacant land, parking areas, public rights-of-way or other appropriate spaces during particular times of the year. Such uses shall include but not be limited to fireworks stands, Christmas tree lots and produce stands. Seasonal Sales uses shall be allowed to operate for a maximum of 90 days from the time a permit is issued. The proposed business may be subject to other regulations (fire, building, use of public spaces/right-of-way, health, etc.), and other permits or permissions may be required by other Town departments, outside agencies or private property owners.

21. *Backyard Chickens*. Backyard chickens may be kept in conjunction with an established single-family residence with the following conditions:

- a. Up to six hens may be kept. Roosters are not permitted.
- b. Backyard chickens shall be located within a designated chicken coop and chicken run that shall meet the following requirements:

- i. The chicken coop and chicken run shall be located in the rear or backyard of a residential property.
- ii. Neither the coop nor run, nor any part thereof, shall be located between the rear of the principal structure and the front yard lot line.
- iii. The coop shall have a minimum five foot setback from any side or rear property line.
- iv. Coops shall be predator-resistant, incorporating a solid covered roof.
- v. Water shall be provided on site and accessible to chickens at all times.
- vi. During daylight hours, the chickens shall have access to a chicken run that is adequately fenced and protected from predators and shall also have access to a chicken coop.
- vii. From dusk until dawn, chickens shall be protected from predators by being enclosed within a chicken coop.
- viii. The maximum chicken coop size is 100 square feet.
- ix. A minimum of four square feet of space per chicken shall be provided in both the coop and the run.
- x. The maximum height of a coop shall be no more than seven feet at the highest point of the roof.

- c. Chicken coops and chicken runs shall be maintained and shall be regularly cleaned to control dust, odor, and waste, and not constitute a nuisance, safety hazard, or health problem to surrounding properties.
- d. No on-site slaughtering is allowed.
- e. Chicken feed shall be stored in a resealable, airtight, predator-proof container or indoors.
- f. Chicken waste shall be stored in a resealable, airtight, predator-proof container.
- g. A license is required for the keeping of backyard chickens. The license is issued once. Renewal is not required.
- h. Many homeowner association covenants do not allow poultry of any kind. The Town of Frederick encourages residents to research their individual homeowner association regulations.

22. *Apiaries/Beekeeping.* Apiaries/beekeeping is permissible as an accessory use to a single-family detached use. A Town-issued license is required. License applications shall be granted upon demonstration that the standards of this subsection will be met. Once issued, licenses are perpetual, but may not be transferred. Licenses may be revoked upon noncompliance with the standards of this subsection.

- a. Maximum hives permitted.
 - i. A zoning district:
 - 1. Property less than five acres in size, 12 hives.
 - 2. Property five or more acres in size, no maximum.
 - ii. R-E zoning district: 4 hives.
 - iii. R-1 zoning district: 2 hives.
 - iv. R-2, D-A, and D-B zoning districts: 2 hives, provided that the lot area is at least 5,000 square feet and the primary use is single-family detached.
- b. Bee colonies shall be kept in hives with movable frames, which shall be kept in sound and usable condition.
- c. Hives must be located in the rear yard, at least five feet from a property line.
- d. A fresh supply of water shall be provided for all hives.
- e. Africanized bees and hybrids of Africanized bees are prohibited.

23. *Medical Marijuana Cultivation and Processing by Caregivers and Patients.*

- a. Medical marijuana caregivers and medical marijuana patients may grow up to six plants in a dwelling unit in the A, R-E, R-1, R-2, R-3, R-MH1, R-MH2, D-A, and D-B zoning districts.
- b. If approved by the State of Colorado, Medical marijuana caregivers and medical marijuana patients may grow more than six plants, but not more than 99 plants, in an enclosed building in the I zoning district, provided that the outer walls of the building are spaced not less than 500 feet from:
 - i. An R-E, R-1, R-2, R-3, R-MH1, or R-MH2 zoning district boundary;
 - ii. Land within the C-E zoning district that is used or approved for residential purposes; and
 - iii. Existing residential lot lines in any other zoning district.

Section 3. Sec. 4.11, Specific Requirements and Review Standards for Administrative Applications, Town of Frederick Land Use Code, is amended to add subsection 7 after subsection 6, as follows (strikethrough represents deleted text, underline means added text, and * * * means large blocks of unmodified text):

* * *

7. *Limited use.*

a. *General.* The limited use review process applies to those uses that are designated in Tables 3-1 through 3-10, inclusive, as limited uses ("L").

b. *Review procedure.* Applications for limited use approval are processed using the core procedure for review of administrative applications, set out in Section 4.10. Such applications shall be processed with a site plan (see Section 4.11.1) or plot plan (see Section 4.11.3), as applicable to the use.

c. *Review criteria.* The Planning Director may approve a limited use only upon finding that all applicable standards of this Code, including the use-specific standards of Section 3.4, are met.