



Town of Frederick Board of Trustees Agenda

Frederick Town Hall
Board Chambers
401 Locust Street
Tuesday, October 8, 2024

Work Session 5:00 PM

Agenda

Regular Meeting 7:00 PM

Work Session 5:00 PM

- A. Downtown P3 Feasibility Study
- B. Budget
- C. Civic Clerk Training (Tentative)

Call to Order – Roll Call

Pledge of Allegiance

Approval of Agenda

Special Presentations

- D. Dr. Don Haddad, SVVSD Superintendent Update -
- E. Frederick High School -

Public Comment

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

Staff Reports

- F. Administrative Report -

Consent Agenda

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

- G. Approval of September 24, 2024 Minutes

Action Agenda

- H. Ordinance No. 1399, An Ordinance of the Town Of Frederick, Colorado, Amending the Town's Land Use Code Regarding Accessory Dwelling Units, the Keeping of Animals, Residential Protection Standards, Planned Unit Developments, and Minor Subdivisions
 - Audem Gonzales, Senior Planner
- I. 3rd Quarter Grant Administrator's Report - Traci Garcia Castells, Grants Administrator

Mayor and Trustee Reports

Adjournment



Town of Frederick

Admin Report 10.08.24

Upcoming Board of Trustees Work Sessions:

The following is the schedule for upcoming meetings, though topics are subject to be changed or rescheduled:

- October 8, 2024 – Regular Meeting
 - October 15, 2024 – Work Session (Cancelled)
 - October 22, 2024 – Regular Meeting
 - October 29, 2024 – Work Session (Cancelled)
-



Effective, Efficient & Strategic Government Operations

- The Parks, Recreation, Open Space and Trails Commission met on September 11th and discussed updates on ongoing park plans as well as ongoing projects. The Commission will meet again on October 9th.
- Both Economic Development team members recently attended the IEDC (International Economic Development Council) conference, which was hosted in Denver this year. Staff focus was on gaining additional resources and attraction strategies, as well as redevelopment and downtown strategies.
- Communications & Engagement training:
 - Ongoing I.T. training
 - SIPA Conference attendance



Community and Economic Vitality

- Bella Rosa staff are preparing to host the annual Santa Cops Golf Tournament on Saturday, October 5th. This tournament raises funds to benefit local youth.
- Economic Development staff recently held the kick-off meeting for the Downtown Taskforce. These meetings are scheduled to continue on the second Tuesday of every month.
- Sierra Fedder, the Town's Economic Development Specialist, has been internally promoted to the role of Redevelopment Administrator. Congratulations, Sierra! Her

Built on What Matters.

previous role will be posted soon to allow her the ability to focus primarily on redevelopment initiatives and downtown strategies.

- As part of Frederick's focus on downtown, Economic Development staff have started initial conversations to lay out a plan for re-engaging stakeholders in the downtown area.
- For a list of all active development applications currently under review by the Town's Planning Department, Engineering Department, Legal Counsel, Frederick-Firestone Fire Protection District, and external review agencies, please follow these links to our ["What's Developing"](#) map and webpage, ["Development Applications Under Review."](#)



Dynamic, Inclusive & Connected Community

- Economic Development's Q3 Business Roundtable took place on August 28th at Mile High Shooting. A focus of this roundtable was on workforce development, in partnership with the Weld County Workforce and Manufacturer's Edge.
 - Much of the feedback received was that attendees are thankful for the space provided to share and connect with others.
 - Some attendees voiced frustrations regarding hiring processes.
 - One of Frederick's local businesses, FCI, offered to assist Paramount Remodeling by including them in their internship pipeline. Staff is excited to see these roundtables fostering those partnerships!
- Staff is working towards State of the Region planning with the Carbon Valley Chamber of Commerce, and recently met with them to solidify panel goals. The Chamber will be reaching out to each municipality shortly, if they have not already. Mark your calendars for the State of the Region, which will be held on Wednesday, October 30th.
- Economic Development is summarizing nominations for the 2nd Annual Business Awards Event, as well as coordinating with vendors. Save the date for November 13th!
- Economic Development, Public Works, and Engineering teams are working together to determine the best ways to coordinate regarding CIP work as it affects businesses.
- Communications & Engagement:
 - Monthly Newsletter: Electronic and mailer
 - Weekly Flash: Features four articles weekly
 - Social media platforms daily postings
 - Communication and Campaign Planners
 - FRED Culture: Wellness walks
 - ADA HB 21-1110 Compliance
 - Website updates (alt text / tables) for accessibility
 - Town Event Preparation
 - Brainstorm Downtown ideas for remaining 2024 events
 - Sponsor commitments for 2024 totaling \$87,850
 - 1 participant for the Big Beast Bazaar pet costume contest.
 - 153 market vendor applications.
 - Community Tour & Talk on September 18th
 - 73 meals served at Summit View Park

- Coordination with HOA to distribute information about the event
 - Coordination with catering and internal departments
 - Snowplow painting to highlight the Snow and Ice Control Plan
- Miners Day on September 21st
 - News release and field inquiries
 - 30 parade entries, 74 burro racers, 12 food vendors, 43 market vendors
 - Burro, food truck, market vendor, entertainment, permits coordination, volunteer coordination
 - Coordination and preparation of BOT golf carts for MD Parade
 - Planning meetings with Parks, PW, PD, Fire, CVEMA
 - Fireworks show postponed; to be announced once confirmed
- Preparation of Tiny Terror Town
 - Recruitment of sponsors and volunteers
 - Securing Big Beast Bazaar pet costume contest judges
 - Permit coordination.
- Preparation of Festival of Lights
 - Recruitment of sponsors and volunteers
 - Parade application live on website
- Preparation of Landfill Voucher Program
 - Coordination of volunteers
 - Preparation of materials to hand out
- Community Partnerships
 - FHS Education Foundation meeting
- Website Updates
 - Roadwork Project updates
 - Silverstone Marketplace project page update
 - Celebrate Frederick page update – Award of Excellence
- Town App
 - Process CRM submissions
 - Presentation at SIPA Conference on the Town App
- Interdepartmental Collaboration
 - Roadwork updates
 - Water shut off collaboration
 - Water Rate Study update and outreach
 - Planning Survey to developers result report
 - Weekly VDCI updates
 - Collaborate with Economic Development to include businesses in remaining 2024 events
 - Capital Improvement Project meetings
 - Internal Downtown Task Force kick-off meeting
 - Strategic Planning meeting – Proposed updates
 - Met with Grants Administrator to disseminate information
 - PowerPoint Trash and Recycling survey
 - Oil and Gas Regulation inquiries from API
- Board Meeting - Attendance at Board meetings to ensure Town communications align with Board's vision and work in progress
 - Closed captioning on Board meeting recordings
 - Tricaster trouble shooting
 - Media inquiries on BOT retreat meetings

- New Mayoral Town Hall office hours



Strategic, Reliable and Sustainable Infrastructure

- Public Works Updates:
 - In addition to the Facilities Master Plan and Public Works facility design, Facilities staff have been working on winter startups and completion of HVAC maintenance. They have also been overseeing Town roof repairs, and our hail claim from last year's storms is complete.
 - Two water line replacements were recently completed on Conservation Drive. 40 feet of new $\frac{3}{4}$ inch copper was replaced in one section, and 80 feet of $\frac{3}{4}$ inch water line was replaced in another. The old poly line that collapsed has been removed.
 - Staff assisted with an after-hours water line shutdown on September 11th on Iris Parkway.
 - As part of the valve exercising program, 18 valves in No Name Creek have been exercised and cleaned out.
 - Fleet has been busy with a variety of projects, including upfitting a new trailer for leaks and water repairs. This includes floor coating, installation of rack and tie-down points, a new toolbox, and both interior and exterior lighting. More work is planned for this trailer, which will be an instrumental piece of equipment for Water and Stormwater staff.
 - Public Works staff assisted Frederick High School and the Police Department with traffic control during the high school's homecoming parade on September 13th.
 - Road grading on County Road 5 continues, and crews have been working to grind down asphalt transition points at entrances to all handicapped ramps in Town.
 - Street sweeping continues throughout Town, and potholes have been filled in Bear Industrial area.
- Safety & Training
 - Brad Hirter, Trey Ward, and Dustin Corbitt recently attended a chainsaw safety course through Colorado LTAP.
 - Teo Martinez and Brad Leach recently attended traffic control supervisor training.
 - Gage Robertson and Brad Leach participated in ongoing management training through Colorado LTAP.
 - At the recent Public Works safety meeting, the Fleet Division presented about parking and backing safety.
- Parks staff successfully reverse engineered the Skate Park lighting system, which was required to produce an engineer stamped construction design to install push button controls. The project will be bid in mid-October, with installation this winter. An update to Frederick Municipal Code will be needed to enforce new curfew requirements, and Parks staff are working to bring those after the first of the year.

- Parks and open space maintenance staff have been working through fall turf care, preparing for Miner’s Day, and have installed lights on Fifth Street poles.
- Golf maintenance staff have been working to renovate turf areas around the golf course, preparing for various fall events and tournaments, and finalizing the installation of the irrigation central control system.



Safe and Secure

- The Police Department recently rolled out software to support the field training program, which is a month’s long endeavor involving newly hired officers to ensure consistent training and knowledge on Frederick policies and procedures. FTO Tracker, provided by Frontline Public Safety Solutions, allows computer automation of our training officers’ daily observation reports, which have historically been completed by hand on paper. This new system will not only increase efficiency but also streamline progress tracking through the creation of various analytics graphs and a day-to-day trainee timeline.
- Officer Diane Yelvington joined the department on September 23rd. Officer Yelvington is a lateral hire with two years of patrol experience gained at the Lafayette Police Department. We’re looking forward to watching her succeed in the training program beginning next week. Welcome aboard!
- Communications & Engagement
 - Completion and publishing of the new Police Department recruitment video
 - Planning for Coffee with a Cop on October 2nd
 - Support for the Santa Cops program preparation



Fiscally Responsible Governance

- The Finance Department is all hands on deck with 2025 budget preparation, as well as the integration of the newest Finance team member, who started on September 23rd.



Town of Frederick Board of Trustees

Meeting Minutes
September 24, 2024

Work Session

- A. Trash Contract
- B. Staff Introductions

Call to Order – Roll Call

Pledge of Allegiance

Approval of Agenda

Special Presentation

- C. CVPRD Presentation -

Executive Director Dean Rummel presented on CVPRD

Public Comment

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One public comment - Gill and Shirl - asked about the snowbuddy program - snow shoveling assistance program for the senior community.

Staff Reports

- D. Savvy Award -

Bryan introduced the Communications and Engagement team to discuss the Town of Frederick receiving the Savvy Award - National Award at the 3CMA conference in Texas. The town was honored with an award of excellence for the 2023 Town Annual Report. (Rena Lehr, Angela Wilson, Jessica Hill, and Zach Mahone)

- E. Administrative Report -

Bryan discussed the collaboration with Engineering, PW, Economic Development, and Communications on a ROW project that had a business / community impact with water needing to be shut off for the project. The project was a huge success and went very smoothly. Huge thank you and great work from the team.

Update on Economic Development - November 13th 2nd Annual Town of Frederick Business Awards - Excited about another great program.

BOT asked for a public place to display the great recognition the town has received over the years.

Consent Agenda

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- F. Approval of Minutes
- G. List of Bills -
Kurtis Adams, Finance Director

Action Agenda

- H. Ordinance No. 1397 - Updating the Town of Frederick Municipal Code Regarding Parks and Open Space Funds and Golf Course Enterprise -
Colby Johnson, Parks and Open Space Director

Parks Director Colby Johnson presented on Ordinance 1397

- I. Ordinance No. 1398 Amending the Municipal Code Regarding Regulation of Weeds and Brush -
Maureen Welsh, Planner II
Christine Francescani, Deputy Town Attorney

Deputy Town Attorney, Christine Francescani presented Ordinance 1398.

Mayor and Trustee Reports

Shine prom was last week and was a great event.

Trustee Lamach - Thanks to everyone that participated in Miner's Day, from the Board to staff. The golf carts were well decorated and a lot of fun.

Mayor Pro Tem Brown - Busy months ahead.

Adjournment

Approved by the Board of Trustees:

ATTEST:

Tracie Crites, Mayor

Tricia David, Town Clerk



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TOWN OF FREDERICK

Board of Trustees

Staff Report

Tracie Crites, Mayor

Kevin Brown, Mayor Pro
Tem
Dan March, Trustee
Mark Lamach, Trustee

Adam Mahan, Trustee
Windi Padia, Trustee
Chad teVelde, Trustee

Ordinance No. 1399, An Ordinance of the Town Of Frederick, Colorado, Amending the Town's Land Use Code Regarding Accessory Dwelling Units, the Keeping of Animals, Residential Protection Standards, Planned Unit Developments, and Minor Subdivisions

Agenda Date: 10/08/2024 BOT Meeting

Attachments:

1. Ordinance No. 1399
2. Planning Commission Resolution PCR-06-24
3. PC Minutes August 28, 2024

Reviewed By: Jason Leslie, Deputy Town Manager

Action Type

1) Legislative: Actions that relate to subjects of a long term and general applicability; such as the passing of ordinances/resolutions/policies/etc.

Strategic Plan Alignment:

2.5 Community and Economic Vitality – Continue work on updating the Land Use Code in connection with Goal 1.2 under Effective, Efficient & Strategic Government Operations.

Summary Statement:

Staff proposes interim Land Use Code amendments to several sections of the Code in response to changing Town priorities, newly enacted State laws and general cleanup of development standards. It is intended that the interim updates to the Land Use Code, with adjustments as appropriate, will be incorporated into the revised Land Use Code

when it is complete. The anticipated timeline for the complete Code overhaul is Q1 of 2025..

Detail of Issue/Request:

The purpose of these code amendments is to address recent state law changes and changing community needs and preferences. This code amendment package includes amendments to the following sections of the Town of Frederick Land Use Code:

- **Section 1.15, Definitions**

Proposed amendments in this Section are intended to align with the new and modified processes created within this code amendment package.

- **Section 2.11.9, Amount of Open Space Required by Development**

With the creation of new PUD – Planned Unit Development standards in Article 16, current PUD open space requirements need to be amended to reflect the new standards. Open space is currently mandated as a specific acreage percentage within each PUD. New standards require the amount of open space to be determined by the proposed density of a project.

- **Section 3.4.11, Agricultural Uses**

Proposed amendments include permitting Commercial Agriculture within the A-Agriculture zone district and not permitting the use within the R-E zone district. Also, it is proposed that Common Equestrian Stabling and Grazing be permitted by right in the A zone versus limited.

- **Section 3.4.12, Residential Protection Standards**

The amendments to this section include reducing residential protection standards distance requirements for specific uses and creating alternative options such as providing landscape buffers in lieu of providing a set distance buffer. These amendments are in response to several proposed developments within existing I - Industrial and BLI – Business Light Industrial zoning districts that are unable to develop due to residential protection standards.

- **Section 3.4.13, Accessory Uses and Accessory Buildings**

Recent state laws changed, prompting the Town to re-evaluate our Land Use Code provisions with regard to accessory dwelling units (ADU's). House Bill 24-1152 was passed and includes provisions encouraging greater density through supporting development of accessory dwelling units as well as reducing the number of regulations surrounding the design of these structures within residential zoned areas. The Land Use Code currently allows ADU's in our residential zones. These amendments provide more clear parameters around the maximum permitted square feet for ADU's and removes the total square feet of ADU's from the total of accessory structures square feet permitted per lot. Other amendments include allowing ADU's to have a separate address from the principal dwelling as well as being permitted as an accessory to Religious Assembly uses and Storage Facilities.

- **Section 3.4.15, Accessory Dwelling Units**

This section is proposed to be removed as the new ADU standards will move to section 3.4.13.

- **Section 3.4.20, Backyard Chickens**

The proposed amendments are in response to the Town's changing preferences for keeping backyard chickens. The rules and regulations within this amendment package further define where chickens may be kept and at what rate. Currently, a maximum of six hens are permitted, regardless of lot size. The proposed amendments scale up the number of maximum permitted hens, dependent on lot size, and further define where on each lot the hens may be kept and in what type of enclosure.

- **Section 3.4.21, Apiaries/Beekeeping**

Amendments in this section also provide a scaled approach to the number of hives permitted on each lot and streamline the code language to be more efficient with development direction.

- **Section 3.4.22, Agricultural Animals**

The Land Use Code update in 2023 removed several previous code provisions for the keeping of animals. This has caused several issues with existing properties containing animals. Staff took a comprehensive approach to updating animal regulations and proposes a clear set of regulations that will be incorporated into the overall Land Use Code update. The proposed amendments clearly define how many animal units are permitted per lot and expands the list of permitted animals. Again, a scaled approach is proposed for specific lot sizes as well as introducing a 50-foot setback based on location.

- **Section 4.7.5, Preliminary Development Plan**

New code language directs users to the newly proposed Article 16 of the Code which contains the new PUD standards.

- **Section 4.9.2, Final Development Plan**

New code language directs users to the newly proposed Article 16 of the Code which contains the new PUD standards.

- **Section 4.9.3, Minor Subdivision**

Proposed changes to this section are in response to impending land use development and the need to streamline processes to make a clearer pathway forward for development.

- **Article 16, Planned Unit Development**

This new article is the largest proposed code amendment within this package. New PUD – Planned Unit Development standards are proposed to replace the existing standards. Currently, creating a PUD is a three-step process including; zoning the property to a PUD overlay, creating a preliminary development plan, and creating a final development plan. Each of these three processes is a separate application and public hearing process. This entire process is lengthy and not efficient for the Town or for developers.

Staff is proposing a one-step process when creating a PUD. The PUD zoning will no longer be an overlay placed on a base zone district and merely amend certain standards and revert to Code for standards not addressed. The new process will make PUD the actual zone district. The PUD zoning document will include the measured boundaries of the land zoned to PUD as well as all the development standards for the specific area. Development standards will include dimensional standards, density, landscaping, etc. Architecture and other non-zone-specific regulations may default to the Land Use Code or may be included in the PUD zoning document as elected by the developer.

This new approach will be easier to track when implementing the rules and regulations for each development. It also requires developers to thoroughly plan each development before any plat is submitted or site plan, as these applications must follow the approved PUD zoning document.

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;

Staff Response: Amendments to the Agricultural Animals section of the Code are in response to errors made in the last amendment to this section. Provisions were unintentionally left out which created non-conforming uses and prohibited keeping animals in A and RE zone districts.

2. To provide for changes in administrative practices as may be necessary to accommodate changing needs of the community and the Town staff

Staff Response: The majority of these proposed amendments are in response to changing development pressures and goals of the Town. Staff aims to provide great customer service which includes a more streamlined set of rules and regulations.

3. To accommodate innovations in land use and development practices that were not contemplated at the adoption of this Code; or

Staff Response: Several of these proposed amendments are in response to specific land use development projects that will result in a more innovative built landscape within the Town.

4. To further the implementation of the goals and objectives of the Comprehensive Plan.

Staff Response: The Town of Frederick Comprehensive Plan is currently undergoing an update. Some of the proposed amendments reflect the vision and goals of most current draft of the Comprehensive Plan update.

Legal Comments:

The proposed amendments have been reviewed by the Town Attorney, whose comments have been incorporated accordingly.

Alternatives/Options

Approval: I move to approve the Ordinance, which adopts the Land Use Code amendment package.

Approval with Amendments: I move to approve the Ordinance, which adopts the Land Use Code amendment package with the following amendments; 1. (list amendments)

Denial: I move to approve the Ordinance, which denies the Land Use Code amendment package.

Financial Considerations

Not Applicable

Staff Recommendation

Staff recommends that the Board of Trustees approve Ordinance 1399, adopting the Land Use Code amendment package. Discussion of the PC recommended conditions is needed before the BOT.

The Planning Commission held a public hearing on August 28th, 2024 for the Land Use Code amendment package. The Commission voted 4 yes, 0 no, to recommend approval to the Board of Trustees with the following conditions of approval:

1. In the RE zone district, limit total number of animal units by using the proposed 3-acre calculation as the maximum for parcels 3-acres or more in size.
2. For RE parcels 10-acres or more in size, additional animal units or the Commercial Agricultural use may be requested through the Conditional Use process.
3. In the RE zone district, bison shall only be permitted on parcels with a minimum size of 3 acres.

The Planning Commission had an extensive discussion on the number of proposed animals units being too great within the RE zone district, the appropriateness of commercial agriculture being located with the RE zone district and the minimum size lot a bison should be located on. Staff supports the first Planning Commission condition of approval. Staff believes the second condition requires more research to understand how many properties within Frederick are zoned RE and are over 10 acres in size. Also, there are not many standards or parameters in the Land Use Code around Commercial Agriculture as a use. Staff recommends postponing moving forward with permitting this use within the RE zone district until the overall code update is in place and the use is thoroughly defined with clear developments standards. Lastly, Staff

agrees with increasing the parcel or lot size for bison but recommends including this provision for A zoned properties and not just RE zoned properties.

Community Impact

Adopting this Land Use Code package will greatly improve several aspects of development by making our codes and regulations easier to understand, follow and enforce. More specifically, the amendments to the PUD section are critical to be able to streamline applications and foster quality commercial development within Frederick with in turn benefits our residents and visitors.

ORDINANCE NO. ____

**AN ORDINANCE OF THE TOWN OF FREDERICK, COLORADO, AMENDING THE TOWN'S
LAND USE CODE REGARDING ACCESSORY DWELLING UNITS, THE KEEPING OF
ANIMALS, RESIDENTIAL PROTECTION STANDARDS, PLANNED UNIT
DEVELOPMENTS, AND MINOR SUBDIVISIONS**

WHEREAS, the Town of Frederick is in the process of updating its Comprehensive Plan and revising its Land Use Code; and

WHEREAS, House Bill 24-1152 amended state law to encourage greater density through supporting development of accessory dwelling units, and placed requirements and restrictions on local government regulation of accessory dwelling units; and

WHEREAS, statutory amendments made by the House Bill thus require a number of minor amendments to the Town's Land Use Code in order to conform to state law; and

WHEREAS, the Town's Code provisions governing the keeping of animals, including chickens, bees, and larger livestock, are no longer reflective of the community's needs and preferences and require updating; and

WHEREAS, the Board of Trustees determined that interim amendments to the existing Land Use Code to update and modernize the subdivision and planned unit development provisions would provide immediate public benefits; and

WHEREAS, the Board intends that the interim updates to the subdivision and planned unit development provisions, with adjustments as appropriate, will be incorporated into the revised Land Use Code when it is complete; and

WHEREAS, on August 28, 2024, the Town of Frederick Planning Commission reviewed the proposed amendments to the Land Use Code and upon such review, recommended that the Board adopt same.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF FREDERICK, AS FOLLOWS:

Section 1. Strikethrough represents deleted text, underline means added text, and * * * means large blocks of unmodified text.

Section 2. Section 1.15, Town of Frederick Land Use Code, "Definitions," is amended to modify the definitions for "common open space," "plan," "planned unit development," "planning area boundary," and add the definitions for "director," "engineering design standards," "planning area," "provisions of the plan," and "PUD zoning document," as follows:

* * *

Common open space means a parcel of land, an area of water, or a combination of land and water within the site designated for a subdivision or planned unit development, and

intended primarily for the use or enjoyment of residents, occupants, and owners of the subdivision or planned unit development.

* * *

Director means the Planning Director, or in the absence of a Director, an employee of the Planning Department who is designated by the Town Manager to make such decisions and take such actions as are authorized or required of the Planning Director under this Code, or the designee of either.

* * *

Engineering Design Standards means the Design Standards and Construction Specifications of the Town of Frederick, Colorado, adopted and amended from time to time pursuant to Section 18-91, Frederick Municipal Code.

* * *

Plan, in general, means the map and supporting documentation for a development, which includes but is not limited to lots, blocks, easements, rights-of-way, pedestrian ways, park and school sites, open space areas, and conservation areas ~~in accordance with the requirements of this Code~~. With regard to planned unit developments, “plan” means the provisions for development of a planned unit development, which may include, and need not be limited to, easements, covenants, and restrictions relating to use, location, and bulk of buildings and other structures, intensity of use or density of development, utilities, private and public streets, ways, roads, pedestrian areas, and parking facilities, common open space, and other public facilities.

Planned unit development (PUD) means an area of land, controlled by one or more landowners, to be developed under unified control or unified plan of development for a number of dwelling units, commercial, educational, recreational, or industrial uses, or any combination of the foregoing, the plan for which does not correspond in lot size, bulk, or type of use, density, lot coverage, open space, or other restriction to the existing land use regulations, a project of a single owner or a group of owners acting jointly, involving a related group of residences, businesses or industries, and associated uses. Planned as a single entity, the project is subject to development and regulations as one (1) land-use unit rather than as an aggregation of individual buildings located on separate lots. The planned unit development includes usable, functional open space for the mutual benefit of the entire tract; and is designed to provide variety and diversity through the variation of normal zoning and subdivision standards so that maximum long-range benefits can be gained and the unique features of the development or site preserved and enhanced while still being in harmony with the surrounding neighborhood. Approval of a planned unit development does not eliminate the requirements of subdividing and recording a plat.

PUD zoning document means a planned unit development approval document containing maps, figures, graphics, tables, and / or narrative, that establishes standards for the development of property zoned PUD, including allowable land uses, housing formats (if residential uses are included), bulk standards, and other standards for the use and development of land within the PUD.

Planning area, with reference to annexation, means the area delineated on the Town of Frederick Comprehensive Plan Land Use Map, within which the Town will consider the annexation of property. With reference to planned unit development, planning area means an individual area within a planned unit development within which use or development standards may be applied that are not generally applicable to the planned unit development as a whole.

Planning area boundary, with reference to annexation, means the outer boundary of the area surrounding the Town that the Town will consider annexing and developing. The planning area boundary is as delineated on the Town of Frederick Comprehensive Plan Land Use Map. With reference to planned unit development, planning area boundary means the boundary between planning areas, or the shared boundary of a planning area and the outer boundary of the planned unit development.

Provisions of the plan means the written and graphic materials referred to in the definition of the term "plan."

Section 3. Section 2.11.9, Town of Frederick Land Use Code, is amended as follows:

9. *Amount of open space required by development.* The amount of functional open space required in each development will be based on the density of the development, the recreational requirements of the anticipated users and the anticipated opportunities for public recreation within walking distance of the site (one-quarter [1/4] mile), the Comprehensive Plan, and the findings of the recreational study noted in Section 2.11.1.a of the Land Use Code. To the extent practical, subdivision parks and open space shall be oriented to maximize views of significant natural features, parks, community buildings, and open space while promoting energy efficiency and resource conservation.

* * *

e. ~~Planned unit developments (PUD). The developer shall provide:~~

~~(1) A minimum of twenty-five percent (25%) of the gross land area shall be being developed as common functional open space within a residential development; or fifteen percent (15%) in a commercial or Industrial PUD, which may include: pocket parks, trails, owners' association-owned areas (excluding roads and parking lots), natural areas, ponds, lakes, storm water facilities, and amenities for residents, patrons, and other civic purposes;~~

~~(2) One (1) centrally located Pocket Park for every two hundred (200) residential units;~~

~~(3) Land for one (1) neighborhood park within a one-quarter mile radius of the proposed homes; or a fair share, cash-in-lieu contribution for the neighborhood park that will serve the development; and~~

~~(4) Up-graded amenities such as parks improvements and features, landscaping, lighting, fountains, etc. shall be of a quality and quantity that exceeds the standard park amenity requirements by a minimum of twenty-five percent (25%).~~

Section 4. Section 3.4., Town Land Use Code, “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)” is hereby amended as follows:

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	<u>PP</u> ‡	<u>p</u> [‡]	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Common Equestrian Stabling and Grazing	<u>P</u> <u>L</u>	L	-	-	-	-	-	-	-	-	-	-	-	-	-	-

Table Note:

~~1 If the commercial agriculture use involves the keeping of animals (including bees), limited use review ("L") applies.~~

- a. *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) Backyard Chickens, if any, comply with the requirements set out in Subsection (20) of this Section.
 - (ii) Apiaries, if any, comply with the requirements set out in Subsection (21) of this Section.
 - (iii) The keeping of agricultural animals, if any, comply with the requirements set out in Subsection (22) of this Section.
 - ~~(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 Subsection (22) of this Section.~~

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
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. <u>1,2,3</u>	500 ft. <u>1,2,3</u>	500 ft. <u>1,2,3</u>
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
Light Motor Vehicle Repairs and Service	250 ft. 60 ft. ¹ ₂	250 ft. 60 ft. ¹ ₂	N/A
Heavy Motor Vehicle Repairs and Service	500 ft.	500 ft.	500 ft.
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. 60 ft. ¹ ₂	250 ft. 60 ft. _{1,2}	N/A
Passenger Motor Vehicle Sales or Rental	250 ft. 60 ft./500 ft. from any outdoor repair or maintenance activities ^{1,2}	250 ft. 60 ft./500 ft. from any outdoor repair or maintenance activities ^{1,2}	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

Table Note:

1. The distance requirement shall be met OR the non-residential use shall be separated from the residential zone by an outlot or tract at least 30-feet in width. The outlot or tract shall include appropriate landscaping to buffer and screen the non-residential use per approval by the Director. This standard is in addition to any screen fencing standard applied on the property.
2. The distance requirement shall be met OR a landscape buffer of at least 30-feet shall be located on the non-residential use property along the property boundary by which the distance standard is applied. This 30-foot buffer shall include appropriate

landscaping to buffer and screen the non-residential use per approval by the Director. This standard is in addition to any screen fencing standard applied on the property.

3. The distance requirement may be reduced to 60-feet when outdoor storage is accessory to a principal use and fully screened by the standards provided within this Code.

3.4.13. *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. This does not apply to dwelling units accessory to a religious place of assembly or a storage facility.
- (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 nonagricultural vehicles and other similar nonagricultural buildings are required to meet these standards.
- (2) Accessory buildings shall have a maximum footprint of 5,000 square feet.
- (3) Accessory buildings shall have a maximum footprint of 5,000 square feet.

- (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.
- (iii) In all other zoning districts:
 - (1) The sum of all accessory building footprints, excluding livable accessory dwelling unit space, shall be subordinate in footprint to the principal structure.
 - (2) The maximum height of accessory buildings shall not exceed the maximum height permitted for principal buildings in the underlying zoning district.
- d. Accessory Dwelling Units. One ADU is allowed as an accessory to the following:
 - (i) A single-family detached principal dwelling subject to the following floor area limitations:
 - (1) Min. floor area: 500 sf.
 - (2) Max. floor area: 800 sf or 50 percent of the total floor area of the principal building, not to exceed 1,000 square feet, whichever is greater.
 - (ii) A religious place of assembly building subject to the following floor area limitations:
 - (1) Min. floor area: 500 sf.
 - (2) Max. floor area: 1,000 sf.
 - (iii) A storage facility where the occupant of the ADU is employed by the business and charged with the security of the associated business subject to the following floor area limitations:
 - (1) Min. floor area: 500 sf.
 - (2) Max. floor area: 800 sf.
 - (iv) For lots smaller than 1 acre in size, accessory building must be located behind the principal building's front building line.
 - (v) Where alley access to the ADU is available, such access shall be utilized unless the Town Engineer determines that alley access creates a safety hazard.
 - (vi) Accessory Dwelling Units may have a separate address than the principal building.

Sec. 3.4.15. 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.~~

3.4.15. Outdoor Storage.

3.4.16. Use of Storage Containers.

3.4.17. Stacking and Design Standards for Drive-In and Drive-Through Facilities.

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

3.4.19. Seasonal Sales.

3.4.20. Backyard Chickens. Backyard chickens may be kept in conjunction with an established single-family dwelling with the following conditions:

- a. The lot shall be a minimum of 5,000 square feet in size.
- b. Roosters are not permitted
- c. Maximum Chickens Permitted.
 - (i) Property up to one acre in size, up to six (6) hens may be kept.
 - (ii) Property one (1) to ten (10) acres in size, up to twelve (12) hens may be kept.
 - (iii) Property greater than ten (10) acres in size, up to twenty-four (24) hens may be kept.
- d. Chickens shall be sufficiently contained within the lot by use of fencing or a chicken coop with a chicken run.
- e. For lots smaller than one (1) acre in size, neither chickens, nor the coop, nor the run, nor any part thereof, shall be located between the front of the principal structure and the front yard lot line.
- f. Any chicken coop greater than 120 square feet in size requires a building permit.

- g. No on-site slaughtering is allowed.

~~Sec. 3.4.21. *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.~~

3.4.21. Apiaries/Beekeeping. Apiaries/beekeeping is permissible in conjunction with an established single-family dwelling with the following conditions:

- a. The lot shall be a minimum of 5,000 square feet in size.
- b. Maximum Hives Permitted.
 - (i) Property less than one (1) acre in size, 2 hives.
 - (ii) Property one (1) to two (2) acres in size, 4 hives.
 - (iii) Property more than two (2) and less than five (5) acres in size, 12 hives.
 - (iv) Property five (5) or more acres in size, 24 hives.
- c. Africanized bees or hybrids of Africanized bees are prohibited.

~~Sec. 3.4.22. — *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.~~

3.4.22. Agricultural Animals. The keeping of agricultural animals, as defined by the Animal Unit Table below, or determined through special review, is permissible in the Agriculture (A) and Residential Estate (R-E) zone district if or in conjunction with an established single-family dwelling with the following conditions:

- a. The lot shall be a minimum of one-half (1/2) acre in size.
- b. A minimum of fifty (50) feet shall be maintained between agricultural animals and the front, rear, and side-yard property lines unless this requirement is waived by the Director.
- c. Maximum Agricultural Animals Permitted. Permitted animal density is established by use of an animal unit table where a specified number of each

animal is equivalent to one (1) animal unit. A variety of animals may be kept so long as the allowed animal units for the lot is not exceeded.

(i) Animal Unit Table:

<u>Animal</u>	<u>Animals per Animal Unit</u>
<u>Cattle</u>	<u>1</u>
<u>Bison</u>	<u>1</u>
<u>Horse</u>	<u>2</u>
<u>Mule</u>	<u>2</u>
<u>Llama</u>	<u>2</u>
<u>Alpaca</u>	<u>2</u>
<u>Ostrich</u>	<u>2</u>
<u>Swine</u>	<u>4</u>
<u>Sheep</u>	<u>4</u>
<u>Goat</u>	<u>4</u>

1. Any animal not listed in Table 3-15 is subject to special review by the Director.

(ii) Animal Density Allowed:

1. Property less than one (1) acre in size, a maximum of one (1) animal units.
 2. Property one (1) to two (2) acres in size, a maximum of two (2) animal units.
 3. Property more than two (2) and less than five (5) acres in size, a maximum of five (5) animal units.
 4. Property five (5) to ten (10) acres in size, a maximum of eight (8) animal units.
 5. Property more than ten (10) acres in size, a maximum of ten (10) animal units.
- d. No on-site slaughtering is allowed.
- e. The sale of any products related to or produced by the keeping of agricultural animals is considered a Home Occupation and is subject to subsection (14) of this section.
- f. If the lot is operating as a commercial agriculture use, these conditions do not apply.

Section 5. Section 4.7.5, Town of Frederick Land Use Code, is amended as follows:

5. *Preliminary development plan.*

a. *Preliminary development plan purpose and application.* The purpose of a preliminary development plan is to outline the proposed standards associated with a specific planned unit development overlay district. The standards of this subsection 4.7.5 shall be applied only as provided in Division 16.2 of this Code.

Section 6. Section 4.9.2, Town of Frederick Land Use Code, is amended as follows:

2. *Final development plan.*

a. *Final development plan purpose and application.* The purpose of a final development plan is to define the standards associated with a specific planned unit development overlay district. The standards of this subsection 4.9.2 shall be applied only as provided in Division 16.2 of this Code.

Section 7. Section 4.9.3, Town of Frederick Land Use Code, is amended as follows:

3. *Minor subdivision.*

a. *Generally.* The minor subdivision process may be used in lieu of the preliminary and final plat processes (See 4.7.4 and Section 4.9.1 above) if ~~the following conditions apply and the Planning Director determines that the subdivision is compatible with and will not have adverse impacts on surrounding properties, and not more than ten new lots, outlots, or blocks (in any combination) are created.:~~

~~(1) Ten (10) or fewer new lots or blocks are created;~~

~~(2) Variances or subdivision exceptions are not required or requested;~~

~~(3) There is no public right-of-way dedication required or requested; and~~

~~(4) The property for which the minor subdivision is requested was not the subject of a minor subdivision approval during the prior one (1) year.~~

b. *Minor subdivision purpose.* The purpose of a minor subdivision is to complete the subdivision of land consistent with the Town's technical standards.

c. *Minor subdivision review criteria.* ~~The Town shall use the following criteria to evaluate the Applicant's request:~~

~~(1) A minor subdivision shall meet the review criteria applicable to preliminary plat stated in Section 4.7.4.~~

d. *Limitations.* Plats approved using the minor subdivision process shall include the phrase "Minor Subdivision" in their titles, and property encompassed within a minor subdivision plat shall not be eligible for further minor subdivision if the cumulative effect of minor subdivisions including the property would be the creation of more than ten lots.

Section 8. Article 16 is added to the Town of Frederick Land Use Code, as follows (all text is new):

Article 16. Planned Unit Development

Division 16.1. Authority, purpose, objective, and intent.

16.1.1. Authority.

The authority for this Article is conferred by the Planned Unit Development Act of 1972 (C.R.S. § 24-67-101, *et seq.*).

16.1.2. Purpose.

The planned unit development (“PUD”) standards and procedures that are set out in this Article are intended to provide for the creation of a new zoning district (a “PUD Zoning Document”) that allows for a mix of land uses and development parameters that are not otherwise permitted or permissible within the other zoning districts that are established by this Code. Once approved by the Board of Trustees, the PUD Zoning Document establishes the land use and development standards for the subject property as a separate and unique zoning district.

16.1.3. Objective and Intent.

a. *Objective.* The objective of this Article is to permit greater flexibility regarding land use and facilitate creative and imaginative design for development, particularly (but not exclusively) regarding the implementation of special area plans that are adopted by the Board of Trustees, and the development of “qualified projects” as that phrase is defined by the Town of Frederick, Colorado Water Reservation and Allocation Policy.

b. *Intent.*

(1) The standards and procedures of this Article are intended primarily for large-scale projects with multiple lots, a mix of land uses, and an extended build-out period; however, smaller-scale (even single lot) development that requires comparable flexibility to accommodate unique circumstances or allow for unique, high-quality design may also be processed and approved under this Article.

(2) This Article is also intended to implement all of the purposes set out in C.R.S. § 24-67-102(1).

Division 16.2. Applicability, Required Consents, and Transition

16.2.1. Applicability.

This Article applies to all existing and proposed PUDs. PUDs that were approved prior to the effective date of this Article, or that were in process on the effective date of this Article, are subject to the transition provisions of Section 16.2.3., below.

16.2.2. Required Consents.

No property shall be rezoned to PUD without the written consent of the property owners within the PUD and the written subordination all lienholder interests. Amendments to PUDs do not require written consent of property owners whose properties are not included within the area of the amendment. PUDs may be abandoned or repealed in accordance with the Planned Unit Development Act of 1972, C.R.S. § 24-67-101, *et seq.*

16.2.3. Transition.

a. *Prior PUD Zoning Overlays without Further Approvals.* The owner of property that was zoned with a PUD overlay prior to the effective date of this Article, but is not subject to an approved preliminary development plan (“PDP”) may proceed with development review by way of one of the following three alternatives:

- (1) An application for PDP approval pursuant to the Land Use Code provisions that were in effect immediately prior to the effective date of this Article, unless such application is filed more than 18 months after the effective date of this Article, in which case this alternative shall not be available unless the subject property is located within the 25-52 East Subarea Plan boundary; or
- (2) An application for PUD Zoning Document approval; or
- (3) An application to rezone to a non-PUD zoning district.

b. *Prior PDP Approvals without FDP Approvals.* Property that is the subject of a PDP that was approved prior to the effective date of this Article, has not lapsed, and is not subject to an approved final development plan (“FDP”) may proceed with development review by way of one of the following three alternatives:

- (1) An application for FDP approval pursuant to the Land Use Code provisions that were in effect immediately prior to the effective date of this Article, provided that such application is filed within 18 months after the effective date of this Article and is not within the 25-52 East Subarea Plan boundary; or

(2) If the PDP includes all of the information required for a PUD Zoning Document (*see* Sec. 16.4.4., *infra*), an application for approval of a site plan, preliminary plat, or final plat pursuant to this Article; or

(3) If the PDP does not include all of the information required for a PUD Zoning Document (*see* Sec. 16.4.4., *infra*), an application for amendment to the PDP to include such information, which amended PDP shall thereafter be considered a PUD Zoning Document.

c. *Prior FDP Approvals in General.*

(1) An approved FDP may be implemented using a final plat, site plan, or building permit, as applicable.

(2) In the event that an FDP and the PDP to which it relates fail to address a standard of this Code, the standard of this Code at the time of application for the final plat, site plan, or building permit, as applicable, shall be applied.

d. *Amendment of Prior FDP Approvals.* Amendments to prior FDP approvals may be approved by the Director if:

(1) The amendments qualify as minor modifications pursuant to Section 4.11.4; or

(2) The amendments eliminate or reduce the degree of subdivision regulation exceptions; or

(3) The amendments eliminate or reduce the degree of modifications to the underlying zoning district upon which the FDP was based.

(4) Amendments to prior FDP approvals may be approved by the Planning Commission if:

(a) The FDP is substantially consistent with the approved PDP;

(b) All PDP standards and conditions of approval have been adequately addressed on the FDP; and

(c) Road cross-sections for local streets with attached sidewalks are not modified, street trees are provided at a density of at least one two-inch caliper tree per 40 feet of street frontage (except for alleys and rural roads), the full width of street rights-of-way is provided, and disabled parking spaces are compliant with Americans with Disabilities Act Accessibility Guidelines (“ADAAG”).

e. *Revocation of Prior FDP Approval.* The Board of Trustees may initiate the process to repeal the prior FDP approval if:

(1) The project for which the FDP was established is not carried out pursuant to the approved FDP; or

- (2) Building activity for the area affected by the FDP has not commenced within a period of one year after the effective date of the FDP approval, unless otherwise approved by the Board of Trustees.

Division 16.3. Optional Concept Plans

16.3.1. Generally.

A PUD concept plan is a generalized land use and physical plan for an area that is proposed to be included within a PUD zoning district. It is the first step in the PUD process, intended to allow for early, informal evaluation of a proposed PUD at a conceptual stage. The PUD concept plan allows for the initial evaluation of the potential development's relationship to the Comprehensive Plan and the requirements of this Code, and helps to guide the preparation of a Zoning Document (*see* Division 16.4, Zoning Documents). The PUD concept plan is optional, but is recommended for PUDs that encompass more than 40 acres or are within an area that is the subject of a sub-area plan.

16.3.2. Contents.

The PUD Concept Plan shall include such information as required in the application checklist approved by the Director, which shall at a minimum, include the following:

- (1) Perimeter property lines with measurements;
- (2) Existing and platted streets within or adjacent to the proposed PUD, with right-of-way dimensions, street classifications, and street names;
- (3) Proposed collector and arterial streets within or adjacent to the proposed PUD, with right-of-way dimensions, street classifications, and street names;
- (4) Land use and zoning district designations for adjacent properties;
- (5) Narrative describing the intent of the PUD, detailing why a PUD is necessary to accomplish the design or land use objectives, and a proposal regarding new standards or deviations to standards in the Code that are likely to be requested with the zoning document;
- (6) Planning areas, if any, labeled with the proposed land uses, total acres and square feet, development density and intensity by dwelling units per acre and / or floor area ratio of non-residential uses, as applicable;
- (7) Location and type of existing and proposed vehicular access points to the PUD and across planning area boundaries;

- (8) General location of known environmentally sensitive areas, drainage courses, parks, trails, amenity areas, storm water facilities, easements, underground utilities, and existing buildings to remain;
- (9) Locations of proposed storm detention and / or retention facilities; and
- (10) Topography of site.

16.3.3. Concept Plan Review.

- a. *Generally.* The Director will review the PUD concept plan and provide comments that are generally be focused on assisting the applicant with the development of the zoning document.
- b. *Optional Referral.* The Director may refer the PUD concept plan to the Planning Commission for further review and comment at a public meeting.
- c. *Review is Informational Only.* Any comments provided to the applicant by the Director or the Planning Commission are informational only and shall not represent a commitment on behalf of the Town regarding the approval of a zoning document.

Division 16.4. Zoning Documents

16.4.1. Purpose.

A zoning document establishes standards for the development of property zoned PUD, including allowable land uses, housing formats, bulk standards, and design standards. The zoning document shall address all of the land area that is proposed to be included in the PUD.

16.4.2. Effect of Zoning Document.

- a. *Generally.* Once adopted, the zoning document establishes the zoning standards for the property that is the subject of the PUD. A zoning document approved under this Article establishes a PUD that is considered an individual “zoning district” for the purposes of this Code.
- b. *Further PUD Approvals.* Further approvals under this Article are not required (the development contemplated by the zoning document may be carried out by way of subdivision plats, site plans, building permits, or other appropriate permits or approvals that apply generally within the Town).

c. *Provisions of the Plan to Run in Favor of the Town.* All provisions of the plan shall run in favor of the Town, unless the Town specifically approves otherwise on the face of the zoning document.

d. *Provisions of the Plan may Run in Favor of Residents, Occupants, or Owners.* Provisions of the plan may run in favor of residents, occupants, or owners within the PUD, but only to the extent specifically provided in the zoning document and approved by the Town.

16.4.3. Relationship of Zoning Document to Other Code Standards.

a. *Town of Frederick Land Use Code.* The PUD zoning document may include design and use standards that are different from those set out in this Code. However, where the PUD zoning document is silent with respect to any particular standard, development within the PUD shall conform to the design and use standards in this Code.

b. *Engineering Design Standards.*

(1) Development within the PUD shall conform to the Engineering Design Standards. However, the PUD zoning document may include alternative standards with respect to:

- (a) Street and alley cross-sections;
- (b) Intersection spacing (review is about safety);
- (c) Driveway spacing (review is about safety); and
- (d) Trails.

(2) Alternatives to the standards set out in the Engineering Design Standards may be approved only if they are supported by a study by a qualified engineer that demonstrates to the Town Engineer's satisfaction, after consultation with the Public Works Director, that the modification:

- (a) Will not compromise community mobility, accessibility, and public safety; and
- (b) Will not result in an increase in long-term costs to the Town with regard to operations, maintenance, and replacement.

c. *CDOT Standards.* Modifications to CDOT standards on CDOT-controlled rights-of-way may be approved according to the standards set out in subsection 16.4.3.b.(2), above, provided that CDOT also authorizes the modification in writing.

d. *Reconciliation of Indirect Conflicts.* In the event that a PUD Zoning Document does not address an otherwise applicable standard that is set out in this Code or the Engineering Design Standards, the Code standard or the Engineering

Design Standard, as applicable, shall be applied unless the Director (with regard to Code Standards), or the Town Engineer after consultation with the Public Works Director (with regard to Engineering Design Standards), determines that such application would lead to a result that is: (1) obviously contrary to the approved design intent of the PUD Zoning Document; (2) technically infeasible; or (3) absurd. Upon such a finding, Director or Town Engineer, as applicable, may approve deviations from the Code or Engineering Design Standards to the extent necessary to harmonize the Code or Engineering Design Standards with the PUD Zoning Document, favoring full application of the standards of the PUD Zoning Document, unless such application would create a hazardous condition.

16.4.4. Contents of PUD Zoning Document.

a. *Generally.* The PUD Zoning Document shall identify, using maps, graphics, tables, and narrative, as appropriate:

(1) One or more planning areas, each of which may be subject to different standards articulated in the PUD Zoning Document;

(2) Standards regarding the land uses to be allowed within the PUD, or each planning area within the PUD, using the vocabulary for land use that is set out in Section 3.4 of this Code, except that the Director may authorize the creation of new land uses, provided that the Director determines that they are defined in a manner that does not materially overlap with any of the defined land uses of this Code;

(3) Total development potential of the PUD (maximum number of dwelling units by housing format, maximum overall density, and maximum number of square feet of nonresidential land use or area by general category), and, optionally (*e.g.*, as appropriate to show how a particular plan or planning objective will be implemented), total minimum development (minimum number of dwelling units by housing format, minimum overall density, and minimum number of square feet of nonresidential land use or area by general category), and total development potential (and as appropriate, minimum development) within each planning area of the PUD, expressed in the same manner;

(4) The proposed conceptual plan for the primary pedestrian and vehicular circulation system within the PUD, including the general locations of connections to adjacent streets and connections among planning areas, whether existing or approved and not yet constructed;

(5) Bulk standards for development within the PUD or each planning area of the PUD, to include, at a minimum, building height and setbacks, and if appropriate to achieve the design intent of the PUD, other measures, such as building coverage, floor area ratio, bulk plane standards, building form standards, or architectural theme or design standards;

(6) Standards for buffering or transitions along the boundaries of the PUD zone, and between planning areas, as appropriate;

(7) Conceptual landscape and streetscape improvements that provide for a consistent identity within the PUD, which may include typical lots, typical right-of-way cross-sections or plan views, concept plans for parks and open spaces, and / or an overall concept plan;

(8) Standards for signage within the PUD, if different from those set out in Article 7, Sign Code;

(9) Standards for parking within the PUD, if different from those set out in Section 2.8, Parking;

(10) Standards for parks and open space, in terms of land area, general locations, and amenities, as appropriate to the type of development proposed within the PUD; and

(11) Cross-sections of typical streets (whether public or private), alleys, and trails, with any modifications to the Engineering Design Standards regarding same indicated, and the reasons for the modifications, including the design intent, articulated.

b. *Other Proposed Standards.* The PUD Zoning Document may include proposed standards or deviations from standards addressing any other topic as appropriate to the design intent of the PUD.

c. *Design Guidelines.* The PUD Zoning Document may include design guidelines for development within the PUD.

16.4.5. Standards for Approval of PUD Zoning Document.

a. *Generally.* Standards for approval of a PUD Zoning Document are different for properties that are within the boundaries of an adopted sub-area plan than for properties that are not within the boundaries of an adopted sub-area plan.

b. *Properties within Adopted Sub-Area Plan Boundaries (Except Downtown).* For properties within an area that is subject to an adopted sub-area plan (except Downtown), the PUD Zoning Document may be approved if the Board of Trustees finds that it:

(1) Implements the sub-area plan with regard to the land that is the subject of the PUD Zoning Document application; and

(2) The approval of the PUD Zoning Document to implement the sub-area plan creates a net public benefit when compared to the development that is possible under non-PUD zoning districts, considering:

(a) The character, design, and use objectives of the sub-area plan;

(b) The location, quality, character, and function of common open space or recreational amenities;

(c) The stewardship of natural resources and the mitigation of flood risks;

(d) The affordability of housing and the creation of new or expanded economic opportunities;

(e) The development quality and design aesthetics; and

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

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

c. *Properties not within Adopted Sub-Area Plan Boundaries.* For properties that are not within an area that is subject to an adopted sub-area plan, the PUD Zoning Document may be approved if the Board of Trustees finds that development pursuant to the PUD Zoning Document:

(1) Will be in general conformity with the Comprehensive Plan, provided that:

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

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

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

(a) For all planning areas:

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

ii) The development quality and design aesthetics; and

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

(b) For planning areas that include residential uses:

i) The quantity or quality of common open space or recreational amenities;

ii) The affordability of housing; and

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

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

d. *Private Streets and Modification of Sidewalk Requirements.*

(1) Private streets within PUDs may be approved only if:

(a) Their location and connections to the public street system does not interfere or conflict with the existing, planned, or prioritized street or trail network set out in the adopted Comprehensive Plan, Transportation Master Plan, and Parks, Open Space, and Trails Master Plan;

(b) Their geometry is supported by a traffic study, and they are designed in a manner that the Town Engineer confirms is durable (in consideration of the proposed use of the streets), appropriate to accommodate safe circulation and travel, and snow removal and / or storage;

(c) Access easements are provided for public safety, public utility, and emergency services purposes, and if secured with gates, on-demand access is provided for emergency service providers.

(2) Requirements for sidewalks (whether public or private) shall not be waived or modified by PUD Zoning Documents unless the waiver or modification applies only in residential areas with very low residential density and / or in areas where pedestrian connectivity is provided in an alternative location so that it is safer and more efficient.

Division 16.5. Review Procedures

16.5.1. Review and Approval Procedures for PUD Zoning Documents.

a. *Generally.* PUD Zoning Documents are processed as provided in Section 4.6., Major Application Review Procedure, except as modified by this Division.

b. *Expeditious Hearings Required; Continuances.*

(1) Any required public hearing on a PUD Zoning Document shall be conducted expeditiously and concluded when all those present and wishing to testify have done so.

(2) Unless the applicant waives such limitation (or limitations), no public hearing shall continue for more than 40 days from the date of commencement without the written consent of the applicant, and any continuation of a public hearing shall be to a date certain.

c. *Approval by Ordinance Required.* The approval of a PUD Zoning Document shall be in the form of an ordinance.

d. *Conditions of Approval.*

(1) The Board of Trustees may impose conditions on the approval of a PUD Zoning Document to ensure compliance with the standards for approval set out in Section 16.4.5., above. Such conditions shall have a rational nexus to the anticipated impacts of the proposed development and shall be roughly proportional to the degree of said impacts.

(2) All PUD Zoning Documents that provide for or anticipate common open space that is not dedicated to the Town shall specify that a property owners' association or Title 32 metropolitan district will maintain the common open space.

16.5.2. Amendments to, Modifications of, and Release of PUD Zoning Documents.

a. *Generally.* PUD Zoning Documents shall be amended, modified, or released using the standards and procedures that are used for their initial approval, and the additional standards of subsection b., below.

b. *Additional Standards.* Except in the limited circumstances set out in C.R.S. 24-67-106(3)(b.5), no substantial modification, removal, or release of the provisions of the PUD Zoning Document by the Town shall be permitted except upon a finding by the Board of Trustees, that the modification, removal, or release is consistent with the efficient development and preservation of the entire PUD, does not affect in a substantially adverse manner either the enjoyment of land abutting upon or across a street from the PUD, or the public interest, and is not granted solely to confer a special benefit upon any person.

c. *Effect on Private Rights.* No modification, removal, or release of the provisions of the PUD Zoning Document by the Town shall affect the rights of the residents, occupants, and owners of the PUD to maintain and enforce certain provisions of the plan, but only to the extent permitted by state law. Residents and owners of the planned unit development may, to the extent and in the manner expressly authorized by the provisions of the plan, modify, remove, or release their rights to enforce the provisions of the plan, but no such action shall affect the right of the Town to enforce the provisions of the plan.

16.5.3. Administrative Adjustments when Implementing PUD Zoning Documents.

a. *Generally.* Applicants for site plan or building permit approvals pursuant to adopted PUD Zoning Documents may seek administrative relief from the strict application of the terms of the PUD Zoning Document without amending the PUD Zoning Document. An application for an administrative adjustment from a PUD Zoning Document may be filed for all or a portion of the land area within a PUD zoning district.

b. *De Minimus Adjustments.* Adjustments to the requirements set out in a PUD Zoning Document may be administratively approved if the Director determines that the adjustments represent a *de minimus* departure from the requirements of the approved PUD Zoning Document.

c. *Minor Adjustments.* Minor adjustments to the requirements set out in a PUD Zoning Document may be administratively approved if the Director determines that the minor adjustment will allow for the applicant to overcome a practical difficulty that was not anticipated by the PUD Zoning Document, will not compromise the design intent of the PUD Zoning Document, will not create noticeable impacts on adjacent landowners, and:

- (1) The minor adjustment does not exceed a 20 percent increase or decrease in lot width, lot depth, lot area, or building setbacks; and

(2) The minor adjustment does not exceed a 10 percent increase in building coverage or building height; and

(3) The minor adjustment does not reallocate more than 20 percent of the approved dwelling units or nonresidential floor area (as may be applicable) from one planning area to another, and the reallocation of dwelling units or floor area does not increase impacts on existing or approved residential uses outside of the PUD zoning district.

Section 9. **Codification Amendments.** The codifier of the Frederick Land Use Code is hereby authorized to make such numerical and formatting changes as may be necessary to incorporate the provisions of this ordinance into the Frederick Land Use Code.

Section 10. **Severability.** If any part, section, subsection, sentence, clause, or phrase of this Ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The Board of Trustees of the Town of Frederick, Colorado hereby declares that it would have passed this Ordinance and each part or parts thereof, regardless of the fact that any one part or parts may be declared invalid or unconstitutional.

Section 11. **Repealer.** All ordinances or resolutions, or parts thereof, in conflict with this Ordinance are hereby repealed, provided that such repealer shall not repeal the repealer clauses of such ordinance nor revive any ordinance thereby.

Section 12. **Effective date.** This Ordinance shall take effect on according to law.

Section 13. **Necessity.** The Board of Trustees of the Town of Frederick finds that this Ordinance is necessary for the immediate preservation and protection of the health, safety, welfare and property of the inhabitants and owners of property in the Town of Frederick.

Section 14. **Certification.** The Town Clerk shall certify the passage of this Ordinance and make not less than one copy of the adopted Code available for inspection by the public during regular business hours.

**INTRODUCED, PASSED, ADOPTED, AND ORDERED PUBLISHED IN FULL BY THE
BOARD OF TRUSTEES OF THE TOWN OF FREDERICK THIS ____ DAY OF ____, 2024.**

ATTEST:

TOWN OF FREDERICK

By_____
Tricia David, Town Clerk

By_____
Tracie Crites, Mayor

PCR-2024-06

A Resolution of the Planning Commission

Recommending Approval of Amendments to the Town of Frederick Land Use Code Amending Section 1.15, Definitions; Amending Section 2.11.9, Amount Of Open Space Required By Development; Amending Section 3.4.11, Agricultural Uses; Amending Section 3.4.12, Residential Protection Standards, Amending Section 3.4.13, Accessory Uses And Accessory Buildings; Removing Section 3.4.15, Accessory Dwelling Units; Amending Section 3.4.21, Backyard Chickens; Amending Section 3.4.22, Apiaries/Beekeeping; Creating Section 3.4.22, Agricultural Animals; Amending Section 4.7.5, Preliminary Development Plan; Amending Section 4.9.2, Final Development Plan; Amending Section 4.9.3, Minor Subdivision; and Creating Article 16, Planned Unit Development

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

- Section 1. The Frederick Planning Commission finds that:
- 1.1 Amendments to the Frederick Land Use Code are need to meet recent changes to Colorado State Law and changes to community needs and preferences.
 - 1.2 Said amendments generally conform with the applicable requirements of Section 4.7.9.b f the Frederick Land Use Code.
 - 1.3 Said amendments were considered during a public meeting held August 28th, 2024 at which time the public was able to provide testimony.
 - 1.4 Proper notice was given according to Section 4.5 of the Frederick Land Use Code.
- Section 2. The Planning Commission recommendation is based on competent, substantial evidence in the written record and the testimony provided at the public hearing.
- Section 3. On the basis of the above, the Town of Frederick Planning Commission recommends that the Board of Trustees approve the Land Use Code amendments with the following conditions:
1. In the RE zone district, limit total number of animal units by using the proposed 3-acre calculation as the maximum for parcels 3-acres or more in size.
 2. For RE parcels 10-acres or more in size, additional animal units or the Commercial Agricultural use may be requested through the Conditional Use process.
 3. In the RE zone district, buffalo shall only be permitted on parcels with a minimum size of 3 acres.

This resolution approved this 28th day of August 2024 by a vote of 4 to 0.

Planning Commission:



Kristin Conroy, Vice Chairperson, Planning Commission

Attest:



Emily Nitcher, Secretary to Planning Commission



Town of Frederick Planning Commission

Commission Meeting Minutes

Meeting Conducted in Person and Via Microsoft Teams

Frederick Town Hall, 401 Locust Street

August 28, 2024

Call to Order: At 6:37 p.m., Vice Chair Conroy called the meeting to order and requested roll call.

Roll Call: Present were Vice Chair Conroy, Commissioner Scott, Commissioner Sammartino, and Commissioner Kelley.

Also Present were Planning Manager Ali van Deutekom, Deputy Town Attorney Christine Francinceti, Water Conservation Specialist Kylie Couch, Senior Planner Audemn Gonzales, and Deputy Town Clerk Emily Nitcher.

Pledge of Allegiance:

Approval of Agenda:

Consent Agenda:

July 25, 2024, Planning Commission Minutes

Motion by Commissioner Kelley and seconded by Commissioner Sammartino to approve the consent agenda.

Upon roll call vote, motion passed unanimously.

Action Agenda:

PCR-2024-05 A Resolution of the Planning Commission Recommending Approval of an Amendment to Town of Frederick Land Use Code Section 2.14 – Kylie Couch, Water Conservation Specialist presented.

Commissioner Kelley asked about use of non-functional turf in a commercial area. The proposed code does not allow turf in commercial areas.

Commissioner Scott asked if there is a triggering event that would make existing areas remove high hydrozone? There is no triggering event, they will be grandfathered in.

Commissioner Scott also asked if an HOA stop someone from installing water saving landscaping. The State prohibits HOA's from limiting people from installing water saving landscaping.

Commissioner Scott also asked if a garden would count as living material and go towards the percentage. Yes, the garden would count as living material.

Motion by Commissioner Sammartino and seconded by Commissioner Kelley to approve 2024-PCR-04.

Upon roll call vote, motion passed unanimously.

Built on What Matters.

PCR-2024-06 A Resolution of the Planning Commission Recommending Approval of an Amendments to Town of Frederick Land Use Code Amending Section 1.15, Definitions; Amending Section 2.11.9, Amount Of Open Space Required By Development; Amending Section 3.4.11, Agricultural Uses; Amending Section 3.4.12, Residential Protection Standards, Amending Section 3.4.13, Accessory Uses And Accessory Buildings; Removing Section 3.4.15, Accessory Dwelling Units; Amending Section 3.4.21, Backyard Chickens; Amending Section 3.4.22, Apiaries/Beekeeping; Creating Section 3.4.22, Agricultural Animals; Amending Section 4.7.5, Preliminary Development Plan; Amending Section 4.9.2, Final Development Plan; Amending Section 4.9.3, Minor Subdivision; and Creating Article 16, Planned Unit Development – Audem Gonzales, Senior Planner presented.

Commissioner Kelley asked about minor subdivisions and asked if it meant that staff could approve minor subdivisions without public hearings, if so, he does not approve of that and thinks that it would be too nice to the Developer. The minor subdivision would still go to the Planning Commission and to the Board of Trustees. The right of way was not allowing the minor subdivisions to qualify for subdivisions. Commissioner Kelley stated that he likes what is done with the PUD's, but he did ask what landscaping is not part of the PUD. Landscaping will be tied to the Subdivision, as the number of lots and density would be known.

Vice Chair Conroy mentioned that this process would be more efficient for staff and customers, as it would get rid of having to duplicate work.

Commissioner Sammartino asked if Frederick currently has any areas that are zoned residential that are in the 10-acre lot area? Yes, there are some.

Commissioner Scott mentioned that the 10-acre lot amount for chickens' approaches if not crosses the link of owning chickens, to having a chicken farm.

Commissioner Scott asked if this would be creating non-conformities within the community? No, it will not create non-conformities within the community. Deputy Town Attorney Christine Francinceti noted that historically speaking if there were any, they would be grandfathered in.

Commissioner Sammartino asked if there was any way for someone to petition, are there any flexibilities. Yes, there would be some flexibility for special cases, and the variance waver process in the code.

Vice Chair Conroy asked why Slaughter is not allowed on someone's property, if they are allowed to own the animals, why can't they do their own slaughtering?

Vice Chair Conroy also pointed out that if a residential lot were large enough, they could own a lot of animals.

The commissioners asked if there was a way to limit the total number of animals to a 3-acre maximum. Is the animal allotment too much?

Vice Chair Conroy commented that she is all for ADU's but asked how they make sure that they are not exceeding their water allowance. She questioned if they should address water usage with ADU's, especially if they are limiting landscaping.

Commissioner Scott asked if Bison should be allowed on a 0.5 acre residential lot and asked about safety issues.

The Commissioner's discussed only allowing bison to be on a 3 acre or more lot.

Motion by Commissioner Kelley and Seconded by Commissioner Sammartino to approve 2024-PCR-06 with the following conditions: 1. In the RE zone district, limit total number of animal units by using the proposed 3-acre calculation as the maximum for parcels 3-acres or more in size. 2. For RE parcels 10-acres or more in size, additional animal units or the Commercial Agricultural use may be requested through the Conditional Use Process. 3. In the RE zone district, bison shall only be permitted on parcels with a minimum size of 3 acres.

Upon roll call vote, motion passed unanimously.

Discussion Item:

Commissioner Reports:

Other Business:

Upcoming Meeting

Regular Meeting Thursday September 5, 2024

Adjournment:

There being no further business of the Planning Commission, Chairperson Moe adjourned the meeting at 8:14 p.m.

Approved by the Planning Commission:

Tracy Moe, Chairperson

ATTEST:

Emily Nitcher, Secretary to Planning Commission



Built On What Matters

TOWN OF FREDERICK

Board of Trustees

Staff Report

Tracie Crites, Mayor

Kevin Brown, Mayor Pro
Tem
Dan March, Trustee
Mark Lamach, Trustee

Adam Mahan, Trustee
Windi Padia, Trustee
Chad teVelde, Trustee

3rd Quarter Grant Administrator's Report

Agenda Date: 10/08/2024 BOT Meeting

Attachments: 1. Resolution 24-R-55

Reviewed By: Tricia David, Town Clerk

Action Type

2) Administrative: Actions of routine nature that implement policies/directions or effectuate the functioning of government; such as contract approvals/granting of licenses and permits/etc.

Strategic Plan Alignment:

Safe & Secure - Residents of Frederick experience safety and peace of mind knowing they live in the safest community.

Strategic, Reliable & Sustainable Infrastructure - Frederick is dedicated to investing in existing and future transportation, water, stormwater, and technology while planning for sustainable growth and development.

Fiscally Responsible Governance - The Town of Frederick plans for, identifies, leverages, and utilizes resources that reflect exemplary stewardship for those who live in Frederick and those who will seek out Frederick in the future.

Summary Statement:

For the 3rd quarter, the grant administrator and various departments submitted grants totaling over \$500,000 to support multiple initiatives in the Police Department, Parks and Open Space, and Engineering departments.

Detail of Issue/Request:

Grant Activity Update - 3rd Quarter 2024

During the third quarter of 2024, the Town submitted applications for several grant opportunities totaling over \$500,000. These grants, if awarded, will support critical initiatives across various departments.

- **Water Reuse Grant (\$270,675):** This grant will fund contracted services for developing a water reuse plan, a crucial step towards sustainable water management.
- **VALE Victim Services Grant (\$82,834):** This grant will support the Carbon Valley Mead Victim Assistance Program by providing funding for salary and supplies.
- **GOCO Frederick Recreation Area Restoration Project Grant (\$103,128):** This grant will fund the restoration of the Frederick Recreation Area by addressing the problem of invasive species and promoting ecological balance.
- **LE Workforce Colorado Dept of Criminal Justice Grant (\$73,370):** This grant will support the hiring and training of two new police recruits.

Additional Highlights:

- The Trustees approved the Water Reuse grant application in June 2024.
- The GOCO FRA Restoration Project will focus on removing invasive plants and replacing them with native species, which will improve water conservation, flood mitigation, and wildlife habitat.
- The Victim Assistance grant will ensure continued support for victims of crime in the Carbon Valley and Mead communities.
- The Law Enforcement Workforce grant will help address staffing needs within the police department.

Next Steps:

- The Town awaits the outcome of the grant applications submitted in the third quarter.
- Staff will continue to monitor and pursue additional grant opportunities that align with the Town's strategic goals and priorities.

Legal Comments:

N/A

Alternatives/Options

- Approval of Resolution 24-R-55: The Mayor is authorized to execute necessary documents and agreements to effectuate the 3rd Quarter 2024 Grant Awards, if funded, after review by the Town Attorney as applicable.
- Approval with Conditions: Approve the resolution which recommends the resolution with conditions.
- Denial: Move to approve the resolution which recommends denial if grants are awarded.

Financial Considerations

The Town could miss out on opportunities to address critical needs and improve various aspects of the community, including water resource management, public safety, environmental conservation, and recreational facilities.

Staff Recommendation

Approval of Resolution 24-R-55, authorizing the Mayor to execute necessary documents and agreements to effectuate 3rd Quarter 2024 Grant Awards, contingent upon funding and review by the Town Attorney as applicable.

Community Impact

- Sustainable resource management
- Increased public safety
- Improved environmental quality
- Enhanced recreational opportunities

TOWN OF FREDERICK, COLORADO
RESOLUTION NO. 24-R-295

**A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF FREDERICK,
COLORADO, APPROVING 3RD QUARTER 2024 GRANT SUBMISSIONS**

WHEREAS, the Town of Frederick is a community that fosters economic, recreational, cultural, and environmental vitality, and builds upon and enhances a variety of economic opportunities; and,

WHEREAS, The Town of Frederick plans for, identifies, leverages, and utilizes resources that reflect exemplary stewardship, which includes seeking grant opportunities to assist in the funding of various Town projects and initiatives; and,

WHEREAS, the Town of Frederick Grant Administrator's Office for the 3rd Quarter 2024 submitted various grants on behalf of the Frederick Police Department, Frederick Engineering Department, and Frederick Parks and Open Space Department; and,

WHEREAS, the submissions support the continued funding of the Carbon Valley, Mead Victim Assistance program (improved Public Safety), sustain resource management, improved environmental quality, and enhance recreational opportunities; and,

WHEREAS, The Frederick Grant Administrator's office recommends signing authority for Mayor Crites to approve the 3rd Quarter 2024 grant awards if awarded.

**NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF
THE TOWN OF FREDERICK, COLORADO, AS FOLLOWS:**

- Section 1. Applications.** The following grant applications are pending:
- **Colorado Water Board Water Reuse Grant |\$270,675.63| Engineering**
 - **19th Judicial District VALE Grant |\$82,834.00| Police**
 - **GOCO FRA Restoration Project |\$103,128.00| Parks**
 - **Colorado Department of Criminal Justice LE Workforce Grant |\$73,370.86| Police**
- Total \$530,008.49**
- Section 2. Execution.** The Mayor is hereby authorized to execute necessary documents and agreements to effectuate 2nd Quarter 2024 Grant Awards, if funded, after review by the Town Attorney as applicable.
- Section 3. Effective Date.** This resolution shall become effective immediately upon adoption.
- Section 4. Certification.** The Town Clerk shall certify the passage of this resolution and make not less than one copy of the adopted resolution available for inspection by the public during regular business hours.

INTRODUCED, READ, PASSED, AND ADOPTED THIS ____ DAY OF
_____, 2024.

ATTEST:

TOWN OF FREDERICK

By _____
Tricia David, Town Clerk

By _____
Tracie Crites, Mayor