

**ARTICLE 1.**  
**General Provisions**

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## General Provisions

### Sec. 1.1. Title.

This Chapter establishes the regulations and standards governing the use and development of land within the Town of Frederick. Included are provisions for the annexation, subdivision and zoning of land, as well as the administrative procedures governing the submission of applications, administrative and public reviews, and appeals. Also included are Town standards for site design, landscaping, parking and public infrastructure.

### Sec. 1.2. Short titles.

1. This Chapter shall be known and may be cited as the *Frederick Land Use Code*. Within this Chapter, the *Frederick Land Use Code* shall simply be referred to as "this Code."
2. The Frederick Comprehensive Plan, 2006 shall simply be referred to as the Comprehensive Plan; the Land Use Map may be referred to as the Land Use Plan or the Comprehensive Plan map; the Town of Frederick Transportation Map, 2006 shall be referred to the Transportation Map; and the Town of Frederick Parks and Open Space , 2006 shall be referred to as the Parks and Open Space Map.

### Sec. 1.3. Authority.

1. This Code is adopted pursuant to the authority contained in state statutes (C.R.S.). Local governments are provided broad authority to plan for and regulate the use of land within their jurisdictions, as authorized in Title 31, Article 23 et seq., C.R.S., as amended.
2. Whenever a section of the state statutes that is referred to in this Code is later amended or superseded, this Code is deemed amended to refer to the amended section or section that most nearly corresponds to the superseded section.

### Sec. 1.4. Jurisdiction.

1. This Code shall be effective throughout the Town's corporate boundaries. The Town's planning jurisdiction includes all land within the Town, and where applicable, the land within three (3) miles of the Town's boundaries with reference to a major street plan. For purposes of zoning and subdivision, this Code only applies to lands within the Town's corporate boundaries.
2. A copy of a map showing the boundaries of the Town and the area within the three-mile planning jurisdiction shall be available for public inspection in the Town offices.

### Sec. 1.5. Purpose.

The purpose of this Code is to create a vital, cohesive, well-designed community in order to enhance the Town's small-town character and further the citizens' goals as identified in the Comprehensive Plan. This Code is designed to:

1. Encourage the most appropriate use of land through the Town;
2. Encourage innovative, quality site design, architecture and landscaping;
3. Encourage new developments to relate to the Town's historic development pattern;

4. Promote compact, well-defined, sustainable neighborhoods that enhance the Town's character;
5. Create livable neighborhoods that foster a sense of community and reduce dependency on private vehicles;
6. Encourage the proper arrangement of streets in relation to existing and planned streets and ensure that streets facilitate safe, efficient and pleasant walking, biking and driving;
7. Provide a variety of lot sizes and housing types in every neighborhood;
8. Protect sensitive natural and historic areas and the Town's environmental quality;
9. Integrate a high quality natural environment into the developed portions of the community;
10. Facilitate the adequate and efficient provision of transportation, water, sewage, schools, parks and other public requirements;
11. Provide protection from geologic, flood and fire hazards and other dangers; and
12. Promote the health, safety, morals and general welfare of Town residents.

#### **Sec. 1.6. Interpretation.**

In their interpretation and application, the provisions of this Code shall be held to be minimum requirements for the promotion of the public health, safety and welfare. Whenever the requirements of this Code are at variance with the requirements of any other lawfully adopted rules, regulations or ordinances, the more restrictive or that imposing the higher standards shall govern.

#### **Sec. 1.7. Applicability of Code.**

1. The provisions of this Code shall apply to any and all development of land within the municipal boundaries of the Town, unless expressly and specifically exempted or provided otherwise in this Code. No development shall be undertaken without prior and proper approval or authorization pursuant to the terms of this Code. All development shall comply with the applicable terms, conditions, requirements, standards and procedures established in this Code.
2. Except as herein provided, no building, structure or land shall be used and no building or structure or part thereof shall be erected, constructed, reconstructed, altered, repaired, moved or structurally altered except in conformance with the regulations herein specified for the zone district in which it is located, nor shall a yard, lot or open space be reduced in dimensions or area to an amount less than the minimum requirements set forth herein. Whenever both the provisions of this Code and provisions of any other law cover the same subject matter, whichever rule is more restrictive shall govern.
3. This Code establishes procedural and substantive rules for obtaining the necessary approval to develop land and construct buildings and structures. Development applications will be reviewed for compliance with the Comprehensive Plan and with adopted regulations, policies and other guidelines.

#### **Sec. 1.8. Relationship to existing ordinances.**

All ordinances or resolutions or motions of the Board of Trustees of the Town or parts thereof in conflict with this Code are to the extent of such conflict hereby superceded and repealed, provided that no such

repealer shall repeal the repealer clauses of such ordinance, resolution or motion, nor revive any ordinance, resolution or motion thereby. The adoption of this Code shall not adversely affect the Town's right to seek remedies for any violation of previous ordinances that occurred while those ordinances were in effect.

**Sec. 1.9. Relationship to Comprehensive Plan.**

It is the intention of the Town that this Code implement the planning policies adopted in the Comprehensive Plan for the Town and its extraterritorial planning area. While this relationship is reaffirmed, it is the intent of the Town that neither this Code nor any amendment to it may be challenged on the basis of any alleged nonconformity with the Comprehensive Plan.

1. Requirement for Comprehensive Plan amendment. Where a development proposal would be in substantial conflict with the Comprehensive Plan, an amendment to the Comprehensive Plan will be required prior to any zoning or subdivision approvals. A substantial conflict will exist when a development proposal would result in changes from the designations of the Land Use Plan Map, Transportation Plan Map or Parks and Open Space Map in the Comprehensive Plan.
2. Criteria for evaluating amendment proposals. Amendments to the Comprehensive Plan resulting from development proposals under this Code shall be evaluated according to the criteria and procedure outlined in Article 4 of the Land Use Code.

**Sec. 1.10. Effective date.**

The provisions of this Code became effective April 20, 2002 and were originally adopted on March 14, 2002. Development plans approved under previous regulations that received vested property rights through a site specific development plan shall be valid for the duration of that vested property right, provided that all terms and conditions of the site specific development plan are followed. Existing legal uses that may become nonconforming by adoption of this Code shall become legal nonconforming uses subject to the provisions of Section 3.6.

**Sec. 1.11. Fees.**

Reasonable fees sufficient to cover the costs of administration, inspection, publication of notice and similar matters will be charged to applicants for permits, plat approvals, zoning amendments, variances and other administrative relief. The fee schedule will be adopted periodically by the Board of Trustees and is available from the Town offices.

**Sec. 1.12. Severability.**

If any part, section, subsection, sentence, clause or phrase of this Code is for any reason held to be invalid, such invalidity shall not affect the validity of the remaining sections of the Code. The Board of Trustees hereby declares that it would have passed this Code, including each part, section, subsection, sentence, clause or phrase thereof, irrespective of the fact that one (1) or more parts, sections, subsections, sentence, clauses or phrases are declared invalid.

### Sec. 1.13. Computation of time.

1. In computing a period of days, the first day is excluded and the last day is included.
2. If the last day of any period is a Saturday, Sunday or legal holiday, the period is extended to include the next day which is not a Saturday, Sunday or legal holiday.
3. If a number of months is to be computed by counting the months from a particular day, the period ends on the same numerical day in the concluding month as the day of the month from which the computation is begun, unless there are not that many days in the concluding month, in which case the period ends on the last day of that month.

### Sec. 1.14. Miscellaneous.

1. As used in this Code, words used in the singular include the plural and words used in the plural include the singular.
2. The words *must*, *shall* and *will* are mandatory; *may*, *can*, *should* and *might* are permissive.

### Sec. 1.15. Definitions.

1. Terms used in this Code are defined as follows:

***Accessory building*** means a subordinate building or structure, the use of which is customarily incidental to that of the main building or to the main use of the land, which is located on the same lot with the main building or use. Accessory buildings are only permitted when they are incidental or accessory to an existing and permitted principal or conditional use.

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

***Accessory use*** means a subordinate use, clearly incidental and related to the main structure, building, or use of land, and located on the same lot as that of the main structure, building or use. If the use is called out specifically in the table of permitted uses (Table 3-1), the requirements of the table apply.

***Adjacent*** means meeting or touching at some point, or separated from a lot or parcel by one (1) of the following: a street, alley, or other right-of-way, lake, stream, or open space.

***Adjacent property owner*** is an owner of record of any estate, right, or interest in real property abutting the subject property.

***Administrative official*** means any employee who has the authority to approve or deny a land use decision, including but not limited to, land use applications and building permits.

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

- a. ***Adult arcade*** means any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five (5) or fewer persons per machine at any one (1) time, and where the images so displayed are distinguished or characterized by the depicting or describing of specified sexual activities or specified anatomical areas.
- b. ***Adult bookstore or adult video store*** means a place where books, magazines, motion pictures, prints, photographs, periodicals, video or audio recordings, novelties and devices, or any of these things, which have as their primary or dominant theme, matter depicting, illustrating, describing, or relating to specified sexual activities or specified anatomical areas, are sold or offered for sale to adults; and includes a place with only a portion or section of its area set aside for the display or sale of such material to adults, except that any place, otherwise included within this definition, that derives not more than ten percent (10%) of its gross income from the sale of such material shall be exempt from the provisions of this Section so long as such material is kept in a location where it is not visible and shall not be a self-service item for the customers of such place.
- c. ***Adult cabaret*** means a nightclub, bar, restaurant or similar business which regularly features:
  1. Persons who appear in a state of nudity;
  2. Live performances which are characterized by the exposure of specified anatomical areas or by specified sexual activities; or
  3. Films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas.
- d. ***Adult motel*** means a hotel, motel, or similar business which offers private rooms to the public and provides patrons live performances or closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas.
- e. ***Adult motion picture theater*** means a business where films, motion pictures, video cassettes, slides, or similar photographic reproductions are regularly shown which are characterized by the depiction or description of specified sexual activities or specified anatomical areas.
- f. ***Adult photo studio*** means any establishment which, upon payment of a fee, provides photographic equipment and/or models for the purpose of photographing *specified anatomical areas*.

- g. **Adult theater** means a theater, concert hall, auditorium, or similar business which regularly features persons who appear in a state of nudity or live performances which are characterized by the exposure of specified anatomical areas or by specified sexual activities.
- h. **Peep booth** means a viewing room, other than a private room, of less than one hundred fifty (150) square feet of floor space upon the premises of a sexually oriented business where there are exhibited photographs, films, motion pictures, video cassettes, or other video reproductions, slides or other visual representations which depict or describe specified sexual activities or specified anatomical areas.
- i. **Private room** means a room in an adult motel that is not a peep booth, has a bed in the room, has a bath in the room or adjacent to the room, and is used primarily for lodging.
- j. **Sexual encounter establishment** means a business or commercial establishment which, as one (1) of its primary business purposes, offers for any form of consideration, a place where two (2) or more persons may congregate, associate, or consort for the purpose of specified sexual activities or the exposure of specified anatomical areas, when one (1) or more of the persons exposes any specified anatomical area.
- k. **Sexually oriented business** means an adult arcade, adult bookstore, adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, sexual encounter establishment or other similar business and includes:
  - 1. The opening or commencement of any sexually oriented business as a new business;
  - 2. The conversion of an existing business, whether or not a sexually oriented business, to a sexually oriented business;
  - 3. The addition of any sexually oriented business to any other existing sexually oriented business;
  - 4. The relocation of any sexually oriented business; or
  - 5. The continuation of a sexually oriented business in existence on the effective date of the initial ordinance codified herein.
- l. **Specified anatomical areas** means:
  - 1. Less than completely and opaquely covered: human genitals, pubic region, buttocks and female breast below a point above the top of the areola.
  - 2. Human male genitals in a discernibly turgid state even if completely and opaquely covered.
- m. **Specified sexual activities** means acts, simulated acts, exhibitions, representations, depictions or descriptions of:
  - 1. Human genitals in a state of sexual stimulation or arousal.

2. Fondling or other erotic touching of human genitals, pubic region, buttocks or female breast.
  3. Intrusion, however slight, of any object, any part of an animal's body, or any part of a person's body into the genital or anal openings of any person's body or into the body of an animal.
  4. Cunnilingus, fellatio, anilingus, masturbation, bestiality, lewd exhibition of genitals, or excretory function.
  5. Flagellation, mutilation, or torture for purposes of sexual arousal, gratification or abuse.
- n. **Stage** means a raised floor or platform at least three (3) feet above the surrounding floor measured perpendicularly from the edge of the stage to the surrounding floor and at least thirty-six (36) square feet in area.

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

**Agricultural land** means land that is being used for agricultural activities.

**Agritainment** means a for-profit business operation, located and operated on an agricultural property. The business provides educational and/or entertainment opportunities to its patrons in an agriculturally oriented environment by way of activities, events, demonstrations, displays, interactive participation, tours, lectures, and/or the sale of agriculturally related products. Characteristic uses permitted in an agritainment business include but are not limited to:

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

**Alley** means a minor or secondary way which is used primarily for vehicular service access to the back or side of properties otherwise abutting on a street.

**Alteration** means any change, addition or modification in construction, occupancy or use.

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

**Animal unit** means the number of animals grouped together to be counted as one unit. Animal units are calculated based on the following chart:

<b>Livestock</b>	<b>Animals per Animal Unit</b>
Cattle/Buffalo/Horse	1
Swine/Ostrich	5
Goat/Sheep/Llama	3
Poultry	50
Other livestock	1

**Applicant** is the owner of land, the owner's authorized representative, or the optionee of the land, as well as mineral owners and lessees.

**Appurtenances** means the visible, functional, or ornamental objects accessory to and part of a building.

**Aquifer recharge area** means an area where water is absorbed into a natural aquifer adding to the zone of saturation.

**Arcade** is a series of arches supported on piers or columns.

**Area of lot** means the total horizontal area within the lot lines of a lot.

**Artisan studio and gallery** means the workshop or studio of an artist, craftsman, sculptor, or photographer, which workshop is primarily used for on-site production of unique custom goods through the use of hand tools or small-scale equipment, and only incidentally used, on an infrequent basis if at all, as an accessory gallery or for incidental sales.

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

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

**Awning** means a roof-like cover of canvas or other material extending in front of a doorway or window, or over a deck, to provide protection from the sun or rain.

**Awning sign** means a wall sign which is painted, stitched, sewn, or stained onto the exterior of an awning.

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

**Beacon, revolving** means a rotating source of light.

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

**Bikeway** means a path designed for use by bicyclists, which may be used by pedestrians.

**Blank wall** means an exterior building wall with no openings and a single material and uniform texture on a single plane.

**Block** means a unit of land, or a group of lots, bounded by streets or by a combination of streets and public lands or other rights-of-way other than an alley, waterways, or any barrier to the continuity of development, or land which is designated as a block on any recorded subdivision tract.

**Board of Trustees (Board)** means the governing board of the Town of Frederick.

**Boarding and rooming house** means a building or portion of which is used to accommodate, for compensation, four (4) or more boarders or roomers, not including members of the occupant's immediate family who might be occupying such building. The word *compensation* shall include compensation in money, services, or other things of value.

**Building** means any permanent structure built for the shelter or enclosure of persons, animals, chattels, or property of any kind, which is governed by the following characteristics:

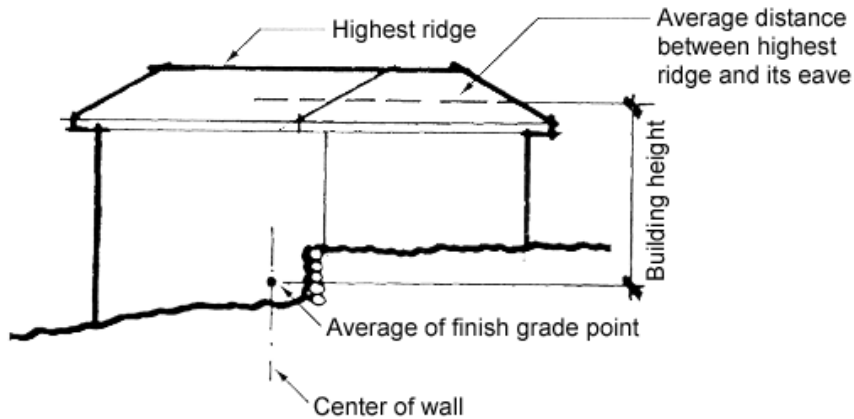
- a. Is permanently affixed to the land.
- b. Has one (1) or more floors and a roof.

**Building code** means the set of standards that must be followed in the construction and remodeling of buildings and structures. The building code used by the Town is the *International Building Code*.

**Building frontage** means the horizontal, linear dimension of that side of a building which abuts a street, parking area, mall, or other circulation area open to the public and has either a main window display or a public entrance to the building.

**Building height** is measured from the average of finished grade at the center of all walls of the building to the top of the parapet or highest roof beam (whichever is higher) on a flat or shed roof, to the top of the parapet or deck level (whichever is higher) of a mansard roof, or the average distance between the highest ridge and its eave of a gable, hip, or gambrel roof.

**Figure 1-1**  
**Building Height Measurement**



**Caliper** means the American Association of Nurserymen standard for trunk measurement of nursery stock, as measured at six (6) inches above the ground for trees up to and including four-inch caliper size, and as measured at twelve (12) inches above the ground for larger sizes.

**Cash-in-lieu** means that the applicant, at the option of the Board of Trustees, may pay the Town money instead of land dedication in those cases where the dedication of land is unacceptable. The payment shall comply with the following requirements unless otherwise provided for this Code.

- a. Payment shall be based on the market value, to be determined after completion of the platting process, of the entire property as it is valued after platting.
- b. The value of the land is based upon an appraisal by a competent, independent appraiser selected by the Town and the applicant, or upon value negotiated between the Town and the applicant. The suitability of the land to be dedicated for public purposes and the credit to be given toward the land dedication requirement is at the Town's sole option and discretion.
- c. A proportionate amount of this value shall be assigned to any parcels or properties requested by the Town for public use.
- d. Minimum payment for cash-in-lieu of land dedication shall be five hundred dollars (\$500.00) for any required dedication.
- e. Combination of dedication and cash-in-lieu:
  1. The applicant, at the option of the Board, may meet the dedication requirements through a combination of cash-in-lieu and land dedication in those cases where a portion of the dedication of land is unacceptable.

2. The value of the combination of both the land dedication and the cash-in-lieu of land shall not exceed the full market value of the total required dedication of sites and land areas.

**Cemetery** means land used or intended to be used for the burial of the dead and dedicated for cemetery purposes, including mausoleums and mortuaries when operated in conjunction with, and within the boundaries of, such cemetery.

**Character** means those attributes, qualities and features that make up and distinguish a development project and give such project a sense of purpose, function, definition, and uniqueness.

**Child care center** means a facility, by whatever name known, which is maintained for the whole or part of a day for the care of five (5) or more children under the age of sixteen (16) years who are not related to the owner, operator, or manager, whether such facility is operated with or without compensation for such care and with or without stated education purposes. The term includes, but is not limited to, facilities commonly known as day-care centers, day nurseries, nursery schools, preschools, play groups, day camps, summer camps, centers for developmentally disabled children and those facilities which give twenty-four-hour-per-day care for dependent and neglected children, but specifically excludes any family care home as defined in this Code. Child care centers are also those facilities for children under the age of six (6) years with stated educational purposes which are operated in conjunction with a public, private, or parochial college or a private or parochial school, except that the term shall not apply to a kindergarten maintained in connection with a public, private or parochial elementary school system of at least six (6) grades so long as the school system is not also providing extended day services.

**Child care, in-home** means a facility for child care in a place of residence of a family or person for the purpose of providing less than twenty-four-hour care for children under the age of eighteen (18) years who are not related to the head of such home. *Child care, in-home* may include infant-toddler child care homes, large child care homes, experienced provider child care homes, and such other types of family child care homes designated by rules of the State Department of Social Services pursuant to C.R.S. Section 26-6-106(2)(p).

**Church or place of worship and assembly** means a building containing a hall, auditorium, or other suitable room used for the purpose of conducting religious or other services or meetings of the occupants of such structure. *Church or place of worship and assembly* shall include churches, synagogues, or the like, but shall not include buildings used for commercial endeavors, including but not limited to commercial motion picture houses or stage productions.

**Clerestory** means a portion of an interior rising above adjacent rooftops and having windows admitting daylight to the interior.

**Clinic** means a building designed and used for the diagnosis and treatment of human patients that does not include overnight care facilities.

**Clubs and lodges** means organizations of persons for special purposes or for the promulgation of sports, arts, literature, politics, or other common goals, interests or activities, characterized by membership qualifications, dues or regular meetings, excluding clubs operated for profit and/or places of worship or assembly.

**Cohesive** means having a natural or logical agreement of parts connected, as in a cohesive neighborhood.

**Commercial mineral deposits** means oil, gas, gravel, and other natural deposits that may be extracted from a property for economic benefit.

**Commercial vehicle** means any vehicle used for any commercial or business purpose and includes, but is not limited to, any trailer used for commercial or business purposes. Excluded from this definition is any passenger vehicle, with or without an attached trailer, used for any commercial or business purpose, the total or combined length of which does not exceed twenty-five (25) feet (as measured from extreme front bumper to extreme rear bumper).

**Common equestrian stabling and grazing** means shared pastures and/or common barns for horses in a rural subdivision which is owned and maintained by a homeowners' association.

**Common open space** means a parcel of land, an area of water, or a combination of land and water within the site designated and intended primarily for the use or enjoyment of residents of the subdivision.

**Community Design Principles and Development Standards** means the standards in this Code set forth in Article 2.

**Community facility** means a publicly owned facility or office building which is primarily intended to serve the recreational, educational, cultural, administrative, or entertainment needs of the community as a whole.

**Compatibility** means the characteristics of different uses, activities, or design which allow them to be located near or adjacent to each other in harmony. Some elements affecting compatibility include height, scale, mass, and bulk of structures. Other characteristics include pedestrian or vehicular traffic, circulation, access, and parking impacts. Other important characteristics that affect compatibility are landscaping, lighting, noise, odor, and architecture. *Compatibility* does not mean *the same as*. Rather, *compatibility* refers to the sensitivity of development proposals in maintaining the character of existing development.

**Comprehensive Plan** means the Town of Frederick Comprehensive Plan.

**Compressed gravel** means gravel that has ninety-five percent (95%) compaction at standard proctor densities at two percent, plus or minus (2% ±), optimum moisture content.

**Condominium** means a single dwelling unit in a multiple unit structure, which is separately owned and which may be combined with an undivided interest in the common areas and facilities of the property.

**Connecting walkway** means:

- a. Any street sidewalk; or
- b. Any walkway that directly connects a building entrance to the street sidewalk, and connects other origins and destinations for pedestrians, including but not limited to commercial establishments, schools, parks, dwellings, work places, and transit stops, without requiring pedestrians to walk across parking lots or

driveways, around buildings or following parking lot outlines which are not aligned to a logical route.

**Conservation easement** means a legal document created pursuant to C.R.S. Section 38-30.5-101 et seq., which restricts the development rights of property in perpetuity and permits the property to be used only for the conservation purposes permitted in C.R.S. Section 38-30.5-101 et seq., Section 170(h) of the Internal Revenue Code, and the Treasury Regulations adopted under Section 170(h).

**Container** (a/k/a cargo or shipping container) means a truck trailer body that can be detached from the chassis for loading into a vessel, a rail car, or stacked in a container depot. Containers may be ventilated, insulated, refrigerated, flat rack, vehicle rack, open top, bulk liquid, or equipped with interior devices. A standard container may be twenty (20) feet, forty (40) feet, forty-five (45) feet, forty-eight (48) feet, or fifty-three (53) feet in length, eight (8) feet or eight (8) feet six (6) inches in width, and eight (8) feet six (6) inches or nine (9) feet (6) six inches in height.

**Cornice** means a continuous, molded projection that crowns a wall or other construction, or divides it horizontally for compositional purposes.

**Covenants** means a private written agreement outlining regulations specific to a development. As private restrictions, they are not enforced by the Town. In the event of conflict between the covenants and this Code, this Code controls.

**Critical plant communities** means vegetation which is essential to the conservation of threatened or endangered species and which may require special management considerations or protection.

**Crosswalk** means a pathway marked off for pedestrians to cross a street.

**Cul-de-sac** means a local street with only one (1) outlet and having the other end for the reversal of traffic movement.

**Cultural assets** means buildings, locations, and other features considered historically or socially significant to the community.

**Dedicated land** means land transferred to the Town by platting, title, deed, or other legal method approved by the Town Attorney.

**Dedication** means any grant by the owner of a right to use land for the public in general, involving a transfer of property rights and an acceptance of the dedicated property by the appropriate public agency.

**Density** means the overall average number of dwelling units located on the gross or net residential acreage (as applicable) contained within the development and calculated on a per-acre basis. Gross density is calculated by dividing the total number of units by the total acreage. Net density is calculated by dividing the [total number of units] by the [total acreage minus all publicly dedicated land].

**Design standards** means the standards that set forth specific improvements requirements.

***Detention basin*** means a man-made or natural water collector facility designed to collect surface and subsurface water in order to impede its flow and to release the same gradually at a rate not greater than that prior to the development of property, into natural or man-made outlets.

***Developer*** means any person, partnership, joint venture, limited liability company, association, or corporation who participates as owner, promoter, developer, or sales agent in the planning, platting, development, promotion, sale, or lease of a development.

***Development*** means the carrying out of any building activity or mining operation, the making of any material change in the use or appearance of any structure or land, or the dividing of land into two (2) or more parcels. When appropriate in context, *development* shall also mean the act of developing or to the result of development. *Development* shall also include:

- a. Any construction, placement, reconstruction, alteration of the size, or material change in the external appearance of a structure on land;
- b. Any change in the intensity of use of land, such as an increase in the number of dwelling units in a structure or on a tract of land or a material increase in the intensity and impacts of the development;
- c. Any change in use of land or a structure;
- d. Any alteration of a shore or bank of a river, stream, lake, pond, reservoir, or wetland;
- e. The commencement of drilling oil or gas wells, mining, stockpiling of fill materials, filling, or excavation on a parcel of land;
- f. The demolition of a structure;
- g. The clearing of land as an adjunct of construction;
- h. The deposit of refuse, solid, or liquid waste or fill on a parcel of land;
- i. The installation of landscaping within the public right-of-way, when installed in connection with the development of adjacent property; and
- j. The construction of a roadway through or adjoining an area that qualifies for protection as a wildlife or natural area.

***Development*** shall ***not*** include:

- a. Work by a highway or road agency or railroad company for the maintenance or improvement of a road or railroad track, if the work is carried out on land within the boundaries of the right-of-way;
- b. Work by any public utility for the purpose of inspecting, repairing, renewing, or constructing on established rights-of-way any mains, pipes, cables, utility tunnels, power lines, towers, poles, or the like; provided, however, that this exemption shall not include work by a public entity in constructing or enlarging

mass transit or fixed guide way mass transit depots or terminals, or any similar traffic-generating activity;

- c. The maintenance, renewal, improvement or alteration of any structure, if the work affects only the interior, the color of the structure, or the decoration of the exterior of the structure;
- d. The use of any land for an agricultural activity;
- e. A change in the ownership or form of ownership of any parcel or structure; or
- f. The creation or termination of rights of access, easements, covenants concerning development of land, or other rights in land.

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

***Developmental disability*** means a disability that is manifested before the person reaches twenty-two (22) years of age; constitutes a substantial handicap to the affected individual; and is attributable to mental retardation or related conditions which include cerebral palsy, epilepsy, autism, or other neurological conditions when such conditions result in impairment of general intellectual functioning or adaptive behavior similar to that of a mentally retarded person.

***Dormer*** means a projecting structure built out from a sloping roof, usually housing a vertical window or vent.

***Downtown*** means the original business district of the Town.

***Drive aisles*** means the lanes in a parking lot devoted to the passage of vehicles, as opposed to the parking stalls. The term *drive aisle* does not include lanes used only or primarily for drive-in customer service.

***Drive-in use (also Drive-up and Drive-through)*** means an establishment which, by design, physical facilities, service or packaging procedures, encourages or permits customers to receive services, obtain goods, or be entertained while remaining in their motor vehicles.

***Driveway*** means a constructed vehicular access serving one (1) or more properties and abutting a public or private road.

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

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

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

***Dwelling, single-family attached*** means a residential building containing dwelling units, each of which has primary ground floor access to the outside and which are attached to each other by party walls without openings. The term is intended primarily for such dwelling types as townhouses and duplexes.

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

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

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

***Easement*** means a right to land generally established in a real estate deed or on a recorded plat to permit the use of land by the public, a corporation, or particular persons for specified uses.

***Eave*** means the overhanging lower edge of a roof.

***Elevation*** means the external vertical plane of a building. Elevations are considered different if they have different roof lines, building materials, details, color, and overall stylistic expression.

***Employees*** means the total number of persons to be employed in a building during normal periods of use.

***Entertainment facilities and theaters*** means a building or part of a building devoted to showing motion pictures or dramatic, musical, or live performances.

***Environmentally sensitive areas*** means aquifer recharge areas, significant wildlife habitat and migration corridors, unique vegetation and critical plant communities, and ridge lines.

***Family*** means an individual living alone, or either of the following groups living together as a single housekeeping unit and sharing common living, sleeping, cooking, and eating facilities:

- a. Any number of persons related by blood, marriage, adoption, guardianship or other duly authorized custodial relationship; or
- b. Any unrelated group of persons consisting of:
  1. Not more than three (3) persons;
  2. Not more than two (2) unrelated adults and their children, if any; or
  3. Not more than eight (8) developmentally disabled persons and appropriate staff occupying a dwelling unit and living as a single, nonprofit housekeeping unit.

***Farm animals*** means animals commonly raised or kept in an agricultural, rather than an urban, environment, including but not limited to chickens, pigs, sheep, goats, horses, cattle, llamas, emus, ostriches, donkeys, and mules.

***Feedlot*** means any tract of land or structure, pen or corral, wherein cattle, horses, sheep, goats, emus, ostriches, or swine are maintained in close quarters for the purpose of fattening such livestock for final shipment to market.

***FEMA*** means the Federal Emergency Management Agency.

***FHA*** means the Federal Housing Administration.

***Financial institutions*** includes the following types of businesses: banks including savings and loans, credit agencies, investment companies, brokers and dealers of securities and commodities, security and commodity exchanges, and insurance agents.

***Floodplain or flood hazard area*** means an area which has been designated by the Board of Trustees, the Colorado Water Conservation Board, or FEMA as susceptible to flooding.

***Flood-prone*** means an area subject to flooding which has not been designated by the Board of Trustees, the Colorado Water Conservancy Board, or FEMA.

***Floodway*** means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.

***Floor area***, also called *gross floor area*, means the total square footage of the building measured along the outside walls of the building and including each floor level, but not including open balconies, garages, or other enclosed automobile parking areas and basement storage areas, and not including one-half (½) of all storage and display areas for durable goods.

***Floor Area Ratio (FAR)*** means the amount of gross floor area of all principal buildings on a lot or block, as the case may be, divided by the total area of such lot, or the block size, respectively, on which such buildings are located. For mixed-use blocks, the residential square footage shall be added to the commercial development for a total block FAR.

***Food catering*** means a business in which the principle use is the preparation of food and meals on the premises, and where food and meals are delivered to another location for consumption.

***Food product production*** means an establishment in which the principal use is the production of food products on the premises to be sold on the premises and may or may not be consumed on the premises. Examples of this type of establishment include but are not limited to bakeries, candy shops, ice cream shops, and pet treat shops.

***Footprint***, also called *ground level footprint*, means the outline of the total area which is covered by a building's perimeter at ground level.

***Foster care home*** means a facility that is certified by the County Department of Social Services or a child placement agency for child care in a place of residence of a family or person for the purpose of providing twenty-four-hour family care for a child under the age of eighteen (18) years who is not related to the head of such home, except in the case of relative care.

**Freestanding sign** means a sign which is supported by one (1) or more columns, uprights, poles, or braces extended from the ground, or which is erected on the ground, and shall also include a monument sign and pole signs but does not include a sign attached to a structure.

**Functional open space** means open space which is large enough to serve a practical purpose such as recreation, wildlife habitat, or preservation of areas of agricultural, archeological or historical significance and shall exclude areas used for off-street parking, off-street loading, service driveways, and setbacks from oil and gas wells or their appurtenances, or other hazards to the public.

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

**Gable** means the triangular portion of a wall enclosing the end of a pitched roof from cornice or eaves to ridge.

**Gasoline station** means any building, land area, premises, or portion thereof, where gasoline or other petroleum products or fuels are sold and light maintenance activities such as engine tune-ups, lubrication, minor repairs, and carburetor cleaning may be conducted. *Gasoline station* shall not include premises where major automobile maintenance activities such as engine overhaul, automobile painting, and body fender work are conducted.

**Geologic hazards** means unstable or potentially unstable slopes, undermining, faulting, landslides, rockfalls, flood, wildfire, or similar naturally occurring dangerous features or soil conditions or natural features unfavorable to development.

**Grade** means:

- a. The lowest point of elevation of the finished surface of the ground, paving, or sidewalk within the area between the building and the property line, when the property line is more than five (5) feet from the building, between the building and a line five (5) feet from the building.
- b. The degree of rise or descent of a sloping surface.

**Grade, finished** means the final elevation of the ground surface after development.

**Grade, natural** means the elevation of the ground surface in its natural state, before man-made alterations.

**Grocery store, large** means a retail establishment which primarily sells food, but also may sell other convenience and household goods, and which occupies a space greater than twenty-five thousand (25,000) square feet. The term *large grocery store* is synonymous with *supermarket*.

**Grocery store, small** means a retail establishment primarily selling food, as well as other convenience and household goods, which occupies a space of not more than twenty-five thousand (25,000) square feet.

**Gross square footage (GSF)** means the total floor area designed for occupancy and use, including basements, mezzanines, stairways, and upper floors, if any, expressed in square feet and measured from the centerline of joint partitions and from outside wall faces.

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

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

- a. **Nonprofit group home** means a group home for the aged which is owned and operated by a person or organization as provided by C.R.S. Section 31-23-303.
- b. **Owner-occupied group home** means a group home for the aged which is owned and operated by an individual or individuals who actually reside at and maintain their primary place of residence in the group home.

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

**Guest house** means an accessory structure which is physically detached from a single-family dwelling unit, is serviced through the same utility meters or connections as the principal use, is intended for temporary occupancy by visitors to the family residing in the single-family dwelling, and has no cooking facilities. See also *accessory building and accessory dwelling*.

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

**Hip roof** means a roof having sloping ends and slides meeting at an inclined projecting angle.

**Historic district** means an area related by historical events or themes by visual continuity or character, or by some other special feature that helps give it a unique historical identity. Such area may be designated a historic district by local, state, or federal government and given official status and protection.

**Historic site** means a structure or place of historical significance. Such structure or place may be designated a historic site by local, state, or federal government and given official status and protection.

**Home occupation** means an occupation or business activity which results in a product or service and is conducted in whole or in part in a dwelling unit, and is subordinate to the residential use of the dwelling unit.

**Homeowners' association (HOA)** means the association set up to enforce the covenants and maintain all common areas and buildings for a development, also known as *owners' association*.

**Horticulture** means the growing of fruits, vegetables, herbs, flowers, or ornamental plants.

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

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

**I-25 Corridor and Highway 52 Corridor** means the area within one thousand five hundred (1,500) feet of the rights-of-way of Interstate Highway 25 and State Highway 52.

**Illumination, direct** means lighting by means of an unshielded light source (including neon tubing) which is effectively visible as a part of the sign, where light travels directly from the source to the viewer's eye.

**Illumination, indirect** means lighting by means of a light source directed at a reflecting surface in a way that illuminates the sign from the front, or a light source that is primarily designed to illuminate the entire building facade upon which a sign is displayed. *Indirect illumination* does not include lighting which is primarily used for purposes other than sign illumination; e.g., parking lot lights or lights inside a building that may silhouette a window sign but are primarily installed to serve as inside illumination.

**Illumination, internal** means lighting by means of a light source that is within a sign having a translucent background, silhouetting opaque letters or designs, or which is within letters or designs that are themselves made of a translucent material.

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

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

**Infrastructure** means those man-made structures which serve the common needs of the population, such as: potable water systems; wastewater disposal systems; solid waste disposal sites or retention areas; storm drainage systems; electric, gas or other utilities; bridges; roadways; bicycle paths or trails; pedestrian sidewalks, paths or trails; and transit stops.

**Integrate** means to combine or coordinate separate elements (such as housing, recreation, jobs, and shopping), so as to provide a harmonious, interrelated whole, organized, or structured so that constituent parts function cooperatively.

***Inter-neighborhood connections*** means connections (such as trails and roads) between neighborhoods.

***Intra-neighborhood connections*** means connections (such as trails and roads) within the same neighborhood.

***Irrigation ditch or canal*** means a channel designed to transport irrigation water.

***Junk*** means garbage and all other waste matter or discarded or unused material such as, but not limited to, salvage materials, scrap metal, scrap materials, bottles, tin cans, paper, boxes, crates, rags, used lumber and building materials, manufactured goods, appliances, fixtures, furniture, machinery, motor vehicles or other such items which have been abandoned, demolished or dismantled, or are in such a condition as to be unusable for their original use, but may be used again in present or different form for a new use; discarded or inoperable vehicles, machinery parts and tires; and other materials commonly considered to be refuse, rubbish, or junk.

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

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

***Landowner*** means any owner of a legal or equitable interest in real property, and includes the heirs, successors, and assign of such ownership interests.

***Landscaping*** means any combination of living plants such as trees, shrubs, plants, vegetative ground cover, or turf grasses, and may include structural features such as walkways, fences, benches, works of art, reflective pools, fountains, or the like. *Landscaping* shall also include irrigation systems, mulches, topsoil use, soil preparation, revegetation, or the preservation, protection and replacement of existing trees.

***Laundry and dry-cleaning retail outlet*** means a laundry or dry-cleaning business which consists primarily of serving retail customers, provided that any laundry and dry-cleaning processing that occurs on the premises is limited to items which are brought directly to the premises by the retail customer.

***Lighting, indirect***, when applied to the lighting of signs, shall mean reflected light only from a concealed light source outside the sign face which reflects from the sign face only or from the sign face and sign copy.

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

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

**Livestock** means domestic animals kept or raised for use, pleasure, and/or profit.

**Long-term care facility** means any of the following:

- a. **Convalescent center** means a health institution that is planned, organized, operated, and maintained to offer facilities and services to inpatients requiring restorative care and treatment and that is either an integral patient care unit of a general hospital or a facility physically separated from, but maintaining an affiliation with, all services in a general hospital.
- b. **Intermediate health care facility** means a health-related institution planned, organized, operated, and maintained to provide facilities and services which are supportive, restorative, or preventive in nature, with related social care, to individuals who, because of a physical or mental condition, or both, require care in an institutional environment but who do not have an illness, injury, or disability for which regular medical care and twenty-four-hour-per-day nursing services are required.
- c. **Nursing care facility** means a health institution planned, organized, operated, and maintained to provide facilities and health services with related social care to inpatients who require regular medical care and twenty-four-hour-per-day nursing services for illness, injury, or disability. Each patient shall be under the care of a physician licensed to practice medicine in the State. The nursing services shall be organized and maintained to provide twenty-four-hour-per-day nursing services under the direction of a registered professional nurse employed full time.

**Lot** means a designated parcel, tract, or area of land established by plat or subdivision of at least a sufficient size to meet minimum requirements for use, street frontage, coverage, and area, and to provide required yards and other open spaces in the zoning district in which the lot is located, and which has direct access onto a public or private street.

**Lot depth** means the average distance between the front lot line and the rear lot line.

**Lot, double frontage** means a lot which fronts on one (1) public street and backs on another.

**Lot, flag** means a lot so shaped and designed that the main building site area is set back from the street on which it fronts and includes an access strip connecting the main building site with the frontage street.

**Lot line, front** means the property line dividing a lot from a street. On a corner lot, only one (1) street line shall be considered as a front line, and the shorter street frontage shall be considered the front line.

**Lot line, rear** means the line opposite the front lot line.

**Lot line, side** means any lot lines other than the front lot line or rear lot line.

**Lot, reverse corner** means a corner lot having its side street line substantially a continuation of the front lot line of the first lot to its rear.

**Lot size** means the total horizontal area within the lot lines of a lot; synonymous with area of lot.

**Lot width** means the distance parallel to the front lot line, measured at the front building setback line. *Lot width on a curving front lot line* means the distance parallel to the tangent of the front lot line at the building setback line. The lot width and the lot frontage may have different lengths on an irregularly shaped lot as they are measured at different points on the lot.

**Machine shop** means a workshop where power-driven tools are used for making, finishing or repairing machines or machine parts.

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

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

**Manufacturing** means a business which makes products by hand or by machinery.

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

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

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

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

**Mixed use** shall mean the development of a lot, tract, or parcel of land, building, or structure with two (2) or more different uses, including but not limited to residential, office, retail, public uses, personal service, or entertainment uses, designed, planned, and constructed as a unit.

**Mixed-use building** means a building designed, planned, and constructed as a unit, used partially for residential use and partly for commercial uses, including but not limited to office, retail, public uses, personal service, or entertainment uses.

**Mixed-use dwelling unit** means the dwelling unit in a mixed-use building. For purposes of calculating residential density, each dwelling unit shall count as one-half (½) dwelling unit.

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

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

**Model home** means a dwelling temporarily used as a sales office or demonstration home for a residential development under construction, said dwelling being used as an example of a product offered for sale to purchasers (by a realtor, building developer, or contractor). The dwelling may be furnished but not occupied as a residence while being used as a model home.

**Model plans** means a set of standard plans for a home. Models are considered different if they have different floor plans, garage placement, and building massing (form and structure).

**Modified grid pattern** means a grid pattern of streets and blocks adapted to the topography, unique natural features, environmental constraints, and peripheral open space areas.

**Mullion** means a slender vertical member dividing the opening for a pair of double doors, sometimes removable to permit the passage of large objects or, also, a vertical member between the lights of a window.

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

**Municipality** means an incorporated city or town.

**Muntin** means a rabbeted member for holding the edges of windowpanes within a sash.

**Natural areas** means floodplains and flood ways, natural drainage and water ways, significant native trees and vegetation, wildlife travel corridors, special habitat features such as raptor nest sites, key nesting, breeding or feeding areas for birds; fox and coyote dens, prairie dog colonies

over twenty-five (25) acres in size, remnant native prairie habitat, plains cottonwood galleries, and any wetland greater than one-quarter (¼) acre in size.

**Neighborhood** means a geographical area, the focus of which is residential uses, but also may include a mixture of activities that people need to live. A *neighborhood* may include a diversity of housing types, schools, parks, shopping and jobs (frequently service-type), and a civic component.

**Neighborhood commercial center** means a shopping center which contains businesses that are intended to provide goods and services to the immediate neighborhood (within a one-quarter-mile radius).

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

**Nonconforming building** means a building or structure, or portion thereof, that does not conform to the regulations of this Code, but that was lawfully constructed under the regulations in force at the time of construction.

**Nonconforming use** means a use that does not conform to the use regulations of this Code, but that was lawfully established under the regulations in force at the time the use was established and has been in regular use since that time.

**Off-street parking area** means all off-street areas and spaces designed, used, required, or intended to be used for the parking, storage, maintenance, service, repair, display, or operation of motor vehicles, including driveways or access ways in and to such areas, but not including any outdoor storage area used principally as a recreational vehicle, boat, or truck storage use, storage areas for landscaping, and other bulk items or public streets and rights-of-way.

**Oil and gas operation** means any structure, facility, or activity which is constructed on or disturbs land in association with oil or gas drilling, production, or waste treatment and disposal, including but not necessarily limited to wells, tanks or tank batteries, pits, access roads for ingress and egress, and pipelines.

**Oil or gas well** means a well, the principal production of which at the mouth of the well is oil or gas.

**Old Town** means the original Town of Frederick located south of First Street, west of Maple Street, north of Eighth Street and east of Main Street.

**Open air farmers market** means an occasional or periodic market held in an open area or in a structure where groups of individual sellers offer for sale to the public such items as fresh produce, seasonal fruits, fresh flowers, arts and crafts items, and food and beverages (but not to include second-hand goods) dispensed from booths on-site.

**Open space** means any land or water area with its surface open to the sky, which serves specific uses of: providing park and recreation opportunities, conserving natural areas, wildlife habitat, agricultural areas, and environmental resources, structuring urban development form, and protecting areas of agricultural, archeological, or historical significance. *Open space* shall not be considered synonymous with vacant or unused land, but serves important urban functions. Usable open space shall exclude areas used for off-street parking, off-street loading, service

driveways and setbacks from oil and gas wells and their appurtenances, or other hazards to the public.

***Outdoor display*** means the display of products for sale outside a building or structure in areas which customers have access to, including vehicles, garden supplies, tires, boats and aircraft, farm equipment, motor homes, burial monuments, building and landscape materials, and lumber yards. *Outdoor display* areas in vehicular parking areas shall not impede access, encroach into the required setbacks, or reduce the number of required parking spaces.

***Outdoor storage*** means the keeping, outside a building, of any equipment, goods, material, merchandise, or vehicles in the same place for more than twenty-four (24) hours. Containers and semi-trailers may not be used for residential or storage uses except on construction sites. *Outdoor storage* shall not include the storing of junk or the parking of inoperable motor vehicles.

***Outlot*** means a measured piece of land contained within subdivided land that is not a building lot. An *outlot* may be conveyed to the public for open space or other public purposes, be retained by the developer for later subdivision, or be conveyed to an owners association.

***Owner*** means the person or entity that owns the property under consideration.

***Parapet*** means a low, protective wall at the edge of a terrace, balcony, or roof, especially that part of an exterior wall, fire wall or party wall that rises above the roof.

***Parcel*** means a tract or plot of land.

***Park*** means an area open to the general public and reserved for recreational, educational, or scenic purposes.

***Parking garage*** means an off-street parking area within a building.

***Parking lot*** means an off-street parking area or vehicular use area.

***Pedestrian scale (human scale)*** means the proportional relationship between the dimensions of a building or building element, street, outdoor space, or streetscape element and the average dimensions of the human body, taking into account the perceptions and walking speed of a typical pedestrian.

***Pergola*** means a structure of parallel colonnades supporting an open roof of beams and crossing rafters or trellis work, over which climbing plants are trained to grow.

***Permanent monument*** means any structure of masonry and/or metal permanently placed on or in the ground, including those expressly placed for surveying reference.

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

***Phase*** means a portion of property that is being platted and engineered for development at the same time.

***Pilaster*** means a rectangular support or pier treated architecturally as a column, with a base shaft and capital.

***Plan*** 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.

***Planned unit development (PUD)*** means 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.

***Planning area boundary*** means the area surrounding the Town that the Town will consider annexing and developing. The planning area boundary is delineated on the *Town of Frederick Comprehensive Plan Land Use Map*.

***Plant nursery and greenhouse*** means any land or structure used primarily to raise trees, shrubs, flowers, or other plants for sale or for transplanting.

***Plat*** means a map of certain described land prepared in accordance with the requirements of this Code and C.R.S. Section 38-51-106 as an instrument for recording of real estate interests with the County Clerk and Recorder.

***Prime farmland*** means land that has the best combination of physical and chemical characteristics for producing food, feed, forage, fiber, and oilseed crops, and other agricultural crops with minimum inputs of fuel, fertilizer, pesticides, and labor and without intolerable soil erosion, as determined by the Secretary of Agriculture. *Prime farmland* includes land that possesses the above characteristics but is being used currently to produce livestock and timber. It does not include land already in or committed to urban development or water storage.

***Principal use*** means the main use of land or of a structure as distinguished from a subordinate or accessory use.

***Print shop*** means an establishment in which the principle business consists of duplicating and printing services using photocopy, blueprint, or offset printing equipment, including publishing, binding, and engraving, excluding businesses providing copy services and that fall under *Personal and business service shops*.

***Private school*** means a school that is established, conducted, and primarily supported by a nongovernmental agency.

***Professional office*** means an office for professionals such as physicians, dentists, lawyers, architects, engineers, artists, musicians, designers, teachers, accountants, and others who through training are qualified to perform services of a professional nature and where no storage or sale of merchandise exists, except as accessory to the professional services.

***Proof of ownership*** means ownership as specified in a current title insurance commitment or policy, or certification of title, issued by a title insurance company licensed by the State.

***Property*** means all real property subject to land use regulation by the Town.

***Property line*** means the boundary of any lot, parcel, or tract as the same is described in the conveyance of such property to the owner; and does not include the streets or alleys upon which the said lot, parcel or tract abuts.

***Property rights*** mean the rights a property owner within the Town has to use his or her property within the legal parameters set forth in this Code.

***Public areas*** means streets, parks, open spaces, and other property designated or described as for public use on a map or plat of the Town and fee title is vested in the Town, other public body, or a special district as defined in C.R.S. Section 32-1-10.

***Public facilities*** means those constructed facilities, including but not limited to transportation systems or facilities, water systems or facilities, wastewater systems or facilities, storm drainage systems or facilities, fire, police, and emergency systems or facilities, electric, gas, telecommunication utilities or facilities, and publicly owned buildings or facilities.

***Public hearing*** means a meeting called by a public body for which public notice has been given and which is held in a place at which the general public may attend to hear issues and to express their opinions. Notice of a public hearing shall be posted/published fifteen (15) days prior to the hearing.

***Public improvement*** means any drainage ditch, roadway, parkway, sidewalk, pedestrian way, tree lawn, landscaped open space, off-street parking area, lot improvement, or other facility which benefits the public.

***Public open space*** means an open space area conveyed or otherwise dedicated to the municipality, state, county, or other public body for recreational or conservation uses. Public open spaces are to be unencumbered by any nuisance or hazardsto the public.

***Public school*** means a free, tax-supported school that is controlled and operated by or contracted with the St. Vrain Valley School District.

***Public use*** means a use which is owned by and operated for the public by the Town, County, state, or federal governments, school districts, recreation district, or other special district as defined by Title 32 of the Colorado Revised Statutes.

***Public utility*** means a common carrier supplying electricity, wire telephone service, natural gas, water, wastewater or storm water service, or similar public services, but shall not include railroads, other forms of rail mass transit or depots or terminals supporting the same, or wireless telecommunication facilities.

***Quasi-public*** means having the nature or characteristics of being public, but owned by a private or not-for-profit entity.

***Raw water*** means water rights acceptable to the Town for domestic purposes, or water rights acceptable to the Town that may be used for irrigation of public facilities.

**Recreational vehicle (RV)** means any vehicle which may be used for recreation or personal purposed and shall include, but not be limited to a boat, motor home, camper trailer, detached camper or detached trailer of any design, whether commercially manufactured or homemade. Recreational vehicle includes any trailer used to transport any recreational vehicle(s). Additionally, the following shall be considered a *recreational vehicle*:

- a. **Camping trailer or tent trailer** means a folding structure, constructed of canvas, plastic, or similar water repellent material, designed to be mounted on wheels and designed for travel and recreation.
- b. **Motorized camper, motor home, recreational conversion van or bus** means a recreational vehicle consisting of a portable, temporary dwelling to be used for travel, recreation, and vacation uses, and constructed as an integral part of a self-propelled vehicle.
- c. **Pick-up camper** means a vehicle designed to be mounted on or loaded into a pick-up truck chassis for use as a temporary dwelling for travel and recreation.
- d. **Tent** means a portable or temporary cover or shelter, with or without side panels, which is supported by poles and is made of canvas, plastic, or similar materials.
- e. **Travel trailer** means a towed vehicle designed as a temporary dwelling for travel and recreation.
- f. **Travel trailer, self-contained** means a trailer which can operate independently of connections to sewer, water, and electric systems. It contains a water-flushed toilet, lavatory, shower or bath, and kitchen sink, all of which are connected to water storage and sewage holding tanks located within the trailer.

**Recreational vehicle park** means a parcel of land specifically developed for locating only recreational vehicles on lots on a short-term basis.

**Recreational vehicle storage facility** means a parcel of land specifically developed for locating, storing, displaying, or selling recreational vehicles.

**Recreational vehicle site** means a plot of ground within a recreational vehicle park intended for the accommodation of either a recreational vehicle, tent, or other individual camping unit on a temporary basis.

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

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

**Resource extraction, processes, and sales** means removal or recovery by any means whatsoever of sand, gravel, soil, rock, minerals, mineral substances, or organic substances other than vegetation, from water or land on or beneath the surface thereof, exposed or submerged. The

term shall also apply to any processing or reprocessing, packaging, or sale of renewable energy through passive or active means, including but not limited to solar, wind, and hydro-turbine power generation, processing or storage. **Restaurant, drive-in or drive-through** means any establishment in which the principal business is the sale of foods and beverages to the customer in a ready-to-consume state and in which the design or principal method of operation of all or any portion of the business is to allow food or beverages to be served directly to the customer in a motor vehicle without the need for the customer to exit the motor vehicle.

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

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

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

- a. Customers are served their food and/or beverages by a restaurant employee at the same table or counter at which the items are consumed; or
- b. Customers are served their food and/or beverages by means of a cafeteria-type operation where the food or beverages are consumed within the restaurant building.

**Resubdivision** means the changing of any existing lot or lots, street rights-of-way or easements of a subdivision plat previously recorded with the County Clerk and Recorder.

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

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

**Retention basin** means a pond, pool, or basin used for permanent storage of water runoff.

**Right-of-way** means a strip of land occupied or intended to be occupied by a street, crosswalk, railroad, road, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, or for another special use. The usage of the term *right-of-way* for land platting purposes shall mean that every right-of-way established and shown on a final plat is to be separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions of such lots or parcels. Rights-of-way intended for streets, crosswalks, water mains, sanitary sewers, storm drains or any other use involving maintenance by a public agency shall be dedicated to public use on the plat on which such right-of-way is established.

**Roof, gable** means a roof sloping downward in two (2) parts from a central ridge, so as to form a gable at each end.

**Roof, hip** means a roof having sloping ends and sides meeting at an inclined projecting angle.

**Rural road** means a street designed following the rural local cross-section as described in *Town of Frederick Design Standards and Construction Specifications, December 13, 2007*.

**Sanitary facilities** means toilets, urinals, lavatories, showers, utility sinks, and drinking fountains, and the service buildings containing these units.

**Sanitary waste station** means a facility used for removing and disposing of waste from self-contained camping vehicle sewage holding tanks.

**School** means any building or part or any building used for instructional purposes to provide elementary, secondary, post-secondary, or vocational education. *School* does not include “child/day care centers” but includes the following more specific uses: *public school, private school, business, vocations, and trade schools*.

**Searchlight** means an apparatus used to project a beam of light.

**Senior housing** means housing intended and operated for occupancy by persons fifty-five (55) years of age or older as further defined by the US Fair Housing Act and Housing for Older Persons Act of 1995.

**Service building** means a structure housing toilet, lavatory, bath, laundry, service sink and other such sanitary facilities as may be required.

**Setback** means the required unoccupied open space between the nearest projection of a structure and the property line of the lot on which the structure is located.

**Setback, front yard** means the distance a building or structure must be placed from the front lot line.

**Setback, rear yard** means the distance a building or structure must be placed from the rear lot line.

**Setback, side yard** means the distance a building or structure must be placed from the side lot line.

**Shopping center** means a group of retail and service establishments located in a complex which is planned, developed, owned, or managed as a unit, with off-street parking provided on the property.

**Sidewalk** means the hard surface path within the street right-of-way for use by pedestrians and/or bicyclists.

**Sight distance triangle** means the area at the four (4) corners of an intersection that is to be kept free of shrubs, ground covers, berms, fences, structures or other materials or items greater than thirty (30) inches in height. Trees shall not be planted in the triangular area. Further definition is provided in the *Town of Frederick Design Standards and Construction Specifications, December 13, 2007*.

**Sign, canopy** means a wall sign that is permanently affixed to a roofed shelter attached to and supported by a building, by columns extending from the ground or by a combination of a building and columns.

**Sign, projecting** means any sign supported by a building wall and projecting therefrom.

**Sign, wall** means any sign painted on, incorporated in, or affixed to the building wall, or any sign consisting of cut-out letters or devices affixed to the building wall with no background defined on the building wall.

**Sign, window** means a sign that is painted on, applied or attached to a window or that can be read through the window from the public right-of-way.

**Significant wildlife habitat and migration corridors** are areas designated by the Colorado Division of Wildlife and/or the Colorado Natural Diversity Information Source ([www.ndis.nrel.colostate.edu](http://www.ndis.nrel.colostate.edu)) as areas of landscape that provide food, cover, and water sufficient to meet the needs of a given species to survive and reproduce.

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

**Site specific development plan** means the final plat of a subdivision or final development plan of a PUD (Planned Unit Development) when approved by the Board of Trustees pursuant to Article 5 of this Code.

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

**Special use** means a use which follows the process of an administrative application, but that has special requirements that must be met in order for consideration of approval. Article 9 outlines the specifications for a special use.

**Split garages** means having at least two (2) separate garages that are oriented in different directions.

**Street** means a public thoroughfare which affords the principal means of access to abutting property.

**Street furniture** means constructed objects, such as outdoor seating, kiosks, bus shelters, sculpture, tree grids, trash receptacles, fountains, and telephone booths, that have the potential for enlivening and giving variety to streets, sidewalks, plazas, and other outdoor spaces open to and used by the public.

**Streetscape** means the distinguishing character of a particular street within the public right-of-way, including paved materials, and the adjacent space extending along both sides of a street, including landscaping, sidewalks, medians, lighting, street furniture, and signage.

**Structure** means a combination of materials to form a construction for use, occupancy, or ornamentation, whether installed on, above, or below the surface of land or water.

**Subdivider or developer** means any person, partnership, joint venture, limited liability company, association, or corporation who participates as owner, promoter, developer, or sales agent in the planning, platting, development, promotion, sale, or lease of a development.

**Subdivision** means the platting of a lot or the division of a lot, tract, or parcel of land into two (2) or more lots, plots, or sites.

**Subsidence** means a local mass movement that involves the downward settling or sinking of the solid earth's surface. Subsidence may be due to natural geologic processes or man's activity such as coal mining.

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

**Swing-in garage** means a garage that is oriented so that the garage doors are perpendicular to the street.

**Tandem garage** means a garage that allows for the parking of one (1) car in front of another.

**Tandem parking** means parking two (2) cars in a driveway or parking space so that one (1) car is right in front of the other and the front car cannot move until the back car is moved.

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

**Temporary use** means a prospective use intended for limited duration and to be located in a zoning district that may or may not permit such use, and shall not include continuing a nonconforming use or building.

**Title commitment** means formal documentation from a title company listing the name of the owner of the property under consideration, the legal description of the property and any legal holdings on the property such as easements, rights-of-way, or liens.

***Tourist facility*** means an establishment set up to primarily provide local tourist information to visitors.

***Town of Frederick Comprehensive Plan*** means the plan which was adopted by the Planning Commission and Board of Trustees in accordance with C.R.S. Section 31-23-206, to guide the future growth, protection, and development of the Town, affording adequate facilities for housing, transportation, comfort, convenience, public health, safety, and general welfare of its population.

***Transit facilities*** means facilities such as bus stops, bus terminals, transit stations, transfer points, or depots.

***Tree lawn*** means a strip of landscaping within the right-of-way, generally between the roadways and an adjacent sidewalk.

***Trip*** means a single or one-way vehicle movement to or from a property or study area. Trips can be added together to calculate the total number of vehicles expected to enter and leave a specific land use or site over a designated period of time.

***Truck stop*** means an establishment engaged primarily in the fueling, servicing, repair, or parking of tractor trucks or similar heavy commercial vehicles, including the sale of accessories and equipment for such vehicles. A truck stop may also include overnight accommodations, showers, or restaurant facilities primarily for the use of truck crews.

***Undermining*** means land that has been mined under the surface of the ground.

***USGS datum*** means the United States Geological Survey basis of elevations.

***Vacant land*** means land that does not have development on it.

***Vegetation*** means plants growing in a place, including but not limited to trees shrubs, vines, grasses, and groundcover.

***Vested property right*** means the right to undertake and complete the development and use of property under the terms and conditions of a site specific development plan, pursuant to Article 5 of this Code.

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

***Veterinary facilities, large animal clinic*** means any facility maintained by or for the use of a licensed veterinarian in the diagnosis, treatment, or prevention of animal diseases wherein the animals are not limited to dogs, cats, or other comparable household pets and wherein the overnight care of said animals is prohibited except when necessary in the medical treatment of the animal.

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

**Walkable** means a distance of one-quarter (¼) mile or within a five- to ten-minute walk.

**Walkway** means:

- a. A right-of-way dedicated to public use that is not within a street right-of-way, to facilitate pedestrian access through a subdivision block by means of a hard surface path.
- b. Any portion of a parking area restricted to the exclusive use of pedestrian travel.

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

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

**Wireless telecommunication equipment** means any equipment used to provide wireless telecommunication service, which is not affixed to or contained within a wireless telecommunication facility, but is instead affixed to or mounted on an existing building or structure that is used for some other purpose. *Wireless telecommunication equipment* also includes a ground-mounted base station used as an accessory structure that is connected to an antenna mounted on or affixed to an existing building.

**Wireless telecommunication facility** means any freestanding facility, building, pole, tower or structure used to provide only wireless telecommunication services, and which consists of, without limitation, antennae, equipment and storage and other accessory structures used to provide wireless telecommunication services.

**Wireless telecommunication services** means services providing for the transmission of wireless communications utilizing frequencies authorized by the Federal Communications Commission for paging systems, enhanced specialized wireless telecommunication, personal communication services, or cellular telephone.

**Workshop and custom small industry** means a facility wherein goods are produced or repaired by hand, using hand tools or small-scale equipment, including small engine repair, furniture making and restoring, upholstering, restoration of antiques and other art objects, or other similar uses.

**Yard** means that portion of the open area on a lot extending open and unobstructed from the ground upward from a lot line for a depth or width specified by the regulations for the zone district in which the lot is located.

**Yard, front** means a yard extending across the full width of the lot between the front lot line and the nearest line or point of the building.

**Yard, rear** means a yard extending across the full width of the lot between the rear lot line and the nearest line or point of the building.

**Yard, side** means a yard extending from the front yard to the rear yard between the side lot line and the nearest line or point of the building.

***Zone district*** means a zone district of the Town as established in Article 3 of this Code, unless the term is used in a context that clearly indicates that the term is meant to include both the zone districts of the Town and the zone districts of an adjoining governmental jurisdiction; also referred to as *zoning district*.

***Zoning map*** means the official zoning map adopted by the Town by ordinance, as amended.