

Article II

Zoning

Sec. 16-2-10. General Provisions .

In their interpretation and application, the provisions of these zoning regulations shall be held to be minimum requirements adopted for the promotion of public health, safety, convenience, comfort, prosperity, and general welfare.

- A. Uniformity of regulations. The regulations established by this Article within each zone district shall apply uniformly. Unless exceptions are specified in this Code, any use not listed under a zone district shall not be permitted within that district.
- B. Conflict with other provisions of law. Whenever the requirements of this Article are in conflict with another section or article of the Code, the requirement that is more restrictive (in terms of allowable uses, accessory uses, and other metrics articulated in this Article) shall take precedent.
- C. Conflict with private covenants or deeds. In case of a conflict between this Code and any private restrictions imposed by covenant or deed, the responsibility of the Town shall be limited to the enforcement of this Code.

Sec. 16-2-20. Zoning Districts and Boundaries .

The following zoning districts are hereby established, along with descriptions of the general intent of each zoning district. They may be referred to throughout the Land Use Code by their name or district letter abbreviations.

A. Residential Zoning Districts.

1. R-E Residential Estate District

Intent. This is a very low-density residential district intended to encourage the preservation of open space, natural features, and agricultural land in conjunction with the clustering of single-dwelling detached homes.

2. R-1 Residential Low Density District

Intent. This is a low-density residential district intended primarily for single-dwelling uses on individual lots. This zone is characterized by tree-lined streets, an interconnected grid network of streets, an interconnected pedestrian circulation system, and proximity to schools and parks.

3. R-2 Residential Medium Density District

Intent: This is a medium-density residential district intended to preserve the traditional neighborhood pattern that includes a variety of housing styles and formats to create vibrant, active, and cohesive neighborhoods. This district allows attached as well as detached dwelling units.

4. R-3 Residential High Density District

Intent: This is a high-density residential district intended primarily for multi-dwelling uses on individual lots including uses such as apartments, townhomes, paired homes, and related product types. The intent is to design higher density residential development to provide for the same level of quality as lower density residential zones.

5. R-MH1 Manufactured Home District 1

Intent: This is a high-density residential district on a parcel of land under single ownership or control on which two (2) or more manufactured homes are occupied as residences.

6. R-MH2 Manufactured Housing Development District 2

Intent: This is a low-density residential zoning district intended primarily for single-dwelling uses on individual lots within a subdivision, consisting of dwellings partially or entirely manufactured in a factory.

B. Mixed Use Zoning Districts

1. MU-1 Mixed Use Gateway Hub District

Intent: This is a vibrant area of activity in and around the Highway 52 and I-25 area, at the southern gateway to Frederick. The district includes a wide range of detached and attached residential and multi-dwelling units of various densities, a range of retail and commercial uses, and well-integrated public spaces and destinations. The intent of the Mixed Use Gateway Hub District is to not compete with the Downtown District.

2. MU-2 Mixed Use Neighborhood District

Intent: These districts will include a wide range of housing units and densities as well as limited areas of mixed-use buildings integrating commercial and other uses. The districts will be connected to adjacent neighborhoods and areas in Frederick through a grid network of street, bicycle, and pedestrian facilities. This zoning district encompasses the “Community Hub” and “Neighborhood Village” land use classifications from the Future Land Use Map within the Comprehensive Plan.

3. DT Downtown District

Intent: This district includes the historic portion of Downtown Frederick as well as areas for potential expansion to the south and west. This district includes a wide range of housing types and densities as well as retail and commercial uses and civic destinations. Trails, sidewalks, and a grid of streets shall connect the Downtown district to surrounding neighborhoods and to the broader Frederick community.

C. Commercial Zoning Districts

1. C-C Community Commercial District

Intent: This is a commercial district intended to provide for the location of auto-oriented and auto-dependent uses and/or uses that provide a wide range of general retail goods and services for residents of the entire community, as well as businesses and highway users, primarily inside of enclosed structures.

D. Industrial Flex Zoning Districts

1. LI-Flex Light Industrial Flex District

Intent: This zoning district is intended to provide locations for a variety of workplaces, primarily including light industrial uses, research, and development offices and institutions. This District is also intended to accommodate limited secondary uses that complement primary uses, such as breweries / distilleries, hotels, restaurants, convenience shopping, entertainment, and child-care facilities. Additionally, this District is intended to encourage the development of planned office and business parks and to promote excellence in the design and construction of buildings, outdoor spaces, transportation facilities, and streetscapes.

2. HI-Flex Heavy Industrial Flex District

Intent: This zoning district is intended to provide locations for more intensive industrial and manufacturing operations and related accessory uses. Uses in this zoning district have access via collectors and arterial streets, as opposed to local streets, with the intent of orienting and directing the majority of traffic toward the I-25 corridor.

E. Other Zoning Districts

1. A Agricultural District

Intent: This is an ultra-low-density district intended for the pursuit of commercial farm activities and animal raising and grazing activities. This zone is characterized by growing crops, raising animal livestock and related functions, and agricultural-related residential uses (such as traditional farmsteads or farmhouses).

2. AOS Agricultural Open Space District

Intent: This district is intended to preserve areas that primarily serve as open spaces in the Frederick area but may include limited areas of residential uses and agricultural uses. Areas within floodplains, along creeks, and near related environmental features are well suited for the AOS designation.

3. P Public District

Intent: This District is intended to identify and perpetuate the existence of public parks, playgrounds, recreation facilities, and public and quasi-public buildings, whether publicly owned or leased.

4. PUD Planned Unit Development District

Intent: The Planned Unit Development (PUD) District is intended to permit and encourage innovative design and high-quality developments. The PUD District replaces the PUD-O Overlay District (see below) for new developments and is intended to encourage the development of compatible uses to be developed in accordance with a unified development plan that integrates with the surrounding neighborhood and the environment.

F. Overlay Districts

Overlay districts are applied on top of, or in addition to, the regulations of underlying zoning districts pertaining to specific parcels. The overlay districts include additional design guidance or restrictions on the use of land or parcels.

1. PUD Planned Unit Development Overlay District

Intent: The Planned Unit Development Overlay (PUD-O) District is enacted pursuant to the Planned Unit Development Act of 1972, as amended (C.R.S. § 24-67-101-108). The PUD-O is intended to be used as an overlay zone district that supplements the underlying standard zone district. The intent and purpose of this District is to permit and encourage innovative design and high-quality master-planned developments on larger parcels of land. This Overlay District is created to allow and encourage compatible uses to be developed in accordance with a unified development plan in harmony with the environment and surrounding neighborhood.

The PUD-O District includes several existing developments within the Town of Frederick. Since adoption of new code provisions on October 8, 2024, the Town will not approve any new developments using the PUD-O Overlay District designation. Instead, the new PUD District classification will be used going forward to replace the PUD-O designation for new developments. Refer to **Article 6** for additional guidance regarding the administering of the PUD-O Overlay District.

2. Adaptable Overlay District

Intent: These overlay districts are applied on top of parcels with underlying zoning of RE, R-1, P, LI-Flex, or PUD. When an adaptable overlay district applies to a non-residential zoning, single dwelling detached residential units shall be allowed as a conditional use. In accordance with the guidance within Article 4, parcels within an Adaptable Overlay District shall include a mixture of housing (single-dwelling homes, paired homes, multi-plex, townhomes, and multi-dwelling units). For properties not located within the municipal boundaries of Frederick that seek to be annexed by the Town, the zoning classifications of properties shown in the Future Land Use Map as Adaptable Neighborhood shall be zoned as RE or R-1 upon completion of the annexation.

3. Hazard Overlay District

Intent: This is a legacy overlay district previously established by the Town. See Article 4 for regulations and standards pertaining to mine subsidence hazards previously identified with the Hazard Overlay District designation. And Floodplains?

G. Legacy Zoning Districts

Intent: The following zoning districts were approved as part of PUDs prior to the adoption of the current version of the code. The following represent zoning classifications tied to specific areas within previously approved PUDs. The Town will not use these zoning districts for any new applications following the adoption of this code. Instead, these legacy zoning districts will remain as part of approved PUD documents and may be consulted for reference going forward.

Commercial Zoning Districts:

C-N: Neighborhood Commercial District

C-H52: Mixed Use Highway 52 District

C-E: Employment District

Industrial Zoning Districts:

BLI - Business Light Industrial District

I - Industrial District

H. Zoning District Map

The boundaries and classifications of districts established are as depicted on a map entitled the Zoning District Map, Town of Frederick, as may from time to time be revised, updated, or redrafted.

1. **The Official Zoning District Map is available and on display at the** Town Hall during normal business hours.
2. Zoning district boundaries. In the event a zoning district splits a parcel, the district must be amended to encompass the entire parcel before development occurs.
3. In the event uncertainty is deemed to exist on the zoning district map, district boundaries shall be on section lines, lot lines, the centerlines of highways, streets, alleys, railroad rights-of-way, or such lines extended; municipal corporation lines; natural boundary lines, such as streams; or other lines to be determined by the use of scales shown on the map.
4. Where a lot is divided by a zoning district boundary line at the time of enactment of the ordinance codified in this Article or by subsequent amendments to that ordinance or this Article, either zone district may be applied to the entire lot at the discretion of the Director.

I. Annexation

The zoning of land during annexation shall be done in accordance with the provisions of Colorado State statutes and the procedures for annexation outlined in Article 6. No annexation of property to the Town shall become final until designation of a zoning classification for the property to be annexed has been established per CRS § 31-12-115, as amended.

J. Zoning Map Amendments

All amendments to the zoning map shall be made by ordinance. The Director shall, within a reasonable time after adoption of any such amendment by the Board of Trustees, revise the prior existing Official Zoning Map to include the annexed area with the proper zoning classification or show the amended classification, as the case may be. The Official Zoning Map shall be that map bearing a table containing the date, initials of the person who checked and approved the change, the number of the ordinance amending it, and the signature of the Director.

Sec. 16-2-30 . Use Regulations .

- A. General categories of land uses. The Code organizes the zoning districts and associated regulations by four general categories of land use: Residential, Commercial, Industrial, and Public / Institutional.
- B.** Use Table. The use tables describe the uses that are “allowed” (P); “allowed with additional use-specific standards” (P*); allowed under a “conditional use” (C); or are not allowed (having a blank in the use table). Uses shall be allowed within the lot

encompassed by approval of the use. Approved uses must remain within the boundaries of the associated, approved lot and shall not extend into adjacent properties.

C. Multiple Uses. Proposed uses that combine more than one listed use, except those that qualify as “mixed-use,” shall meet the requirements for each listed use that applies.

D. Use-Specific Standards

1. “Use-specific standards” are those standards that apply to individual, conditional, or permitted uses, as set out in this Section. For the purposes of applying use-specific standards, the phrase “all zoning districts” means all zoning districts where the use is designated as a permitted use or a conditional use.
2. Use-specific standards in this Section are applied in addition to the general criteria that are applicable to all uses and to the general development and subdivision standards stated in **Articles 3 and 4** (as applicable), respectively. In the case of any conflict between a use-specific standard and a general development standard, the use-specific standard applies unless otherwise expressly provided.

E. Table of Allowed Uses

The uses listed in Table 2-1 Table of Allowed Uses are organized into four Use Categories: Residential, Commercial, Industrial, and Public or Institutional.

Table 2-1 Table of Permitted Uses

Use Category and Uses	Zoning Districts														
	A	AOS	R-E	R-1	R-2	R-3	R-MH1	R-MH2	MU-1	MU-2	DT	LI-Flex	HI-Flex	CC	P
RESIDENTIAL															
Single-dwelling detached	P	P	P	P	P			P	P*	P*	P*				
Paired Home			C*	C*	P*	P*			P*	P*	P*				
Townhome			C*	C*	P*	P*			P*	P*	P*				
Multi-plex				P*	P*	P*			P*	P*	P*				
Multi-dwelling					C*	P			P	C	P				
Live/Work					C	C*			P*	P*	P*	P*		C*	
Manufactured home							P	P							
Assisted Living or Congregate Care				P*	P*	P*			C*	C*	C*	C*		C*	
Nursing Home, Memory Care, Alzheimer's Care				C*	P*	P*			P*	P*	P*	C*			
Protective Care (homeless group shelters)												C*			
Group Homes	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*				
Boarding and Rooming Houses						C*				C*	C*				

Use Category and Uses	Zoning Districts														
	A	AO S	R-E	R-1	R-2	R-3	R- MH 1	R- MH 2	MU- 1	MU- 2	DT	LI- Flex	HI- Flex	CC	P
COMMERCIAL															
Accommodations - Bed and Breakfast	P *	P *	P *		C	C			P *	P *	P *				
Accommodations - Hotel or Motel									P *	C	C	C		P *	
Agricultural Cultivation	P	P	C*												
Agricultural Event Center	C														
Agricultural Grazing	P*	P*	C*												
Agricultural Processing	P											C*	P*		
Animal Hospital, Large Animals	P*											P*			
Animal Hospital, Small Animals	P*								C*	C*		P*		P*	
Auction Yard													C		
Bar or tavern									P *	P *	P *	P *		P *	
Breweries and Distilleries	C								P *	P *	P *	P *		P *	
Campgrounds and Recreational Vehicle Parks	C														
Car Wash									C *	C *		C *		P *	
Check-cashing facility															
Child Care Center, Commercial				C	C	C			P *	P *	P *	C		P *	P *
Commercial Amusement and Recreation, Indoor									P *	C	C	C		P *	
Commercial Amusement and Recreation, Outdoor									C		C	C		C	
Commercial Stables	P *	C	C												C
Dental or Medical Office, Clinic, or Lab									P	P	P	P	C	P	
Financial Institution									P *	P *	P *	P *		P	
Fueling Station									P *	P *		P *	P *	P *	
Funeral Parlor, Mortuary or Crematory												C *		C *	
General Retail									P *	P *	P *	P *		P *	

Golf Course (Privately Owned)	C	C	C	C	C										
Hospital									C	C	C	C			C
Kennel or Animal Day Care (Indoor and Outdoor Facilities)	P												P*	P*	P*
Laboratory (Research)									C	C	C	C			C
Natural Medicine Manufacturing and Natural Medicine Healing Center									P*						
Office, General									P	P	P	P	P	P	P
Outdoor Recreational Vehicle Storage													C*	C*	
Parking Structure									C	C	C	C			C
Pawnbroker Business															
Personal Service Establishment									P	P	P	P			P
Recording or Broadcasting Studio													C*		C*
Restaurant (with drive-up or drive-through)									P*	P*			P*		P*
Restaurant (without drive-up or drive-through)									P*	P*	P*	P*			P*
Sexually-oriented business													C*	C*	
Shooting Range, Indoor													P*	P*	
Substance Abuse Treatment Facility, Outpatient									C*	C*	C*	C*			C*
Towing and Storage Facility														C*	
Urgent Care Facility									P	P	P	P			P
Vehicle Sales and Rental, Heavy														C*	
Vehicle Sales and Rental, Light													C*	C*	C*
Vehicle Service and Repair, Heavy														C*	
Vehicle Service and Repair, Light									P*	P*			P*	P*	P*
Vocational School	C*								C*	C*	C*				C*

Use Category and Uses	Zoning Districts														
	A	AO S	R-E	R-1	R-2	R-3	R- MH 1	R- MH 2	MU- 1	MU- 2	DT	LI- Flex	HI- Flex	CC	P
INDUSTRIAL															
Airport and related uses	C														C
Building Materials and Lumber Sales												C	P		
Contractor's Shop or Storage Yard												P*	P*		
Heavy Equipment Sales, Service and Rental												C	C		
Helistop	C								C			C	C		C
Industrial, Heavy													C		
Industrial, Light												P*	P*		
Larger Vehicle Transportation Center / Maintenance Facility												C*	C*		
Light Equipment Sales, Service and Rental												P	P	C*	
Mining and Mineral Extraction	C														
Oil and Gas Operations	C	C	C	C											C
Outdoor Storage Facility												P*	P*		
Recycling Center												C	C		C
Research and Development Facility									P*			P	P	P*	
Sanitary Landfill															C
Self Storage												P*	P*	P*	
Utility Facility, Major	C	C	C	C	C	C			C	C	C	C	C	C	
Utility Facility, Minor	C	C	C	C	C	C			C	C	C	C	C	C	
Wholesale Distribution Center												P*	P*		
Wireless Communication, Alternative Tower Structure	C	C	C	C	C	C	P	P	P	P	P	P	P	P	P
Wireless Communication, Attached	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Wireless Communication, Free Standing							C	C	C	C		C	C	C	C
Wireless Communication, Small Cell	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P

Use Category and Uses	Zoning Districts														
	A	AO S	R-E	R-1	R-2	R-3	R-MH 1	R-MH 2	MU-1	MU-2	DT	LI-Flex	HI-Flex	CC	P
Auditorium	C	C	C	C	C	C			P*	P*	P*	C	C	P*	P*
Botanical garden or Zoo	C	C							C	C	C	C			C
Cemetery	C	C													C
College or University	C	C							C	C	C			C	C
Community Facility (Public or Private)			P*	P*	P*	P*			P	P	P				P
Community Garden	P*	P	P	P	P	P			P	P	P	P	P	P	P
Essential Infrastructure Facilities	P	P	P	P	P	P			P	P	P	P	P	P	P
General Assembly	C	C	C	C	C	C			P*	P*	P*	C	C	P*	P*
Governmental Office / Services	P*	P*	P*	P*	P*	P*			P*	P*	P*	P*	P*	P*	P*
Library or Museum	C	C							C	C	C				C
Park	P	P	P	P	P	P			P	P	P	P	P	P	P
Public Works Facility												P	P		P
Recreation Center (Indoor / Outdoor)			P	P	P	P			P	P	P	P		P	P
Residential Assembly (HOA)	P	P	P	P	P	P			P	P	P				
School - Private	C	C	C	C	C	C			C	C	C	C		C	C
School - Public	P	P	P	P	P	P			P	P	P	P	P	P	P
Transit Center									C			C	C		C
Wastewater and Water Treatment Facilities													P*		P*

F. Use-Specific Standards for Residential Uses

1. Single-Dwelling Detached

- Within the MU-1 and MU-2 zones: No new single dwelling detached units shall be developed along primary streets.
- Within the DT zone: No new single dwelling detached units shall be developed on: 5th St; Oak St between Tipple Pkwy and 6th St; Locust Street between 4th St and Colorado Blvd; Elm Street between 4th and 6th, or along Main Street.

2. Paired Home

- Within the R-E and R-1 districts: Paired homes shall only be allowed within the Adaptable Neighborhood overlay area.
- Within the MU-1 and MU-2 districts: Paired homes shall only be allowed if they are part of a horizontal mixed-use development.
- Within the DT district: No new paired home units shall be developed on: 5th St, between Main and Locust Street; Oak Street between Tipple Pkwy and 6th Street; Locust Street between 4th Street and Colorado Blvd; Elm Street between 4th and 6th, Streets or, along Main Street.
- Outside of the DT district, an additional setback of fifty (50) feet shall be applied for any paired home development adjacent to an existing property containing single dwelling detached residential units. The setback shall be measured

from the shared property line into the site of the proposed townhomes. The setback shall include the landscape components outlined in [Article 4, Section XXX](#) for land use buffers. The setback area shall not include buildings or improvements (such as outdoor storage or drive aisles) within the buffer area. Trails and sidewalks may be allowed within the land use buffer area. These regulations for paired homes shall apply unless exempted or amended by the Director.

3. Townhomes

- a. Generally: Townhome buildings shall not contain more than eight (8) dwelling units.
- b. Within the R-E and R-1 districts: Townhomes shall only be allowed within the Adaptable Neighborhood overlay area.
- c. Within the DT district: Townhomes shall not be allowed along 5th St., between Main and Locust.
- d. Outside of the DT district, an additional setback of fifty (50) feet shall be applied for any townhome development adjacent to an existing property containing single dwelling detached residential units. The setback shall be measured from the shared property line into the site of the proposed townhomes. These regulations for townhomes shall apply unless exempted or amended by the Director.

4. Multi-dwelling.

- a. The primary traffic access to the development shall be located within one thousand two hundred (1,200) feet of an arterial right-of-way.
- b. A land use buffer of fifty (50) feet shall be applied for any multi-dwelling development adjacent to an existing property that contains single-dwelling detached residential units. The buffer shall be measured from the shared property line into the site of the proposed multi-dwelling residential units. The buffer shall include the landscape components outlined in [Article 4, Section XXX](#) for land use buffers. The buffer area shall not include buildings or improvements (such as outdoor storage or drive aisles) within the buffer area. Trails and sidewalks may be allowed within the land use buffer area.

5. Multi-plex dwelling units

- a. The design of multi-plex dwelling units shall resemble single dwelling units in terms of architecture.
- b. The design of multi-plex dwelling units shall have one driveway and one principal entrance serving all individual units.
- c. Any parking lot or garage for multi-plex dwelling units shall be located to the side or to the rear of the principal building.
- d. No more than two garage bays shall front onto the principal street.
- e. No more than three garage bays total.

6. Live-work units

- a. The commercial portion of live-work units shall comprise a minimum of twenty-five (25) percent of the total gross square footage and shall not comprise more than fifty (50) percent of the total gross square footage.
- b. The commercial component of live-work units shall be located on the ground level floor. The main entrance into commercial components shall front onto the adjacent street.
- c. Parking regulations shall follow the residential parking requirements for live-work units specified in [Article 4, Section XXX](#). In addition, parking requirements shall apply to the work area calculated by the applicable nonresidential use. Residential and commercial parking standards shall be applied for all parking spaces provided for live-work units.
- d. The building shall function as a single unit, and internal connections (stairs) shall be required between different floors within the building.

7. Assisted Living or Congregate Care

- a. Within the R-1, R-2, and R-3 districts: Assisted living or congregate care units shall be located within one thousand five hundred (1,500) feet of an arterial or collector street.
- b. Within the LI-Flex district: Assisted living or congregate care units shall not be located within one thousand (1,000) feet of an arterial street or the right of way of I-25.

- c. Within the DT district: Assisted living or congregate care units shall not be located along 5th Street, from Main Street to Locust Street.
 - d. Within the CC district: Assisted living or congregate care units shall be located within one thousand (1,000) feet of an arterial street.
8. Nursing Home, Memory Care, Alzheimer's Care
- a. Within the R-1, R-2, and R-3 districts: Development shall be located within one thousand five hundred (1,500) feet of an arterial or collector street.
 - b. Within the MU-1 and MU-2 districts: Development shall not be located along high streets.
 - c. Within the DT district: Development shall not be located along 5th Street, from Main Street to Locust Street.
 - d. Within LI-Flex districts: Development shall not be located within one thousand (1,000) feet of an arterial street or the right of way of I-25.
9. Protective Care (homeless group shelters)
- a. Shall include a one hundred (100)-foot landscaped buffer from the property line of adjacent residential uses or residential zoned property to the building including the protective care use. The landscaping buffer shall incorporate landscaping at the following rate: One (1) evergreen tree and three (3) shrubs for every twenty (20) feet of linear distance of buffer length (i.e., if the property line between uses is one-hundred (100) feet in length, five (5) evergreen trees and thirty-three (33) shrubs are required to be planted within the buffer.). Landscaping contained within this buffer shall not count towards the overall required site landscaping outlined in Article 4.
 - b. Within LI-Flex districts: Development shall not be located within one thousand (1,000) feet of an arterial street or the right of way of I-25.
10. Group Homes
- a. The development and operation of residential group homes shall comply with all state and federal laws.
 - b. Group homes shall be limited to eight (8) or fewer residents.
 - c. Group homes for persons with behavior or mental disorders, including sober homes, shall be separated by at least seven hundred fifty (750) feet from other similar group homes.
 - d. Group homes shall comply with the residential architecture standards listed in **Article 4, Section XX** of the permitted residential uses within the zoning district where the group home is proposed.
 - e. Within LI-Flex districts: Group homes shall not be located along arterial streets or I-25.
11. Boarding and rooming homes
- a. A building may not have more than eight (8) rooms, unless approved through the conditional use process.
 - b. The design of boarding and rooming homes shall follow the residential architecture standards for multi-dwelling residential listed in **Article 4, Section XX**.
 - c. Buildings including boarding or rooming units shall have one (1) common, primary exterior entrance.
 - d. The primary entrance to sleeping rooms shall be provided from the interior of buildings.
 - e. Sleeping rooms shall not include cooking facilities.
- G. Use-Specific Standards for Commercial Uses.
1. Child Care Center, Commercial
- a. General: All child care centers shall comply with state laws, including without limitation **C.R.S. § 26-6-101, et seq., as amended, and the Regulations of the Colorado Department of Human Services (12 CCR 2509-9, as amended)**.
 - b. Within MU-1 and MU-2 districts: Commercial child care centers shall not be located along a primary street.

- c. Within the DT district: Commercial child care centers shall not be located along 5th St, between Main and Locust.
- 2. Substance Abuse Treatment Facility, Outpatient
 - a. Within the MU-1 and MU-2 districts: Such development shall not be allowed along primary streets.
 - b. A one hundred (100)-foot setback shall be provided from the property line of adjacent residential zoned parcels to any buildings associated with an outpatient substance abuse treatment facility.
- 3. Natural medicine manufacturing and natural medicine healing centers.
 - a. A one thousand (1,000)-foot setback shall be provided from the property line of adjacent residential uses to any buildings associated with natural medicine manufacturing or a natural medicine healing center.
 - b. These uses shall obtain proper licenses through the State of Colorado.
 - c. These uses shall operate out of a building that is not located within one thousand (1,000) feet of a child care center; preschool; elementary, middle, junior or high school; or a residential child care facility (collectively “school”).
 - d. These uses shall have a security plan for the secure storage of natural medicine and natural medicine products approved by the State of Colorado Natural Medicine Division and shall provide the plan to the Town prior to the commencement of operations. The operating entity shall provide any updated plans to the Town within ten (10) business days of the completion of updated plans.
 - e. All natural medicine manufacturing operations shall install window bars on all exterior windows.
 - f. All natural medicine manufacturing operations shall install a video surveillance system that provides coverage of all facility entrances and exits.
 - 1. All surveillance recordings shall be retained for a minimum of sixty (60) days and shall be in a digital format that can be easily accessed for viewing and that ensures authentication of the recording as being legitimately captured without alterations.
 - (a) In addition to maintaining surveillance recordings in a locked area on the licensed premises, a copy of the surveillance recordings must be stored at a secure off-site location or through a network “cloud” service that provides on-demand access to the recordings. The off-site location or network service provider shall be included in the security plan submitted to the Town and updated within seventy-two (72) hours of any change to the location or provider.
 - (b) Video surveillance records and recordings must be made available immediately upon request of the state licensing authority, local licensing authority, or the Town’s Police Department.
 - (c) If video surveillance or storage equipment becomes inoperable, or storage network service becomes disabled, the natural medicine manufacturing operation shall cease all operations until the equipment or network service is made operable.
 - g. These businesses shall have a security alarm system that provides coverage of all facility entrances and exits, rooms with exterior windows, rooms with interior walls or walls shared with other building tenants, roof hatches, skylights, and storage rooms containing safes or vaults.
 - h. The hours of operation of natural medicine manufacturing and natural medicine healing centers are restricted to 7:00 a.m. to 7:00 p.m.
 - i. All doorways, windows, and other openings into these businesses shall be located, covered, or screened in such a manner to prevent a view into the interior from any exterior public or semi-public area.
 - j. Primary entrances, parking lots, and exterior walkways shall be clearly illuminated with security lights to provide after-dark visibility for facilitators, participants, and employees. Lighting shall be compliant with **Article 4, Section X**.
 - k. All storage facilities for natural medicine manufacturing and natural medicine healing centers shall be located within a permanent building and may not be located within a trailer, tent, or motor vehicle.
 - l. All storage of regulated natural medicine and regulated natural medicine products shall be in a secured and locked container. The operation of cultivation facilities shall ensure that any natural medicines under cultivation are kept in an enclosed, locked area.
 - m. Natural medicine manufacturing and natural medicine healing centers shall use an air filtration and ventilation system designed to ensure that any odors from natural medicine and natural medicine products are confined to the premises and are not detectable beyond the property boundaries on which the facility is located.

- n. Natural medicine manufacturing and natural medicine healing centers shall provide secure disposal of natural medicine and natural medicine product remnants or by-products. Natural medicine and natural medicine product remnants or by-products shall not be placed within the facilities' exterior refuse container.
- o. The processing of natural medicine or natural medicine products that includes the use of hazardous materials, including, without limitation, and by way of example, flammable and combustible liquids, carbon dioxide, and liquified petroleum gases, such as butane, is prohibited.
- p. The disposal of, discharge out of or from, or flow from any facility associated with natural medicine or natural medicine product, any foul or noxious liquid or substance of any kind whatsoever, including, without limitation, by-products of the natural medicine process, into or upon any adjacent ground or lot, into any street, alley or public place, or into any municipal storm sewer and/or system in the Town, is prohibited.
- q. Wherever possible and for any new construction, the primary entrance to a natural medicine manufacturing operation and natural medicine healing center shall face the primary street frontage.
- r. Legal nonconforming use. Any person who is the owner and/or operator of an existing business within the Town and is seeking to expand that business in that location by operating a natural medicine healing center may apply to the Town through a conditional use process as outlined in Article 6 for an exemption from the distance restrictions set forth in Article X XXX and/or the distance restriction set forth in Article X XXX if such person:
 - 1. Submits information in a form reasonably acceptable to the Town demonstrating that such person:
 - (a) Has filed an application for a natural medicine healing center license with the State of Colorado Natural Medicine Division and any other required State licensure; and
 - (b) Has employed or contracted with, or will employ or contract with, at least one (1) natural medicine facilitator licensed by the State of Colorado Natural Medicine Division; and
 - 2. Submits information in a form reasonably acceptable to the Town demonstrating that such person:
 - (a) Has been issued a valid natural medicine healing center license by the State of Colorado Natural Medicine Division; and
 - (b) Is currently employing or contracting with at least one (1) natural medicine facilitator licensed by the State of Colorado Natural Medicine Division.
 - 3. No person may commence the operation of a natural medicine healing center under an exemption granted pursuant to this Section unless and until each of the requirements of this Section have been met and such person has submitted a diagram or map of the physical location of the Natural Medicine Healing Center to the Town.
 - 4. For purposes of this Section, a natural medicine healing center that is granted an exemption by the Town pursuant to this Section shall be considered a legal nonconforming use within the meaning of Section 1.15, and shall be subject to restrictions governing continuance of a nonconforming use set forth in Section 3.6.
- 4. Agricultural Cultivation
 - a. Within the R-E district: Agricultural cultivation shall be allowed on lots exceeding ten (10) acres in size.
- 5. Agricultural Grazing
 - a. Within the A & A/OS districts:
 - 1. Limitations on quantities of livestock.
 - 2. The limitations in this table may be exceeded through review and approval by the Director.

Table 2-2 ANIMAL UNITS PER ACRE IN THE A AND AOS DISTRICTS		
ANIMAL	Number of Animals Equivalent to One Animal Unit	Animal Units per Acre
Cattle	1	6
Bison	1	6

Mule / donkey / burro	1	6
Ostrich / emu	1	6
Elk	1	6
Horse	1	6
Yak	1	6
Camel	1	6
Swine	5	2
Sheep	10	2
Llama	10	2
Goat	10	2
Alpaca	10	2
Poultry	20	2
Rabbit	20	2

b. Within the R-E district:

1. Agricultural grazing shall be limited to lots exceeding 10 acres.
2. The containment facility for newly established grazing uses adjacent to residentially zoned lots (such as a fence) shall be set back fifty (50) feet from adjacent residentially zoned lots or parcels.
3. Limitations on quantities of livestock. Refer to animal unit table within the Keeping of Animals accessory use in **Section XXX.**

6. Agricultural Processing

- a. All buildings shall be set back one hundred (100) feet from property lines.
- b. Meat-processing and packaging activities shall be prohibited.

7. Animal Hospital, Large Animals

- a. All facilities, including all treatment rooms, cages, pens, kennels, training rooms, and exercise runs, shall be maintained within a completely enclosed, soundproof building and shall be sufficiently insulated so that, to the maximum extent feasible, noise or odor cannot be detected off-premises.
- b. The outdoor facilities shall be appropriately secured to prevent animal escape.
- c. Outdoor use must be subordinate in size to the indoor use unless approved to be larger through the conditional use approval process.

8. Animal Hospital, Small Animals

- a. General: All facilities, including all treatment rooms, cages, pens, kennels, training rooms, and exercise runs, shall be maintained within a completely enclosed, soundproof building and shall be sufficiently insulated so that, to the maximum extent feasible, noise or odor cannot be detected off-premises.
- b. Outdoor components shall be fully screened with a solid wall or fence a minimum of six (6) feet in height. The screening material shall complement the materials used in the principal building.
- c. Outdoor use must be subordinate in size to the indoor use unless approved to be larger through the conditional use approval process.

9. Commercial Stables

- a. Within the A district: Commercial stable buildings in excess of ten thousand (10,000) square feet shall be prohibited.

10. Kennel or Animal Day Care (Indoor and Outdoor Facilities)
 - a. Within the LI-Flex, HI-Flex, or CC districts: Outdoor facilities shall be set back a minimum of two hundred (200) feet from any adjacent land uses. Outdoor facilities shall be screened by an exterior fence of a minimum of six (6) feet in height. Outdoor facilities shall be limited to operate between the hours of 7AM and 7PM. Outdoor facilities shall be subordinate in size to the primary kennel or animal day care facility.
 - b. Indoor facilities, including cages, pens, kennels, training rooms, and exercise runs, shall be maintained within a completely enclosed, soundproof building, and shall be sufficiently insulated so that, to the maximum extent reasonably feasible, such that noise or odor cannot be detected off-premises.
 - c. A kennel or animal day care facility with outdoor facilities shall be set back from any existing residential zone district or any existing residential use by three hundred (300) feet. An additional landscape buffer of thirty (30) feet in width shall be located adjacent to any existing residential zone or district or any existing residential use. The landscape buffer shall follow the requirements outlined in **Article 4, Section XXX**.
 - d. Any outdoor facilities (such as dog runs) shall be appropriately secured to prevent animal escape.
11. Financial Institution
 - a. Free-standing ATMs shall not be located between a building facade and an adjacent street, unless set back twenty-five (25) feet from the right-of-way.
12. Sexually oriented business: None of the following conditional uses may be established, operated, or maintained within one thousand (1,000) feet of a public use or public zone district, uses within a residential zone district, park (public or private), library, state licensed day-care facility, religious assembly, or a school that meets all requirements of the compulsory education laws of the state; nor shall more than two of the following uses be established, operated, or maintained within one thousand (1,000) feet of each other.
 - a. Adult bookstore.
 - b. Adult photo studio.
 - c. Adult theater or mini-motion picture theater.
 - d. Adult novelty store or adult retail store.
 - e. Adult cabaret or restaurant.
 - f. Adult hotel or motel.
 - g. Other similar adult uses as determined by the Director.
13. Commercial Amusement and Recreation (Indoor):
 - a. All facilities shall be maintained within a completely enclosed building, should comply with the Town's noise standards, and shall not constitute a nuisance.
 - b. Notwithstanding the general dimensional standards in Article 3, the building setback to an existing residential zone or use shall be at least one hundred (100) feet.
14. Bar or Tavern:
 - a. All zone districts: Outdoor patios and outdoor spaces abutting residential uses shall be fully enclosed with a fence or screen. The setback from existing residential zoning or use shall be at least one hundred (100) feet, unless reduced by the Director in instances of new development, except within the DT zone district.
15. Bed and Breakfast:
 - a. A, AOS, R-E, R-1, MU-1, MU-2, MU-3, DT, and LI-Flex Districts: Bed and breakfast uses may be approved in these districts if it is demonstrated that:

1. All parking that is required for the use is provided on-site and not in the street, unless permitted in an off-site property (see parking section).
 2. The number of rentable rooms shall not exceed ten (10).
 3. If located within the A, R-E, or R-1 districts, the use follows applicable residential architecture requirements stated in Article 4.
16. Wireless telecommunication facilities. All wireless telecommunication facilities shall comply with the procedures of Article 6, Section xx and standards of Article 4, Section xxx.
17. Parking structure:
- a. Ground-floor pedestrian-oriented uses required: A ground-floor parking garage in any commercial zone district or any parking structure in any of the mixed-use zone districts shall, unless modified by the Director, provide a first floor pedestrian-oriented use that:
 1. Has a minimum depth of twenty-five (25) feet;
 2. Fronts onto each street, except alleys, for the full length of the building, except for places necessary for pedestrian and vehicle entrances and exits; and
 3. Is designed for retail, restaurant, and other pedestrian-oriented uses otherwise permitted or approved in the zone district.
18. Gas station:
- a. Fuel pump canopies:
 1. Fuel pump canopies (including columns, all roof components, and other supports) shall utilize brick or masonry materials.
 2. The fuel pump canopy area shall be set back a minimum of two hundred (200) feet from the property line of adjacent existing residential uses or zoning districts.
 - b. Car wash facilities:
 1. All service areas, bays, and equipment shall be set back one hundred (100) feet from the residential use or zone.
 2. Service areas, bays, etc. shall not be oriented toward a street or a residential use unless approved by the Director.
 3. All equipment (vacuums, etc.) shall not be allowed between the primary building and the primary street. Equipment associated with a car wash bay or vehicle repair bay is only allowed to the side or rear of buildings.
 4. Vehicle wash or service bays facing adjacent residential properties shall include an opaque wall or fence of at least six feet in height.
19. Vehicle Sales and Rental, Light: Motor vehicle sales or rental may be approved in the LI-Flex, HI-Flex, and CC zoning districts if it is demonstrated that:
- a. Inventory display areas that are accessible to customers are not required to be screened. Vehicle storage or inventory areas not accessible to customers are required to be screened. These distinct areas shall be labelled on the site plan.
 - b. Not more than one vehicle display pad, which may be elevated up to three (3) feet in height as measured at the highest point, is provided per one hundred (100) feet of street frontage.
 - c. No other materials for sale will be displayed between the principal building and the right-of-way or private street.
 - d. Vehicles shall be stored on impervious parking surfaces
 - e. No building bay door shall be oriented directly towards residential, public, or private open spaces, or public rights-of-way or private street.

- e. Washing areas shall be enclosed and have drains that are connected to the sanitary sewer system. The drains and all treatment facilities shall be approved by the St. Vrain Sanitation District.
 - f. Vehicle sales areas (including display areas) shall be set back a minimum of two hundred (200) feet from the property lines of adjacent residential uses or zones.
 - g. Vehicle repair services shall be clearly incidental to vehicle sales and rental and shall be located indoors.
 - H. Outdoor storage of equipment, tires, materials, and other similar items shall not be permitted on the site or lot.
 - h. Overflow lots may be allowed on a separate lot if under the same ownership, included under the same site plan and same business license, and be located within one hundred (100) feet of the principal lot, unless approved by the Director.
 - i. Site plans denote the locations for parking. Parking spaces used as display areas shall not be counted toward the parking requirement. Parking spaces designated to meet the parking requirement shall be denoted clearly on the site plan.
20. Vehicle Sales and Rental, Heavy: Motor vehicle sales or rental may be approved in the HI-Flex zoning district if it is demonstrated that:
- a. All provisions pertaining to Vehicle Sales and Rental, Light, shall apply. In addition, the following provisions shall apply:
 - 1. Inventory display areas that are accessible to customers are not required to be screened. Vehicle storage or inventory areas not accessible to customers are required to be screened. These distinct areas shall be labelled on the site plan.
 - 2. Screening required around vehicle storage or inventory areas shall be a minimum of eight (8) feet in height.
 - 3. No other materials for sale will be displayed between the principal building and the right-of-way or private street
 - 4. Vehicles shall be stored on impervious parking surfaces
21. Salvage yard / junkyard:
- a. May be approved in the HI-Flex zoning district if it is demonstrated that:
 - 1. The subject property does not have frontage on a state or federal highway or an arterial street.
 - 2. Trucks that enter and exit the subject property have access to a state or federal highway without traversing local or collector street segments that provide access to residential uses.
 - 3. The subject property boundary shall only abut parcels located within the HI-Flex zoning district.
 - 4. The storage component of the property shall be screened by a screen fence of a minimum of eight feet in height.
 - 5. The use will not accept or deposit hazardous wastes or hazardous materials, except as incidental to the salvage operation, and such operation will be conducted to remove hazardous wastes and materials and dispose of them according to state and federal requirements;
 - 6. The facility is at least three miles from an existing storage yard, salvage yard, RV storage, or self-storage facility within the Town of Frederick or in another jurisdiction, measured from lot line to lot line.
 - 7. The lot line of a salvage yard and junkyard shall be set back by a minimum of five hundred (500) feet from the property line of any residential use or residential zoned property.
 - 8. The applicable outdoor storage and screening standards of **Section XXX** are met.
22. RV storage:
- a. May be approved in the LI-Flex and HI-Flex zoning districts if it is demonstrated that:
 - 1. The storage component of the property shall be screened by a screen fence of a minimum of 10 (ten) feet in height.
 - 2. The facility is at least three (3) miles from an existing storage yard, salvage yard, RV storage, or self-storage facility within the Town of Frederick or in another jurisdiction, measured from lot line to lot line.
 - 3. The lot line of a RV storage facility shall be set back by a minimum of three hundred (300) feet from the property line of any residential use or residential zoned property.

23. Self-storage:

- a. May be approved in the LI-Flex, HI-Flex, and CC zoning districts if it is demonstrated that:
 - 1. The storage component of the property shall be screened by a screen fence of a minimum of eight (8) feet in height.
 - 2. The facility is at least three miles from an existing storage yard, salvage yard, RV storage, or self-storage facility within the Town of Frederick or in another jurisdiction, measured from lot line to lot line.
 - 3. The lot line of a self-storage facility shall be set back by a minimum of three hundred (300) feet from the property line of any residential use or residential zoned property.

24. Outdoor Storage

- a. May be approved in the LI-Flex or HI-Flex zoning districts if it can be demonstrated that:
 - 1. The facility is at least three (3) miles from an existing storage yard, salvage yard, RV storage, or self-storage facility within the Town of Frederick or in another jurisdiction, measured from lot line to lot line.
 - 2. All storage, equipment, and refuse areas shall be concealed from view from less intensive land uses, residential areas, **abutting public rights-of-way and trails or trail corridors.**
 - 3. The storage or parking of trailers, semi-trailers, cargo containers, or shipping containers outdoors, walk-in coolers or similar containers, or the warehousing of goods in such containers, shall not be permitted as a principal use. Goods stored in an approved outdoor storage area shall be limited to storage of materials associated with the business on the lot; vehicle storage; or storage of businesses' vehicles and equipment.
 - 4. All storage facilities shall be concealed through the use of a solid fence or wall that shall not have an uninterrupted length exceeding fifty (50) feet. The minimum height shall be six (6) feet and the maximum height of the fence shall be eight (8) feet where permitted.
 - 5. Outdoor storage shall meet all of the design standards in Article 4, including fence articulation standards along all public or private streets or when abutting residential zoning, parks and open space, trails, or other public areas. Areas not abutting these public areas do not need to be articulated every fifty (50) feet but shall still include screen fencing.
 - 6. Outdoor storage areas shall be set back from the right-of-way or private street a minimum of twenty (20) feet.
 - 7. Outdoor storage areas shall be set back a minimum of one-hundred (100) feet from any residential zone district or residential use. The setback shall be measured from the outdoor storage use shown on the site plan.
 - 8. Outdoor storage areas must be located behind the front facade of the principal building located on the site.
 - 9. Outdoor storage shall not be permitted within any applicable building setback or required landscape area.
 - 10. A **20-foot wide landscaped buffer is required along all perimeter streets if storage is adjacent to the** right-of-way. The landscape buffers shall include one (1) evergreen tree and three (3) shrubs for every twenty (20) linear feet along streets, drives, or other public areas. Outdoor storage landscape buffers shall be in addition to landscaping requirements for gateways or site landscaping.
 - 11. Outdoor storage areas shall not cover more than fifty (50) percent of the site or lot, unless one of the two options is pursued:
 - Option 1 - One additional evergreen tree and three shrubs are provided (outside the outdoor storage area) for every X square feet of outdoor storage area. The landscaping shall not be counted toward requirements for right-of-way, gateway, or site landscaping.
 - Option 2 - The exterior fencing around outdoor storage areas shall include a masonry column as the method of articulation.
 - 12. Outdoor loudspeaker systems associated with outdoor storage facilities shall be prohibited.
 - 13. The access gates into outdoor storage areas shall be fully screened and may not include chain link or other open-style fencing.

25. Manufacturing and light industrial uses (generally). Manufacturing and light industrial uses may be approved, if the setback for buildings and outside activity areas associated with the use from adjacent residential uses is at least one hundred (100) feet.
 26. Heavy Industry
 - a. Heavy industry may be approved in the HI-Flex zoning district if it is demonstrated that:
 - 1, Setbacks for buildings and outside activity areas from the property lines of adjacent residential uses are at least five hundred (500) feet.
 2. The subject property shall be at least five (5) acres in area.
 3. Trucks that enter and exit the subject property have access to an arterial street without traversing local or collector street segments that provide access to residential uses;
 4. The applicable outdoor storage and screening standards of **Section XXX** are met.
 5. The gateway landscape standards for frontage along arterial streets are met.
 6. A fifteen (15)-foot wide gateway landscaping buffer shall be provided along collector streets, with a planting calculation equivalent to that of the arterial gateway landscape requirement (**see section XXX**).
 27. Heliports and Helistops: Heliports may be approved in the A, LI-Flex and HI-Flex zoning districts if it is demonstrated that the application complies with standards established by the Federal Aviation Administration regulations, a noise impact assessment is provided, and other studies (as required by the Director) are provided as part of the application.
- H. Use-Specific Standards for Institutional and Public Uses.
1. Correctional Facility: Correctional facilities may be approved in the P zoning district if it is demonstrated that the facility is connected to a courthouse facility and will be used only as a holding facility for people awaiting hearing, trial, or transfer to another facility.

Sec. 16-2-40. Accessory Use Regulations.

A. Applicability

1. Any accessory use or structure that is not specifically listed in the table that follows is prohibited, unless determined by the Director to be consistent with the accessory use standards and criteria.
2. Any accessory structure that would require a building permit shall adhere to the standards in this section.
3. In the case of any conflict between the accessory use/structure standards of this section and any other requirement of this Code, the more restrictive standards shall control.

B. General standards:

1. Location:
 - a. An accessory use or structure shall be conducted or located on the same lot as the principal use or structure.
 - b. For residential lots less than one-acre, accessory uses shall be located behind the front facade of the principal structure.
 - c. For corner residential lots, the sides facing streets shall be considered front facades.
2. Same ownership required: The property where the principal use/structure and the accessory use/structure are occurring shall be under the same ownership.
3. Size of structure: Unless specified below, an accessory structure shall be subordinate in gross floor area. Gross floor area shall not include the areas within porches, basements, or garages. For detached accessory structures, the footprint of the accessory use shall be subordinate in size to the footprint of the principal structure, and to the extent and purpose of the

principal structure. When multiple accessory structures are associated with a principal use, the total of all accessory structures shall be subordinate in gross floor area, extent, and purpose to the principal structure.

a. The following are not required to be subordinate in gross floor area:

1. Accessory buildings (in the A and AOS Zoning Districts):

(a) Accessory buildings are those buildings that may or may not be related to the primary agricultural use such as barns or storage buildings for agricultural products. Garages for non-agricultural vehicles and other similar non-agricultural buildings are required to meet these standards.

(b) Accessory buildings shall have a maximum footprint of five thousand (5,000) square feet and no greater than twice the gross floor area of the principal structure. These buildings do not need to be subordinate in footprint size to the principal structure.

4. Height of structure. The maximum height of accessory buildings shall not exceed the maximum height permitted for principal buildings in the underlying zoning district.

C. Table of accessory uses and structures: Table 2-3 Table of Accessory Uses and Structures lists the accessory uses and structures permitted in all zone districts.

Table 2-3 Table of Accessory Uses and Structures															
Accessory Use / Structure	Zoning Districts														
	A	AOS	R-E	R-1	R-2	R-3	R-MH1	R-MH2	MU-1	MU-2	DT	LI-Flex	HI-Flex	CC	P
Accessory dwelling unit	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Accessory structure, general	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Backyard chicken hens	P		P	P	P	P	P	P							
Beekeeping	P		P	P	P										
Drive-thru or drive up									P	P		P	P	P	
In Home Daycare	P	P	P	P	P	P	P	P	P	P	P				
Home occupations	P	P	P	P	P	P	P	P	P	P	P				
Keeping of Agricultural Animals	P	P	P												
Outdoor inventory display and sales	P								P	P	P	P	P	P	
Outdoor Storage	P											P	P	P	
Swimming Pool / Hot Tub	P	P	P	P	P	P	P	P	P	P	P				
Outdoor Seating Area	P								P	P	P	P	P	P	P

Other accessory use approved by the Director per section XXX	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
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D. Use-specific standards for specific accessory uses and structures:

1. Accessory dwelling units (ADU):

a. One (1) ADU is allowed as an accessory to the following:

1. A single-dwelling detached principal dwelling subject to the following floor area limitations:

(a)Min. floor area: Five hundred (500) SF.

(b)Max. floor area: Eight hundred (800) SF or fifty (50) percent of the total gross floor area of the principal building, whichever is greater, and not to exceed one thousand (1,000) square feet.

(c)Max. floor area for basement accessory dwelling units conversions is permitted to match the building footprint. Max. floor area for basement accessory dwelling units in new construction shall match the provisions in (1) and (2) above.

2. A religious place of assembly building, subject to the following floor area limitations:

(a)Min. floor area: Five hundred (500) SF.

(b)Max. floor area: One thousand (1,000) SF.

3. A storage facility where the occupant of the ADU is employed by the business and charged with the security of the associated business subject to the following floor area limitations:

(a)Min. floor area: Five hundred (500) SF

(b)Max. floor area: Eight hundred (800) SF

b. Where alley access to the ADU is available, such access shall be utilized, unless the Town Engineer determines that alley access creates a safety hazard.

c. Accessory Dwelling Units shall have a separate address than the principal building.

2. Accessory structures, general: An accessory structure that is over one hundred and twenty (120) square feet in gross floor area shall meet the following standards:

a. Facades shall not be constructed of metal materials.

b. Accessory structures shall be similar in architectural design and character (color, material, roof pitches, window styles) to the principal structure.

c. Accessory structures for nonresidential uses, such as any above-ground equipment with the exception of typical utility equipment, walk-in coolers, and similar accessory structures shall be screened from public view from streets, alleys, sidewalks, trails, parks, and open space. Screening may be accomplished through the use of fencing and/or walls.

d. Greenhouses, gazebos, playhouses, and similar structures shall be exempt from this subsection.

5. Keeping of backyard chickens: The keeping of backyard chicken shall be an accessory use to single-dwelling detached units on lots greater than five thousand (5,000) SF in lot area and meet the following regulations:

a. No more than six (6) backyard chicken hens are permitted per principal dwelling unit.

b. Roosters are prohibited.

c. Backyard chicken hens shall be housed in a designated chicken coop and chicken run that meet the following standards:

1. The chicken coop and chicken run shall be located in the rear yard of a property.

2. No part of the chicken coop or chicken run shall be located between the rear of the principal structure and the front yard lot line.
 3. The chicken coop and chicken run shall be set back a minimum five feet from any side or rear property line.
 4. The chicken coop shall not be located in any utility easement.
 5. The chicken coop shall be predator-resistant with a solid covered roof.
 6. Water shall be provided onsite and be accessible at all times.
 7. During daylight hours, chicken hens shall have access to a chicken run that is adequately fenced and protected from predators and shall also have access to the chicken coop.
 8. From dusk to dawn, chicken hens shall be protected from predators by being enclosed within a chicken coop.
 9. The maximum chicken coop is one hundred (100) SF in area.
 10. A minimum of four-square feet of area per chicken hen shall be provided in both the coop and run.
 11. The maximum height of the chicken coop shall be no more than seven (7) feet at the highest point of the roof.
 - d. The chicken coop and run shall be maintained and shall regularly be cleaned to control dust, odor, and waste, and not constitute a nuisance, safety hazard, or health problem to surrounding properties.
 - e. No onsite slaughtering is permitted.
 - f. Chicken feed shall be stored in metal re-sealable, airtight, predator proof containers.
 - g. Chicken waste shall be stored in re-sealable, airtight, predator proof containers.
 - h. The keeping of backyard chicken hens shall not be conducted until a backyard chicken license has been issued by the Director. Said license shall cite the conditions of the approval, if any. The following are the application requirements for a license:
 1. Completed backyard chicken license application.
 2. Non-refundable application fee in the amount set by resolution of the Town Board of Trustees.
 3. Scaled site plan of the property showing the location of the chicken coop and run.
6. Beekeeping: Apiaries / beekeeping is permissible as an accessory use to a single-dwelling detached use with the following conditions.
- a. **The lot shall be a minimum of five thousand (5,000) square feet in size.**
 - b. Maximum hives permitted.
 1. **For property less than one (1) acre in size, two (2) hives.**
 2. **For property one (1) to two (2) acres in size, four (4) hives.**
 3. **For property more than two (2) and less than five (5) acres in size, twelve (12) hives.**
 4. **For property five (5) or more acres in size, twenty-four (24) hives.**
 - c. **Africanized bees or hybrids of Africanized bees are prohibited.**
7. Drive-through or drive-up:
- a. **The standards of this subsection apply to land uses that include drive-in, drive-through, and “app through” facilities, but not to land uses that provide curbside pick-up services.**
 - b. Minimum Number of Vehicle Stacking Spaces. **See Article 4, Section XXX.**

c. Location and Screening.

1. Drive through service ordering and pick-up windows shall not be located within building setbacks.
2. Drive-in facilities (order stations, pick-up windows, bank teller windows, money machines, etc.) shall be located on the side or rear of principal structures to minimize their visibility from public streets.
3. To the maximum extent practicable, drive-in lanes shall not be located between the primary structure and adjacent public streets or sidewalks. If this is not possible, drive-in lanes and facilities shall be set back a minimum of twenty (20) feet from any adjacent public street or sidewalk.
4. Drive-in lanes adjacent to public streets or sidewalks shall be separated from such streets or sidewalks by walls or landscaping berms.
5. Drive-in lanes adjacent to residential uses shall be separated from such uses by an opaque wall or fence at least six (6) feet high and located so that required land use category buffer landscaping is between the fence or wall and the adjacent residential use.

8. In-Home Day Care: In-home day care shall comply with **C.R.S. § 26-6-102, et seq.**, and any applicable state regulations.

a. In-Home Day Care shall operate as an accessory use and therefore the area that the day care utilizes shall be smaller in size than the principal use.

b. Can include provisions an operator must reside in the residence.

9. Home occupations:

a. A home occupation shall not be conducted until a home occupation has been reviewed and approved and a home occupation business license has been issued by the Director. Said home occupation business license (as amended) shall cite the conditions of the approval, if any.

b. Home occupations shall be:

1. No more than thirty (30) percent of the total square footage (of the dwelling unit and any accessory buildings) to which it is located or one thousand (1,000) square feet, whichever is less. Home occupations may, alternatively, be located in an accessory building.

(a) When proposed within an existing garage, a driveway with enough parking space for two (2) vehicles shall be also be present.

2. Operated entirely from an enclosed structure with the parking of one (1) commercial, non-passenger vehicle allowed on site. The length of commercial, non-passenger vehicles shall not exceed twenty-five (25) feet.

c. Home occupations shall not change or disrupt the residential character of the property or neighborhood (for example through excessive noise, odor, vibration, dust, traffic, etc.).

d. A maximum of one (1) person may be employed at the home occupation in addition to the residents of the home.

e. The following is a non-exhaustive list of activities that are not permitted as home occupations:

1. Vehicle repair, including bodywork and painting;
2. Vehicle towing and storage;
3. Junk hauling or storage;
4. Dance, music, or other types of instruction with more than four students being instructed at one time;
5. Medical or dental offices;
6. Funeral homes;

7. Animal care, including kennels and veterinarian clinics
 8. Private schools with organized classes;
 9. Barber or beauty shop having more than one (1) chair;
 10. Welding and machine shops;
 11. Nursing or assisted care homes;
 12. Bed and breakfast and other such transient lodging;
 13. Restaurants;
 14. Sales facilities for psychedelic or other illicit drugs;
 15. Adult entertainment;
 16. Retail sales and stores;
 17. Vehicle rental or car-sharing;
 18. Any other uses not listed in this section may be prohibited at the discretion of the Director.
- f. Home occupations may accommodate only two (2) customers or clients at any time (with exception for dance, music, etc. Instruction as noted above);
- g. Home occupations must operate in accordance with hours stated in the business license.
- h. Home occupations shall not use any external signage or external advertising on the exterior or the residential structure.
1. The Director may impose additional use specific standards not listed in this article upon review of the business license application.

10. Keeping of agricultural animals

- a. **The keeping of agricultural animals, as defined by the animal unit table below, or determined through special review, is permissible in the Agriculture (A), Agricultural Open Space (AOS), and Residential Estate (R-E) zone district if or in conjunction with an established single-family dwelling with the following conditions:**
1. **The lot shall be a minimum of one-half (1/2) acre in size.**
 2. **A minimum of fifty (50) feet shall be maintained between agricultural animals and the front, rear, and side-yard property lines unless this requirement is waived by the Director.**
 3. **Maximum agricultural animals permitted. Permitted animal density is established by use of an animal unit table where a specified number of each animal is equivalent to one (1) animal unit. A variety of animals may be kept so long as the allowed animal units for the lot is not exceeded.**

b. **Animal Unit Table:**

Table 2-4 Animal Unit Table

Animal	Animals per Animal Unit
Cattle	1
Bison	1

Equine Animals	2
Mule	2
Llama	2
Alpaca	2
Ostrich	2
Swine	4
Sheep	4
Goat	4

Table Notes:

- (1) Any animal not listed in **Table xxx** is subject to review and approval by the Director.
- (2) Animal density allowed in the Agriculture (A) and Agriculture Open Space (AOS) zone districts.
 - (a) For property less than one (1) acre in size, a maximum of one (1) animal units.
 - (b) For property one (1) to two (2) acres in size, a maximum of two (2) animal units.
 - (c) For property more than two (2) and less than five (5) acres in size, a maximum of five (5) animal units.
 - (d) For property five (5) to ten (10) acres in size, a maximum of eight (8) animal units.
 - (e) For property more than ten (10) acres in size, a maximum of ten (10) animal units.
- (3) Animal density allowed in the Residential Estate (R-E) zone district.
 - (a) For property less than one (1) acre in size, a maximum of one (1) animal units.
 - (b) For property one (1) to two (2) acres in size, a maximum of two (2) animal units.
 - (c) For property more than two (2) acres in size, a maximum of three (3) animal units.
- (4) A minimum lot size of three (3) acres is required for the keeping of bison.
- (5) No on-site slaughtering is allowed.
- (6) The sale of any products related to or produced by the keeping of agricultural animals onsite is considered a home occupation and is subject to **Subsection X** of this Section.
- (7) If the lot is operating as a commercial agriculture use, the animal density conditions do not apply.

11. Outdoor inventory display and sales: The Director may permit outdoor display and sales as an accessory use to all retail uses with site plan approval, subject to all of the following requirements:
 - a. Outdoor display of goods shall not be located in parking spaces (unless seasonal), drive aisles, loading zones, or fire lanes. Outdoor display of goods on pedestrian walks shall only be allowed when a minimum of three (3) feet width of walk is maintained free of goods.
 - b. The area used for outdoor display or sales shall be limited to no more than one-half ($\frac{1}{2}$) of the length of the store-front. The area used for outdoor display or sales for buildings in excess of twenty thousand (20,000) square feet may exceed one-half ($\frac{1}{2}$) of the length of the storefront at the discretion of the Director. In the case of a shopping center, the "storefront" shall include the entire frontage of the shopping center, meaning that the total amount of display for all the in-line tenants combined shall not exceed fifty (50) percent of the aggregate store front of the overall shopping center.

- c. The area of outdoor display or sales shall not interfere with pedestrian walkways and entrances into buildings.
- d. The height of the outdoor display shall not exceed six (6) feet, unless an exception to this provision has been granted by the Director.
- e. The outdoor display area shall take place on an improved impervious surface (e.g., concrete or asphalt surfaces).

12. Outdoor storage: The standards for outdoor storage (as an accessory use) shall follow the requirements articulated in **Section XXX** for Outdoor Storage as a principal use.

13. Swimming pool/hot tub: A swimming pool or hot tub is permitted in any zone district as an accessory structure and shall follow the general standards for accessory structures for the relevant zoning district.

14. Outdoor seating area:

- a. Commercial uses may have outdoor seating areas on private property. The outdoor seating on private property shall meet the following criteria:
 - 1. In the DT district, a six (6) -foot-high screening fence shall be required for any outdoor seating area adjacent to, or across an alley from, a residential use.
- b. Outdoor seating areas and access to areas shall meet all ADA requirements.
- c. The outdoor seating area shall not impair building access or emergency access and all features (which shall be movable) shall be maintained in accordance with the character of the surrounding neighborhood or district and comply with health department regulations. Outdoor seating areas may include chairs, tables, umbrellas, planters, and trash receptacles.
- d. Outdoor seating areas may include fences no taller than four (4) feet in height, delineating the outdoor seating area.
- e. Alcoholic beverages shall only be served or consumed within the outdoor seating area in conformance with state and local law.
- f. The Director may impose additional conditions relating to the design, location, configuration, and operation aspects of the outdoor seating to ensure that such area is compatible with surrounding uses.

E. Storage and Shipping Containers.

1. The use of storage and shipping containers shall be limited as provided in Table 2-5 Use of Storage and Shipping Containers.

Table 2-5 Use of Storage and Shipping Containers

Zoning District	Number of Permanent or Transitory Containers Permitted on Subject Property	Additional Regulations
R-E, R-1, R-2, R-3, R-MH1, R-MH2, C-C, DT, MU1, MU2, AOS, and P	0	(c)
A	1/acre	(a), (b)
LI-Flex	4/acre	(a), (b)

2. Permanent containers are containers that remain on the subject property at all times. Permanent containers in the LI-Flex and A, zoning districts are considered an accessory structure. Permanent containers shall be:

a. Identified on an approved site plan and located in an outdoor storage area that meets the requirements set out in **Subsection (16) of this Section;**

b. Situated such that they meet all setbacks (contiguous lots under single ownership may be considered a single lot for this purpose);

c. Located outside of all easements;

d. Permanently anchored in accordance with the Building Code (a building permit is required);

e. Painted to complement the main colors of the principal building;

f. Accessible only to the landowner or employees of the business on the subject property; and

g. Arranged so that they are not stacked.

3. Transitory containers are containers that are not consistently kept on the subject property. These containers are not considered an accessory structure as they come and go from the site. In the LI-Flex and A zoning districts, transitory containers:

a. Shall not be present on the subject property for a period of more than one hundred eighty (180) consecutive days;

b. Shall be located in an outdoor storage area that meets the requirements set out in **Subsection (16) of this Section;**

c. Shall be situated such that they meet all setbacks (contiguous lots under single ownership may be considered a single lot for this purpose);

d. Shall be located outside of all easements;

e. Shall be accessible only to the landowner or employees of the business on the subject property.

f. Shall be arranged so that they are not stacked.

4. In all other zoning districts, transitory containers used for temporary on-site storage shall not be present on the subject property for more than thirty (30) days per year, unless they are:

a. Used for temporary storage of construction materials or equipment in conjunction with a valid building permit;
or

b. Allowed in conjunction with an approved temporary use.

F. Medical Marijuana Cultivation and Processing by Caregivers and Patients.

1. Medical marijuana caregivers and medical marijuana patients may grow up to six plants in a dwelling unit in the A, AOS, R-E, R-1, R-2, R-3, R-MH1, R-MH2, MU1, MU2, and DT zoning districts.

2. If approved by the State of Colorado, Medical marijuana caregivers and medical marijuana patients may grow more than six (6) plants, but not more than ninety-nine (99) plants, in an enclosed building in the LI-Flex zoning district; provided, that the outer walls of the building are spaced not less than five hundred (500) feet from:

- a. An R-E, R-1, R-2, R-3, R-MH1, R-MH2, MU1 or MU2 zoning district boundary; and
- b. Existing residential lot lines in any other zoning district.

Sec. 16-2-50. Temporary Uses .

A. Purpose and Intent: This section allows for the establishment of certain temporary uses of limited duration, provided that:

1. Unless otherwise specified, a temporary use permit is approved according to the temporary use procedures of **Article 6, Section xx**;
2. Such uses do not negatively affect adjacent properties or Town facilities;
3. Such uses are discontinued upon the expiration of a set time period as defined by the temporary use permit;
4. Temporary uses do not involve the construction or alteration or any permanent building or structure except for model homes; and
5. Temporary uses do not involve the altering of the features of the underlying land.

B. Temporary uses allowed: The following temporary uses may be permitted in accordance with the requirements of this section.

1. Retail sales of products including without limitation seasonal trees, agricultural produce, sidewalk sales, and fireworks, is permitted in any nonresidential district for a period not to exceed the number of days specified in the temporary use permit.
2. Mobile food vendors including but not limited to food trucks, food carts, and related equipment are permitted in any nonresidential district for a period not to exceed the number of days specified in the temporary use permit.
3. Temporary office space and equipment storage are permitted when accessory to an approved construction project.
4. Temporary sales offices and model homes.
5. Any temporary uses not listed shall require approval by the Director through the temporary use permit process.

C. Temporary use permits:

1. Permit required: Unless otherwise specified herein, all temporary uses shall obtain a temporary use permit pursuant to the procedures set forth in **Article 6, Section x.x**. A temporary use permit shall be reviewed, approved, or revoked only in accordance with the regulations of **section 10-7-14** and this Section.
2. Permit exceptions: Notwithstanding subsection **Article X**, the following temporary uses are permitted in any district and are exempt from the temporary use permit requirements provided the use is in compliance with all Town ordinances and requirements.
 - a. Town-sponsored events utilizing Town property, public streets, or public rights-of-way, provided that the organizer shall complete the special events permitting process and coordinate the event with the public works department, police department, and fire district, as applicable, and comply with any conditions required by those departments;
 - b. Garage or yard sales lasting no more than three (3) consecutive days; no property shall hold more than five (5) garage or yard sales per calendar year.

- c. Temporary nonprofit fundraising events lasting no more than three (3) consecutive days; no single non-profit shall hold more than five (5) fundraising events per calendar year.
 - d. Gatherings of fewer than one hundred (100) people, such as personal events and parties, block parties, nonprofit events, and fundraisers, that do not occur within the Town's right of way nor last more than three (3) consecutive days, provided that the organizer shall complete the special events permitting process, as applicable, and comply with any conditions required by those departments. Such events shall be subject to Town ordinances including noise, lighting, and other nuisance standards. This exemption applies to no more than three (3) events per calendar year per property; additional events require a temporary use permit.
- D. General requirements for all temporary uses: All temporary uses shall meet the following general requirements, unless otherwise specified in this title:
- 1. Permanent alterations to the site are prohibited. If any alterations to the site occur the site shall be restored to its previous condition.
 - 2. The temporary use shall operate only within the timeframe authorized by the Director.
 - 3. All temporary signs associated with the temporary use shall be required to follow the Town's sign regulations. All signs shall be removed when the activity ends.
 - 4. The temporary use shall comply with any and all conditions of approval that are applied at the time of temporary use permit issuance.
 - 5. All other permits necessary for the operation of the temporary use shall be obtained prior to the temporary use permit start date (e.g., fire department, building department, health department, etc.).
 - 6. If the property is undeveloped, it shall contain sufficient land area to allow the temporary use to occur, as well as any parking and traffic movement that may be associated with the temporary use, without disturbing sensitive or protected resources, including required buffers, one hundred (100)-year floodplains, stream protection setbacks, wetlands, and areas of slope greater than twenty (20) percent.
 - 7. If the property is developed, the temporary use shall not create a negative impact on existing buffers, open space, landscaping, traffic movements, pedestrian circulation, or parking space availability.
 - 8. Off-street parking shall be adequate to accommodate the proposed temporary use.
 - 9. ADA accessible bathrooms shall be provided when required.
 - 10. The Town of Frederick reserves the right to revoke any temporary use permit at any point in time when the Director has determined that the temporary use is in violation with the terms of the permit or other Town ordinances or regulations. Upon revocation, the use shall be promptly removed from the specified location.
- E. Additional use-specific regulations for certain temporary uses: In addition to complying with the general regulations, the temporary uses listed below shall comply with the additional use-specific regulations below.
- 1. Construction office and outdoor storage for construction: Construction offices and outdoor storage locations for construction shall be reviewed as a building permit. Permit plans shall be submitted illustrating that the application meets all of the following requirements:
 - a. The use shall be located on a lot unless allowed on an unplatted portion of the property per the Director and Town Engineer.
 - b. The use shall meet zoning category setback and height requirements.
 - c. The use shall provide an all-weather access road to the construction office with a turn-around that is approved by the fire district. The access and turn-around is required to be in place before the construction office is installed.

- d. The construction office is not required to tap into the Town's water and sanitary sewer system. A port-a-let shall be provided.
 - e. Outdoor storage shall be fenced; if adjacent to existing or future residential development, such fencing shall be opaque.
 - f. The construction office and associated site elements shall be removed by the time the last certificate of occupancy is released within the filing within the development in which the construction office is located. Within thirty (30) days of the construction office being removed from the site, the owner shall either have a building permit(s) issued for the site or the site shall be restored with appropriate ground cover in accordance with Town erosion control standards.
2. Model homes and sales offices: The following standards shall apply to all model homes and sales offices:
- a. Model homes and temporary sales offices associated with residential developments shall be reviewed as a building permit.
 - b. Building permits for model homes and sales offices shall be issued after paved streets are completed and accepted by the Public Works Director and the applicant has demonstrated the model homes will be connected to the water and sanitary sewer systems; and off-street parking, sidewalks, and landscape improvements shall be installed prior to the issuance of a certificate of occupancy is issued for any model home.
 - c. Model homes and associated parking shall conform to the development and design standards applicable to residential uses in the zone district, and shall provide temporary off-street parking onsite or on an adjacent lot that conforms to the development and design standards for parking lots for similar commercial uses, as may be modified by the Director to reflect the temporary nature of the use. The temporary off-street parking shall have all-weather surfacing. Temporary parking lots shall be removed prior to the issuance of the last certificate of occupancy for a dwelling unit in the development is issued.
 - d. Access to a temporary sales office and associated parking shall come from a local or collector streets and not from an arterial street.
 - e. A water and sewer tap is required on the lot where the model home is located.
 - f. The temporary sales office and associated site elements shall be removed by the time the last certificate of occupancy is released within the filing within the development in which the temporary sales office is located. Within thirty (30) days of the temporary sales office being removed from the site, the owner shall either have a building permit(s) issued for the site or the site shall be restored with appropriate ground cover in accordance with Town erosion control standards.
3. Temporary sales: Temporary sales shall be reviewed according to the temporary use permit process outlined above. Plans shall be submitted illustrating that the application meets all of the following requirements:
- a. The use shall be located on a lot, unless allowed on an unplatted portion of the property per the Director and Town Engineer.
 - b. The use shall meet zoning category setback and height requirements.
 - c. ADA access is required.
 - d. Temporary off-street parking shall be provided on-site or on an adjacent vacant lot.
 - e. Off-street parking shall have all-weather surfacing.
 - f. Off-street parking shall meet zoning category setback requirements.

Sec. 16-2-50. Nonconforming Uses.

A. Requirements for nonconforming uses. Except as provided in this Section, the lawful use of any building or land existing at the time of enactment of this Article, or of any amendments to this Chapter, may be continued even though such use does not conform to the requirements of this Code, but nonconforming uses may not be expanded, replaced, or altered.

1. Abandonment. When a nonconforming use has been discontinued for a period in excess of one hundred eighty (180) days, such use shall be considered abandoned and shall not thereafter be reestablished. Intent to resume active operations shall not affect the foregoing, and any future use shall be in conformance with the provisions of this Article. The burden of proof an operation has been continuous rests with the owner or operator of the use. The evidence an operation has been continuous must be clear, indicate that at the specific time in question the use was in operation, and must be conclusive.

2. Completion. Any building or structure for which a building permit has been issued prior to the date of enactment of this Article may be completed and used in accordance with the plans, specifications, and permits on which said building permit was granted, if construction is commenced within sixty (60) days after the issuance of said permit and diligently brought to completion.

3. Displacement. No nonconforming use shall be altered, extended, or restored so as to displace any conforming use. A manufactured home or mobile home in any district may be improved or replaced with a newer model manufactured home.

4. Extensions. A nonconforming use shall not be extended, but the extension of a conforming building shall not be deemed the extension of such nonconforming use; however, businesses in R-1 and R-2 zones shall not be extended under any circumstances.

5. Alterations. A nonconforming use shall not be altered.

6. Repairs and maintenance. Ordinary repairs and maintenance of a nonconforming building or structure shall not be deemed an extension of such nonconforming building or structure, and shall be permitted.

7. Restoration. A nonconforming building or structure that has been damaged by fire or other causes may be restored to its original condition, provided, that such work is commenced within one hundred eighty (180) days after such casualty and less than fifty (50) percent of the building or structure is destroyed. If these requirements are met, a nonconforming building or structure shall not be restored and may be required to be removed and/or demolished, which may require a building permit.

8. Unsafe buildings. A nonconforming building or structure or portion thereof that is declared unsafe by the Building Inspector may be replaced, strengthened, or restored to a safe condition, which may require a building permit.