

Sec. 3.4. Matrix of Permitted, Conditional, and Special Uses by Zoning District.

1. *General application of uses.*

- a. *P – Permitted Principal Use.* Uses designated as "permitted uses" are allowed in a zone district as a matter of right.
- b. *C – Permitted Conditional Use.* Uses classified as "conditional uses" may be permitted upon the Planning Commission’s recommendation of approval of a conditional use permit. A public meeting and final consideration by the Board of Trustees is required.
- c. *S – Special Use.* Uses classified as a "special use" are permitted upon Administrative approval through a special review.
- d. *Blank Cell.* Unless a use is designated as a "permitted use" or "conditional use" or is classified as a legal "nonconforming" structure or use, it is not permitted. Land uses not otherwise identified in this Code may be proposed for development. In order to provide for such uses, the classification of any new or unlisted land use shall be made by the Board of Trustees to determine if the use can be reasonably interpreted to fit into a similar use category described in this Code. Unless such determination is made, the use is not permitted.
- e. The numbers of additional regulations shown in the right-hand column relate to regulations that can be found following the Table of Permitted Uses. These standards are in addition to the general criteria applicable to all uses and to the general development and subdivision standards stated in Articles 2 and 4, respectively.

Table 3-1. Table of Permitted Uses

Any use not permitted in a zone either specifically or by interpretation by the Board of Trustees per Section 3.4(a) is hereby specifically prohibited

PERMITTED USES	A	R- E	R- 1	R- 2	R- 3	R- MH1	R- MH2	D- A	D- B	C- N	C- C	C- H52	C- E	BLI	I	P	Additional Regulations (Apply in All Districts Unless Otherwise Stated)
RESIDENTIAL USES																	

PERMITTED USES	A	R-E	R-1	R-2	R-3	R-MH1	R-MH2	D-A	D-B	C-N	C-C	C-H52	C-E	BLI	I	P	Additional Regulations (Apply in All Districts Unless Otherwise Stated)
Accessory buildings and accessory uses.	P	P	P	P	P	P	P			P	P	P	P	P	P	P	(17), (28)
Accessory dwelling when associated with a permitted use.	P	P	P	P										C	C		(1), (2), (28)
Group homes.	P	P	P	P	P					P		P	C				(3), C-E: (13), (28)
Multi-family.					P			P	P			C	C				(4), C-E: (13), (28)
Manufactured homes.						P	P										(28)
Mixed use dwelling units.								P	P	P	P	P	P	P			C-E: (13), (28)
Senior Housing.		P	P	P	P	P	P						P				C-E: (13), (28)
Single-family detached dwellings.	P	P	P	P			P	P	P								(28)
Single-family attached dwellings.				P	P			P	P			C	C				C-E: (13), (28)
Two-family and multi-family dwellings.				P	P								C				(5), C-E: (13), (28)
INSTITUTIONAL/CIVIC/PUBLIC USES																	
Cemeteries.	C	C														P	(28)
Church or place of worship and assembly.																	(28)
1. With seating capacity of less than 600 persons in the sanctuary or main activity area.	C		P	P	P		P	P	P	P	P	P	C	C	C		(19), (28)
2. With seating capacity of more than 600 persons in the	C		C	C	C		C	P	P	P	P	P	C	C	C		(19), (28)

PERMITTED USES	A	R-E	R-1	R-2	R-3	R-MH1	R-MH2	D-A	D-B	C-N	C-C	C-H52	C-E	BLI	I	P	Additional Regulations (Apply in All Districts Unless Otherwise Stated)
sanctuary or main activity area.																	
Community facilities.		C	C	C	C		C			P	P	C	P	P	P	P	C-E: (13), (28)
Golf courses.	P	C	C	C	C		C			C	C	C	C	C	C	P	(28)
Parks and Open Space.	P	P	P	P	P		P			P	P	P	P	P	P	P	(28)
Schools for kindergarten, elementary, intermediate and high school education.																	(28)
1. Public.	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	(28)
2. Private.	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	(8), (28)
Public and private schools including colleges, vocational training, and technical training.										P	P	C	P	P	C	C	(28)
Public facilities.	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	C-E: (13), (28)
Special schools.										P	P	P	P	P	C		(28)
Transit facilities with repair or storage.													C	C	P		(8), (28)
Transit facilities without repair or storage.										P	P	P	P	P	P	P	(8), (28)
BUSINESS/COMMERCIAL/RETAIL USES																	
Adult uses, including product sales and entertainment.															C		(8), (28)
Archery range.																	(28)
1. Indoor.	P											P	P	P	P		(28)

PERMITTED USES	A	R-E	R-1	R-2	R-3	R-MH1	R-MH2	D-A	D-B	C-N	C-C	C-H52	C-E	BLI	I	P	Additional Regulations (Apply in All Districts Unless Otherwise Stated)
2. Outdoor.	C																(28)
Artisan and photography studios and galleries.										P	P	C	P	C	C		C-E: (13), (28)
Assisted living facility.					C					P		C	P				(28)
Auto, RV, boat and truck sales.											C	C	C	C	C		(15), (28)
Auto, RV, boat and truck storage.														C	P		(6), (28)
Automotive repair.																	(28)
1. Major.											C			P	P		(8), (28)
2. Minor.											P	P		P	P		(8), (28)
Bars and taverns.										C	P	C	P	P	C		(8), C-E: (13), (25), (28)
Bed and breakfasts.			P	C	C			P	P	C	P	P	C				C-E: (13), (28)
Brewery, winery, distillery.														P	P		(23), (25), (28)
Boarding and rooming houses.					C					P		C	P				(28)
Car washes.										C	P	P		P	P		(8), (28)
Child care centers.	C				C					P	P	P	P	C	C		C-E: (13), (28)
Child care, in-home.	P	P	P	P	P	P	P										(28)
Clubs and lodges.										C	P	C	P	P	P		C-E: (13), (28)
Crematorium.													P	P	P		(28)
Entertainment facilities and theaters.								P	C	C	P	C	P	C	C		(28)
Equipment rental establishments.										P	P	P		P			(6), (28)
Financial institutions.										P	P	P	P				(8), (9), (28)

PERMITTED USES	A	R-E	R-1	R-2	R-3	R-MH1	R-MH2	D-A	D-B	C-N	C-C	C-H52	C-E	BLI	I	P	Additional Regulations (Apply in All Districts Unless Otherwise Stated)
1. Automatic teller machines (ATMs).																	Off-site, drive-up ATM facility not located on same lot as principal use requires site plan review and compliance with (8) and (9), (28)
Food catering.										P	P	P	P	P			C-E: (13), (28)
Food product production, small.										P	P	P	P	P			(28)
Funeral homes.								P			P	P	C	C			C-E: (13), (28)
Gasoline stations.										C	P	P		P	P		(8), (28)
Grocery store (small).										P	P	P		C			(28)
Health and membership clubs.										P	P	P	P	P	P		C-E: (13), (28)
Home occupations.	P	P	P	P	C	P	P	P	P	P	P		P				(16), (28)
Hospitals.											C	C	P	P	C	C	(7), (28)
Hotel, motel, or lodging establishments.								P	C	C	P	P	P	C			(28)
Kennels – small animal boarding.	P	C								C	P	C	P	P	C		(8, 18), (28)
Limited indoor recreation facilities.								P	C	P	P	P	P	C		P	(8), (28)
Limited outdoor recreation facilities.	C	C	C	C	C					C	C	P	P	C	C	P	C-E: (13), (28)
Long-term care facilities.					C					C	P	P	C	C			(28)
Marijuana grow facility.																	(28)

PERMITTED USES	A	R-E	R-1	R-2	R-3	R-MH1	R-MH2	D-A	D-B	C-N	C-C	C-H52	C-E	BLI	I	P	Additional Regulations (Apply in All Districts Unless Otherwise Stated)
Marijuana: recreational – up to 6 plants.	P	P	P	P	P	P	P	P	P								(28)
Marijuana retail operation.																	(28)
Medical and dental offices and clinics.								P	P	P	P	P	P	C			(7), (28)
Medical marijuana: patient.																	(28)
1. Up to 6 plants.	P	P	P	P	P	P	P	P	P								(28)
2. More than 6 plants but less than 99 plants.															C		(28)
Medical marijuana primary caregiver.																	(28)
1. Up to 6 plants.	P	P	P	P	P	P	P	P	P								(28)
2. More than 6 plants but less than 99 plants.															C		(28)
Meeting place.										P	P	P	P				(28)
Microbreweries, Microdistilleries, and Microwineries.								C	C	C	C	C	C	P	P		(22), (25), (28)
Nightclubs.											C	C	C	C			(8), (28)
Open air farmers' markets.	P							P		P	P	P		C	C		(8), (28)
Parking lots and parking garages as principal use.											C	C	P	P	P		(8), (28)
Personal and business service shops.								P	P	P	P	P	P	C			C-E: (13), (28)

PERMITTED USES	A	R-E	R-1	R-2	R-3	R-MH1	R-MH2	D-A	D-B	C-N	C-C	C-H52	C-E	BLI	I	P	Additional Regulations (Apply in All Districts Unless Otherwise Stated)
Plant nurseries and greenhouses.	P										P	P	P	P	P		C-E: (13), (28)
Print shops.												P	P				C-E: (13), (28)
Professional offices, financial services.								P	P	P	P	P	P	P			(9), (28)
Restaurants.								P	P	P	P	P	P	P	C		(8), C-E: (13), (25), (28)
1. Restaurants with outside eating area.								P	P	P	P	P	P				(8), (28)
2. Restaurants with drive-in facilities.										C	C	C	C	C	C		(8), (9), (28)
3. Restaurants with drive-through facilities.											C	C	C	C	C		(8), (9), (28)
Retail/Commercial establishments (small).								P	P	P	P	P	P				(28)
Retail/Commercial establishments (large).											P	P	P				(28)
Retail and supply yard facilities.											C	C		C	P		(6), (28)
Seasonal Sales.								P		P	P	P	P				(21), (28)
Shooting range.																	(28)
1. Indoor.	P											P	P	P	P		(8), (28)
2. Outdoor.	C																(26), (28)
Supermarkets.											P	P	P				(28)
Tourist facilities										P	P	P		P		P	(28)
Veterinary facilities, small animal clinics.	P									P	P	P	P	P	P		(8), (28)
Veterinary facilities, large animal clinics.	P													P	C		(8), (28)

PERMITTED USES	A	R-E	R-1	R-2	R-3	R-MH1	R-MH2	D-A	D-B	C-N	C-C	C-H52	C-E	BLI	I	P	Additional Regulations (Apply in All Districts Unless Otherwise Stated)
Veterinary hospitals.													C	C	C		(8), C-E: (13), (28)
INDUSTRIAL USES																	
Base stations, alternative tower structures, and small cell wireless facilities within ROW.	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	C-E: (13), (14), (28)
Dry-cleaning plants.															C		(28)
Eligible facilities request.	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	C-E: (13), (14), (28)
Gas, oil and other hydrocarbon well drilling and production (as permitted by state and local regulations).	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	Article 9, (28)
Heavy industrial uses.															P		(6), (28)
Light industrial (production, assembly and packaging).													C	P	P	P	(6), C-E: (13), (28)
Machine shop.														P	P		(28)
Manufacturing and preparing food products.															P		(28)
Manufacturing, assembly or packaging of products from previously prepared materials.													P	C	P		(6), C-E: (13), (28)
Manufacturing of electric or electronic													P	C	P		C-E: (13), (28)

PERMITTED USES	A	R-E	R-1	R-2	R-3	R-MH1	R-MH2	D-A	D-B	C-N	C-C	C-H52	C-E	BLI	I	P	Additional Regulations (Apply in All Districts Unless Otherwise Stated)
instruments and devices.																	
Mini-storage warehouse.											C	C		C	P		(6), (28)
Plumbing, electrical and carpenter shops.														P	P		(6), (28)
Recycling facilities.															C	C	(6), (28)
Research, experimental or testing laboratories.												C	P	C	P		C-E: (13), (28)
Resource extraction, processes and sales establishments.	C														C	C	(6), (28)
Sales and leasing of farm implements, heavy equipment, mobile/ manufactured homes, and heavy excavation equipment.															C		(6), (28)
Warehouse, distribution and wholesale uses.														P	P		(6), (28)
WCF tower.	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C-E: (13), (14), (28)
Workshops and custom small industry.											C	P	P	P	P		C-E: (13), (28)
AGRICULTURAL USES																	
Agritainment.	C																(28)
Animal boarding.	P																(28)
Agricultural activities.	P	P															(10), (28)
Backyard chickens.		P	P	P													(24), (28)

PERMITTED USES	A	R-E	R-1	R-2	R-3	R-MH1	R-MH2	D-A	D-B	C-N	C-C	C-H52	C-E	BLI	I	P	Additional Regulations (Apply in All Districts Unless Otherwise Stated)
Common equestrian stabling and grazing.	P	P															(10, 11), (28)
Structures for storage of agricultural products produced on the premises.	P																(28)
Apiary/beekeeping	P	P	P	P				P	P								(27), (28)

2. *Specific Use Standards.*

a. *General.*

(1) *How to Use this Section.* The use standards stated in Section 3.4.b below apply to specific permitted principal uses and correspond to the numbers shown in the "Additional Regulations" column in Table 3-1, Table of Permitted Uses. For example, if the number "1" appears in the Additional Regulations column of the Table, then the specific use standards stated in Section 3.4.b below apply.

(2) *Standards are Supplemental.* As applicable, the specific use standards stated in Section 3.4.b below are in addition to the general criteria applicable to all uses and to the general development and subdivision standards stated in Articles 2 and 4, respectively. In the case of any conflict between a specific use standard in Section 3.4.b below and a general development standard as stated in other provisions of the Land Use Code, the specific use standard in Section 3.4.b below shall apply unless otherwise expressly provided.

b. *Specific Use Standards*

(1) Accessory dwelling units are limited to the following dimensions:

(a) In the Agriculture and Estate Residential Zoning Districts:

- i) Minimum floor area of five hundred (500) square feet.
- ii) Maximum floor area of one-half (1/2) the total floor area of the primary residence.

- (b) In the R-1 and R-2 Zoning Districts:
 - i) Minimum floor area of five hundred (500) square feet.
 - ii) Maximum floor area of one thousand (1,000) square feet.
- (2) Only one accessory dwelling unit is allowed per lot.
- (3) Group homes are limited to a maximum of eight (8) developmentally disabled persons, handicapped individuals, children or senior citizens.
- (4) Number of multi-family units is limited to twenty-four (24) units per building.
- (5) No more than eight (8) units per building.
- (6) Outdoor storage, enclosed mini-storage facilities and/or auto, RV, boat and truck storage standards.
 - (a) All storage facilities should be located in areas with limited development opportunities, such as oil and well setbacks, areas of subsidence or areas with other physical land constraints that limit the development of structures.
 - (b) All storage, equipment and refuse areas shall be concealed from view from less intensive land uses, residential areas, abutting public rights-of-way and trails or trail corridors.
 - (c) All storage facilities shall be concealed through the use of a solid fence or wall that shall not have an uninterrupted length exceeding fifty feet (50'). The maximum height of the fence shall be eight feet (8'). Pilasters, brick, texture transitions and stepping of the fence planes are required. The use of additional landscaping (including plant materials and berming) that provides year-round screening of a sufficient height to further conceal all stored materials is required to prevent visual impacts on neighboring businesses, residential uses and the streetscape.
 - (d) Storage shall not be permitted within any applicable setback, public right-of-way or in landscaped areas.
 - (e) A minimum of twenty-five percent (25%) of the site must be maintained in live landscaped area.

- (f) A fifty-foot (50') landscaped buffer is required along all perimeter streets if storage is adjacent to the right-of-way.
 - (g) A minimum five-eighths-inch (5/8") water tap must be purchased to serve the lot.
 - (h) A mechanism for long-term maintenance of all fencing is required (i.e., owners' association or covenants).
 - (i) Storage facilities shall not be located within a three-mile (3) radius of an existing facility within the Town of Frederick or in another jurisdiction.
 - (j) All buildings must utilize three (3) different types of building materials resulting in significant variation in the building facades. The building materials used for buildings, roofs, and other structures shall be compatible with the desired character of the zone.
 - (k) Outdoor loudspeaker systems are prohibited.
- (7) Heliports and helipads are a permitted accessory use to hospitals, medical clinics, and medical centers.
- (8) *Residential protection standards.*
- (a) *Purpose.* The purpose of these standards is to promote the public health, safety, and welfare by protecting existing residential uses and established residential neighborhoods from the potentially adverse visual, noise, light, traffic, and other impacts arising from the development of new commercial, retail, industrial, or institutional/civic uses in close proximity. Accordingly, these standards seek to create a "transition area" between the edges of nonresidential and residential zoning districts and uses.
 - (b) All required minimum distances set forth shall be measured from the nearest property line of one designated location to the nearest property line of the other designated location along a straight line extended between the two points without regard to intervening structures.
 - (c) *Limitations on Permitted Uses.* Notwithstanding the provisions of Article 3 Section 4 of this Chapter, including Table 3-1, Table of Permitted Uses, the following uses shall not be established or developed within the distance specified below of an existing residential use or of a residential zoning district. Residential zoning districts, for the

purposes of this standard, shall include residential portions of a mixed-use development not located on the same lot as a non-residential use. Nothing in this subsection shall be interpreted to prohibit a lawfully operating use listed below from continuing its operation, if subsequent to the listed use's establishment, a residential use or zone district, or other protected use, is established or locates within the distances specified below.

- i) Automobile Service Stations--No closer than two hundred fifty (250) feet, excluding residential uses located in a non-residential zoning district;
- ii) Bars, taverns, and nightclubs--No closer than two hundred fifty (250) feet, excluding residential uses located in a non-residential zoning district;
- iii) Bus, Railroad, or Public Transit Terminal--No closer than two hundred fifty (250) feet, excluding residential uses located in a non-residential zoning district;
- iv) Indoor Shooting Range--No closer than two hundred fifty (250) feet.
- v) Kennels – No closer than two hundred fifty (250) feet, excluding residential uses located in a non-residential zoning district;
- vi) Liquor Stores--No closer than two hundred fifty (250) feet, excluding residential uses located in a non-residential zoning district;
- vii) Motor Vehicle Sales and Rentals--No closer than two hundred fifty (250) feet, excluding residential uses located in a non-residential zoning district;
- viii) *Motor Vehicle Repair and Maintenance.*
 - 1. No closer than two hundred fifty (250) feet for completely enclosed operations, excluding residential uses in a nonresidential zoning district;
 - 2. No closer than five hundred (500) feet for any outdoor repair and maintenance activity;
- ix) Motor Vehicle Painting and Bodywork--No closer than two hundred fifty (250) feet for completely enclosed operations and no closer than five hundred (500) feet for any outdoor activity;

x) Outdoor Sales, Repairs, and Activities--No closer than two hundred fifty (250) feet, excluding residential uses in a non-residential zoning district, except outdoor seating and food service areas for eating/drinking establishments as allowed in subsection 8(d) below;

xi) Private Airports--No closer than one thousand (1,000) feet;

xii) Restaurants with Drive-In Facilities--No closer than two hundred fifty (250) feet excluding residential uses in a non-residential zoning district; and

xiii) Transportation Depots, Trucking Terminals, and Distribution Centers--No closer than five hundred (500) feet, excluding residential uses in a non-residential zoning district;

xiv) Adult uses-No closer than one thousand (1,000) feet.

xv) Cultivation of medical marijuana by a primary caregiver or a patient with legal authorization from the state to cultivate, produce, possess or process more than six (6) medical marijuana plants, which is limited to the Industrial (I) Zoning District – No closer than five hundred (500) feet.

(d) *Development & Operational Standards.* All new development subject to this subsection shall comply with the following development standards.

These standards are in addition to applicable use and development standards stated in this Article and Article [2](#).

i) *Applicability.* Except for uses more specifically limited in subsection 8.b above, the following residential protection standards apply to the specified use only when the proposed use is located either in a residential zoning district, or within 250 feet of a residential zoning district.

ii) *Conflicting Provisions.* When the provisions of this subsection conflict with the provisions found in other sections of this Development Code, the more restrictive provision shall apply.

iii) *Operational Standards.*

1. Amplification of music, entertainment, or other noise emanating from the use that exceeds the noise standards in Chapter 10-198 of the Municipal Code shall not be allowed.
2. The operator or owner shall control all litter generated by the use.
3. Seating and food service may be provided on an outside patio or enclosure of a restaurant use, provided the patio or enclosure is no more than one-third the gross floor area of the principal use. Outdoor seating and food service must close by 10:00 p.m. Outside activity shall not be conducted between the hours of 10:00 p.m. and 7:00 a.m., and no delivery, loading, privately-contracted trash removal or compaction, or other such operations shall be permitted between the hours of 10:00 p.m. and 7:00 a.m. unless the Applicant submits evidence that such operations comply with the noise standards in Chapter 10-198 of the Municipal Code.

(e) *Parking, Access, and Circulation Standards.* The off-street parking area for the use shall be a minimum of 15 feet from the lot line of adjacent properties zoned for residential purposes. The parking area shall be landscaped according to Article 2 Section 14 and screened to prevent glare from vehicle headlights from intruding on adjacent residential properties.

(f) *Review of Uses Subject to this Subsection.*

i) *Uses Permitted By-Right ("P").*

1. *Subject to Special Review Procedure.* Uses subject to these residential area protection standards that are otherwise permitted by-right ("P") shall be reviewed according to the procedure stated in Article 4, "Site Plan," of this Land Use Code. At the Planning Director's discretion, based on consideration of the proposed use's potential impacts on nearby residential uses, full conditional use review may be required.

2. *Review Criteria.* All by-right uses subject to this provision shall be approved, approved with conditions, or denied based on their compliance with both the standards stated in this subsection for residential area protection, and the general review criteria and standards applicable to a Site Plan.

3. *Conditional Uses.* Uses subject to these residential area protection standards that are permitted as conditional uses ("C") shall be reviewed and approved according to Article 4 Section 9, "Conditional Uses." Approval or denial of the use shall be based on its compliance with both the standards stated in this subsection for residential area protection, and the general and applicable specific review criteria and standards stated in Article 4 Section 9.

(9) *Vehicle stacking standards.*

(a) The development and design standards of this subsection shall apply to all drive-in (drive-through) facilities and other auto-oriented uses unless otherwise expressly approved by the Planning Director:

i) *Minimum Number of Vehicle Stacking Spaces.* Off-street stacking spaces shall be provided as follows:

Table 3-2		
Activity Type	Minimum Stacking Spaces	Measured From: [1]
Bank teller lane	4	Teller or Window
Automated teller machine	3	Teller
Restaurant drive-through	6	Order Box
Restaurant drive-through	4	Order Box to Pick-Up Window
Car wash stall, automatic	4	Entrance
Car wash stall, self-service	3	Entrance
Funeral home/mortuary	4	Primary Passenger Loading Area for Processions
Other	4	Pick-Up Window

Note [1]: Measured so that the driver's side window is centered on the teller, order box, or window, as applicable.

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

1. *Vehicle Stacking Spaces.*

a. *Size.* Vehicle stacking spaces must be a minimum of nine (9) feet by twenty (20) feet in size.

b. *Location.* Stacking spaces may not impede on- or off-site traffic movements, nor impede movements into or out of off-street parking spaces.

c. *Design.*

1. Stacking spaces shall be separated from other internal driveways by raised medians if the Town Engineer deems the median necessary for traffic movement and safety.

2. Vehicle stacking areas adjacent to public streets or sidewalks shall be separated from such streets or sidewalks by walls or landscaping with berms.

2. *Drive-In (Drive-Through) Facilities and Lanes.*

a. *Location and Screening.*

1. 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.

2. 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. The entire twenty foot (20') setback must be landscaped and bermed to screen the drive-in lane and facility from adjacent streets.

3. Drive-in lanes adjacent to public streets or sidewalks shall be separated from such streets or sidewalks by walls or landscaping with berms.

4. Car wash facilities and gas station auto service bays shall be located on the side or rear of principal structures to minimize their visibility from public streets.

5. In addition to any buffering required by Article 2, drive-in lanes adjacent to residential uses shall be separated from such uses by an opaque wall at least six (6) feet high, located so that required buffer landscaping is between the wall and the adjacent residential use.

(10) Animals within corrals must be at least one hundred feet (100') from any residence or retail sales building that exists. If a residence or retail sales building is constructed on the property, the corral must be relocated to a location at least one hundred feet (1000') away from such structure.

(11) Animal density is limited to two (2) per acre for horses, cattle, llamas, buffalo, and beefalo. At least one-half (1/2) acre of pasture is required for each animal. Sheep are limited to three (3) per acre.

(12) Grazing must have existed during the two (2) preceding years immediately prior to annexation

(13) *Special Development Standards for the C-E District.*

(a) *Secondary uses.* Secondary uses in the Employment Zone shall be integrated both in function and appearance into a larger employment district development plan that emphasizes primary uses and are limited to twenty-five percent 25% of the total gross area of the overall plan. All secondary uses shall be subject to site plan review.

(b) *Mix of housing types.* A mix of permitted housing types shall be included in any development plan proposing residential uses as a secondary use. The following standards are intended to promote a variety of housing within such a development plan:

- i) A minimum of two (2) housing types shall be required on any residential portion of a development plan greater than ten (10) acres but less than thirty (30) acres in size, including parcels which are part of a phased development. A minimum of three (3) housing types shall be required on any residential portion of a development plan greater than thirty (30) acres in size, including parcels that are

part of a phased development. The following list of housing types shall be used to satisfy this requirement:

1. Single-family detached dwellings located on lots containing no more than six thousand two hundred fifty (6,250) square feet.
2. Single-family attached dwellings.
3. Two-family dwellings.
4. Multi-family dwellings.
5. Group homes.
6. Mixed-use dwellings

ii) A maximum of fifty percent (50%) of a residential portion of the project may be single-family detached housing.

iii) Lot sizes and dimensions shall be varied for different housing types to avoid monotonous streetscapes.

iv) The lot size and layout pattern shall be designed to allow residences to face toward a street.

(c) *Access to a park, central feature, or gathering place.* Within any development proposal that contains a residential component, at least ninety percent (90%) of the dwellings of a residential development proposal shall be located within one thousand three hundred twenty (1,320) feet (one-quarter [1/4] mile) of either a neighborhood park, a privately owned park or a central feature or gathering place that is located either within the project or within an adjacent development, which distance shall be measured along street frontage without crossing an arterial street. Such parks, central features or gathering places shall contain one (1) or more of the following uses:

i) Public parks, recreation areas or other open lands.

ii) Privately owned parks meeting the following criteria:

1. *Size.* In development projects greater than two (2) acres in gross area, such private parks must be a minimum of ten thousand (10,000) square feet. In

development projects with a gross area of two (2) acres or less, such private parks must be a minimum of six percent (6%) of the gross site area.

2. *Location.* Such parks must be highly visible, secure settings formed by the street layout and pattern of lots and easily observed from streets. Rear facades and rear yards of dwellings shall not abut more than two (2) sides or more than fifty percent (50%) of the perimeter frontage of the park.

3. *Accessibility.* All parts of such parks shall be safely and easily accessible by pedestrians, and open to the public.

4. *Facilities.* Such parks shall consist of multiple-use turf areas, walking paths, plazas, pavilions, picnic tables, benches or other features for various age groups to utilize.

5. *Ownership and maintenance.* Such parks shall be privately owned and maintained by the developer or property owners' association.

6. *Storm drainage.* When integrating storm drainage and detention functions to satisfy this requirement, the design of such facilities shall not result in slopes or gradients that conflict with other recreational and civic purposes of the park.

iii) Community facilities or neighborhood support/recreation facilities (which are permitted as an accessory use to housing). If such facility is smaller than the required minimum size for privately owned parks as required in subparagraph 2 above, then the facility shall be physically integrated with such park space as needed to meet the required minimum size.

(d) *Limit on use outside buildings.* Except for off-street parking and loading areas, all outdoor storage shall be screened above and beyond what is required in other zoning districts as determined in this Land Use Code.

(e) *Building design.* To the extent reasonably feasible, industrial buildings shall provide a primary entrance that faces and opens directly onto the adjacent street sidewalk or a walkway, plaza or courtyard that has direct linkage to the street sidewalk without requiring pedestrians to cross any intervening driveways or parking lots. The following exceptions shall be permitted to this standard:

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

ii) Acceptable building materials include brick, CMU block, wood, vinyl, stucco, stone and other materials similar in type. Prefabricated buildings and metal buildings are not permitted.

(14) *Wireless communications.*

(a) Wireless communications facility includes a ground-mounted base station which must be used as an accessory structure that is connected to an antenna mounted on or affixed to an existing building.

(b) *Height and setback requirements.*

i) Roof or building-mounted commercial mobile radio service facilities may protrude no more than five (5) feet above the parapet line of the building or structure, nor more than two and one-half (2 1/2) feet outside of the building wall unless sufficient screening methods are demonstrated and accepted as part of the approval.

ii) Roof- or building-mounted whip antennae of no more than three (3) inches in diameter, in groupings of five (5) or less, may extend up to twelve (12) feet above the parapet wall

iii) All freestanding facilities shall be set back at least three hundred (300) feet from all residentially zoned properties or residential structures on properties otherwise zoned.

(c) *Accessory buildings requirements.*

i) Accessory buildings located on the ground shall be no larger than four hundred (400) square feet and must be constructed of durable, low-maintenance materials, architecturally compatible and integrated with existing buildings and structures.

Sites with greater than one hundred (100) cubic feet of cabinet area, visible from a public right-of-way or residentially zoned or used area, must enclose the equipment in accessory buildings.

ii) Accessory buildings and facilities are to be screened, to the extent possible, from public streets and sidewalks, either by screening, landscaping, location or other techniques deemed sufficient.

(d) *Building- or roof-mounted facilities requirements.*

i) Building- or roof-mounted facilities are to be screened from public view, either by screening, location or other techniques deemed sufficient.

(e) *Freestanding wireless communications facilities requirements.*

i) *Permission to use on ROW or public property.* For WCFs in the ROW, the applicant shall execute a nonexclusive license to use the public right-of-way. Attachment of WCFs on an existing traffic signal, streetlight pole, or similar structure shall require written evidence of a license, or other legal right or approval, to use such structure by its owner. Prior to, or concurrently with, seeking land use approval for a WCF on public property that is not in the ROW, the applicant shall execute a lease agreement with the Town.

ii) *Operation and maintenance.* To ensure the structural integrity of WCFs, the owner of a WCF shall ensure that it is maintained in compliance with the standards contained in applicable local building and safety codes. If, upon inspection, the Town concludes that a WCF fails to comply with such codes and constitutes a danger to persons or property, then, upon written notice being provided to the owner of the WCF, the owner shall have thirty (30) days from the date of notice to bring such WCF into compliance. Upon good cause shown by the owner, the Town's Chief Building Official may extend such compliance period not to exceed ninety (90) days from the date of said notice. If the owner fails to bring such WCF into compliance within said time period, the Town may remove such WCF at the owner's expense.

iii) *Abandonment and removal.* If a WCF has not been in use for a period of three (3) months, the owner of the WCF shall notify the Town of the nonuse and shall indicate whether reuse is expected within the ensuing three (3) months. Any WCF

that is not operated for a continuous period of six (6) months shall be considered abandoned. The Town, in its sole discretion, may require an abandoned WCF to be removed. The owner of such WCF shall remove the same within thirty (30) days of receipt of written notice from the Town. If such WCF is not removed within said thirty (30) days, the Town may remove it at the owner's expense and any approved permits for the WCF shall be deemed to have expired. Additionally, the Town, in its sole discretion, shall not approve any new WCF application until the applicant who is also the owner or operator of any such abandoned WCF has removed such WCF or payment for such removal has been made to the Town.

iv) *Camouflage/concealment.*

1. All WCFs and any transmission equipment shall, to the extent possible, use camouflage design techniques including, but not limited to, the use of materials, colors, textures, screening, undergrounding, or other design options that will blend the WCF to the surrounding natural setting and/or built environment. Design, materials and colors of WCFs shall be compatible with the surrounding environment. Designs shall be compatible with structures and vegetation located in the public right-of-way and on adjacent parcels.
2. Camouflage design may be of heightened importance where findings of particular sensitivity are made (e.g., proximity to historic or aesthetically significant structures, views, and/or community features). Should the Planning Director determine that WCFs are located in areas of high visibility, they shall (where possible) be designed (e.g., camouflaged, placed underground, depressed, or located behind earth berms) to minimize their profile at the request of the Planning Director.
3. The camouflage design may include the use of alternative tower structures should the Planning Director determine that such design meets the intent of this Code and the community is better served thereby.
4. All WCFs shall be constructed out of or finished with nonreflective materials (visible exterior surfaces only).

v) *Hazardous materials.* No hazardous materials shall be permitted in association with WCFs, except those necessary for the operations of the WCF and only in accordance with all applicable laws governing such materials.

vi) *Collocation.* To the extent reasonably feasible based upon construction, engineering and design standards, WCF structures shall be designed and constructed to permit the facility to accommodate WCFs from at least two (2) wireless service providers on the same WCF unless the Town approves an alternative design. No WCF owner or operator shall unreasonably exclude a telecommunications competitor from using the same facility or location. Upon request by the Planning Director, the owner or operator shall provide evidence explaining why collocation is not possible at a particular facility or site.

vii) *Lighting.* WCFs shall not be artificially lighted, unless required by the FAA or other applicable governmental authority, or the WCF is mounted on a light pole or other similar structure primarily used for lighting purposes. If lighting is required, the Town may review the available lighting alternatives and approve the design that would cause the least disturbance to the surrounding views. Lighting shall be shielded or directed to the greatest extent possible so as to minimize the amount of glare and light falling onto nearby properties, particularly residences.

viii) *Noise.* Noise generated on the site must not exceed the levels permitted in this Code, except that a WCF owner or operator shall be permitted to exceed Code noise standards for a reasonable period of time during repairs, not to exceed two (2) hours without prior authorization from the Town.

ix) *Landscaping and fencing requirements (excluding alternative tower structures and small cells in the ROW).*

1. WCFs shall be landscaped with a buffer of irrigated plant materials that effectively screen the view of the WCF from adjacent residential property. The standard buffer shall consist of the front, side, and rear landscaped setback on the perimeter of the site.
2. Fencing for screening is required. The fencing or screening material shall meet the standard of the zone district in which the WCF will be located. In no case may fencing material be wire.
3. No trees larger than four (4) inches in diameter measured at four and one-half (4-1/2) feet high on the tree may be removed, unless authorized by the Planning Director. To obtain such authorization, the applicant shall show that tree removal is necessary, the applicant's plan minimizes the number of trees

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

x) *Base stations.* If an antenna is installed on a structure other than a tower or alternative tower structure, such as a base station (including, but not limited to, the antennas and accessory equipment), it shall be of a neutral, nonreflective color that is identical to, or closely compatible with, the color of the supporting structure, or uses other camouflage/concealment design techniques so as to make the antenna and related facilities as visually unobtrusive as possible, including, for example, without limitation, painting the antennas and accessory equipment to match the structure. Additionally, any ground-mounted equipment shall be located in a manner necessary to address both public safety and aesthetic concerns in the reasonable discretion of the Planning Director, and may, where to the extent reasonably feasible based upon construction, engineering, and design standards, require a flush-to-grade underground equipment vault.

xi) *Alternative tower structures not in the public right-of-way.*

1. Alternative tower structures shall be designed and constructed to look like a building, facility, or structure typically found in the area;
2. Be camouflaged/concealed consistent with other existing natural or manmade features near the location where the alternative tower structure will be located;
3. Such structures shall be architecturally compatible with the surrounding area;
4. Height or size of the proposed alternative tower structure should be minimized as much as possible;
5. WCFs shall be sited in a manner that evaluates the proximity of the facility to residential structures and residential district boundaries;
6. WCFs should take into consideration the uses on adjacent and nearby properties and the compatibility of the facility to these uses;
7. Compatibility with the surrounding topography;

8. Compatibility with the surrounding tree coverage and foliage;
9. Compatibility of the design of the site, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness; and
10. Impact on the surrounding area of the proposed ingress and egress, if any.

xii) *Alternative tower structures in the public right-of-way.* Alternative tower structures and associated small cells or micro cells may be deployed in the public right-of-way through the utilization of streetlight poles, distribution lines, utility poles, traffic signals or similar structures. Such facilities shall remain subject to the alternative tower structures standards of approval noted above, and subject to the following additional design criteria below:

1. To the extent that an alternative tower structure is a vertical structure located in the public right-of-way, with respect to its pole-mounted components, be located on or within an existing utility pole serving another utility;
2. With respect to its pole components, such components shall be located on or within a new utility pole where other utility distribution lines are aerial, if there are no reasonable alternatives, and the applicant is authorized to construct the new utility poles;
3. To the extent reasonably feasible, be consistent with the size and shape of the pole-mounted equipment installed by communications companies on utility poles near the alternative tower structure;
4. Be sized to minimize the negative aesthetic impacts to the public right-of-way;
5. Be designed such that antenna installations on traffic signal standards are placed in a manner so that the size, appearance, and function of the signal will not be considerably altered;
6. Require that any ground-mounted equipment shall be located in a manner necessary to address both public safety and aesthetic concerns in the

reasonable discretion of the Planning Director, and may, where to the extent reasonably feasible based upon construction, engineering, and design standards, require a flush-to-grade underground equipment vault;

7. Not alter vehicular circulation or parking within the right-of-way or impede vehicular, bicycle, or pedestrian access or visibility along the right-of-way. The alternative tower structure must comply with the Americans with Disabilities Act and every other local, state, and federal law and regulations. No alternative tower structure may be located or maintained in a manner that causes unreasonable interference. "Unreasonable interference" means any use of the right-of-way that disrupts or interferes with its use by the Town, the general public, or other person authorized to use or be present upon the right-of-way, when there exists an alternative that would result in less disruption or interference. Unreasonable interference includes any use of the right-of-way that disrupts vehicular or pedestrian traffic, any interference with public utilities, and any other activity that will present a hazard to public health, safety, or welfare;

8. The pole or structure is not more than five (5) feet taller (as measured from the ground to the top of the pole) than any existing utility or traffic signal pole within a radius of five hundred (500) feet of the pole or structure;

9. Any such pole shall in no case be higher than thirty (30) feet;

10. Any such pole shall be separated from any other pole, accessory equipment or wireless communications facility in the right-of-way by a distance of at least five hundred (500) feet unless deployed on an existing structure or replacement pole in the public right-of-way. The Planning Director may exempt an applicant from these requirements if the Planning Director determines, when considering the surrounding topography, the nature of adjacent uses and nearby properties, and the height of existing structures in the vicinity, that placement of a WCF at a distance less than five hundred (500) feet from another WCF will meet the intent of reducing visibility and visual clutter of WCFs to the extent possible;

11. To the extent reasonably feasible, collocations are strongly encouraged to limit the number of poles within the right-of-way;

12. Equipment enclosures shall be located out of view as much as possible and shall comply with Town criteria (e.g., sight line criteria);

13. When placed near a residential property, the WCF shall be placed adjacent to the common side yard property line between adjoining residential properties, such that the WCF minimizes visual impacts equitably among adjacent properties. In the case of a corner lot, the WCF may be placed adjacent to the common side yard property line between adjoining residential properties, or on the corner formed by two (2) intersecting property lines. If these requirements are not reasonably feasible from a construction, engineering or design perspective, the applicant may submit a written statement to the Planning Director requesting the WCF be exempt from these requirements.

xiii) *Towers.*

1. Towers shall either maintain a galvanized steel finish, or, subject to any applicable FAA standards, be painted a neutral color so as to reduce visual obtrusiveness as determined by the Town;

2. Tower structures should use existing land forms, vegetation, and structures to aid in screening the facility from view or blending in with the surrounding built and natural environment;

3. Monopoles shall taper from the base to the tip;

4. All towers, excluding alternative tower structures in the right-of-way, shall be enclosed by security fencing or wall at least six (6) feet in height and shall also be equipped with an appropriate anti-climbing device consistent with Town Code.

xiv) *Related accessory equipment.* Accessory equipment for all WCFs shall meet the following requirements:

1. All buildings, shelters, cabinets, and other accessory components shall be grouped as closely as technically possible;

2. The total footprint coverage area of the WCF's accessory equipment shall not exceed three hundred fifty (350) square feet, unless otherwise approved by the Planning Director;

a. No related accessory equipment or accessory structure shall exceed fifteen (15) feet in height;

b. Accessory equipment, including but not limited to remote radio units, shall be located out of sight whenever possible by locating behind parapet walls or within equipment enclosures. Where such alternate locations are not available, the accessory equipment shall be camouflaged or concealed.

xv) *Abandonment and removal.* Prior to approval, affidavits shall be required from the owner of the property and from the applicant acknowledging that each is responsible for the removal of a WCF that is abandoned or is unused for a period of six (6) months.

xvi) *Decision.* Any decision to approve, approve with conditions, or deny an application for a WCF shall be in writing and supported by substantial evidence related to regulations and restrictions, as detailed herein, in a written record. The applicant shall receive a copy of the decision.

xvii) *Compliance with applicable law.* Upon approval, all work done pursuant to WCF applications must be completed in accordance with all applicable building, structural, electrical, and safety requirements as set forth in Town Code and any other applicable laws or regulations. In addition, all WCF applications shall:

1. Comply with any permit or license issued by a local, state, or federal agency with jurisdiction of the WCF;

2. Comply with easements, covenants, conditions and/or restrictions on or applicable to the underlying real property;

3. Be maintained in good working condition and to the standards established at the time of application approval; and

4. *Remain free from trash, debris, litter, graffiti, and other forms of vandalism.* Any damage shall be repaired as soon as practicable, and in no instance more

than ten (10) calendar days from the time of notification by the Town or after discovery by the owner or operator of the site. Notwithstanding the foregoing, any graffiti on WCFs located in the rights-of-way or on other Town-owned property may be removed by the Town at its discretion, and the owner and/or operator of the WCF shall pay all costs of such removal within thirty (30) days after receipt of an invoice from the Town.

5. *Compliance report.* Upon request by the Town, the applicant shall provide a compliance report within forty-five (45) days after installation of a WCF demonstrating that, as installed and in operation, the WCF complies with all conditions of approval, applicable Code requirements and standard regulations.

(f) Conditional mitigation measures co-location.

i) The Town encourages co-location of wireless telecommunications facilities to minimize the number of sites.

ii) No wireless telecommunications facility owner or operator shall unfairly exclude a competitor from using the same facility or location. Unfair exclusion of use by a competitor may result in the revocation of the use by conditional review or site development plan.

(15) *Development standards for auto, RV, boat and truck sales.*

(a) Not more than one (1) vehicle display pad, which may be elevated up to three (3) feet in height as measured at the highest point, shall be permitted per one hundred (100) feet of road frontage.

(b) No other materials for sale shall be displayed between the principal structure and the right-of-way.

(c) Vehicles shall be stored on paved parking surfaces.

(d) No bay door shall orient directly towards residential, public open space or right-of-way unless there is an intervening building located between the use and the residential/public space.

(e) If washing areas are provided, these areas shall be covered and have drains connected to the sanitary sewer system. The drains shall be constructed with an oil/water separator. All treatment facilities shall be approved by the Town Engineer.

(16) *Home Occupations.*

(a) Medical, dental and real estate offices are not permitted as home occupations.

(b) In addition to the family occupying the dwelling containing the home occupation, there shall not be more than one (1) outside employee in the home occupation.

(c) The employee and clients may park in on-street curbside parking spaces.

(d) The home occupation shall not exceed one thousand (1,000) square feet or thirty percent (30%) of the total square footage of the dwelling, whichever is less, or can be located in an accessory building not to exceed five hundred (500) square feet.

(e) All exterior aspects of the home occupation operation shall not disrupt the residential character of the area.

i) The maximum number of clients which may visit the home occupation per day is ten (10).

(17) *Development standards for accessory buildings and uses.*

(a) All accessory buildings and uses:

i) Shall be subject to the general, dimensional, operation, and use-specific regulations stated in this article. In the case of any conflict between the standards of this section and any other requirement of this Code, the standards in this section shall control.

ii) Must be reasonably and customarily incidental to the principal use and structure.

iii) Must be located on the same lot as the principal use and structure.

iv) Must be constructed concurrently or following construction of the principal use or structure, except for accessory dwelling units and caretaker units which must have a valid permit issued for the associated principal structure.

- v) Shall not create a combination of uses, which is the combination of two principal uses. Combination uses will not meet the above standard in terms of being subordinate or providing service to the principal use.
 - vi) Must meet the restrictions on pervious surfaces as outlined in Article 2.
- (b) Accessory uses:
- i) Must be subordinate in the area of the footprint, size, and purpose to the principal use.
- (c) Accessory buildings.
- i) In the agricultural zoning districts:
 - 1. Accessory buildings are those buildings not related to the primary agricultural use such as barns or storage buildings for agricultural products. Garages for non-agricultural vehicles and other similar non-agricultural buildings are required to meet these standards.
 - 2. May have a maximum footprint of five thousand (5,000) square feet.
 - 3. The maximum height of the accessory building is the maximum height of the zoning district.
 - ii) In all other zoning districts:
 - 1. If the lot size is greater than two (2) acres:
 - a. The maximum footprint of the accessory building is ninety percent (90%) of the principal building total size as measured in square feet.
 - b. The maximum height of the accessory building is the maximum height of the zoning district.
 - 2. If the lot size is less than two (2) acres:
 - a. The maximum footprint of the accessory building is ninety percent (90%) of the principal building footprint.
 - b. The maximum height of the accessory building is the maximum height of the zoning district.

(18) *Kennels.*

- (a) All animals shall be housed indoors during the hours between 10:00 p.m. and 7:00 a.m.

(19) Development standards for churches and places of worship and assembly

- (a) Churches and places of worship and assembly in a Residential zoning district shall be located adjacent to and have vehicular access from an arterial or a collector street.

(20) Each residential dwelling unit within the Downtown A and Downtown B Zones is permitted to grow up to six (6) medical marijuana plants and six (6) recreational marijuana plants.

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

(22) *Microbreweries* shall produce no more than fifteen thousand (15,000) barrels per year of fermented malt beverages on site. *Microdistilleries* shall produce no more than fifteen thousand (15,000) gallons per year of spirituous beverages on site. *Microwineries* shall produce no more than two hundred fifty thousand (250,000) gallons per year of vinous beverages on site. All three (3) types of establishments may sell beverages produced on site to off-site entities including bars, restaurants and liquor stores. All three (3) types of establishments must include a tap or tasting room in which guests/customers may sample and/or purchase the product as with bar, tavern and brewpub uses.

(23) The term "brewery" as used in this code includes both regional breweries, which produce between fifteen thousand (15,000) and six million (6,000,000) barrels per year; and large breweries, which produce more than six million (6,000,000) barrels per year. A winery produces more than one hundred thousand (100,000) gallons per year of vinous beverages on site. A distillery produces more than fifteen thousand (15,000) gallons per year of spirituous beverages on site. All three (3) of these uses may, but are not required to, include

a tap or tasting room in which guests/customers may sample and/or purchase the product as with bar, tavern and restaurant uses.

(24) Backyard chickens may be kept in conjunction with an established single-family residence with the following conditions:

- (a) Up to six (6) hens may be kept.
- (b) Roosters are not permitted.
- (c) Backyard chickens are required to be located within a designated chicken coop and chicken run that shall meet the following requirements:
 - i) The chicken coop and chicken run shall be located in the rear or backyard of a residential property.
 - ii) Neither the coop nor run, nor any part thereof, shall be located between the rear of the principal structure and the front yard lot line.
 - iii) The coop shall have a minimum five (5) foot setback from any side or rear property line.
 - iv) Coops shall be predator resistant with a solid covered roof.
 - v) Water shall be provided on site and accessible to chickens at all times.
 - vi) During daylight hours, the chickens shall have access to a chicken run that is adequately fenced and protected from predators and shall also have access to a chicken coop.
 - vii) From dusk until dawn, chickens shall be protected from predators by being enclosed within a chicken coop.
 - viii) The maximum chicken coop size is one hundred (100) square feet.
 - ix) A minimum of four (4) square feet of space per chicken shall be provided in both the coop and the run.
 - x) The maximum height of a coop shall be no more than seven (7) feet at the highest point of the roof.

(d) Chicken coops and chicken runs shall be maintained and shall be regularly cleaned to control dust, odor, and waste, and not constitute a nuisance, safety hazard, or health problem to surrounding properties.

(e) No on-site slaughtering is allowed.

(f) Chicken feed shall be stored in a resealable, airtight, predator-proof container.

(g) Chicken waste shall be only be stored in a resealable, airtight, predator-proof container.

(h) A license is required to legally have backyard chickens on your property. The license will only be issued once and is not required to be renewed.

(i) Many homeowner association bylaws do not allow poultry of any kind. The Town of Frederick encourages residents to research their individual homeowner association regulations.

(25) Development standards for establishments serving or making alcoholic beverages:

Table 3.3: Summary of Beer, Wine and Liquor Uses						
Use Name	Basic Description	Primary Use	Accessory Use	Off-Site Sales	Production Limit	Where Allowed
Bar/Tavern	Establishment providing beer, wine or hard liquor	On-site consumption of alcoholic beverages	Sale of food (sandwiches, light snacks) allowed but not required	No	N/A – Manufacturing not allowed	Conditional: DN-B, C-N, C-H52, I
		Manufacturing not allowed	Manufacturing not allowed			Use by right: DN-A, C-C, C-E, BLI
Restaurant, Standard (no outside seating)	Restaurant in which beer, wine or hard liquor may be produced on site. Includes Brewpub uses.	Restaurant required as primary use	Manufacturing allowed	Yes	See Below	Conditional: I, DN-B
						Use by right: commercial zones except DN-B

Table 3.3: Summary of Beer, Wine and Liquor Uses

Use Name	Basic Description	Primary Use	Accessory Use	Off-Site Sales	Production Limit	Where Allowed
Brewpub	Primarily a restaurant where beer, wine or hard liquor are manufactured on site, primarily for sale and consumption on site. Same as restaurant.	Restaurant required as primary use	Manufacturing required as accessory use	Yes	See Below	See restaurants above
Microbrewery	Establishment that produces beer on site, but also includes a taproom which may function as a bar/tavern.	Manufacturing or Tap room (both uses required)	Manufacturing or Tap room (both uses required)	Yes	15,000 barrels per year	Conditional: Commercial zones
						Use by right: Industrial zones only (BLI and I)
Microwinery	Establishment that produces wine on site, but also includes a tasting room which may function as a bar/tavern.	Manufacturing or Tasting room (both uses required)	Manufacturing or Tasting room (both uses required)	Yes	250,000 gallons per year	Conditional: Commercial zones
						Use by right: Industrial zones only (BLI and I)
Microdistillery	Establishment that produces spirituous	Manufacturing or Tasting	Manufacturing or Tasting	Yes	15,000 gallons per year	Conditional: Commercial zones

Table 3.3: Summary of Beer, Wine and Liquor Uses

Use Name	Basic Description	Primary Use	Accessory Use	Off-Site Sales	Production Limit	Where Allowed
	beverages on site, but also includes a tasting room which may function as a bar/tavern.	room (both uses required)	room (both uses required)			Use by right: Industrial zones only (BLI and I)
Brewery	Primarily a manufacturing facility that produces beer on site.	Manufacturing required as primary use	Tap room allowed as accessory use but not required	Yes	Regional: 15,000-6,000,000 barrels/year	Use by right: Industrial zones only (BLI and I)
					Large: over 6,000,000 barrels/ year – no limit	
Winery	Primarily a manufacturing facility that produces wine on site.	Manufacturing required as primary use	Tasting room allowed as accessory use but not required	Yes	Over 250,000 gallons per year – no limit	Use by right: Industrial zones only (BLI and I)
Distillery	Primarily a manufacturing facility that produces hard liquor on site.	Manufacturing required as primary use	Tasting room allowed but not required	Yes	Over 15,000 gallons per year – no limit	Use by right: Industrial zones only (BLI and I)

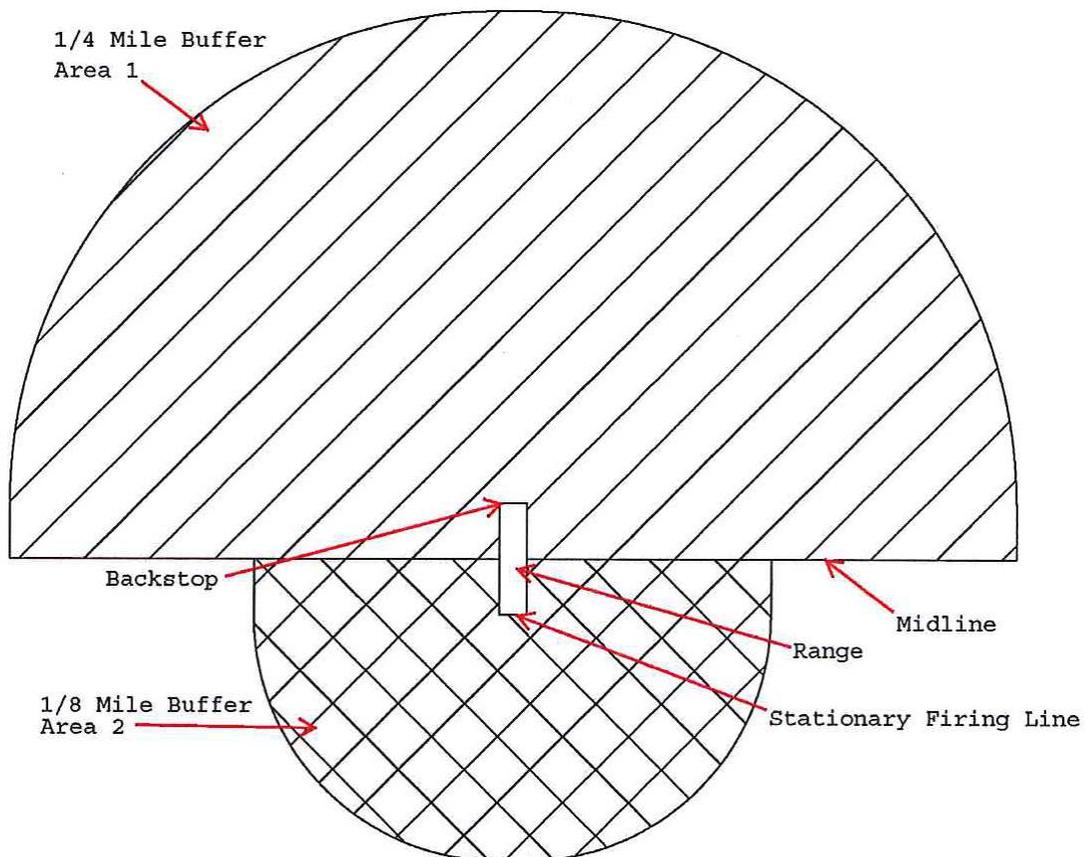
(26) Development standards for outdoor shooting ranges are as follows:

- (a) All shooting ranges will be reviewed by the Town of Frederick Police Department through the Development Review process.
- (b) Hours of operation. Shooting ranges shall be allowed to operate between sunrise and sunset, except that the hours may be extended until 10:00 p.m. one (1) night per week with the approval of the Planning Director for purposes of subdued lighting

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

(c) All shooting stations shall be located a minimum of two hundred (200) feet from any property line.

(d) When an outdoor range is proposed, all existing, habitable dwellings in the area shall be mapped. Please refer to the following diagram to understand the terms used here. No existing habitable dwelling is permitted within Area 1 or Area 2. Area 1 represents a one-fourth (1/4) mile (one thousand three hundred twenty (1,320) feet) buffer measured from the exterior berm and backstop. Area 2 represents a one-eighth (1/8) mile (six hundred sixty (660) feet) buffer from the exterior berm and stationary firing line. The midline is the dividing line between Area 1 and Area 2 and is half the distance between the backstop and the stationary firing line.



(e) Stationary firing lines shall be covered by a baffle system beginning at least three (3) feet behind the firing line, unless used for skeet or trap shooting.

(f) A baffle system covering all firing lines shall eliminate “blue-sky” above the shooter’s vision of the bullet backstop. Blue sky elimination is used for the purpose of eliminating the likelihood that any bullet will travel over the backstop area, leaving the shooting range. This requirement may be waived if a Range Technical Team Advisor provides evidence that the baffles are not necessary to ensure the safety of neighboring properties and this evidence is verified by a Town expert as established by the Planning Director and Chief of Police.

(g) The perimeter of the outdoor range shall be surrounded by a fence, wall, or other impediment to pedestrians with a minimum height of six (6) feet and meeting all other applicable regulations identified in Article 2.

(h) Warning signs shall be posted at one hundred fifty (150) foot intervals along the entire perimeter of the outdoor range. The signs shall state in both English and Spanish, “CAUTION Firearms in Use Keep Out” and be made of a weather proof material. Signs shall be yellow and black and must be able to be read from a distance of five (5) feet.

(i) In addition to the standard requirements for a conditional use application, the application for an outdoor shooting range shall also include the following:

i) A complete layout of each range, including firing lines, blue sky elimination technique, target areas, backstops, and berms.

ii) Sound study or projected noise contours.

iii) Existing and proposed structures; occupied dwellings within one-fourth (1/4) mile (one thousand three hundred twenty (1,320) feet); roads, streets, or other access areas; buffer areas, and parking areas for the facility.

(27) Apiaries/beekeeping is permitted as an accessory use to a single-family residence with the following conditions:

(a) *Maximum hives permitted.*

i) In agriculturally zoned property:

1. Property less than five (5) acres in size, twelve (12) hives maximum.

2. Property greater than five (5) acres in size, no maximum.

- ii) In R-E zoned property, four (4) hives maximum.
- iii) In R-1 zoned property, two (2) hives maximum.
- iv) In R-2, D-A, and D-B zoned property, if lot is at least five thousand (5,000) square feet and the primary use is single-family residential, two (2) hives maximum are permitted.

(b) Bee colonies shall be kept in hives with movable frames, which shall be kept in sound and usable condition.

(c) Hives must be located in the rear yard.

(d) Hives must be located at least five (5) feet from a property line.

(e) A fresh supply of water shall be provided for all hives.

(f) Africanized bees and hybrids of Africanized bees are prohibited.

(g) A license is required to legally keep bees on your property. The license will only be issued once and is not required to be renewed. (Ord. 1145 §§ 17, 18 (Exh. A), 2013; Ord. 1169 §§ 1 – 9 (Exh. A), 2014; Ord. 1204 §§ 1 – 8 (Exh. A), 2015; Ord. 1234 §§ 5, 6, 2016; Ord. 1244 § 1, 2017; Ord. 1268 § 1, 2018; Ord. 1295 §§ 3, 4, 2018)

(28) The use of storage containers shall be limited as follows:

Table 3.4		
Zoning District	Number of Permanent or Transitory Containers Permitted On Site	Additional Regulations
R-E Estate District	0	(c)
R-1 Residential Low Density District	0	(c)
R-2 Residential Medium Density District	0	(c)
R-3 Residential High Density District	0	(c)
R-MH1 Manufactured Home District 1	0	(c)
R-MH2 Manufactured Home District 2	0	(c)
C-N Neighborhood Commercial District	0	(c)
C-C Community Commercial District	0	(c)

C-H52 Mixed Use Highway 52 District	0	(c)
C-E Employment District	0	(c)
DN-A Downtown A	0	(c)
DN-B Downtown B	0	(c)
BLI Business Light Industrial District	1/acre	(a), (b)
I Industrial District	4/acre	(a), (b)
A Agriculture District	1/acre	(a), (b)
P Public District	0	(c)

(a). Permanent Containers are containers which remain on site at all times. They will be considered an accessory structure and:

- i. Must apply for a building permit
- ii. Must be identified on site plan application, which may occur in conjunction with a building permit.
- iii. Must be permanently anchored in accordance with the International Building Code.
- iv. Must be painted to complement the primary structure.
- v. Must be placed in an outdoor storage area meeting the regulations defined in Land Use Code Section 3.4.2.b.6.
- vi. Must meet all setbacks.
- vii. Must be outside all easements.
- viii. May only be accessed by the landowner or employees of the business on site.
- ix. Shall not be stacked.
- x. Contiguous lots under single ownership may be considered as a single lot for this provision.

(b). Transitory Containers are containers which are not consistently kept on site. These containers are not considered an accessory structure as they come and go from the site and:

- i. May not be on site more than one hundred eighty (180) consecutive days.
- ii. Must be identified on site plan application, which may occur in conjunction with a building permit.
- iii. Must be placed in an outdoor storage area meeting the regulations defined in Land Use Code Section 3.4.2.b.6.
- iv. Must meet all setbacks.
- v. Must be outside all easements.
- vi. May only be accessed by the landowner or employees of the business on site.
- vii. Shall not be stacked.

(c). On properties not able to have permanent or transitory containers:

- i. Containers used for temporary on-site storage may be on an individual's private property for up to 30 days per year.
- ii. Containers may be used for temporary storage in conjunction with a valid building permit.
- iii. Containers may be allowed in conjunction with an approved temporary use permit for seasonal sales.

The Frederick Land Use Code is current through Ordinance 1295, passed 2018.

Disclaimer: The Town Clerk's Office has the official version of the Frederick Land Use Code. Users should contact the Town Clerk's Office for ordinances passed subsequent to the ordinance cited above.

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