

# ARTICLE 3.

## ZONING

Sec. 3.1	General Provisions .....	3-1
1.	Uniformity of regulations .....	3-1
2.	Conflict with other provisions of law. ....	3-1
3.	Conflict with private covenants or deeds.....	3-1
4.	Zoning of annexed territory .....	3-1
Sec. 3.2	Zoning Districts and Boundaries.....	3-2
1.	The following zoning districts are hereby established.....	3-2
2.	Zoning District Map. ....	3-2
3.	Changes to Map/Amendments.....	3-2
4.	Annexation.....	3-2
5.	Boundary lines .....	3-2
6.	Cost for Amending Zoning.....	3-3
7.	Public Inspection. ....	3-3
Sec. 3.3	Zoning Districts.....	3-3
1.	List of Residential Zoning Districts/Specific Purposes .....	3-3
2.	Commercial Zoning Districts .....	3-4
3.	Industrial Zoning Districts .....	3-5
4.	Special and Overlay Zoning Districts.....	3-5
Sec. 3.4	Matrix of Permitted, Conditional, and Special Uses by Zoning District .....	3-7
1.	General application of uses.....	3-7
Sec. 3.5	Density and Dimensional Standards .....	3-22
1.	Residential density and dimensional standards: .....	3-22
2.	Commercial, Industrial, Agricultural, Public and Hazard Overlay density and dimensional standards:.....	3-23
3.	Setback requirements.....	3-23
Sec. 3.6	Nonconforming Uses .....	3-24
1.	Requirements for nonconforming uses. ....	3-24
2.	Termination of nonconforming uses within five (5) years .....	3-24

## Zoning

### Sec. 3.1 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 the public health, safety, morals, convenience, comfort, prosperity and general welfare.

1. Uniformity of regulations. The regulations established by this Article within each zone shall apply uniformly to each class or kind of structure or land. Unless exceptions are specified in this Code, the following interpretations shall apply:
  - a. No buildings, structure or land shall be used or occupied, and no building, structure or part thereof shall be erected, changed, constructed, moved or structurally altered unless in conformity with all of the regulations herein specified for the zone in which it is located. Where a lot is divided by a zoning district boundary line by the current official zoning map or by subsequent amendments to the zoning map, the zoning requirements may be extended within the lot for a distance of not more than twenty-five (25) feet.
  - b. No building or other structure shall be erected or altered:
    - (1) To exceed the height limitations;
    - (2) To accommodate or house a greater number of families;
    - (3) To occupy a greater percentage of the area;
    - (4) To have narrower or smaller rear yards, front yards, side yards or other open spaces.
  - c. No part of a yard, other open space or off-street parking or loading space required or in connection with any building for the purpose of complying with this Code shall be included as part of a yard, open space or off-street parking or loading space similarly required for any other building unless specific exception therefore is stated in this Code.
  - d. No yard or lot existing or approved at the time of passage of this Code shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Code shall meet at least the minimum requirements established by this Code.
  - e. Any use not permitted in a zone either specifically or by interpretation by the Board of Trustees per Section 3.4.1 is hereby specifically prohibited from that zone.
2. Conflict with other provisions of law. Whenever the requirements of this Code are at a variance with the requirements of any other lawfully adopted rules, regulations or ordinances, the more restrictive or that imposing the higher standards shall govern.
3. 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.
4. Zoning of annexed territory.
  - a. Zoning of land during annexation shall be done in accordance with the procedure and notice requirements of Article 13. The proposed zoning ordinance shall be considered at the same meeting the annexation ordinance is considered.

## **Sec. 3.2 Zoning Districts and Boundaries**

1. The following zoning districts are hereby established. They may be referred to throughout the Land Use Code by their name or district letter abbreviations.
  - a. Residential Zoning Districts
    - (1) R-E Estate District
    - (2) R-1 Residential Low Density District
    - (3) R-2 Residential Medium Density District
    - (4) R-3 Residential High Density District
    - (5) R-MH1 Manufactured Home District 1
    - (6) R-MH2 Manufactured Housing Development District 2
  - b. Commercial Zoning Districts
    - (1) C-D Downtown Commercial District
    - (2) C-N Neighborhood Commercial District
    - (3) C-C Community Commercial District
    - (4) C-H52 Mixed Used Highway 52 District
    - (5) C-E Employment District
  - c. Industrial Zoning Districts
    - (1) BLI Business Light Industrial District
    - (2) I Industrial District
  - d. Special and Overlay Zoning Districts
    - (1) A Agricultural District
    - (2) P Public District
    - (3) H-O Hazard Overlay District
    - (4) PUD-O Planned Unit Development Overlay District
2. Zoning District Map. The boundaries and classifications of districts established are as depicted on a map entitled Zoning District Map, Town of Frederick, as may from time to time be revised, updated or redrafted. The Official Zoning Map shall be that map bearing the most recent date of publication and which has been signed by the Planning Director.
3. Changes to Map/Amendments. All amendments to the zoning map shall be made by ordinance. The Planning 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, number of the ordinance amending it, and signed by the Planning Director.
4. Annexation. 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.
5. Boundary lines
  - a. Zoning district boundaries. 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. 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 requirements may be extended within the lot for a distance of not more than twenty-five (25) feet.

- b. Hazard Overlay District boundaries.
  - (1) Data verified from the Colorado Geological Survey on geological hazards; and
  - (2) Data verified from the Colorado Water Conservation Board, Federal Emergency Management Agency (FEMA) or the Board of Trustees on flood prone areas.
- 6. Cost for Amending Zoning. Any person who proposes zoning for property being annexed or proposes modifying existing zoning shall bear the entire cost of amending the official zoning map, including all notification costs. The Town shall provide the applicant with a copy of the current fee schedule and fee agreement form.
- 7. Public Inspection Availability of the Official Zoning District Map shall be available and on display at the Town Hall during normal business hours.

### **Sec. 3.3 Zoning Districts**

- 1. List of Residential Zoning Districts/Specific Purposes
  - a. R-E Estate District, Large Lot With Common Open Space
    - (1) 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-family detached dwellings.
  - b. R-1 Residential Low Density District
    - (1) Intent. This is a low-density housing district intended primarily for single-family uses on individual lots. This zone is characterized by tree-lined local streets, interconnected pedestrian circulation system and proximity to schools and parks.
  - c. R-2 Residential Medium Density District
    - (1) Intent. This medium-density residential zone is intended to preserve the traditional building pattern of mixed residential development, which historically has been integrated to form a vibrant, active and cohesive neighborhood unit. This District provides for attached residential dwelling units in addition to single-family detached dwelling units.
  - d. R-3 Residential High Density District
    - (1) Intent. This is a high-density residential zone intended primarily for multi-family uses on individual lots. In order to facilitate appropriate higher densities near viable business centers, multi-family buildings are generally encouraged near a neighborhood commercial center (i.e., B-1 Business District, C-N Commercial Neighborhood District, C-C Community Commercial District or MU-R Mixed Use Residential District). Street and open space designs in these areas shall be used to create compatibility among frontages, which encourage pedestrian interaction and discourage high automobile speeds. Multi-family residential developments shall be designed around or adjacent to open space (refer to Article 3 2, Section 13 for details).

- e. R-MH1 Manufactured Home District 1
  - (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.
- f. R-MH2 Manufactured Housing Development District 2
  - (1) Intent. This is a low density residential zoning district intended primarily for single-family uses on individual lots within a subdivision, consisting of dwellings partially or entirely manufactured in a factory.

2. Commercial Zoning Districts

- a. C-D Commercial District, Downtown
  - (1) Intent. The Commercial District, Downtown is intended to reflect the character of the original downtown and to provide for a mixture of uses that will strengthen and expand the core community.
- b. C-N Commercial District, Neighborhood
  - (1) Intent. The Commercial District is intended to provide for the development of a mixed use commercial center to serve the convenience shopping and service needs of the neighborhood, as well as provide a location for community facilities. This District is intended to serve as a focal point for pedestrian activities within a neighborhood and should be scaled in size to the surrounding neighborhood. Individual buildings are encouraged to be mixed vertically with street-level commercial and upper-level office and/or residential.
- c. C-C Commercial District, Community
  - (1) Intent. This is a commercial district intended to provide for the location of auto-oriented and auto-dependent uses and/or uses which 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. C-H52 Mixed Use Commercial-Highway 52 District
  - (1) Intent. The C-H52 District is intended to be a setting for development of a wide range of community and regional retail uses, offices and personal and business services. Secondly, it can accommodate a wide range of other uses, including multi-family housing and mixed use dwelling units. The C-H52 District is intended to integrate various commercial and multi-family uses while transitioning from the highway to adjacent lower density neighborhoods.
  - (2) While some C-H52 District areas may continue to meet the need for auto-related and other auto-oriented uses, it is the Town's intent that the C-H52 District emphasizes safe and convenient personal mobility in many forms, with planning and design that accommodates pedestrians. Further, the C-H52 District is intended to function with, rather than compete with, the downtown area.
- e. C-E Employment District
  - (1) Intent. The Employment District is intended to provide locations for a variety of workplaces including light industrial uses, research and development activities, offices and institutions. The Employment District also is intended to accommodate secondary uses that complement or support the primary workplace uses, such as hotels, restaurants, convenience shopping, child care and housing. Additionally, the Employment District is intended to encourage the development of planned office and

business parks; to promote excellence in the design and construction of buildings, outdoor spaces, transportation facilities and streetscapes; to direct the development of workplaces consistent with the availability of public facilities and services; and to continue the vitality and quality of life in adjacent residential neighborhoods.

### 3. Industrial Zoning Districts

#### a. BLI Business/Light Industrial District

(1) Intent. This zoning district is intended to provide locations for a variety of workplaces, including light industrial uses, research and development offices and institutions. This District is also intended to accommodate secondary uses that complement and support the primary workplace uses, such as hotels, restaurants, convenience shopping, child care and housing.

(2) 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.

#### b. I Industrial District

(1) Intent. This zoning district is intended to provide a location for a variety of employment opportunities such as manufacturing, warehousing and distributing, indoor and outdoor storage and a wide range of commercial and industrial operations. The I District also accommodates complementary and supporting uses such as convenience shopping and child care centers. Locations for this District require good access to major arterial streets and adequate water, sewer and power.

### 4. Special and Overlay Zoning Districts

#### a. A Agricultural District

(1) Intent. This is an ultra-low-density district intended for the pursuit of farm activities and limited animal raising and grazing activities or for transitional status. This zone is characterized by growing crops, raising animal livestock and related functions.

#### b. P Public District

(1) 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.

#### c. H-O Hazard Overlay District

(1) Intent. This District is to be used where known geologic and floodprone areas exist, as illustrated by the *Environmental Constraints Map* in the Comprehensive Plan. It shall be used as an overlay to any other zone.

(2) Principal uses. Principal permitted uses in the H district shall be as follows:

(a) Any use set forth in the existing zone, provided that the hazard has been mitigated to the satisfaction of the Planning Commission and the Board of Trustees, and only by conditional use review.

(b) Parks and open space.

(3) Conditional uses. Uses requiring conditional use review shall be as follows:

(a) Golf courses.

(b) Limited outdoor recreation facilities.

(c) Resource extraction, processes, and sales establishment.

- (4) Special uses. Uses requiring special use review shall be as follows:
  - (a) Gas, oil, and other hydrocarbon well drilling and production (as permitted by state and local regulations).

d. PUD-O Planned Unit Development Overlay District

- (1) Intent. The Planned Unit Development (PUD) Overlay District is enacted pursuant to the Planned Unit Development Act of 1972, as amended (C.R.S. §24-67-101-108). The PUD 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 large parcels of land. This 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 District is intended to permit greater flexibility in the application of zoning and development standards and greater freedom in providing a mix of land uses in the development of a balanced community. PUDs are expected to preserve critical environmental resources, provide above-average open space and recreational amenities, include exceptional design and provide greater efficiency in the layout and provision of roads, utilities and other infrastructure.
- (2) Permitted uses. Uses permitted in the PUD Overlay District shall be those uses permitted in the underlying standard zone district for the property. An applicant for a PUD Overlay District may request modifications to the permitted uses of the underlying zone district to remove those uses that may be deemed incompatible or inappropriate for the overall PUD development. Conditional uses may be permitted if it can be demonstrated that such uses meet the conditional use review criteria for the underlying zone district.
- (3) The area of land for the PUD may be controlled by one (1) or more landowners and must be developed under unified control or a unified plan of development.
- (4) Areas designated as private streets and/or common open space, including land, an area of water or a combination of land and water within the site designated for a PUD, shall be designed and intended primarily for the use or enjoyment of residents, occupants and owners of the PUD; and provisions shall be made for the establishment of an organization for the ownership and maintenance of such private streets and/or common open space areas unless other adequate arrangements for the ownership and maintenance thereof are provided in a manner acceptable to the Town.
- (5) All requirements set forth in this Code otherwise applicable to the area of land proposed for a PUD shall govern, except to the extent that the unified plan of development for residential, commercial, educational, recreational or industrial uses or any combination thereof may propose exceptions in lot size, bulk, type of use, density, lot coverage, open space, or other standards within the existing land use regulations, except those development standards that are not open to modification (see Section 4.7.5.d).

### 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 approval of a conditional use permit. A public meeting before 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.

<b>Table 3-1 Table of Permitted Uses</b>																
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	C-D	C-N	C-C	C-H52	C-E	BLI	I	P	Additional Regulations (Apply in All Districts Unless Otherwise Stated)
<b>RESIDENTIAL USES</b>																
Accessory buildings and accessory uses.	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	(17)
Accessory dwelling when associated with a permitted use.	P	P	P	P				P					C	C		(1),(2)
Group homes.	P	P	P	P	P			P	P		P	C				(3), C-E: (13)
Multi-family.					P			P			C	C				(4), C-E: (13)
Manufactured homes.						P	P									
Mixed use dwelling units.								P	P	P	P	P	P			C-E: (13)
Senior Housing.		P	P	P	P	P	P					P				C-E: (13)
Single-family detached dwellings.	P	P	P	P			P									
Single-family attached dwellings.				P	P			P			C	C				C-E: (13)
Two-family and multi-family dwellings.				P	P			P				C				(5), C-E: (13)

PERMITTED USES	A	R-E	R-1	R-2	R-3	R-MH1	R-MH2	C-D	C-N	C-C	C-H52	C-E	BLI	I	P	Additional Regulations (Apply in All Districts Unless Otherwise Stated)
<b>INSTITUTIONAL/CIVIC/PUBLIC USES</b>																
Cemeteries.	C	C													P	
Church or place of worship and assembly.																
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	C				(19)
2. With seating capacity of more than 600 persons in the sanctuary or main activity area.	C		C	C	C		C	P	P	P	P	C				(19)
Community facilities.		C	C	C	C		C	P	P	P	C	P	P	P	P	C-E: (13)
Golf Courses.	P	C	C	C	C		C	C	C	C	C	C	C	C	P	
Parks and Open Space .	P	P	P	P	P		P	P	P	P	P	P	P	P	P	
Schools for kindergarten, elementary, intermediate and high school education.																
1. Public.	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
2. Private.	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	(8)
Public and private schools including colleges, vocational training, and technical training.								C	P	P	C	P	P	C	C	
Public facilities.	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	C-E: (13)
Special schools.								P	P	P	P	P	P	C		
Transit facilities with repair or storage.												C	C	P		(8)
Transit facilities without repair or storage.								P	P	P	P	P	P	P	P	(8)
<b>BUSINESS/COMMERCIAL/RETAIL USES</b>																
Adult uses, including product sales and entertainment.														C		(8)
Artisan and photography studios and galleries.								P	P	P	C	P	C	C		C-E: (13)
Auto, RV, boat and truck sales.										C	C	C	C	C		(15)
Auto, RV, boat and truck storage.												C	P			(6)
Automotive repair.																
1. Major .										C			P	P		(8)
2. Minor.								C		P	P		P	P		(8)

PERMITTED USES	A	R-E	R-1	R-2	R-3	R-MH1	R-MH2	C-D	C-N	C-C	C-H52	C-E	BLI	I	P	Additional Regulations (Apply in All Districts Unless Otherwise Stated)
<b>BUSINESS/COMMERCIAL/RETAIL USES (Continued)</b>																
Bars and taverns.								C	C	P	C	P	P	C		(8), C-E: (13)
Bed and breakfasts.			P	C	C			P	C	P	P	C				C-E: (13)
Boarding and rooming houses.					C			P	P		P	C				
Car washes.								C	C	P	P		P	P		(8)
Child care centers.	C				C			P	P	P	P	P	C	C		C-E: (13)
Child care, in-home	P	P	P	P	P	P	P									
Clubs and lodges.								C	C	P	C	P	P	P		C-E: (13)
Entertainment facilities and theaters.								C	C	P	C	P	C	C		
Equipment rental establishments .									P	P	P		P			(6)
Financial institutions.								P	P	P	P	P				(8), (9)
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).
Food catering.								P	P	P	P	P	P			C-E: (13)
Food product production, small.								P	P	P	P	P	P			
Funeral homes.										P	P	C	C			C-E: (13)
Gasoline stations.								C	C	P	P		P	P		(8)
Grocery store (small).								P	P	P	P		C			
Health and membership clubs.								P	P	P	P	P	P	P		C-E: (13)
Home occupations.	P	P	P	P	C	P	P	P	P	P		P				(16)
Hospitals.										C	C	P	P	C	C	(7)
Hotel, motel, or lodging establishments.								C	C	P	P	P	C			
Kennels – small animal boarding.	P	C						C	C	P	C	P	P	C		(8, 18)
Limited indoor recreation facilities.								P	P	P	P	P	C		P	(8)
Limited outdoor recreation facilities.	C	C	C	C	C			C	C	C	C		C	C	P	C-E: (13)
Long-term care facilities.					C			C	C	P	P	C	C			
Medical and dental offices and clinics.								P	P	P	P	P	C			(7)
Meeting place.								P	P	P	P	P				
Nightclubs.										C	C	C	C			(8)
Open air farmers' markets.	P							P	P	P	P		C	C		(8)
Parking lots and parking garages as principal use.								C		C	C	P	P	P		(8)
Personal and business service shops.								P	P	P	P	P	C			C-E: (13)

PERMITTED USES	A	R-E	R-1	R-2	R-3	R-MH1	R-MH2	C-D	C-N	C-C	C-HS2	C-E	BLI	I	P	Additional Regulations (Apply in All Districts Unless Otherwise Stated)
<b>BUSINESS/COMMERCIAL/RETAIL USES (Continued)</b>																
Plant nurseries and greenhouses.	P									P	P	P	P	P		C-E: (13)
Print shops.											P	P				C-E: (13)
Professional offices, financial services.								P	P	P	P	P	P			(9)
Restaurants.								P	P	P	P	P	P	C		(8), C-E: (13)
1. Restaurants with outside eating area.								P	P	P	P	P				(8)
2. Restaurants with drive-in facilities.								C	C	C	C	C	C	C		(8), (9)
3. Restaurants with drive-through facilities.										C	C	C	C	C		(8), (9)
Retail/Commercial establishments (small).								P	P	P	P	P				
Retail/Commercial establishments (large).										P	P	P				
Retail and supply yard facilities.										C	C		C	P		(6)
Supermarkets.										P	P	P				
Tourist facilities								P	P	P	P		P		P	
Veterinary facilities, small animal clinics.	P								P	P	P	P	P	P		(8)
Veterinary facilities, large animal clinics.	P												P	C		(8)
Veterinary hospitals.											C		C	C		(8), C-E: (13)
<b>INDUSTRIAL USES</b>																
Dry-cleaning plants.														C		
Mini-storage warehouse.										C	C		C	P		(6)
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	Article 9
Heavy industrial uses.														P		(6)
Light industrial (production, assembly and packaging).											C	P	P	P		(6), C-E: (13)
Machine shop.													P	P		
Manufacturing and preparing food products.														P		
Manufacturing, assembly or packaging of products from previously prepared materials.												P	C	P		(6), C-E: (13)

PERMITTED USES	A	R-E	R-1	R-2	R-3	R-MH1	R-MH2	C-D	C-N	C-C	C-H52	C-E	BLI	I	P	Additional Regulations (Apply in All Districts Unless Otherwise Stated)
<b>INDUSTRIAL USES (Continued)</b>																
Manufacturing of electric or electronic instruments and devices.												P	C	P		C-E: (13)
Plumbing, electrical and carpenter shops.													P	P		(6)
Recycling facilities.														C	C	(6)
Research, experimental or testing laboratories.											C	P	C	P		C-E: (13)
Resource extraction, processes and sales establishments.	C													C	C	(6)
Sales and leasing of farm implements, heavy equipment, mobile/ manufactured homes, and heavy excavation equipment.														C		(6)
Warehouse, distribution and wholesale uses.													P	P		(6)
Wireless telecommunications equipment.								P	P	P	P	P	P	P	P	C-E: (13), (14)
Wireless telecommunications facilities.												C	C	C		C-E: (13), (14)
Workshops and custom small industry.								C		C	P	P	P	P		C-E: (13)
<b>AGRICULTURAL USES</b>																
Agritainment.	C															
Animal boarding.	P															
Agricultural activities.	P	P														
Common equestrian stabling and grazing.	P	P														(11)
Structures for storage of agricultural products produced on the premises.	P															

## 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(c) 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.
- (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 Decision-Making Body:
  - 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 (100') 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 veterinary hospitals and all industrial uses shall be carried out entirely within completely enclosed buildings or structures.
- (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 telecommunications
- (a) Wireless telecommunication equipment 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 ½) 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 telecommunications facilities requirements
    - i. All freestanding wireless telecommunications facilities shall be designed and constructed in such a manner that they are:
      1. Capable of serving, through original construction, expansion or replacement, a minimum of two (2) users;
      2. Constructed as a monopole, which tapers toward the top of the pole to the degree allowed by structural requirements, unless some other decorative type of structure is proposed and approved;
      3. Of a neutral color, including fencing, buildings and cabinets, or to match existing buildings;
      4. Hold only lighting required by the Federal Aviation Administration; and no signage;
      5. No higher than fifty (50) feet from the ground, with an additional twenty (20) feet per co-locating user permitted, up to seventy (70) feet. Exceptions may be granted upon request by the applicant; and
      6. Constructed in accordance with a certified engineer's specifications and in compliance with all applicable U.B.C. provisions.
  - (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 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. May have a maximum footprint of 5,000 square feet.
      - 2. 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 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 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.

### Sec. 3.5 Density and Dimensional Standards

The following specifications shall be required in the zones identified:

1. Residential density and dimensional standards:

<b>Table 3-3 RESIDENTIAL DENSITY AND DIMENSIONAL STANDARDS</b>						
Zones Standards	R-E	R-1	R-2	R-3	R-MH1	R-MH2
Minimum lot area per dwelling	10,000*	6,250	1,800	1,800 for townhomes 6,250 for apartments and condos	4,000	6,250
Maximum net density (units per acre)	.2**	5	10	25	8	5
Minimum lot width (feet per dwelling)	140	50	20	20 for townhomes 60 for apartments and condos	50	50
Minimum lot frontage (feet)	70	40	18 for townhomes 35 for apartments and condos	35	40	40
<b>Minimum front yard setback (feet)</b>						
Principal building	25	15	15	15	15	15
Front-loaded garage	29	19	19	19	19	22
Accessory building	60	55	45	45	40	55
<b>Minimum side yard setback</b>						
<b>Note: For corner lots, all sides of the lot with street frontage shall meet the applicable front yard setback.</b>						
Principal building	25	5	8	8	10	5
Accessory building	35	10	15	15	15	15
Zones Standards	R-E	R-1	R-2	R-3	R-MH1	R-MH2
<b>Minimum rear yard setback</b>						
Principal building	20	20	20	20	20	20
Garage with its entrance facing an alley	10	5	5	5	5	5
Accessory buildings	5	5	5	5	5	5
<b>Other</b>						
Minimum floor area per principal dwelling unit (square feet)	1500	850	600	400	800	800

Maximum building height	35	35	35	35	35	35
<p>* The minimum lot size is ten thousand (10,000) square feet if adjacent to open space and fifteen thousand (15,000) square feet if not directly adjacent to open space.</p> <p>** The maximum density is no more than one (1) single-family dwelling per five (5) acres, except that if the Town approves a conservation density bonus, the maximum density allowed shall be no more than one (1) single-family dwellings per two (2) acres. This must have at least fifty percent (50%) of the land preserved as agricultural lands or open space.</p>						

2. Commercial, Industrial, Agricultural, Public and Hazard Overlay density and dimensional standards:

The following codes are used in the table below:

Ag = Agricultural structure  
SFR = Single-family residence

Table 3-4 COMMERCIAL, INDUSTRIAL, AGRICULTURAL, PUBLIC AND HAZARD DENSITY AND DIMENSIONAL STANDARDS									
Standards \ Zones	C-D	C-N	CC	C-H52	C-E	I	BLI	A	P
Minimum front yard setback (feet)	0	10	15	0	0	25	25	30	15
Maximum front yard setback (feet)	10	0	0	15	25	0	0	0	0
Minimum rear yard setback (feet)	0	10	15	15	20	20	20	20	10
Minimum lot size	0	0	0	0	0	0	0	.5 acre	0
Maximum floor area ratio (ratio of total floor area to total lot area)	2:1	1:1	2:1	1:1	2:1	1:1	1:1	n/a	1:1
Maximum building height (feet) [1]	40	40	40	40	40 – non-residential 35 - residential	50	50	50 Ag 35 SFR	40
Maximum ground level footprint (square feet)	5000	0	0	0	0	0	0	0	0

Notes to Table 3-4

[1] The building height limitations shall not apply to church spires, belfries, cupolas, or domes not used for human occupancy, nor to chimneys, water tanks, silos, nor to public building or structures located more than one (1) foot horizontally from the property line for each foot of building height.

3. Setback requirements.

- a. On "double frontage" lots (see Figure 2-5 in Article 2 Section 6), both streets shall be considered street frontages for purposes of calculating front yard setbacks.
- b. On corner lots, all sides of the lot with street frontage shall meet the applicable front yard setback.
- c. For purposes of setback calculations, a two-family dwelling shall be construed as one (1) building occupying one (1) lot.
- d. When residential lots are adjacent to, and the houses do not face an arterial street, the lots shall be a minimum of one hundred fifty (150) feet deep and direct access to the street shall be limited. The setback to the house shall be a minimum of seventy-five (75) feet. Additional buffering techniques must also be applied such as those outlined in Section 2.15.

- e. Permanent features allowed within setbacks shall include:
  - (1) Cornices, canopies, eaves or other similar architectural features if they extend no more than two (2) feet into a required setback and if they do not encroach into or overhang an easement.
  - (2) Steps or ramps to the principal entrance and necessary landings, provided that they do not extend more than six (6) feet into the required setback.
  - (3) Landscaping.
  - (4) Fences and walls, subject to height and other restrictions per Article 2 Section 16.
  - (5) Utility service lines to a structure and utility lines, wires and associated structures within a utility easement.
  - (6) Fire escapes, provided that they do not extend more than six (6) feet into the required setback.
  - (7) Patios, porches and decks; provided that they do not extend more than five (5) feet into a required front or rear setback or five (5) feet into a required side yard setback adjacent to a street, provided that they do not encroach into or overhang an easement or property line and do not obstruct any sight distance triangle.

**Sec. 3.6 Nonconforming Uses**

- 1. 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.

*Abandonment* means whenever a nonconforming use has been discontinued for a period of one hundred eighty (180) days, such use shall not thereafter be reestablished and any future use shall be in conformance with the provisions of this Article.

*Completion* means that 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 prosecuted to completion.

*Displacement* means no nonconforming use shall be altered, extended or restored so as to displace any conforming use. A trailer house in any district may be improved or replaced with a newer model trailer house.

*Extensions* means 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.

*Repairs and maintenance* means that ordinary repairs and maintenance of a nonconforming building shall not be deemed an extension of such nonconforming building and shall be permitted.

*Restoration* means a nonconforming building which has been damaged by fire or other causes and which may be restored to its original condition, provided that such work is commenced within one hundred eighty (180) days of such calamity and less than fifty percent (50%) of the building is destroyed.

*Unsafe buildings* means any nonconforming building or portion thereof declared unsafe by the Building Inspector, which may be replaced, strengthened or restored to a safe condition.

- 2. Termination of nonconforming uses within five (5) years. The following nonconforming uses shall be terminated within five (5) years from the date of passage of the ordinance codified in this Article, in any district except that in which they are specifically allowed:

- a. Auto salvage wrecking or similar salvage operations.
- b. Mobile homes and house trailers.
- c. Extractive land use.
- d. Landfills.
- e. Hazardous waste disposal site.

The five-year period is designated as an amortization period during which the market value of the property and use can reasonably be amortized. The owner of property or user shall have four (4) years from the date of the passage of the ordinance codified in this Code to submit to the Board of Trustees an appeal setting forth his or her grounds asserting that the five-year period is an inadequate amount of time to amortize the nonconforming use.