

**TOWN OF FREDERICK, COLORADO
ORDINANCE NO. 1167**

**AN ORDINANCE OF THE TOWN OF FREDERICK, COLORADO, AMENDING
ARTICLES 1 AND 2 OF THE FREDERICK LAND USE CODE, 2004 THROUGH
ADOPTION OF THE "2014 LAND USE CODE REVISIONS"; AMENDING
CERTAIN SECTIONS OF THE FREDERICK LAND USE CODE IN
CONNECTION WITH THE ADOPTION; AND REPEALING ALL
ORDINANCES IN CONFLICT THEREWITH.**

WHEREAS, the Board of Trustees of the Town of Frederick finds it necessary to amend the Town of Frederick Land Use Code, 2004, to improve and expedite the procedure to regulate land use and development within the Town and to clarify the community design standards, zoning and subdivision regulations, and specific use tables in the present land use codes, as previously adopted; and

WHEREAS, on April 1, 2014 the Frederick Planning Commission held a public hearing to review the subject revisions to the Land Use Code, and approved those revisions pursuant to Resolution PCR-14-02A.

**BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF
FREDERICK, COLORADO, AS FOLLOWS:**

Section 1. Section 1.15 of the Frederick Land Use Code, 2004, is hereby amended by the adoption of definitions for the following terms, to read as set forth on Exhibit A, attached hereto and incorporated herein by this reference:

- *Archery range*
- *Crematorium or crematory*
- *Pervious surface*
- *Shooting range*
- *Shooting range, indoor*
- *Shooting range, outdoor*

Section 2. The definitions of *Assisted living facility*, *Recreational vehicle (RV)*, *Resubdivision or replat*, *Rural road*, *Site distance triangle*, and *Zone district* appearing in Section 1.15 of the Frederick Land Use Code, 2004, are hereby repealed in their entirety, and re-enacted to read as set forth on Exhibit A hereto.

Section 3. All references in Sections 2.7, 2.11, and 2.12 of the Frederick Land Use Code, 2004, are hereby amended to change Town of Frederick Design Standards and Construction Specifications, December 13, 2007 to the approved version of the Town of Frederick Design Standards and Construction Specifications.

Section 4. Sections 2.7.1, Intent, of the Frederick Land Use Code, 2004, are hereby repealed in their entirety and re-enacted to read as set forth on Exhibit A hereto.

Section 5. Section 2.7.2.a, Street Connections, of the Frederick Land Use Code, 2004, is hereby repealed in its entirety and re-enacted to read as set forth on Exhibit A hereto.

Section 6. Section 2.7.2.1, Intersections, is hereby amended by the addition of the language as set forth in Exhibit A.

Section 7. 2.7.2.n(1)(c)ii. of the Frederick Land Use Code, 2004, is hereby repealed in its entirety and re-enacted to read as set forth on Exhibit A hereto.

Section 8. Section 2.8.6.b.(1) is hereby amended by the addition of the language as set forth in Exhibit A.

Section 9. Section 2.8.6.c. is hereby amended by the addition of the language as set forth in Exhibit A.

Section 10. Section 2.8 of the Frederick Land Use Code, 2004 is amended with the addition of Section 2.8.9 as set forth on Exhibit A hereto.

Section 11. Sections 2.11.9.c. through 2.11.9.c.(3)(a) are hereby amended as set forth on Exhibit A hereto.

Section 12. Section 2.14.7.b is hereby amended by the addition of the language as set forth in Exhibit A hereto.

Section 13. Section 2.15.5.d. is hereby amended by the addition of the language as set forth in Exhibit A hereto.

Section 14. Insert Section 2.17.3 into the Frederick Land Use Code, 2004, to read as set forth on Exhibit A hereto, and re-number following sections accordingly.

Section 15. Section 2.18.4.g. is hereby amended by the addition of the language as set forth in Exhibit A hereto.

Section 16. Section 2.18.5.k.(1). is hereby amended by the addition of the language as set forth in Exhibit A hereto.

Section 17. Effective date. This ordinance shall be published and become effective as provided by law.

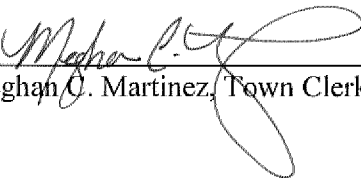
Section 19. Severability. If any part, section, subsection, sentence, clause, or phrase of this ordinance is for any reason held invalid, such invalidity shall not affect the validity of the remaining sections of the ordinance. The Town hereby declares that it would have passed the

ordinance including each part, section, subsection, sentence, clause or phrase thereof, irrespective of the fact that one or more part, sections, subsections, sentences, clauses, or phrases be declared invalid.

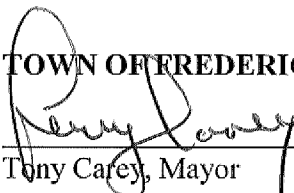
Section 20. Repealer. All ordinances or resolutions and motions of the Board of Trustees of the Town of Frederick or parts thereof in conflict with this ordinance are, to the extent of such conflict, hereby superseded and repealed, provided that such repealer shall not repeal the repealer clauses of such ordinance, resolution or motion, nor revive any ordinance, resolution, or motion thereby.

**INTRODUCED, READ, PASSED, ADOPTED AND ORDERED PUBLISHED
THIS 13th DAY of MAY, 2014.**

ATTEST:

By 

Meghan C. Martinez, Town Clerk

TOWN OF FREDERICK


Tony Carey, Mayor

EXHIBIT A

2014 LAND USE CODE REVISIONS,
as approved by the Frederick Planning Commission on April 1, 2014

Numbering System:

There are 30 amendments to the LUC identified below. In an attempt to keep them organized and easily identifiable, staff has employed an indexing system in which the article number is followed by the amendment number, separated by a decimal point/period. For example, the third amendment for Article 2 would be shown as Amendment 2.3.

ARTICLE 1 –AMENDMENTS

Amendment 1.1

Section 1.15, is amended with the addition of the following:

Archery range means a facility where only bows and arrows may be used for target practice.

Amendment 1.2

Section 1.15, is amended with the addition of the following:

Assisted living facility means a special combination of housing, supportive services, personalized assistance, and/or health care designed to respond to the individual needs of those who need help with activities of daily living. The facility may have a central and/or private kitchen, dining, recreational, and other facilities, with separate bedrooms or living quarters, where the emphasis of the facility remains residential.

Amendment 1.3

Section 1.15, is amended with the addition of the following:

Crematorium or crematory means a place where human or animal remains are reduced to ashes.

Amendment 1.4

Section 1.15, is amended with the addition of the following:

Pervious surface means a surface that allows precipitation to infiltrate directly into the ground.

Amendment 1.5

Section 1.15, amends the following definition to correct a spelling error:

Recreational vehicle (RV) means any vehicle which may be used for recreation or personal purposes and shall include, but not be limited to a boat, motor home, camper trailer, detached camper or detached trailer of any design, whether commercially manufactured or homemade.

Recreational vehicle includes any trailer used to transport any recreational vehicle(s). Additionally, the following shall be considered a recreational vehicle:

Amendment 1.6

Section 1.15, is amended to read as follows:

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

Amendment 1.7

Section 1.15, is amended to read as follows:

Rural road means a street designed following the rural local cross-section as described in approved version of the Town of Frederick Design Standards and Construction Specifications.

Amendment 1.8

Section 1.15, is amended with the addition of the following:

Shooting range means an area or structure specially designed for the safe discharge of archery, rifles, shotguns, handguns, or any other firearm or similar device for the purpose of sport shooting or military/law enforcement training. The range may use silhouettes, skeet, trap, or other similar materials to facilitate target practice. Excluded from this use shall be general hunting and discharging of firearms on private property with the property owner's permission as prohibited by Municipal Code Section 10-224.

Amendment 1.9

Section 1.15, is amended with the addition of the following:

Shooting range, indoor means an indoor area designed for the safe discharge of archery, rifles, shotguns, handguns, or any other firearm or similar device for the purpose of sport shooting or military/law enforcement training. The range may use silhouettes, skeet, trap, or other similar materials to facilitate target practice. Excluded from this use shall be general hunting and discharging of firearms on private property with the property owner's permission as prohibited by Municipal Code Section 10-224.

Amendment 1.10

Section 1.15, is amended with the addition of the following:

Shooting range, outdoor means the use of land designed for the safe discharge of archery, rifles, shotguns, handguns, or any other firearm or similar device for the purpose of sport shooting or military/law enforcement training. The range may use silhouettes, skeet, trap, or other similar materials to facilitate target practice. Excluded from this use shall be general hunting and discharging of firearms on private property with the property owner's permission as prohibited by Municipal Code Section 10-224.

Amendment 1.11

Section 1.15, is amended to read as follows:

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

Amendment 1.12

Section 1.15, is amended to read as follows:

Zone district means an area that is governed by standardized zoning regulations as established in Article 3 of this Code.

ARTICLE 2 –AMENDMENTS

Amendment 2.1

Section 2.7, replace all references to Town of Frederick Design Standards and Construction Specifications, Town of Frederick, December 13, 2007 with the following:

The approved version of the Town of Frederick Design Standards and Construction Specifications, as it may be amended from time to time.

Amendment 2.2

Section 2.7.1, is amended to read as follows:

1. Intent. The intent of the street standards is to establish a safe, efficient, attractive transportation system that promotes all modes of transportation and is sensitive to the environment. In the past, streets have been designed primarily to promote the efficient movement of traffic.

Amendment 2.3

Section 2.7.2.a, is amended to read as follows:

a. Street connections. All streets shall be aligned to join with planned or existing streets consistent with the intent of the approved *Transportation Map* of the Comprehensive Plan. All streets shall be designed to bear a logical relationship to the topography of the land. Intersections of streets shall be at right angles unless otherwise approved by the Town. Street intersections shall be separated by distances listed in Section 2.1 below as measured from the intersecting right-of-way lines.

Amendment 2.4

Section 2.7.2.l: is amended to read as follows:

1. Intersections. Intersections shall meet the following requirements unless otherwise approved by the Board of Trustees:

(1) Intersections shall be provided at the following minimum offsets:

(a) State highway (principal arterial): In accordance with the latest edition of the Colorado State Highway Access Code;

(b) Arterial: Six hundred sixty (660) feet;

(c) Collector: Two hundred fifty (250) feet;

(d) Local: One hundred twenty-five (125) feet.

(2) No more than two (2) streets shall intersect at one (1) point unless connected using an approved roundabout.

(3) Streets shall intersect at ninety-degree angles unless connected using an approved roundabout.

Amendment 2.5

Section 2.7.2.n(1)(c)ii is amended to read as follows:

ii A maximum of thirty-eight (38) feet in non-residential zones.

Amendment 2.6

Section 2.8.6.b.(1) is amended to read as follows:

(1) Accessible parking spaces must be eight (8) feet by eighteen (18) feet with a five-foot-wide access aisle.

Amendment 2.7

Section 2.8.6.c. is amended to read as follows:

c. Drive lanes used as primary access by emergency response vehicles shall be a minimum of twenty-six feet (26') wide.

Amendment 2.8

Section 2.8 is amended with the addition of the following:

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:

(1) Minimum Number of Vehicle Stacking Spaces: Off-street stacking spaces shall be provided as follows:

Table 2-5		
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.		

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

(a). Vehicle Stacking Spaces.

- i. Size. Vehicle stacking spaces must be a minimum of nine (9) feet by twenty (20) feet in size.
- ii. Location. Stacking spaces may not impede on- or off-site traffic movements, nor impede movements into or out of off-street parking spaces.
- iii. 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.

(b). Drive-In (Drive-Through) Facilities and Lanes.

i. 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.

Amendment 2.9

Section 2.11. replace all references to Town of Frederick Design Standards and Construction Specifications, Town of Frederick, December 13, 2007 with the following:

The approved version of the Town of Frederick Design Standards and Construction Specifications, as they may be amended from time to time.

Amendment 2.10

Section 2.11.9.c. is amended to read as follows:

c. All residential developments shall dedicate a minimum of twenty percent (20%) of the gross land area for public parks, trails, open space or other similar purposes at the time of subdivision.

(1) Estate zones. The developer shall provide a minimum of twenty percent (20%) of the gross land being subdivided as functional open space, which may include agricultural land, natural areas, storm water facilities (if in compliance with Section 2.14.10), floodplains, subsidence areas, trails, and lands dedicated for other similar purposes, excluding roads.

(2) Single-family residential developments zoned R-1 or R-MH1. The developer shall provide:

(a) A minimum of twenty percent (20%) of the gross land being subdivided as functional open space which may include: pocket parks, plazas, trails, recreational amenities, homeowner' association-owned landscaped areas (excluding parking lots), ponds, lakes, storm water facilities (if in compliance with Section 2.14.10), natural areas, and amenities for residents or other similar purposes;

(b) One (1) centrally located pocket park for every two hundred (200) residential units;

(c) The land for one (1) neighborhood park within a one-quarter-mile radius of the proposed homes; or a fair-share, cash-in-lieu contribution for the cost of the neighborhood park that will serve the development.

(3) Multi-family residential developments zoned R-2 or R-3 or zones that allow for residential development. The developer shall provide:

(a) A minimum of twenty-five percent (25%) of the gross land being subdivided as functional open space which may include: pocket parks, plazas, trails, recreational amenities, homeowner' association-owned or landowner-owned landscaped areas (excluding roads, drives, and parking lots), natural areas and amenities for residents or other civic purposes;

Amendment 2.11

Section 2.12. Replace all references to Town of Frederick Design Standards and Construction Specifications, Town of Frederick, December 13, 2007 with the following:

The approved version of the Town of Frederick Design Standards and Construction Specifications, as they may be amended from time to time.

Amendment 2.12

Section 2.14.7.b. is amended to read as follows:

b. Single-family residential (R-1, R-MH1, and R-MH2) landscaping development standards.

Amendment 2.13

Section 2.14.7.b.(4) is amended to read as follows:

(4) The lot owner shall:

(a) Install remainder of yard, and is encouraged to plant additional trees, shrubs and flowers, etc., using low water plants and techniques to promote energy and resource efficiency as generally set forth in this Section.

(b) Not cover any more than twenty-five percent (25%) of any yard area in decorative rock or gravel.

(c) Maintain a minimum of twenty percent (20%) of the yard in a pervious condition.

Amendment 2.14

Section 2.15.5.d. is amended to read as follows:

d. Outdoor Storage areas. Outdoor storage areas shall be screened through a combination of fencing, landscaping, walls, and architectural elements. Particular care shall be made to screen storage, service, and utility areas from I-25, Highway 52, and any adjacent arterial road.

Amendment 2.15

Section 2.17 is amended with the addition of a new 3. As follows

3. Prohibited buildings in the residential zoning districts.
 - a. Metal buildings greater than 200 square feet are not permitted in a residentially zoned neighborhood.
 - b. Clear span buildings are not permitted in a residentially zoned neighborhood.

Amendment 2.16

Subsections 3., 4. and 5. of Section 2.17 are renumbered to be 4., 5. and 6.

Amendment 2.17

Section 2.18.4.g. is amended to read as follows:

- g. Wall articulation.
 - (1) Walls shall not have an uninterrupted length exceeding fifty (50) feet. A combination of pilasters, texture transitions, windows and stepping of the wall plane are required.

Amendment 2.18

Section 2.18.5.k.(1). Is amended to read as follows:

(1) Type 1 Standard: Colors shall be used to blend buildings into an area and to unify elements of a development. Color should be drawn from the surrounding area and, if in a new development area, shall be selected to establish an attractive image and set a standard of quality for future developments and buildings within the area. Monotonous or monochromatic color palettes are strongly discouraged. Primary or other bright colors should be used sparingly and only as accents. Accent colors used to call attention to a particular feature or portion of a building, or to form a particular pattern, shall be compatible with predominant building base

colors and may be incorporated using such elements as shutters, window mullions, building trim and awnings.