

**TOWN OF FREDERICK, COLORADO  
ORDINANCE NO. 1145**

**AN ORDINANCE OF THE TOWN OF FREDERICK, COLORADO, AMENDING  
ARTICLES 1, 2, & 3 OF THE FREDERICK LAND USE CODE, 2004 THROUGH  
ADOPTION OF THE "2013 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 May 21, 2013 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-13-08A.

**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:

- o *Backyard chicken*

**Section 2.** The definitions of *Child care center* and *Farm animals*, appearing in Section 1.15 of the Frederick Land Use Code, 2004, are hereby repealed in their entirety, and re-enacted to read as set forth on Exhibit A hereto.

**Section 3.** Section 2.11.5.a. (Plazas) of the Frederick Land Use Code, 2004, is hereby repealed in its entirety and re-enacted to read as set forth on Exhibit A hereto.

**Section 4.** Sections 2.11.5.b.(1) through (3) (Pocket parks) of the Frederick Land Use Code, 2004, are hereby repealed in their entirety and re-enacted to read as set forth on Exhibit A hereto.

**Section 5.** Section 2.11.5.c.(1) (Neighborhood parks) of the Frederick Land Use Code, 2004, is hereby repealed in its entirety and re-enacted to read as set forth on Exhibit A hereto.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 2.11.5.c.(5) (Neighborhood parks) is hereby amended by the addition of the language as set forth in Exhibit A.

**Section 7.** Section 2.11.5.d. (Community parks) of the Frederick Land Use Code, 2004, is hereby repealed in its entirety and re-enacted to read as set forth on Exhibit A hereto.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 2.8.4.b. is hereby amended by the addition of the language as set forth in Exhibit A.

**Section 9.** Section 2.8.4.b.c is hereby amended by the addition of the language as set forth in Exhibit A.

**Section 10.** Table 2-4 (Parking Stall Dimensions) in Section 2.8 of the Frederick Land Use Code, 2004, is hereby amended to appear as set forth on Exhibit A hereto.

**Section 11.** Figure 2-6 in Section 2.8.6. of the Frederick Land Use Code, 2004, is hereby amended to appear as set forth on Exhibit A hereto.

**Section 12.** Section 2.14.2.b. is hereby amended by the addition of the language as set forth in Exhibit A hereto.

**Section 13.** Section 2.14.6.h. is hereby amended by the addition of the language as set forth in Exhibit A hereto.

**Section 14.** Section 2.15.4. (Dumpsters) 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 15.** All references in Section 2.16.2.f(3), (4), and (7) are hereby amended to change six (6) feet to seven (7) feet.

**Section 16.** Table 2-8 (Maximum Lighting Levels) in Section 2.19.2.f of the Frederick Land Use Code, 2004, is hereby amended to appear as set forth on Exhibit A hereto.

**Section 17.** The existing Agricultural Uses as set forth in Table 3-1 in Section 3.4 (Matrix of Permitted, Conditional, and Special Uses by Zoning District) of the Frederick Land Use Code, 2004, shall be amended to appear as set forth on Exhibit A hereto.

**Section 18.** Section 3.4.2. (Specific Use Standards) of the Frederick Land Use Code, 2004, shall be amended to include special regulation for backyard chickens as set forth on Exhibit A hereto.

**Section 19** **Effective date.** This ordinance shall be published and become effective as provided by law.

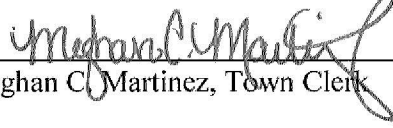
**Section 20.** **Severability.** If any part, section, subsection, sentence, clause, or phrase of this ordinance is for any reason held invalid, such invalidity shall not affect the validity of the remaining sections of the ordinance. The Town hereby declares that it would have passed the

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 19. 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.

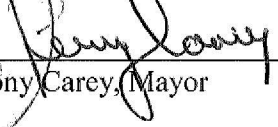
**INTRODUCED, READ, PASSED, ADOPTED AND ORDERED PUBLISHED  
THIS 11<sup>th</sup> DAY of JUNE, 2013.**

ATTEST:

By   
Meghan C. Martinez, Town Clerk



TOWN OF FREDERICK

  
Tony Carey, Mayor

**Exhibit A**  
**Amendments to Articles 1, 2, and 3**  
**June 11, 2013**

**Amendments to Article 1:**

1. Add the following definition to Section 1.15 Definitions:

**Backyard chicken** shall mean an accessory use in conjunction with an established single-family residence. A backyard chicken includes only hens. Roosters are not permitted as backyard chickens.

2. Amend the following definitions as follows:

**Child care center** means a facility, by whatever name known, that is maintained for the whole or part of a day for the care of five (5) or more children who are eighteen (18) years of age or younger and who are not related to the owner, operator, or manager, whether the facility is operated with or without compensation for such care and with or without stated education purposes. The term includes, but is not limited to, facilities commonly known as day care centers, school-age child care centers, before and after school programs, nursery schools, kindergartens, preschools, day camps, summer camps, and centers for developmentally disabled children and those facilities that give twenty-four-hour care for children and includes those facilities for children under the age of six years with stated educational purposes operated in conjunction with a public, private, or parochial college or a private or parochial school; except that the term shall not apply to any kindergarten maintained in connection with a public, private, or parochial elementary school system of at least six (6) grades or operated as a component of a school district's preschool program operated pursuant to article 28 of title 22, C.R.S. The term shall not include any facility licensed as a family child care home, a foster care home, or a specialized group facility that is licensed to provide care for three or more children pursuant to subsection (10) of this section but that is providing care for three or fewer children who are determined to have a developmental disability by a community centered board or who are diagnosed with a serious emotional disturbance.

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

**Amendments to Article 2:**

1. Amend the following sections of Article 2 as recommended by the POST plan:
  - a. Section 2.11.5.a

Plazas. Plazas are an acceptable form of park in the C-N, C-H52, and C-E zoning districts, where gathering places are found. A plaza is usually bordered by civic or private buildings. Plazas may range from very active places with adjacent complementary uses such as restaurants and cafes, to quiet areas with only seating, formal landscape plantings and amenities such as fountains or public art. Developers are responsible for developing and maintaining the appropriate amenities for each plaza. Plazas shall also provide for multiple and seasonal uses. Amenities associated with the plaza may count toward the minimum required open space as a cash-in-lieu contribution for required parks and open space within an industrial or commercial development as approved by the Board of Trustees.

**Exhibit A**  
**Amendments to Articles 1, 2, and 3**  
**June 11, 2013**

b. Section 2.11.5.b(1)

Pocket parks provide places within walking distance of dense residential units for young children’s supervised play and unstructured activities for neighborhood residents, or urban relief. At a minimum, a pocket park shall meet all current safety and Americans with Disabilities (ADA) guidelines and include one (1) of the following: playground equipment, contemplative garden, fountain, art work, or other active or passive recreation opportunities for the neighborhood. Additionally, the following amenities shall be included:

<b>Table 2-5</b>		
<b>Amenity</b>	<b>Minimum Quantity</b>	<b>Standard</b>
Picnic/Shade Shelter	1	A steel frame picnic shelter with metal roofing and room for at least one picnic table. Accessible via a concrete walkway.
Seating/Gathering Space	1	A small seating area capable of accommodating two benches
Site Furnishings (all furnishings in steel construction with powdercoated finish of the same color, located on a concrete surface)	2	Picnic Tables: 8’ with one ADA accessible
	3	Benches: with backs and armrests
	2	Trash receptacles: 32 gallon with covered top
	4 loops	Bike Rack: For a minimum of eight bikes (two per loop)
	1	Dog Waste Stations
Landscaping and Lighting		Irrigated live ground cover, trees, and security lighting
<b>Optional Uses</b>		
Swings	1	Minimum: Single bay with one belt and one bucket swing (requires a use area of approximately 25’ x 30’ or 750 SF)
Turf Area		+/- 50’ x 50’ (2,500 SF)

c. Section 2.11.5.b(2)

The minimum size pocket park is 10,000 square feet of net park area for each residential neighborhood of 200 units or 20,000 sq. ft. of gross commercial space. The size or number of Pocket parks shall increase proportionally (i.e. 400 units shall require either a 20,000 sq. ft. Pocket Park or two 10,000 sq. ft. pocket parks, etc.). Projects with less than two hundred (200) units or twenty thousand (20,000) square feet. of commercial area shall provide a pocket park meeting the minimum size requirements or demonstrate that they are within one-fifth (1/5) mile of a neighborhood park. If credit is taken for proximity to a neighborhood park, the developer shall provide a cash-in-lieu equivalent for its pro-rata share of the cost of land and improvements for the required pocket park (i.e. provide twenty-five percent (25%) of a pocket park for fifty (50) units). Pocket parks located across an arterial road cannot be considered to serve a new neighborhood.

**Exhibit A**  
**Amendments to Articles 1, 2, and 3**  
**June 11, 2013**

d. Section 2.11.5.b(3)

The land and amenities of a pocket park may be added to a centrally located neighborhood park. The pocket park amenities placed in a neighborhood park must be within one-fifth (1/5) mile of the sub-neighborhood's two hundred (200) residences served. For example a neighborhood park serving a neighborhood of four hundred (400) residences or commercial development with 40,000 sq. ft. shall have two (2) pocket park amenity pods, located to conveniently serve each of the sub-neighborhoods, or the land area may be added to a neighborhood park, as approved by the Board of Trustees in the Preliminary and Final Plat.

e. Section 2.11.5.c(1)

These parks include multiple-use lawn areas, picnic areas, playground equipment, court game facilities and community gardens consisting of four (4) to six (6) acre neighborhood parks centrally located within the neighborhood. Neighborhood parks shall not include competitive sports facilities. Neighborhood parks shall meet all current safety and Americans with Disabilities (ADA) guidelines. Standard amenities to be included are:

<b>Table 2-6</b>		
<b>Amenity</b>	<b>Minimum Quantity</b>	<b>Standard</b>
Site Furnishings (all furnishings in steel construction with powdercoated finish of the same color, located on a concrete surface)	4	Picnic Tables: 8' with one ADA accessible
	6	Benches: with backs and armrests
	4	Trash receptacles: 32 gallon with covered top
	4 loops	Bike Rack: For a minimum of eight bikes (two per loop)
	4	Dog Waste Stations
Swings	1	Minimum: Single bay with one belt and one bucket swing (requires a use area of approximately 25' x 30' or 750 SF)
<b>Optional Uses</b>		
Other Potential Neighborhood Park Facilities		Court facilities (basketball, volleyball, tennis), drinking fountain, splash play facility, community vegetable gardens, climbing boulders or walls, demonstration or floral display gardens, public art, play sculptures, plazas, and pocket park amenities from an adjacent development.

f. Section 2.11.5.c(5)

Neighborhood Parks serve the residents within one-third (1/3) mile of a given park. Should a project be within one-third (1/3) mile of an existing park, the developer shall

**Exhibit A**  
**Amendments to Articles 1, 2, and 3**  
**June 11, 2013**

provide a cash-in-lieu equivalent for its pro-rata share of the cost of land and improvements for the required neighborhood park (i.e. provide twenty-five percent (25%) of a neighborhood park for fifty (50) units). Neighborhood parks located across an arterial road cannot be considered to serve a new neighborhood, unless a grade-separated crossing (underpass or overpass) is provided.

g. Section 2.11.5.d

Community parks. Community parks serve the residents of several neighborhoods. Community parks are to be located on or near arterial streets at the edge of residential areas or in nonresidential areas to minimize the impact of organized recreational activities such as lighted ball fields. Community parks are permitted in the Public Zoning District. Community parks shall be centrally located within the greater development, and may be located to serve several smaller developments.

- (1) Community parks shall be developed and maintained by the Town.
- (2) Community parks shall be a minimum of twenty (20) acres while facilitating the needs of the Town at the time of its development.
- (3) Community parks shall serve residents within a three (3) mile radius.
- (4) Community parks may serve as a Neighborhood Park for residents within one-third (1/3) of a mile if there is no arterial street between the residents and the park.
- (5) Community parks shall focus on providing facilities for organized team sports (e.g. baseball, softball, soccer, football, lacrosse, etc.) with lighted facilities.

2. Amend Section 2.8.4.b by adding the following:

- a. (4) Where roll-over curbs are not present, a maximum curb cut of thirty-five feet (35'), either singularly or cumulative will be allowed, unless otherwise approved by the Town Engineer.

3. Amend Section 2.8.4.c by adding the following:

- a. (2) The maximum curb cut will be determined during the review of the site plan.

4. Amend Table 2-4 of Section 2.8.6 so it reads as follows:

**Exhibit A**  
**Amendments to Articles 1, 2, and 3**  
**June 11, 2013**

<b>Table 2-4</b>						
<b>PARKING STALL DIMENSIONS</b>						
Parking Angle (A)	Stall Width (B)	Stall to Curb (C)	Aisle Width (D)**	Curb Length (E)	Overhang (F)	Drive Aisle (G)
45°	9'	19'	15-18'	12' 8"	1' 5"	24'
60°	9'	20'	15-18'	10' 5"	1' 8"	24'
90°	9'	18'	24'	9'	2'	
0°(parallel)	8' *	8' *	12'	24'	0'	

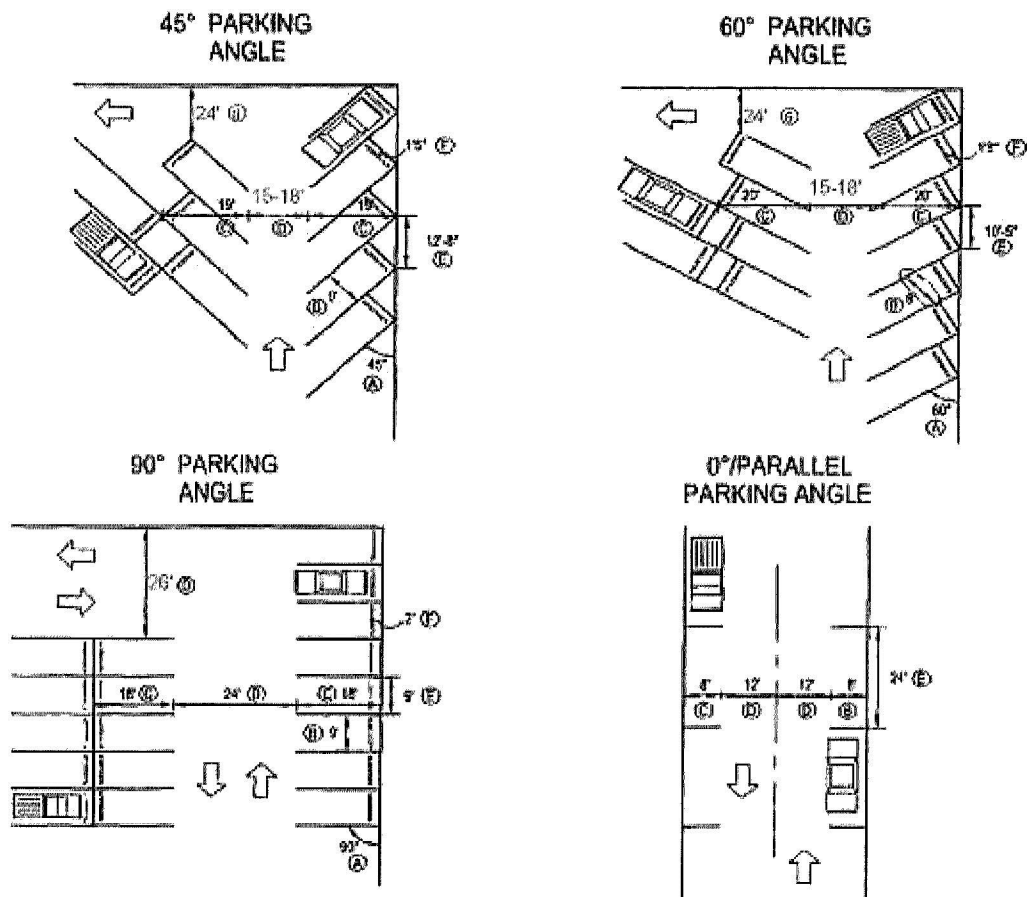
\*Except along local streets where 7' is permitted.

\*\*Except for lanes designated as primary emergency access where 26' is required.

- Amend Figure 2-6 Parking Angles in Section 2.8.6 to show the 26' travel lane in the 90° Parking Angle diagram



**Exhibit A**  
**Amendments to Articles 1, 2, and 3**  
**June 11, 2013**



6. Amend Section 2.14.2.b to read as follows:

b. All approved and required landscaping shall be installed as stipulated in the MOAPI for common space, open areas, tree lawns, etc., and prior to final acceptance. For lot specific development, such as single family residential, multi-family, commercial, industrial or other developments, all landscaping shall be installed prior to Temporary Certificate of Occupancy or Certificate of Occupancy, or final inspection unless prior arrangements are approved by Town staff. In no event shall landscaping be delayed beyond the beginning of the next growing season or seven months from temporary occupancy. Phasing of the landscaping may be approved by Town staff in some instances. Landscaping improvements conducted by the property owner on a single family lot is exempt from this requirement.

**Exhibit A**  
**Amendments to Articles 1, 2, and 3**  
**June 11, 2013**

If landscaping is not installed at the time of Temporary Certificate of Occupancy, then:

- (1) A detailed cost estimate for the installation and all applicable improvements including labor, equipment, and mobilization for all amenities shall be required.
  - (2) The financial guarantee may be in the form of an escrow held by the Town or other assurity as approved by the Town. The value of the financial guarantee shall be for one hundred percent (100%) of the total cost for the installation of the landscaping.
7. Amend Section 2.14.6.h to include the following language:
- a. (3) If a business is proposing to amend their site plan and the site does not meet the current landscape requirements, the business will be required to increase the landscaping based on the percent increase in the size of the building. For example, if the business is expanding its building by 5%, then the landscaped area will be required to be increased by 5%.
8. Amend Section 2.15.4 to read as follows:

Trash/refuse/recycling areas.

- a. The following regulations shall apply to all development except for one-family and two-family dwellings:
    - (1) Each lot or tract containing a principal structure shall provide a designated trash collection or compaction area, and may designate a recycling area, which shall be located and designed to ensure adequate on-site maneuvering area for collection vehicles.
    - (2) Trash collection/compacting and recycling collection shall be located to facilitate collection and minimize any negative impact on persons occupying the development site, neighboring properties or public rights-of-way; and
    - (3) Constructed to allow for collection without damage to the development site or the collection vehicle.
  - b. All such trash/refuse/recycling areas shall be screened to prevent them from being visible to:
    - (1) Persons located within any dwelling unit on residential property other than that where the dumpster is located;
    - (2) Occupants, customers, or other invitees located within any building on nonresidential property other than that where the trash collection/compacting and recycling collection is located; and
    - (3) Persons traveling on any public street, sidewalk, or other public way.
9. Amend Section 2.16.2.f(3), (4) and (7) by changing six (6) feet to seven feet (7').

**Exhibit A  
Amendments to Articles 1, 2, and 3  
June 11, 2013**

10. Amend Table 2-8 of Section 2.19.2.f related to maximum lighting levels as follows:

Table 2-8 Maximum Lighting Levels	
Area/Activity	Footcandles (Maximum Unless Otherwise Noted)
Bikeways along roadside	3.5
Canopies	25.0
Loading and unloading platforms	10.0
Park walkways	3.5
Pedestrian stairways	3.0
Parking areas	
Commercial zones	10.0
Residential zones	5.0
Playgrounds	5.0
Outdoor sales and display	25.0
Secured areas and service yards	10.0

**Amendments to Article 3:**

1. Amend Section 3.4, Table of Permitted Uses to include Backyard Chickens in the Agricultural uses section with special regulations

PERMITTED USES	A	R-E	R-1	R-2	R-3	R-MH1	R-MH2	D-A	D-B	C-N	C-C	C-HS2	C-E	BLI	I	P	Additional Regulations (Apply in All Districts Unless Otherwise Stated)
<b>AGRICULTURAL USES</b>																	
Agritainment.	C																
Animal boarding.	P																
Agricultural activities.	P	P															(10)
Backyard Chickens		P	P	P													(27)
Common equestrian stabling and grazing.	P	P															(10, 11)
Structures for storage of agricultural products produced on the premises.	P																

**Exhibit A**  
**Amendments to Articles 1, 2, and 3**  
**June 11, 2013**

2. Add special regulations for backyard chickens as follows:
- (27) 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 onsite 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 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.