

**TOWN OF FREDERICK, COLORADO
ORDINANCE NO. 1234**

**AN ORDINANCE OF THE TOWN OF FREDERICK, COLORADO,
AMENDING ARTICLE 1, SECTION 1.15. AND ARTICLE 3 OF THE
FREDERICK LAND USE CODE WITH RESPECT TO
APIARIES/BEEKEEPING AND SIGN DEFINITIONS**

WHEREAS, there is interest by a number of citizens of the Town of Frederick to keep bees; and

WHEREAS, the Town currently has no provisions for the keeping of bees; therefore the Frederick Land Use Code needs to be amended to include provisions specific to bee keeping; and

WHEREAS, Article 7 regarding signs includes definitions that more appropriately should be in Article 1.

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

Section 1. Article 1, Section 1.15 of the *Frederick Land Use Code* is hereby amended to include the following definitions which shall be inserted alphabetically as appropriate:

Abandoned sign means a sign that does not contain a message, or contains a commercial or event-based message that is obviously obsolete (e.g., the name of a business that is no longer operational, or an advertisement for an event that has already occurred), for a continuous period of sixty (60) days.

Apiary means a place where one or more beehives are kept.

Attached Sign means a sign that is attached to the outside of a building or located inside a building but is highly visible through a window, and obviously intended to attract the attention of a person outside of the building (e.g., a wall sign, projecting sign, awning sign, or window sign).

Awning or Canopy Sign means a sign that is mounted, painted, or attached to canvas or other material that is installed over a projecting structural framework above a building window or door.

Banner means a type of temporary sign that is painted or printed on cloth, vinyl, or other flexible material, which is designed to be stretched between poles, fence posts or wire, or hung on walls with ties, clips, rails, brackets, hooks, or frames.

Banner Frame means a frame system that is used for stretching banners, which is designed to prevent wrinkling and movement and to conceal fasteners.

Bee means any stage of the common domestic honey bee, *apis mellifera* species.

Beekeeper shall mean the person responsible for beekeeping on a designated property.

Beekeeping shall mean the owning and breeding of bees.

Bracket Sign means a type of permanent sign that is mounted above a principal entrance to a building, on a bracket that extends generally perpendicular to the building wall; with the bracket attached either to the building wall or to the underside of a canopy or awning structure.

Building Elevation means the external face of a building, projected onto a two-dimensional plane. For purposes of calculating allowed sign area, the building elevation is the two-dimensional representation of the side of the building upon which the sign is proposed.

Bulletin Board means a cabinet sign structure that houses a display board upon which bulletins and posters are displayed.

Colony means a hive and its equipment and appurtenances, including bees, comb, honey, pollen, and brood.

Combs means all materials which are normally deposited into hives by bees. It does not include extracted honey or the royal jelly, trapped pollen, and processed beeswax.

Detached Sign means a sign that is not attached to or located inside a building (e.g., a monument sign).

e.g. means “for example,” and is intended to be illustrative and not exclusive.

Electronic Message Center (EMC) means a display surface that is composed of light emitting diodes (LEDs) or comparable devices, that is capable of displaying variable messages and graphics.

Feather Flag means a flag that is mounted on a temporary flagpole (e.g., a flagpole that is installed in a mount that is staked into the ground, or attached to a weighted base), which may be vertical, bowed, or flexible. Feather flags do not include flags that are flown from straight, rigid flagpoles that are permanently installed in the ground or temporarily or permanently attached to buildings, light poles, or utility poles.



Flag means a flexible piece of fabric, that is attached along one edge to a straight, rigid flagpole (directly or with rope), and which is designed to move when the wind blows. Flags are typically (but not necessarily) rectangular in shape, and often (but not always) include printed or embroidered insignia that symbolizes a nation, state, or organization, or that display a graphic or message.

Glare means light emitted from a luminaire that trespasses beyond the object that the luminaire is intended to illuminate, such that the point source of the light is visible to pedestrians, motorists, or people within nearby buildings.

Hive means a structure intended for the housing of one bee colony.

Land Use Code means the Town of Frederick, Colorado Land Use Code, as amended from time to time.

LF means linear foot

Lux means a measure of illuminance (a measure of light that falls upon or passes through an object), in terms of lumens per square meter.

Manual Changeable Copy Center means a sign element in which letters, numbers, or symbols may be changed manually without altering the face of the sign (e.g., by placement of letters into tracks). Manual changeable copy centers are sometimes known as “readerboards” or “marquee signs.”

Monument Sign means a detached permanent sign that is supported by more than one pole or by a base structure that is not a pole (or if a pole is used, the pole is concealed).

Off-Site Commercial Message means speech that proposes a commercial transaction at a location other than the property upon which the message is displayed, or advertises a business that is not located on the property upon which the message is displayed.

Pixel Pitch means a measurement of the resolution of an electronic message center display, in terms of the distance (generally in millimeters) between the center of a light emitting diode (LED) cluster (pixel) and the center of the next LED pixel. Lower pixel pitch measurements indicate higher display resolution.

Pole Sign means a detached permanent sign that is mounted upon one pole.

Portable Sign means a sign that is designed to be easily moved from one location to another, and when placed, is neither fastened to a permanent structure or building, nor staked or otherwise installed into the ground. Portable signs include signs that are mounted on trailers, wheeled carriers, or frames that are designed to be placed onto a surface without being secured to it.

Principal Building Entrance means a primary point of public pedestrian access into a building. The phrase “principal building entrance” does not include doors used principally as emergency exits, or doors that provide restricted access (e.g., for employees or deliveries).

Projecting Sign means a sign that is mounted upon a building wall such that the sign face is not roughly parallel to the building wall.

Roof Sign means a sign that is installed, in whole or in part, above an eave line or parapet of a building.

SF means square foot.

Sidewalk Sign means a type of portable sign that is designed to be placed (but generally not anchored) upon a hard surface in order to attract the attention of pedestrians.

Sign means any surface, fabric, device, or display that includes (or is specifically designed to include) lettered, pictorial, or sculptured matter that is intended to convey information to people on a sidewalk, in a parking lot, on a public street or other right-of-way, or on nearby property. The term “sign” also includes all structural members (if any).

Sign Face means the surface area of a sign which is designed for placement of text, symbols, or images.

Site Sign means a type of temporary sign that is constructed of vinyl, plastic, wood, metal, or other comparable rigid material, which is displayed on a structure that includes at least two posts.

Sock Sign means a type of temporary sign that is constructed of flexible material, designed to fit over a permanent sign face or mount.

Street Elevation means a street-facing building elevation.

Substantial Modification means any modification of a sign that involves alteration or replacement of a structural support, enlargement of the sign area, material changes to the sign height or sign clearance, obvious changes of materials or components (e.g., replacement of wood with plastic), addition of new components (e.g., installation of lighting or an EMC) or repairs that cost more than fifty percent of the replacement cost of the sign. Substantial modifications do not include replacement of sign panels in a sign cabinet with comparable materials that display different messages, replacement of existing light sources with compliant light sources (unless the electrical work exceeds the repairs limit), painting, or repainting.

Swing Sign means a type of temporary sign that is suspended from a horizontal swing post that is attached to a post that is staked into the ground. Swing signs may include riders that are mounted to the swing post or suspended under the sign panel.

Town means the Town of Frederick, Colorado.

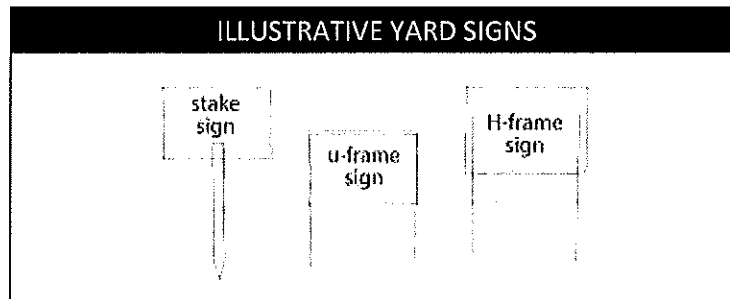
Wall Sign, Painted or Applied means a type of permanent sign that is painted on or applied to a wall of a building, which extends not more than two inches from the building wall.

Window Sign means a type of temporary or permanent sign that is: (i) painted on, applied to, or attached to a window; or (ii) installed or positioned within a building such that the sign face is oriented towards and highly visible through a window that is within six feet of the sign.

Window Transparency means, for the purposes of this Article, any area of a window that is not covered or obstructed by a sign, such that the visibility through the window in both directions is not blocked by a sign. The actual visibility through the window (e.g., a pedestrian's ability to overcome daytime glare) is not a factor in the determination of window transparency.

Window Transparency means, for the purposes of this Article, any area of a window that is not covered or obstructed by a sign, such that the visibility through the window in both directions is not blocked by a sign. The actual visibility through the window (e.g., a pedestrian's ability to overcome daytime glare) is not a factor in the determination of window transparency.

Yard Sign means a type of temporary sign that is constructed of paper, vinyl, plastic, wood, metal or other comparable material, which is mounted on a stake or a frame structure (often made from wire) that includes one or more stakes.



Section 2. The definition of "Awning sign" in Article 1, Section 1.15 of the *Frederick Land Use Code* is hereby deleted and replaced by the following which shall be inserted alphabetically as appropriate:

Awning or Canopy Sign means a sign that is mounted, painted, or attached to canvas or other material that is installed over a projecting structural framework above a building window or door.

Section 3. The definitions of “Sign, canopy”, “Sign, projecting”, “Sign, wall” and “Sign, window” in Article 1, Section 1.15 of the *Frederick Land Use Code* are hereby deleted.

Section 4. Article 7, Section 7.21 Definitions is deleted in its entirety and replaced with:

Please refer to the definitions section Article 1 of the Land Use Code.

Section 5. Article 3, Section 3.4, Table 3-1, Agricultural Uses is amended with the insertion of the following:

PERMITTED USES	A	R-E	R-1	R-2	R-3	R-MH1	R-MH2	D-A	D-B	C-N	C-C	C-H52	C-E	BLI	I	P	Additional Regulations (Apply in All Districts Unless Otherwise Stated)
Apiary/Beekeeping	P	P	P	P				P	P								27

Section 6. Article 3, Section 3.4.2.b is amended to include the following:

27. Apiaries/Beekeeping is permitted as an accessory use to a single family residence with the following conditions.

- a. Maximum hives permitted
 - i. In Agriculturally zoned property:
 1. Property less than five (5) acres in size, twelve (12) hives maximum.
 2. Property greater than five (5) acres in size, no maximum.
 - ii. In R-E zoned property, four (4) hives maximum.
 - iii. In R-1 zoned property, two (2) hives maximum.
 - iv. In R-2, D-A, and D-B zoned property, if lot is at least 5,000 square feet and the primary use is single-family residential, two (2) hives maximum are permitted.
- b. Bee colonies shall be kept in hives with movable frames, which shall be kept in sound and usable condition.
- c. Hives must be located in the rear yard.
- d. Hives must be located at least five feet (5') from a property line.
- e. A fresh supply of water shall be provided for all hives.
- f. Africanized bees and hybrids of Africanized bees are prohibited.
- g. A license is required to legally keep bees on your property. The license will only be issued once and is not required to be renewed.

Section 7. Effective Date. This ordinance shall be published and become effective as provided by law.

Section 8. Severability. If any part, section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such invalidity shall not affect the validity of the remaining sections of the ordinance. The Town Board 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 parts, sections, subsections, sentence, clauses or phrases are declared invalid.

Section 9. 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 23RD DAY OF AUGUST, 2016.**

ATTEST:

By 
Meghan C. Martinez, CMC Town Clerk

TOWN OF FREDERICK

By 
Tony Carey, Mayor

