

**A BILL FOR AN ORDINANCE AMENDING
CHAPTER 16 OF THE FOXFIELD MUNICIPAL CODE
CONCERNING ACCESSORY STRUCTURES IN
THE RURAL RESIDENTIAL ZONE DISTRICT**

WHEREAS, the Board of Trustees desires to amend certain provisions of Chapter 16 of the Town of Foxfield Municipal Code concerning accessory structures in the Rural Residential Zone District;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF FOXFIELD, COLORADO:

Section 1. Section 16-2-50 is hereby repealed in its entirety and re-enacted as follows:

Sec. 16-2-50. Large Lot Rural Residential District (RR).

- (a) Characteristics and Objectives. The Large Lot Rural Residential District is designed to accommodate very low-density single-family residential uses on large lots. The purpose of the RR Zone District is to promote the continuance of single-family neighborhoods by:
- (1) Allowing for larger lot development that assists in retaining the rural residential character of the Town;
 - (2) Allowing for limited home occupations; and
 - (3) Ensuring that new development retains the natural conditions of the environment and preserves the openness of the land.
- (b) Use Regulations.
- (1) Permitted principal uses:
 - a. Single-family detached dwelling units.
 - b. Property owned by the Town of Foxfield, or another governmental entity and used as open space.
 - (2) Permitted accessory structures and uses:
 - a. Structures and uses, subordinate and incidental to the permitted principal structure or use, located on the same lot. Any structure less than one hundred twenty (120) gross square feet shall not be deemed an accessory structure within the meaning of this Article; however, all structures, regardless of size, must meet the dimensional requirements specified in Subsections (c)(1) through (c)(7) below. All enclosed structures must also meet the requirement of Subsection (c)(8) below. There shall be a maximum of two (2) enclosed structures that are each less than one hundred twenty (120) gross square feet.
 - b. Parking for the principal use.
 - c. Home occupations, as specified in Section 16-4-10 of this Chapter.
 - d. Keeping of animals as specified in Section 16-4-20 of this Chapter. Kennels, as defined in Section 16-6-10 of this Chapter, are prohibited in the RR Zone District.
 - e. Private garages.

- f. Shelter for agricultural implements and tools used to maintain premises.
- g. Stables and barns.
- h. Greenhouses (products to be for use or consumption of lot residents only) not to exceed two hundred (200) square feet GFA.
- i. Sporting courts, tennis courts, swimming pools and other similar structures, provided that they are located in the side or rear yard of the zoning lot.
- j. Roof- or ground-mounted solar arrays and solar voltaic systems that serve a single residence or structure. Ground-mounted solar arrays shall not exceed twelve (12) feet in height.
- k. Small wind energy conversion systems that are noncommercial and do not exceed fifteen (15) feet in height.
- l. Other uses which are clearly accessory or incidental to the primary permitted uses.

(3) Special review uses:

- a. Public buildings, civic facilities, schools (except public schools exempt from municipal land use control pursuant to state law) and places of worship.
- b. An owner-occupied or nonprofit group home for the aged and homes for the developmentally disabled, handicapped and mentally ill, as these terms are defined by Section 31-23-303, C.R.S., may be permitted if it serves as a permitted principal use and is for no more than eight (8) persons, is not located within seven hundred fifty (750) feet of another such group home and the owner or operator resides and maintains primary residency within the group home. Where nine (9) or more persons are to occupy a group home or if the group home is not defined in Section 31-23-303, C.R.S., such group home shall be permitted only upon approval of a special review use.
- c. Alternative energy technology, other than solar arrays as defined in subsection (j) above and wind energy conversion systems in excess of the requirements as defined in subsection (k) above, or not otherwise defined in this Chapter.
- d. Grading of a site that increases or decreases the original elevation by more than four (4) feet.
- e. Public utilities.
- f. Temporary structures over one hundred twenty (120) gross square feet that comply with the provisions of Section 16-3-120 of this Chapter.
- g. Commercial mobile radio service facilities.

(c) Dimensional Requirements.

- (1) Minimum lot area: One (1) dwelling unit per one hundred five thousand (105,000) square feet, except that any lot in excess of eighty-five thousand (85,000) square feet but less than one hundred five thousand (105,000) square feet that was a parcel of record at the time of the adoption of these Regulations shall be considered a legal zoning lot.
- (2) Minimum lot width: one hundred twenty-five (125) feet.
- (3) Maximum impervious coverage: twenty-five percent (25%).
- (4) Front yard setback: fifty (50) feet for principal and accessory structures.
- (5) Side yard setback: twenty-five (25) feet for principal and accessory structures.
- (6) Rear yard setback: twenty-five (25) feet for principal and accessory structures.

- (7) Maximum building height: thirty-one (31) feet principal structure; twenty-one (21) feet accessory structure, except that small, ornamental rooftop appurtenances such as weathervanes may project five (5) feet above the roofline. The maximum height of the structure shall be reduced by the average height of any fill that increases the existing grade under or immediately surrounding the structure.
 - (8) Minimum separation between enclosed structures: twenty-five (25) feet.
- (d) Development Standards Specific to the RR Zone District.
- (1) Residential development in the RR (Large Lot Rural Residential) Zoning District may be served by public or private water and sanitary sewer systems; provided, however, that, in the event connection is sought to a public sewer system, connection to the public water system shall be required as a condition of connection to the public sewer system. Any development not consisting of solely single-family residences approved in the RR Zoning District shall be served by approved public water and sanitary sewer. Any development that is required to be served by the Town's public water system or any property or development that chooses to be served by the Town's public water system may still use any properly permitted wells for exterior irrigation use only.
 - (2) The parking or storage of vehicles, materials and equipment shall be limited to vehicles and equipment intended for the personal use of the owner or occupant of the residence. A business vehicle provided to a resident for personal use is permitted.
 - (3) Exterior lights, whether building-mounted or freestanding, shall comply with the provisions of Section 16-3-80 of this Chapter. Building-mounted exterior lights shall not protrude above the eave line. Freestanding lights shall not exceed twenty-five (25) feet in height.
 - (4) No accessory structure shall contain residential living quarters.
 - (5) Accessory structures and uses are not permitted unless and until the principal permitted use has been established on the property.
 - (6) The total building gross floor area (GFA) of all enclosed accessory structures may not exceed two thousand (2,000) square feet, and there shall be a maximum of two (2) enclosed accessory structures.
 - (7) Accessory structures shall have a maximum side wall height of fourteen (14) feet from finished grade measured from the foundation. The roof shall have a minimum pitch of 4 in 12.
 - (8) Any roof overhang constructed on an accessory structure may not encroach into a required front, rear or side yard setback or into the required separation distance between structures.
 - (9) Architectural renderings, elevation drawings, materials and site plans for all proposed accessory structures must be submitted to the Town Planner.
 - (10) The exterior finish and design of an enclosed accessory structure shall meet the following minimum requirements. Greenhouses, pergolas, gazebos or similar unenclosed structures are exempt from this Paragraph.
 - a. There shall be eaves or overhangs that have a horizontal depth of at least eight (8) inches.
 - b. For structures up to 1,000 square feet, there shall be at least one door for human or vehicular passage and/or one window on each of at least two sides of the structure, one of which fronts upon a street. Where a window is nominated to meet the requirements of this paragraph, it shall satisfy the criteria for emergency egress as defined by the International Residential Code as adopted in Chapter 18 of this Municipal Code.

c. For structures over 1,000 square feet, there shall be a combination of at least two doors for human or vehicular passage and/or windows on each of at least two sides of the structure, one of which fronts upon a street. Where a window is nominated to meet the requirements of this paragraph, it shall satisfy the criteria for emergency egress as defined by the International Residential Code as adopted in Chapter 18 of this Municipal Code.

Section 2. Section 16-4-10(a)(2) is hereby deleted.

Section 3. Section 16-6-10 shall be amended to add the following definition:

Eave(s) - an edge of the lower portion of the roof which projects beyond the face of an exterior wall.

Section 4. Section 16-6-10 shall be amended by changing the following definitions to read as follows:

Gross Floor Area (GFA). The total floor area of a building or structure enclosed by at least two impervious walls.

Kennel. Any building, structure or open space or portion thereof, used for the commercial breeding, raising, boarding or selling of animals that are more than six (6) months old or for more than one (1) litter.

Section 5. The Town Board of Trustees hereby finds, determines, and declares that this ordinance is promulgated under the general police powers of the Town of Foxfield, that it is promulgated for the health, safety, and welfare of the public, and that this ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The Board of Trustees further determines that the ordinance bears a rational relation to the proper legislative object sought to be attained.

Section 6. If any clause, sentence, paragraph, or part of this ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect application to other persons or circumstances.

Section 7. This ordinance shall become effective thirty (30) days after final publication.

Adopted as Ordinance No. 01 Series of 2017, by the Board of Trustees of Foxfield, Colorado, and signed and approved by its Mayor or presiding officers this 16th day of February A.D. 2017.

Lisa Jones, Mayor

ATTEST:

Miranda Gallivan, Town Clerk

Town Seal

Corey Y. Hoffmann, Town Attorney
(Approved as to Form)