



**MEMORANDUM**

TO: Mayor Jones and Members of the Board

FROM: Karen Proctor, Town Administrator

DATE: September 17, 2020

RE: Municipal Code Revisions

**DISCUSSION:**

The Board requested a study session to discuss changes to the following Foxfield Municipal Code sections:

<p>7-1-20 (7)(a)(3)(b)(f)&amp;(g) Outdoor storage of business vehicles</p>	<p>b) Tools, equipment, inventory and other supplies utilized in the operation of a business or more than one (1) vehicle used in operation of a business, whether such business is a home occupation being conducted in accordance with the zoning regulations contained in Chapter 16 of this Code, or is conducted off-site.</p> <p>f) The parking or storage of more than five (5) vehicles.</p> <p>g) The parking or storage of commercial or industrial vehicles, except that one (1) vehicle used in the operation of a business by an owner and or occupant of the property is permitted: (a) in accordance with Chapter 16 of this Code applicable to home occupations; or (b) to allow for an occupant of a residence who is provided a business vehicle for personal use.</p>
<p>16-4-10 Home Occupations</p>	<p>Permitted Accessory Use in the RR (Large Lot Rural Residential) Zone District. Home occupations are a permitted accessory use in</p>

the RR District. A home occupation must comply with the following criteria: (1) The home occupation shall be accessory to the use of the structure as a residence. (2) Reserved. (3) Only the persons residing in the home shall conduct the home occupation business. (4) There shall be no visible advertising of the home occupation on the premises. (5) There shall be no outdoor storage of good or materials associated with the home occupation. (6) There shall be no excessive or offensive noise, vibration, smoke, dust, odor, heat, glare or light or dumping of materials produced by the home occupation. (7) The receipt or delivery of merchandise, goods or supplies for use in a home occupation shall be limited to the United States Mail, commercial parcel delivery companies or private passenger vehicle, but shall exclude large truck and/or trailer-delivered goods or merchandise. (8) The home occupation shall not change the appearance or character of the dwelling or neighborhood. No exterior structural alterations to accommodate the home occupation are permitted. (9) Sales conducted in conjunction with the home occupation shall be primarily by telephone, direct mail or other telecommuting means. Incidental pick-up of goods is permitted. However, a home occupation shall not generate an amount of traffic that perceptively alters the residential character of the neighborhood.

(b) Home Occupations in Other Zone Districts. Home occupations which occupy less than thirty-five percent (35%) of the gross floor area of the principal use and which have no exterior indication of nonresidential activity, except for parking or signage as outlined in Article 3 of this Chapter, are allowed in all other zone districts.

Attached is the list of possible Municipal Code revisions. Which section(s) would the Board like to discuss at the next Study Session?

**EXHIBIT:**

Exhibit A: Draft list of possible Municipal Code revisions

CODE REVISIONS

Priority (High, Medium, Low)	Date Adopted & Ordinance Number	Code Section	Description	Possible Action
		Section 4, Article 2 Revenue & Finance	General and Special Funds	Add Open Space Fund
		4-4-30(10) Use Tax	Exempts “the <b>storage</b> of construction and building materials” and contradicts section 4-4-30 that states “There is imposed a tax of three percent (3%) as a use tax to be imposed only for the privilege of <b>storing</b> , using or consuming with the Town any construction and building materials greater than twenty thousand dollars (\$20,000).	Remove the exemption of use tax on the storage of construction and building materials.
		Sec. 6-2-40 Liquor License Fees	Specific fees that might be changed should not be listed in the code; just a reference made to the Town’s Fee Schedule as amended from time to time	Should be revised to read that all liquor license application fees are assessed according to the Colorado Liquor Enforcement Fee Schedule as amended from time to time. Remove fees and reference fee schedule Remove 3.2 beer license section since the state no longer issues 3.2 beer licenses

Exhibit A

		7-1-10 Definitions	"Weed means any plant or vegetation which is not intentionally cultivated or is unsightly and economically useless. "	Redefine weeds to just state noxious weeds to be consistent
<b>H</b>	Scheduled for September 17 <sup>th</sup> , 2020 Ordinance 2020-03	7-1-20 (7)(e) Rodents	It is deemed a nuisance to allow any moles, voles, mice, rats, squirrels, skunks, rabbits prairie dogs, gophers or groundhogs to infest any real property within the Town so as to encroach upon or cause damage to the property of another.	Remove entire section
<b>H</b>	September 17 <sup>th</sup> , 2020 Study Session	7-1-20 (7)(a)(3)(f)&(g) Outdoor storage of business vehicles	States that the parking or storage of more than five (5) vehicles is prohibited. The parking or storage of commercial or industrial vehicles is not allowed, except that one (1) vehicle used in the operation of a business by an owner and or occupant of the property is permitted. It has proven difficult to determine what is and is not a business vehicle in practice	Flat limit of 5
		7-1-20 (7)(c) Landscaping and Vegetation	Section seems vague, subjective, difficult to enforce	
		7-2-20 & 7-2-30 Dog Licensing and Dog Licensing Procedure	Requires the licensing of dogs and outlines the licensing procedure. Rabies vaccination now replace the license requirement.	Revise sections to match the current requirements
		Section 7-2-80 Number of Animals Allowed	Limited to 4, including small animals	Just count dogs and cats
		Section 8-1-70 Speed Limits	States that our speed limit is 30	Change to 25
		Chapter 16		Revise to be more clear

Exhibit A

		Zoning-Variance and Appeals		Recover expenses incurred by the Town
		Sec. 16-2-50(b)(2)b Accessory Structure Square Footage Permit Requirement	States any structure less than 120 square feet shall not be deemed an accessory structure and there shall be a maximum of two of those structures. Since the Town adopted the 2015 IBC, which states that structures less than 200 square feet do not require a permit, our code should be changed from 120 square feet to 200 square feet	Match to IBC 2015 of 200 sq. ft or more to require a permit
		16-2-50(c)(7) Maximum Building Height	<p>“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 <b>average</b> height of any fill that increases the existing grade under or immediately surrounding the structure”</p> <p>The definition of Height, building is “The vertical distance from grade plane to the <b>average</b> height of the highest roof surface.”</p> <p>Therefore, the maximum height limit of a building is being calculated as a cumulative measurement and may result in some heights exceeding 31 feet in height.</p>	Remove the word “average”

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		<p>16-2-50 (d)(7) Accessory Structure Side Wall Height</p>	<p>States “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.”</p> <p>This is the most common issue planning deals with during zoning review. Depending on the size of the structure proposed, it is frequently difficult for architects/designers to meet both the 4:12 roof pitch and 14ft side wall height. Additionally, this 14ft max height does little to limit the overall size/scope of accessory structures, as they are naturally limited by the 4:12 roof pitch and maximum 21 foot building height (per 16-2-50-(c)(7))</p>	<p>Recommend maintaining the 4:12 roof pitch but removing the 14ft side wall height requirement</p>
		<p>16-2-50 (d)(10)a Minimum Eaves on Accessory Structures</p>	<p>Regulates enclosed accessory structures, stating “There shall be eaves or overhangs that have a horizontal depth of at least eight (8) inches”</p> <p>This also frequently comes up in zoning review. Applicants often propose 6 in eaves/roof overhang and are required to revise their design. Again, this requirement does little to improve the overall aesthetic nature of the accessory structures.</p>	<p>Recommend amending this standard to a less restrictive version, similar to “All accessory structures are required to have eaves or overhangs that have a horizontal depth of at least four (4) inches,” or removing this standard altogether.</p>
<p>Remove?</p>		<p>16-3-60 (b)(2)(a) Fence Height</p>	<p>No fence, including fences around swimming pools, shall exceed six (6) feet in height, except as provided in subsection c</p>	<p>Increase height for privacy/pool fences more than 50’ from property lines</p>

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<p><b>H</b></p>	<p>September 17<sup>th</sup>, 2020 Study Session</p>	<p>16-4-10 Home Occupations</p>	<p>This section outlines criteria that home occupations must comply with.</p>	<p>Add that businesses would require licensing and remove that businesses must be wholly contained in the primary residence</p>
<p><b>Remove?</b></p>		<p>16-4-20 (b)(2) Keeping and raising of animals</p>	<p>This section addresses the number of animals allowed to include: one (1) horse, pot belly pig, goat, sheep, donkey, mule, llama or alpaca per acre twelve (12) fowl, of which only one (1) may be a rooster, per lot Five (5) rabbits per lot Eight (8) colonies of bees per lot No more than any four (4) pet animals, including but not limited to dogs, cats or small animals older than one hundred eighty (180) days, per lot</p>	<p>Address the exclusion of cattle/steer</p>
		<p>16-4-20 (c)(2) Keeping and raising of animals</p>	<p>States that no poultry house, coop or hutch shall exceed a total of one hundred twenty (120) square feet of gross floor area</p>	<p>Increase to two hundred (200) square feet consistent with the proposed increase in square footage for structures not requiring a permit.</p>
		<p>16-5-80(c)(2)b Nonconforming uses, structures, and lots</p>	<p>States “If use of a nonconforming structure is ancillary to the primary use on the site, changing the use in the nonconforming structure to any primary use allowed in the zoning district will be considered an increase in intensity of the nonconformance and will not be permitted unless a variance is granted for the nonconforming structure.”</p>	<p>Review these standards and consider their 1) redundancy, 2) necessity, and 3) value to the Town v. cost to Town and residents.</p>

		<p>16-5-80(d)(4)</p>	<p>States “Alterations or remodeling of a nonconforming structure which changes the use of the nonconforming structure from an ancillary use to a use similar to the primary use shall not be permitted unless a variance is obtained for the structure.”</p> <p>These redundant standards apply to nonconforming <i>structures</i>, but in actuality, regulate the <i>use</i> of structures, rather than the structure itself. Sec. 16-5-80 contains many protections that prohibit the expansion of existing, or creation of new, structural nonconformities. These standard triggers a relatively lengthy review process and results in few, if any, additional protections for the Town. In most cases, the core of these two standards would be addressed and protected against in the other nonconforming standards in the Municipal Code</p>	
		<p>16-5-80(d)(3) Nonconforming uses, structures, and lots: Alteration, Repairs or Replacement</p>	<p>This section states that nonconforming structures that are damaged by destruction beyond the control of the user may be reconstructed or replaced if the destruction does not exceed fifty percent (50%) of the total structure.</p>	<p>Modify to address legacy buildings. Possibly remove the 50% requirement and allow 100% for nonconforming structures that are damaged by destruction.</p>