



MEMORANDUM

TO: Mayor Jones and Members of the Board

FROM: Karen Proctor, Town Administrator

DATE: February 18, 2021

RE: Ordinance 2021-01 Amending Section 16-6-10 of the Foxfield Municipal Code to Clarify the Definition of Accessory Structure

DISCUSSION:

Ordinance 2021-01 amends section 16-6-10 of the Foxfield Municipal Code to clarify the definition of accessory structure by adding letter e) "Has no party wall or common wall with another structure. Bridges, tunnels, basements, breezeways and other similar means of connecting one (1) structure to another shall not, for the purpose of this Code, be considered to constitute a party wall or common wall."

A public hearing for Ordinance 2021-01 has been scheduled for March 4th, 2021.

ATTACHMENT:

Exhibit A: Ordinance 2021-01 Amending Section 16-6-10 of the Foxfield Municipal Code to Clarify the Definition of Accessory Structure.

A BILL FOR AN ORDINANCE AMENDING SECTION 16-6-10 OF THE FOXFIELD MUNICIPAL CODE TO CLARIFY THE DEFINITION OF ACCESSORY STRUCTURE

WHEREAS, the Board of Trustees determines it is necessary to clarify the existing provisions related to defining what constitutes an accessory structure in the Town; and

WHEREAS, the amendments made by this Ordinance do not change the Town's present and reasonable interpretation of its Code, but instead merely clarify the existing language regarding what makes an accessory structure detached from a primary structure.

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

Section 1. The definition of "Accessory use or structure" in Section 16-6-10 of the Foxfield Municipal Code is hereby amended by the addition of a new subparagraph e. as follows:

Sec. 16-6-10. Interpretation and definitions.

Accessory use or structure. A use or structure (exceeding one hundred twenty [120] square feet) subordinate to the principal structure or use which serves a purpose customarily incidental to the principal use and normally incidental to a use by right and complying with all the following conditions:

- a. Is clearly subordinate, incidental and customary to and commonly associated with the operation of the use by right.
- b. Is operated and maintained under the same ownership as the use by right on the same zone lot.
- c. Includes only those structures or structural features consistent with the use by right.
- d. Fences, gates, walls and utility poles are exempt from dimensional requirements and the number of allowed structures in each zone district.
- e. Has no party wall or common wall with another structure. Bridges, tunnels, basements, breezeways and other similar means of connecting one (1) structure to another shall not, for the purpose of this Code, be considered to constitute a party wall or common wall.

Section 2. 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 3. 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 4. This ordinance shall become effective thirty (30) days after final publication.

Adopted as Ordinance No. ____ Series of 2021, by the Board of Trustees of Foxfield, Colorado, and signed and approved by its Mayor or presiding officers this ____ day of _____, 2021.

Lisa Jones, Mayor

ATTEST:

Miranda Gallivan, Town Clerk

Town Seal

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