



**TOWN BOARD AGENDA
REGULAR MEETING**

(All items listed for discussion and possible action)

Virtual Meeting

**Thursday, March 4, 2021
6:30 p.m.**

1. Call to Order
2. Roll Call of Board Members
3. Audience Participation Period (limit 4 minutes per speaker)
4. Consent Agenda
 - a. Approval of Minutes – February 18, 2021
5. Public Hearing
 - a. Ordinance 2021-01 Amending Section 16-6-10 of The Foxfield Municipal Code to Clarify the Definition of Accessory Structure
6. For Discussion
 - a. Ordinance 2021-02 Amending Article 8 of Chapter 11 of the Foxfield Municipal Code by the Addition of a New Section Regarding Destruction of Public Property
7. Reports
 - a. Correspondence
 - b. Mayor
 - c. Members of Town Board
 - d. Staff
8. Future Agenda Items
9. Adjournment

STUDY SESSION to discuss the Foxfield Municipal Code regarding Home Occupations



MINUTES

BOARD OF TRUSTEES MEETING

February 18, 2021

Call to Order/Roll Call

The virtual meeting was called to order at 6:30 p.m. via Zoom.

The following Trustees were present: Amy Snell-Johnson, Debby Farreau, Scott Freas, Josie Cockrell, Lori Finch, Pam Thompson and Mayor Jones. A quorum was present.

Audience Participation

Allyson Zoellner, 16915 E. Costilla Avenue, reported that the roads were plowed when there was not enough snow to warrant that.

Shadia Ahmad, 7271 S. Quintero Street, voiced the same complaint about plowing tearing up the crack sealing when there isn't enough snow.

Consent Agenda

Mayor Jones moved, seconded by Trustee Snell-Johnson, to approve the following items on the Consent Agenda:

- a. Approval of Minutes – February 4, 2021
- b. Treasurer's Report – January 2021

The motion passed by unanimous roll call vote.

For Discussion

Traffic Control Gate Policy Draft and RFID Tags FAQs

Mayor Jones gave a brief history of the timing and funding for paving the roads in Foxfield, followed by comments from six residents expressing opposition to allowing access to non-residents.

The Board conducted a straw poll on the issue of access. Trustees Thompson, Freas and Snell-Johnson are in favor of allowing some access from contiguous neighborhoods while Trustees Farreau, Finch, Cockrell and Mayor Jones are opposed. Initially, there will be no access passes given to other neighborhoods. It was agreed the gates will be lowered only during morning and evening rush hours for the initial evaluation period. Tentative hours are 6-9 am and 3-7 pm.

Residents will be given two free RFID tags per household and may purchase additional tags at cost (currently \$5) for vehicles registered at their Foxfield address. They must submit copies of the vehicle registration forms for all tags, free or purchased. The tags will not expire. The registration process is being finalized.

In response to a question from a resident, it was noted that the gate arms are raised and lowered quickly so it is difficult for a following vehicle to sneak in behind another. The arms do have sensors to prevent them dropping onto a vehicle.

For Possible Action

Approval of the Terracare Contract

Mayor Jones moved to approve the Terracare Associates 2021 Landscape Services Agreement with the Town of Foxfield, with the additional cost of \$5,400 for the removal of twine from the trees on the Ring Road and \$600 to bag the weeds in the Open Space once they are wilted. Following a second by Trustee Finch, the motion passed by unanimous roll call vote.

For Discussion

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

This proposed amendment will clarify the rules regarding what constitutes an attached structure. The basic change is that an attached structure must share a common or party wall with the primary structure. There will be a public hearing on this ordinance on March 4, at which time public comment will be allowed.

Crime Survey Results

Trustee Cockrell conducted a crime survey with Foxfield residents. The primary crime reported is mail theft, followed by mailbox vandalism. There is very little major crime in Foxfield. The results will be posted on the website. Trustee Cockrell noted that all reported mailbox thefts were from non-locking mailboxes; the recommendation is for all residents to install locking mailboxes to thwart this type of theft.

Long Range Financial Forecast Update

Town Administrator Proctor reported on the financial forecast. She noted that the 2020 figures are not yet final as the audit is scheduled for next week but she is forecasting a budget surplus for 2020 of approximately \$85,000.

Reports

Mayor

Mayor Jones gave an update to the discussion with Arapahoe County regarding a sidewalk on the south side of Arapahoe Road. A question arose as to easements so the Mayor asked the Board to approve the cost of Town Attorney Hoffmann to research the issue, which was granted.

Members of the Town Board

Trustee Thompson requested the Board revisit group housing, specifically as it applies to sex offenders.

Trustee Freas asked that the Board clarify the trigger as to when Terracare is supposed to plow Foxfield streets.

Trustee Finch requested a study session regarding allowing mother-in-law suites in Foxfield.

Trustee Farreau reported that the sidewalk along E. Arapahoe Road had not been plowed.

Town Staff

Town Administrator Proctor reported that due to a retirement, the IREA release for electrical work for the gates on Richfield has been delayed until the beginning of April.

Future Agenda Items

- Mowing of Town easements
- Signage for gates
- Home occupations
- Allowing mother-in-law units
- Group housing

Adjournment

Mayor Jones adjourned the meeting at 8:29 p.m.

Study Session

At 8:29 pm, Mayor Jones convened a Study Session to discuss the following:

- Municipal Code Revisions regarding outdoor storage of vehicles and junk

The Study Session was terminated at 8:46 pm.

Randi Gallivan, Town Clerk

Lisa Jones, Mayor



MEMORANDUM

TO: Mayor Jones and Members of the Board

FROM: Karen Proctor, Town Administrator

DATE: March 4, 2021

RE: Public Hearing –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."

RECOMMENDED MOTION:

"I move to approve Ordinance 2021-01 Amending Section 16-6-10 of the Foxfield Municipal Code to Clarify the Definition of Accessory Structure."

ATTACHMENT:

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

Trustee Bill No. 01
 Series of 2021
 Town of Foxfield

Introduced by Trustee

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;

WHEREAS, the revision to the definition of an accessory structure is procedural in nature, and is intended merely to clarify the existing provisions regarding the definition of an accessory structure; 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.

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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. 01 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)



MEMORANDUM

TO: Mayor Jones and Members of the Board

FROM: Karen Proctor, Town Administrator

DATE: March 4, 2021

RE: Ordinance 2021-02 Amending Article 8 of Chapter 11 of the Foxfield Municipal Code by the Addition of a New Section Regarding Destruction of Public Property

DISCUSSION:

Ordinance 2021-02 adds a new section to Article 8 of Chapter 11 of the Foxfield Municipal Code regarding destruction of public property. This addition states that if Town property is damaged a penalty may be assessed.

ATTACHMENT:

Exhibit A: Ordinance 2021-02 Amending Article 8 of Chapter 11 of the Foxfield Municipal Code by the Addition of a New Section Regarding Destruction of Public Property

Trustee Bill No. 02
Series of 2021
Town of Foxfield

Introduced by Trustee

**A BILL FOR AN ORDINANCE AMENDING ARTICLE 8 OF CHAPTER 11 OF THE
FOXFIELD MUNICIPAL CODE BY THE ADDITION OF A NEW SECTION
REGARDING DESTRUCTION OF PUBLIC PROPERTY**

WHEREAS, the Board of Trustees determines it is necessary to ensure that property owned by the Town is not subject to destruction or damage without penalty;

WHEREAS, the Board of Trustees invests Town funds into necessary public property and desires to ensure its preservation; and

WHEREAS, the Board of Trustees finds that this ordinance is in the best interest of the Town and its citizens.

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

Section 1. Article 8, of Chapter 11, of the Foxfield Municipal Code is hereby amended by the addition of a new Section 11-8-20 to read as follows:

Sec. 11-8-20 Destruction or damage to public property.

A. It shall be unlawful for any person knowingly to damage, deface, destroy or injure the real or personal property of the Town, including, by way of example, any street sign, traffic control or warning device erected or placed in or adjacent to any street.

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.

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. 02 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)



MEMORANDUM

TO: Mayor Jones and Members of the Board

FROM: Karen Proctor, Town Administrator

DATE: March 4, 2021

RE: Municipal Code Revisions

DISCUSSION:

This study session is to discuss possible changes to the Foxfield Municipal Code regarding Home Occupations.

Below are the sections from the current Municipal code that address home occupations. The definition of Home Occupation appears to conflict with Code Sec 16-2-50. The definition suggests that home occupations are not allowed in accessory structures, however Code section 16-2-50 states that home occupations are allowed in accessory structures.

Sec. 16-4-10. Home occupations.

(a) Permitted Accessory Use in the RR (Large Lot Rural Residential) Zone District. Home occupations are a permitted accessory use in 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.

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

(a)(2) Allowing for limited home occupations; and

(b)(2) Permitted accessory structures and uses:

c. Home occupations, as specified in Section 16-4-10 of this Chapter.

Home occupation. Any occupation or activity which is clearly incidental to and conducted wholly within a dwelling unit and not in any accessory building or space on the premises by residents of the dwelling unit.