

ARTICLE 4: SPECIAL REQUIREMENTS

SECTION 4.1: 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. The home occupation must be conducted entirely within the principal dwelling structure. The storage of materials and goods associated with the home occupation may be stored in an accessory building.
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 principle use and which have no exterior indication of nonresidential activity except for parking or signage as outlined in Article 3 are allowed in all other zone districts.

SECTION 4.2: *Animal Raising and Keeping*

A. General Provisions.

1. **Locational Requirements.** The housing, keeping, or sheltering of any animal or livestock, excluding household pets, shall be allowed in the RR zone district only. Animals shall be limited to household pets, domestic livestock, farm animals, and fowl as listed below. Other similar animals may be allowed, however, the Zoning Administrator shall designate the number of animals allowed using the Stockman's Handbook or similar reliable source. Kennels are prohibited in the RR zone district.
2. **Purpose:** It is the purpose of these regulations to limit under specific circumstances the number of animals allowed and the methods by which animals are kept on private property. It is the intent of this section to minimize potential adverse impacts on adjoining property, the neighborhood, and persons in the vicinity from improper management of such animals. Such adverse impacts include, but are not limited to the propagation of flies and other disease vectors, dust, noise, offensive odors, soil erosion and sedimentation.

B. Specific Animal Standards.

1. **Application of Standards.** The following requirements apply to the keeping or raising of specific types of animals, in addition to all other applicable standards of this chapter. More than one type of animal may be kept on a single lot, subject also to the provisions of this Section. Where this Section limits the number of animals allowed on such a site, such limitations shall not apply to unweaned offspring.
2. **Number of Animals.** Domestic farm animals limited to horses, pot belly pigs, goats, sheep, donkeys and mules, llamas and alpacas, rabbits, and fowl are allowed at an animal density per acre.
 - a. One horse, pot belly pig, goat, sheep, donkey, mule, llama, or alpaca per acre or portion thereof.
 - b. In addition to the larger farm animals, each residential lot within the RR district is entitled to twelve (12) fowl of which only one shall be a rooster and no more than five (5) rabbits on each lot.
 - c. No more than four (4) dogs, or cats, or similar household pets are allowed per lot.
3. **Minimum Area Standards.**
 - a. Domestic Livestock, farm animals, and fowl shall be permitted, temporary or permanent on lots of at least 85,000 square feet in size according to the following minimum area standards, except that offspring of animals on property with two and one-half acres may be kept until weaned.

- b. No domestic livestock, farm animals, and fowl are allowed within the VC zone district or any Planned Development

C. Standards.

1. All horses, mules, llama, alpacas, sheep, pot belly pigs, and goats shall be kept in a fenced area.
2. Private poultry houses and coops, with no more than one hundred (100) square feet of gross floor area;
3. No poultry house, coop, or hutch shall exceed a total of one hundred and twenty (120) square feet of gross floor area.
4. All buildings, riding rings, corrals, poultry houses, pigeon coops, hutches, and fenced areas wherein animals are kept shall not be located within twenty (25) feet of any property line and shall not be located within fifty (50) feet of any dwelling unit.
5. Premises upon which animals are kept shall be maintained in such a condition as not to be foul, hazardous, or detrimental to the health, safety, or welfare of humans or animals. Manure shall not be allowed to accumulate so as to cause a hazard to the health, welfare, or safety of humans or animals.
6. Violations of this section shall be subject to nuisance abatement procedures.

SECTION 4.3 *Commercial Mobile Radio Service Facilities*

A. Purpose.

The purposes of this Article III, Section 4 are: to allow the location of commercial mobile radio service facilities (“CMRS facilities”) in the Town of Foxfield subject to certain standards; to act on applications for the location of CMRS facilities within a reasonable period of time; to encourage co-location of CMRS facilities; and to prevent unreasonable discrimination among providers of functionally equivalent services.

B. Standards for all CMRS Facilities.

1. Applicability. The standards contained in this Article III Section 4 apply to all applications for location of a CMRS facility. The applicant shall demonstrate in writing that its proposed CMRS facility meets all applicable standards and provisions of this Section.
2. Co-location. The Town encourages co-location of CMRS facilities when feasible to minimize the number of CMRS facility sites. To further the goal of co-location:
 - a. No CMRS facility owner or operator shall unreasonably exclude a telecommunications competitor from using the same facility or location. Upon request by the Town, the owner or operator shall provide evidence

explaining why co-location is not possible at a particular facility or site; and

- b. If a telecommunications competitor attempts to co-locate a CMRS facility on an existing or approved CMRS facility or location, and the parties cannot reach an agreement, the Town may require a third-party technical study to be completed at the expense of either or both parties to determine the feasibility of co-location.

C. Compliance with FCC standards.

Upon a request by the Town at any time, CMRS facility owners and operators shall verify that:

1. The CMRS facility complies with the current FCC regulations prohibiting localized interference with reception of television and radio broadcasts; and
2. The CMRS facility complies with the current FCC standards for cumulative field measurements of radio frequency power densities and electromagnetic fields.
3. By adopting this Section, the Town is not attempting to regulate radio frequency power densities or electromagnetic fields, which regulation is controlled by the FCC.

D. Abandonment.

If the CMRS facility ceases operation for any reason for one hundred eighty (180) consecutive days:

1. The owner or operator shall remove the facility; and
2. Any Special Review Use site plan approval or permit shall expire.

E. Freestanding CMRS Facilities.

1. Application for special use approval is required prior to location of a freestanding CMRS facility in any zone district.
2. Letter of Credit. Each applicant who obtains approval for location of a freestanding CMRS facility shall, prior to commencing construction, post a letter of credit, in sufficient amount to cover removal of the CMRS facility if abandoned.
3. Minimum setbacks. A freestanding CMRS facility shall be set back from each property line one (1) foot of distance for every foot of facility height.
4. Maximum height for freestanding CMRS facilities. A freestanding CMRS facility, including antennae, shall not exceed the maximum structure height limit in the underlying zone district unless the Town approves a height variance. In no case shall a free-standing CMRS facility exceed fifty (50) feet in height.
5. Design standards for freestanding CMRS facilities. A freestanding CMRS facility shall meet the following design standards to minimize impacts:
 - a. The facility shall be designed to be compatible with surrounding buildings

and structures and existing or planned uses in the area.

- b. Existing land forms, vegetation, and structures shall be used to screen the facility from view and blend in the facility with the surrounding environment.
- c. Existing vegetation shall be preserved or enhanced.
- d. The total area of any equipment storage shelters shall not exceed four hundred (400) square feet for each CMRS facility.
- e. Equipment storage shelters shall be grouped as closely together as technically possible.
- f. No equipment storage shelter shall exceed fifteen (15) feet in height.
- g. All CMRS facilities shall accommodate co-location of facilities, unless co-location is technically unfeasible.
- h. All applicable landscape regulations shall be observed.
- i. Any equipment that could be dangerous to persons or wildlife shall be adequately covered or fenced.

F. Building Mounted CMRS Facilities.

CMRS facilities are allowed on any building either wall mounted or roof mounted subject to the standards within this section.

1. A building wall-mounted CMRS facility shall adhere to the following design standards to minimize impacts:
 - a. The facility shall be screened from view and/or colored to match the building or structure to which it is attached.
 - b. The mounting of antennae shall be as flush to the building wall as possible, and in no case shall the antennae extend more than three (3) feet out from the building wall.
 - c. If the roof of the building is pitched, the facility shall not extend above the roof line of the building.
 - d. If the roof of the building is flat, the facility shall not extend above the highest point of the building, including already existing facilities on the roof.
2. A building roof-mounted CMRS facility shall adhere to the following design standards to minimize impacts:
 - a. A building roof mounted CMRS facility, including antennae, shall not extend more than twelve (12) feet above the height of the building on which the facility is mounted.
 - b. The facility shall be screened from view and/or colored to match the building or structure to which it is attached.
 - c. Antennae, support structures, accessory equipment and all other roof-

mounted appurtenances shall not exceed an aggregate total of twenty-five percent (25%) of the total surface area of the building roof

- d. The diameter of a microwave dish antenna shall not exceed four (4) Feet.
3. Accessory equipment for a building roof or wall-mounted CMRS facility shall be placed inside the building if feasible. All equipment storage shelters shall be grouped as closely as technically possible, and the total area of all accessory equipment, including storage shelters, shall not exceed four hundred (400) square feet per CMRS facility.

G. Pole-Mounted CMRS Facilities.

A pole-mounted CMRS Facility shall adhere to the following design standards to minimize impacts:

1. The facility shall be designed to be compatible with surrounding buildings and structures and existing or planned uses in the area.
2. The facility shall be colored to match the pole to which it is attached.
3. The total area of all accessory equipment, including equipment storage shelters, shall not exceed four hundred (400) square feet per facility.
4. Equipment storage shelters shall be screened from view by vegetation, fencing, or comparable screening.

H. Application Procedures.

1. CMRS facilities require a Special Review Use permit except stealth pole mounted CMRS facilities within the Large Lot Rural Residential (RR) Zone District require only administrative approval.
2. An application for approval of a proposed CMRS facility shall include a written, narrative statement describing in detail how the proposed CMRS facility will comply with each of the applicable design standards set forth in Section.
3. A site plan on 24" x 36" sheets which includes the following:
 - a. The location of all proposed and existing improvements;
 - b. A north arrow;
 - c. Scale (written and graphic);
 - d. Scaled building elevations; and
 - e. The legal description of the property.
3. A title commitment or other proof of ownership of the property, or if the property is leased, a copy of the fully executed lease with the property owner. The lease may be edited to black out or redact portions which the applicant does not want to become a public record, except: the term of the lease; any renewal provisions; provisions relating to termination of the lease; provisions relating to modification

or removal of the facility; and the signature page.

4. Photographic simulations showing the proposed facility and the structure on which it will be attached.
5. Preliminary structural design drawings and antenna specifications, which drawings shall include the coverage of the facility and the relationship with other existing or proposed facilities.
6. For freestanding CMRS facilities, drawings and a site plan including the foundation design, method of attachment, location of the facility, elevation drawings, and landscape drawings.
7. For building roof or wall-mounted CMRS facilities, structural drawings depicting the method of attachment to the building, including wind load calculations.
8. For pole-mounted CMRS facilities, a copy of the ownership or attachment agreement.

I. Procedure for Administrative Approval.

Applicant shall submit a completed application to the Town, who shall approve or deny the request within fifteen (15) days of receipt.

J. Procedure for Special Review Use Approval of a CMRS Facility.

1. Criteria for approval or denial of application. In considering an application for approval for a CMRS facility, the Board of Trustees shall base its decision as to the approval or denial of the application on whether the proposed CMRS facility meets the applicable design standards as outlined in this Section.
2. Application denial. A final decision by the Town to deny an application under this Section shall be in writing and supported by substantial evidence contained in a written record.
3. Approval and Conditions of approval. The Board of Trustees may require, as a condition of approval of any CMRS facility: any reasonable conditions necessary to improve or modify the site plan; any reasonable conditions necessary to ensure that any negative impacts of the proposed use are eliminated or mitigated; and any reasonable conditions necessary to ensure that the proposed development and use will be commenced and fully completed in a timely fashion.
4. Change in ownership. In the event there is a change in either the owner or operator of a CMRS facility, new approval shall not be required. The new owner or operator shall notify the Town of the change within fifteen (15) days after the date the change becomes effective; shall register such change with the Town by providing the name and business address of the new owner or operator and by verifying in writing that the new owner or operator has fully reviewed this Section; and shall pay to the Town an inspection fee to be determined by resolution of Board of Trustees. Upon receipt of notification of a change in the owner or operator of a CMRS facility, the Town may inspect the property to make certain

that the new owner or operator is complying with this Section.

SECTION 4.4: Cemeteries Prohibited

A. Legislative Authority.

The Town of Foxfield has the specific legislative authority pursuant to C.R.S. § 31-25-702 to regulate cemeteries and prohibit their establishment within one mile of the municipality.

B. Legislative Findings.

1. The Board of Trustees of the Town of Foxfield hereby finds that there are an adequate number of cemeteries proximate to the boundaries of the Town of Foxfield, and that such cemeteries are convenient for residents of the Town, and contain sufficient cemetery spaces for the interment of the deceased, and
2. The Board of Trustees further finds that the Town of Foxfield is a small community, and the construction of any cemetery within the corporate boundaries of the Town would be incompatible with the current land uses within the Town, and with the Town's Comprehensive Plan.

C. Cemeteries Prohibited.

Establishment of any cemetery within the Town boundaries of any zoning district within the Town is hereby prohibited.

SECTION 4.5: Grading, Erosion and Sediment Control Requirements (reserved)