

SPECIAL CITY COUNCIL MEETING

MONDAY, AUGUST 4, 1997 AT 7:00 P.M.

1. Pledge of Allegiance
2. Roll Call
3. Purpose of Special Meeting:
 - A. Councillor's Bill No. 51 re Amendment to Home Occupation Restrictions
4. Adjournment

Date: August 4, 1997
Subject: Councillor's Bill No. 51 re Home Occupations
Prepared by: Larry Hulse, Planning Manager

Introduction

City Council is requested to approve the attached Councillor's Bill as an emergency ordinance amending the Home Occupation section of the Westminster Municipal Code to allow limited water safety instruction for children.

Summary

At the July 28, 1997 Council meeting, Ms. Laurinda Pickard requested that the Council amend the Home Occupation section of the City Code to allow her to continue providing lessons for children in her outdoor swimming pool.

The Home Occupations Code is intended to protect the general integrity, peace and quiet of residential areas, but at the same time allow certain unobtrusive occupations to take place within residential dwelling units. In this case, there are several parallels that have been made to daycare/childcare activities that are also provided in residential areas. Because this request is for safety training for children, and because swimming pools in residential areas are most often located outside, an exception is being recommended to the Home Occupation Code which would allow, with limitations, child water safety instruction to be provided. After consultation with Ms. Pickard, Staff has determined limitations on the scope, time and number of children to be served in order to help preserve the residential qualities of the neighborhood and maintain it as a comfortable place for the people who live there.

Staff Recommendation

Pass Councillor's Bill No. 51 as an emergency ordinance amending the Home Occupation section of the Westminster Municipal Code to allow water safety instruction for children as an outdoor use with limitations.

Background Information

Laurinda Pickard has been operating her home occupation for a number of years, instructing children in water safety and swimming training. Most recently, a complaint was filed with the Code Enforcement Division concerning this use, particularly because of the traffic it generated.

City Council discussed this issue during the citizen presentation section of the July 28 City Council meeting and, after discussion, instructed Staff to prepare a limited "exception" to the home occupation requirement that would allow this outdoor activity to take place.

Staff has quickly reviewed several publications on home occupations and has not found a specific example for outdoor activities.

In fact, in almost all cases, home occupations are very limited in order to provide for the peace, quiet and domestic tranquility within residential neighborhoods. In other words, the home occupation ordinance is intended to help guarantee to residents, freedom from excessive noise, excessive traffic, nuisance, fire hazard, and other possible negative effects from commercial uses being conducted in residential areas.

As was noted at the Council meeting, there are very few differences between this instruction of children, done on a one-on-one basis in a backyard swimming pool, and normal activities in a residential area with children playing in the backyard or daycare and babysitting activities within residential areas. As such, Staff has prepared this amendment which would allow this specific use as an exception to be conducted outside the dwelling unit and also allow access to the backyard through any gate in a fence. Staff has added several recommended restrictions as follows:

- 1) No more than two children may be instructed at any one time (preparing for the lesson or being instructed). This helps control the traffic and parking.
- 2) This activity can be conducted only through the months of April through October.
- 3) The participants must be seven years of age or younger.
- 4) Instruction may occur only between the hours of 8:00 A.M. and 7:00 P.M.

With these further restrictions on this addition to the Westminster Municipal Code, Staff would recommend this ordinance amendment.

It should still be noted that Staff is very cautious of any further liberalization of home occupations, so that the general intent is kept intact, which is keeping residential areas primarily for residential purposes.

Neighbors in Ms. Pickard's neighborhood are being notified of the Special City Council meeting.

Respectfully submitted,

William M. Christopher
City Manager

Attachment

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. _____

SERIES OF 1997

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE AMENDING THE MUNICIPAL CODE PERTAINING TO HOME OCCUPATION LIMITATIONS

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The City Council of the City of Westminster finds that:

A. It is in the interest of public health, safety, and welfare to allow limited businesses in residential areas under the conditions outlined in Section 12-8-11, Home Occupations, of the Westminster Municipal Code.

B. Such home occupations should be compatible with the primary residential uses.

C. The character of residential neighborhoods should be maintained while balancing the needs of the community for safety oriented instruction which may need to be conducted outside the home for water safety purposes.

A. The City Council recognizes that programs in early safety training help to promote the general health, safety and general welfare of young children in and near water.

Section 2. Subsection B of section 12-8-11 of the Westminster Municipal Code is hereby amended to read as follows:

12-8-11: HOME OCCUPATIONS

(B) Limitations to Home Occupations. The home occupations herein permitted shall only be operated subject to all of the following additional limitations:

1. The use shall operate in its entirety within the dwelling unit and only by persons residing in the dwelling,

(a) WITH THE EXCEPTION OF THE USE OF OUTDOOR SWIMMING FACILITIES FOR LIMITED WATER SAFETY INSTRUCTION PURPOSES. OUTDOOR ACTIVITY WILL BE LIMITED TO THE FOLLOWING:

1. NO MORE THAN TWO STUDENTS INSTRUCTED AT ANY ONE TIME (PREPARING FOR THE LESSON OR BEING INSTRUCTED).

2. THIS ACTIVITY CAN ONLY BE CONDUCTED DURING THE MONTHS OF APRIL, MAY, JUNE, JULY, AUGUST, SEPTEMBER, AND OCTOBER.

3. THE PARTICIPANTS MUST BE NO OLDER THAN SEVEN YEARS OF AGE.

4. INSTRUCTION MAY OCCUR ONLY BETWEEN THE HOURS OF 8:00 A.M. AND 7:00 P.M.

5. ANY SUCH HOME OCCUPATION SHALL BE CERTIFIED BY THE REQUIREMENTS OF THE AMERICAN RED CROSS OR CERTIFIED BY PROGRAMS SUCH AS THE INFANT SWIMMING RESEARCH PROGRAM.

2. The use shall not have a separate entrance from outside the building, unless otherwise required by state law EXCEPT FOR THE LIMITED OUTDOOR POOL INSTRUCTION NOTED IN 1(a) ABOVE, WHICH MAY BE ACCESSED THROUGH AN OUTSIDE GATE.

Section 3. Because instruction in water safety for children in an outdoor facility is limited by the seasons, an emergency is declared to exist, and this ordinance is declared to be necessary for the immediate preservation of the public peace, health and safety. Wherefore, this ordinance shall be in full force and effect upon adoption of this ordinance on August 4, 1997, by an affirmative vote of six of the members of the Council if six or seven members of the Council are present at the meeting at which this ordinance is presented, or by an affirmative vote of four of the members of the Council if four or five members of the Council are present at the meeting at which this ordinance is presented and the signature on this ordinance by the Mayor or the Mayor Pro Tem.

Section 4. This ordinance shall be published in full within ten days after its enactment.

INTRODUCED, READ IN FULL AND PASSED AND ADOPTED AS AN EMERGENCY ORDINANCE this 4th day of August, 1997.

ATTEST:

Mayor

City Clerk

CITY OF WESTMINSTER, COLORADO
SPECIAL CITY COUNCIL MEETING
MONDAY, AUGUST 4, 1997 AT 7:00 P.M.

PLEDGE OF ALLEGIANCE:

Mayor Heil led Council, Staff and the audience in the Pledge of Allegiance.

ROLL CALL:

Present at roll call were Mayor Heil, Mayor Pro Tem Dixon and Councillors Allen, Merkel, Scott and Smith. Also present were William Christopher, City Manager; Martin McCullough, City Attorney; and Michele Kelley, City Clerk. Absent was Councillor Harris.

PURPOSE OF SPECIAL MEETING:

The Mayor stated that the purpose of the special City Council meeting was to consider a Councillor's Bill amending the City's Home Occupation restrictions.

ORDINANCE NO. 2529 - AMENDMENT TO HOME OCCUPATION RESTRICTIONS:

A motion was made by Merkel and seconded by Dixon to adopt Councillor's Bill No. 51 as an emergency ordinance amending the Home Occupation section of the Westminster Municipal Code to allow water safety instruction for children as an outdoor use with limitations. Upon roll call vote, the motion carried unanimously.

ADJOURNMENT:

The meeting was adjourned at 7:15 P.M.

ATTEST:

Mayor

City Clerk