

ORDINANCE NO. 2000-5

AMENDING THE OPHIR LAND USE CODE

**WHEREAS**, the Planning Commission met on May 9<sup>th</sup>, 2000, and moved to recommend certain amendments to the Ophir Land Use Code; and,

**WHEREAS**, the General Assembly conducted a public hearing on the 18<sup>th</sup> day of July, 2000, after publishing and posting notice of such hearing 15 days in advance, and considered all comments at such hearing; and,

**WHEREAS**, the General Assembly finds that the recommended amendments will clarify certain terms and definitions, will improve the administration of the Ophir Land Use Code, and will promote the Ophir Master Plan;

**NOW, THEREFORE, BE IT ORDAINED BY THE GENERAL ASSEMBLY OF THE TOWN OF OPHIR** the following;

I. **Section 201. Definitions** is amended as follows

The definition of Basement is hereby repealed and replaced with the following definition:

“A portion of a building located partially or wholly underground having fifty percent (50%) or more of it’s floor to ceiling height below the average pre-existing grade of the adjoining ground.”

The definition of Building Height is hereby repealed and replaced with the following definition:

“The building height is the maximum vertical distance from the average of the four corners of a structure from the existing pre-construction grade to the highest point of the coping of a flat roof, to the deck line of a mansard roof, or to the mid-point of a gable or hip roof measured from the eave to the ridge, provided that in no event shall the height of any point of a structure above the pre-construction grade exceed the building height by more than five (5) feet. For structures with multiple roof elements the four corners of a structure shall be measured individually for each segment of a building. For structures with an irregular foot print the Enforcement Official shall determine the reference points which meet the purpose of this Code. The Enforcement Official may require a survey of the lot(s) with one foot contour lines prepared by a surveyor licensed in Colorado in order to determine the existing pre-construction grade.”

The definition of Floor Area is hereby repealed and replaced with the following definition:

“The floor area shall be calculated by measuring the gross square footage from the exterior side of exterior walls of all structures. The floor area for stairways and basements shall be calculated at 50% of the area per floor. Decks, roof

overhangs, open porches, and areas where the floor to ceiling height is less than 5 ½ feet shall not be included in the maximum floor area calculations.”

The definition of Vehicle Parking is hereby repealed.

The definition of Accessory Building is hereby repealed and replaced with the following definition:

“Accessory Building: A detached subordinate building, the use of which is customarily incidental to that of the main building or to the main use of the land and which is located on the same lot or parcel with the main building or use. Accessory buildings shall not be provided with kitchen or bath facilities sufficient for rendering them suitable for permanent residential occupancy and accessory buildings shall not be used for sleeping accommodations.”

II. Article IV is hereby amended as follows:

Section 402. Uses Permitted by Right is hereby repealed and reenacted to read as follows:

“Single family dwellings, 2 accessory buildings per single family dwelling, accessory uses, and home occupations.”

Section 409. Maximum Floor Area is hereby repealed and reenacted to read as follows:

“Section 409. Maximum Floor Area

409.1 The cumulative maximum floor area for all buildings shall be determined by the following formulas:

<u>Lot Area</u>	<u>Maximum Floor Area Formula</u>
0 - 5,000 sq.ft.	2,100 sq.ft.
5,001 - 7,500 sq.ft.	2,100 + .24 x (lot area - 5,000 sq.ft.)
7,501 - 10,000 sq.ft.	2,750 + .16 x (lot area - 7,500 sq.ft.)
> 10,000 sq.ft.	3,150

409.2 The Maximum Floor Area of accessory buildings shall be determined by the following equation:

$$\text{Maximum Floor Area of accessory buildings} = \text{Lot Area} \times .05$$

409.3 For existing principal buildings, the Maximum Floor Area may be increased up to an additional 10% above the formulas in Section 409.1 provided the request is approved through the Special Use Permit process. Such expansion may only be permitted once per building.

409.4 In no case shall the combined floor area of all buildings exceed 3,150 sq.ft.”

Section 411. Off-Street Parking is hereby amended to add the following language:

“Off-street parking requirements are established as follows:

- A. Location. Required off-street parking shall be provided on the same lots as the principal use or on a contiguous lot. Any off-site parking area shall be under the same ownership as the principal use to which it is accessory.
- B. Dimensions. Each off-street parking space shall consist of an open area measuring nine (9) feet wide by eighteen (18) feet long and seven (7) feet high and shall have vehicular access to a public street or alley.
- C. Design. Off-street parking shall be properly drained and shall be maintained in a usable condition at all times. The off-street parking area shall have access to a public road via a driveway that does not exceed a 12% grade.
- D. Restricted Use of Parking Areas. No automobile trailers, boats, detached campers or any other object shall be parked or stored in off-street parking areas if it renders the parking space unusable.”

Article IV. is hereby amended by adding the following section:

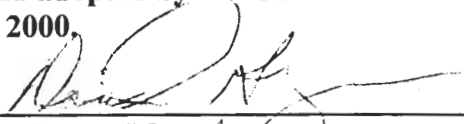
“Section 412. Wood Burning Devices.


Only one wood burning device per residence shall be allowed. Wood burning devices and their exhaust piping shall be properly installed, shall meet minimum clearances to combustible materials, and shall meet or exceed an EPA efficiency rating of 70%.”

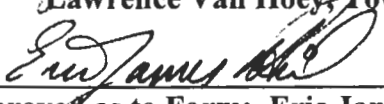
III. **Effective Date:** This Ordinance shall be in full force and effect upon publication of notice of final adoption.

IV. **Severability:** If any one or more sections or parts of this Ordinance of Town of Ophir Land Use Code is adjudged unenforceable or invalid by a court of competent jurisdiction, such judgment shall not affect, impair, or invalidate the remaining provisions of this Ordinance or Town of Ophir Land Use Code, the intention being that the various provisions herein are severable.

First reading introduced, read and approved by the General Assembly on the 16<sup>th</sup> day of May, 2000, and referred to a public hearing. Second and final reading approved and adopted by the General Assembly of the Town of Ophir on the 18<sup>th</sup> day of July, 2000.

By:   
David Glynn, Mayor

Attest:   
Lawrence Van Hoey, Town Clerk

  
Approved as to Form: Eric James Heil, Town Attorney