

**TOWN OF OPHIR, COLORADO**

**ORDINANCE NO. 2018-2**

**AMENDING THE DEFINITION OF BUILDING HEIGHT IN SECTION 210 OF  
ARTICLE II OF THE OPHIR LAND USE CODE AND BY ADDITION OF A  
DESCRIPTIVE DIAGRAM APPENDIX**

**WHEREAS**, pursuant to Colorado Revised Statutes § 31-15-401 and 31-23-301, *et seq.* as a Colorado municipality, the Town of Ophir has the power to enact regulations as necessary to provide for the public health, safety and welfare of the community and specifically to regulate the height of buildings; and

**WHEREAS**, the Town of Ophir Planning and Zoning Commission has recommended adoption of the following Land Use Code amendments in order to clarify and illustrate the intended meaning of the definition of building height.; and

**WHEREAS**, the Ophir General Assembly finds that adoption of this ordinance is necessary to protect the public health, safety and welfare of the Town of Ophir.

NOW, THEREFORE, BE IT ORDAINED BY THE GENERAL ASSEMBLY OF THE TOWN OF OPHIR:

Section 1. The definition of Building Height in section 210 of the Ophir Land Use Code is hereby modified by addition of the underlined sentence below, and addition of Appendix D, as follows:

Building Height: 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. Please see Appendix D for a visual diagram of building height calculations.

(1) Antennas, chimneys, flues, vents or similar structures may extend up to five feet above the specified maximum height limit so long as the footprint or cross-section of such structure is not more than ten (10) square feet.

The Table of Contents of the Land Use Code is amended to add the following statement below Appendix C:

Building Height Diagram Appendix D.

Appendix D is attached to this Ordinance.

Section 2. EFFECTIVE DATE.

This Ordinance shall take effect upon publication of notice of final adoption.

Section 3. SEVERABILITY.

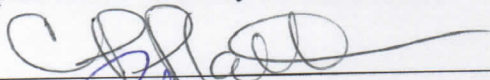
If any one or more sections or parts of this Ordinance is adjudged unenforceable or invalid by a court of competent jurisdiction, such judgment shall not affect, impair, or invalidate the remaining provisions of this Ordinance, the intention being that the various provisions herein are severable.

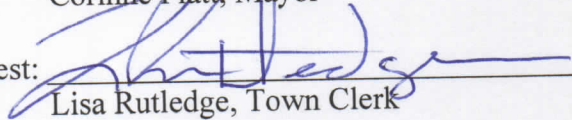
Section 3. REPEALER.

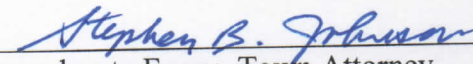
All ordinances, resolutions or parts of ordinances or resolutions inconsistent herewith are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any ordinance or resolution or part of any ordinance or resolution heretofore repealed.

Introduced, Read and Approved on First Reading by the General Assembly on the 20th day of February, 2018.

Approved and Adopted on Second and Final Reading by the General Assembly of the Town of Ophir on the 20th day of March, 2018.

By:   
Corinne Platt, Mayor

Attest:   
Lisa Rutledge, Town Clerk

  
Approved as to Form: Town Attorney

APPENDIX D

MAXIMUM BLDG HEIGHT EXAMPLE / FLAT SITE

SE CORNER HEIGHT 22'  
SW CORNER HEIGHT 22'  
NE CORNER HEIGHT 22'  
NW CORNER HEIGHT 22'  
TOTAL 88'  
AVG. BUILDING HEIGHT 22'

