

**ORDINANCE NO. 2012 -6**

**AMENDING THE OPHIR LAND USE CODE**

**WHEREAS**, the Planning Commission conducted a public hearing on November 13, 2012, after publishing and posting notice of such hearing 15 days in advance, and considering 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The definition of Non-reflective Metal is hereby repealed and replaced with the following definition:

*"Metal that has a reflective quality of any type is not allowed in Ophir. Metals must be rusted. Galvanized or zinc materials should not be allowed. All homeowners must submit a sample of non-reflective metal to the Planning and Zoning Commission prior to plan approval, as well as, prior to installation."*

The definition of Alley is hereby repealed and replaced with the following definition:

*"A public right of way permanently reserved for utilities and potential emergency vehicle access. It is the owner's responsibility to remove personal property for these purposes and to pay any penalties and all associated cost."*

The definition of Natural Materials is hereby repealed and replaced with the following definition:

*"Natural stone, cement cast stone, brick, stucco, synthetic stucco, adobe plaster, natural wood or non-solid stained wood (to avoid colors in the stain), but not to include plywood, wafer-board, or chip board, press board."*

II. Article III. General Regulations is hereby amended as follows:

Section 303.4 D. Roofing - Non-reflective metal, clay tile, pre-finished modular (pro-panel) reduced-reflective metal panels, slate, cement tiles, non-reflective solar tiles, and sod or turf. No galvanized or zinc metals or the like.

Section 303.4 B. Siding – Natural stone, natural wood (stained or clear) and rusted metal. Materials such as stucco, synthetic stucco, brick or plaster are limited to 20% of exterior surfaces. Ophir supports the use of new, sustainable/green materials as long as they mimic the natural materials listed here.

Section 303.5 Fences. Uses Permitted by Right is hereby repealed and reenacted to read as follows:

*"Fences shall be constructed out of natural wood (non-solid stained or clear; milled, rough cut or logs), stone, wrought iron or any combination of the foregoing. Fences shall not exceed six (6) feet in height from the pre-construction grade. Temporary construction fences are required for the duration of the project until the project is backfilled and secured."*

Section 303.6 Exterior Lighting. Uses Permitted by Right is hereby repealed and reenacted to read as follows:

*"All exterior lighting shall be shielded. The direct source of all exterior lighting shall be shielded and shall not be visible off the property. The maximum allowable lighting power is 550 (five hundred fifty) lumens. The use of motion sensor devices for lighting devices shall not be triggered off the property. If there are violators to this regulation a written complaint must be sent to the Town Manager at which time the Town Manager will contact the homeowner citing 303.6 of this LUC. The homeowner has 30 days to fix the lighting issue in compliance with the LUC. The Town of Ophir's Plan Checker will enforce the LUC and a fine of \$50.00 per week will be rendered if the homeowner fails to comply within the 30 days."*

- 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 the 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 the 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 26<sup>th</sup> of November, 2012, 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> of December, 2012.

By: \_\_\_\_\_

Mayor – Todd Rutledge

Attest: Susan Hehir  
Town Clerk - Sue Hehir

Stephen B. Johnson  
Approved as to Form: Steve Johnson, Town Attorney