

**OPHIR ZONING ORDINANCE 92-1 (Amending Ophir Zoning Ordinance 80-1)**

**ORDINANCE AMENDING OPHIR COLORADO ZONING ORDINANCE 80-1 TO ESTABLISH FLOOR AREA, SITE COVERAGE, ACCESSORY BUILDING LIMITATIONS AND SUBMISSION REQUIREMENTS; TO MODIFY EXISTING STANDARDS FOR MAXIMUM BUILDING HEIGHTS, MINIMUM SIDE YARDS; AND PROVIDE NEW OR MODIFIED DEFINITION FOR "SITE COVERAGE", "PRINCIPAL BUILDING", "BUILDING HEIGHT", "ATTACHED" AND "BASEMENT"**

**WHEREAS, the General Assembly of the Town of Ophir, Colorado passed in 1980 a Zoning Ordinance in the interest of protecting the natural environment, promoting orderly design and development and maintaining the historic nature of the community while allowing for harmonious new construction; and**

**WHEREAS, the General Assembly finds that in order to ensure visual continuity certain zoning amendments are necessary to maintain the scale and architectural character of the Residential District and to ensure that new growth occurs in a sensitive and compatible manner; and**

**WHEREAS, these amendments will maintain the historic flavor of the Town and promote harmonious new construction by the following steps: establishing variable floor area maximums, variable site coverage maximums, limiting the number of accessory buildings and establishing building submission requirements to the Ophir Town Clerk; increasing the required side yards from five (5) feet to five to fifteen (5-15) feet depending on lot size, decreasing the maximum building height from twenty five (25) feet to twenty two (22) feet for principal buildings and twelve (12) feet for accessory buildings, and amending definitions for "building height" and "accessory building", and creating new definitions for "site coverage", "principal building", "attached" and "basement"; and**

**WHEREAS, public notice of the General Assembly's hearing of the amendments has been properly served and published.**

**NOW THEREFORE BE IT ORDAINED BY THE GENERAL ASSEMBLY OF THE TOWN OF OPHIR, COLORADO THAT;**

**SECTION ONE ARTICLE IV 'RESIDENTIAL DISTRICT,' AMENDED**

**Article IV, "Residential District", is hereby revised and re-enacted in its entirety, as set forth in Exhibit A, which is attached hereto and incorporated herein by this reference.**

**SECTION TWO ARTICLE II "DEFINITIONS", AMENDED**

**Article II, "Definitions" is hereby revised and re-enacted in its entirety, as set forth in Exhibit B which is attached hereto and incorporated herein by this reference.**

**SECTION THREE ARTICLE III "GENERAL PROVISIONS", AMENDED**

**Article III "General Provisions" is hereby revised and re-enacted in its**

**SECTION FOUR SEVERABILITY**

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any Federal or State Court or administrative or governmental agency of competent jurisdiction, such portions shall be deemed separate, distinct, independent provision, and such holding shall not affect the validity of the remaining portions hereof, so long as the part held invalid or unconstitutional shall not go to the essence hereof.

**SECTION FIVE EFFECTIVE DATE**

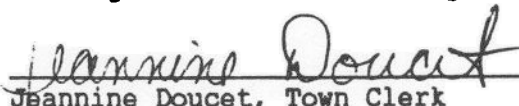
This ordinance shall become effective upon passage.

INTRODUCED, READ, PASSED AND ADOPTED BY THE GENERAL ASSEMBLY OF THE TOWN OF OPHIR, COLORADO ON THIS 18TH Day of February, 1992 at a regular meeting of the Town of Ophir, State of Colorado.



Paul Machado, Town Manager

ATTEST: I certify that the above Ordinance No. 92-1 was introduced to the General Assembly December 12th, 1991; a first reading of the above Ordinance No. 92-1 was held on January 21, 1992; a Public Hearing was held on February 11, 1992; and a second and final reading was held on February 18, 1992.



Jeannine Doucet, Town Clerk



**EXHIBIT A**

**SECTION 408. MINIMUM SIDE YARD**

THE MINIMUM SIDE YARD SETBACK IN THE RESIDENTIAL DISTRICT SHALL BE AS FOLLOWS:

- A. **PRINCIPAL AND ACCESSORY BUILDINGS**  
 LOT 0-5000 SQ. FT . . . . . 5 FEET  
 LOT > 5000 AND < 7500 SQ. FT. . . . . 10 FEET  
 LOT > 7500 SQ. FT. . . . . 15 FEET
- B. FOR PURPOSES OF DETERMINING SIDE YARD FOR CORNER LOTS, THE AREA BETWEEN THE BUILDING SITE AND THE STREET WHICH RUNS NORTH/SOUTH SHALL BE CONSIDERED SIDE YARD.
- C. FOR CORNER LOTS, SIDE YARD SETBACKS TO THE STREET MAY BE DECREASED TO 5 FEET PROVIDED THE TOTAL SIDEYARDS ARE EQUAL TO OR GREATER THAN TOTAL SIDEYARD SETBACK REQUIRED FOR THE LOT.

**SECTION 410. MAXIMUM BUILDING HEIGHT**

THE MAXIMUM BUILDING HEIGHT IS AS FOLLOWS:

- A. RESIDENTIAL BUILDING . . . . . 22 FEET
- B. ACCESSORY BUILDING . . . . . 12 FEET

**SECTION 411. FLOOR AREA MAXIMUM**

THE MAXIMUM FLOOR AREA IN THE RESIDENTIAL DISTRICT IS AS FOLLOWS:

- A. PRINCIPAL BUILDINGS SHALL BE DETERMINED BY THE FOLLOWING TABLE:

LOT AREA IN SQ. FT. OVER BUT NOT OVER	MAXIMUM BUILDING FLOOR AREA IN SQ. FT.
0 5,000	.4 x LOT AREA
5,000 7,500	2,000 + (24% AMOUNT OVER 5,000)
7,500 10,000	2,600 + (16% AMOUNT OVER 7,500)

- B. ACCESSORY BUILDINGS SHALL BE DETERMINED BY THE FOLLOWING EQUATION:  
 LOT AREA X .05 = MAXIMUM FLOOR AREA IN SQ. FT.
- C. FOR EXISTING BUILDINGS, THE FLOOR AREA MAXIMUM MAY BE INCREASED UP TO 10% OF THE MAXIMUM ALLOWED PROVIDED SUCH REQUEST IS APPROVED THROUGH THE SUP PROCESS. SUCH EXPANSION MAY ONLY BE PERMITTED ONCE PER BUILDING.

Exhibit A Continued;

SECTION 412. SITE COVERAGE

A. THE MAXIMUM SITE COVERAGE FOR EACH LOT IN THE RESIDENTIAL DISTRICT SHALL BE DETERMINED ACCORDING TO THE FOLLOWING EQUATION:

$$\text{SITE COVERAGE IN SQ. FT.} = .28 - \frac{[(\text{LOT AREA} - 5,000) \times .08]}{5,000}$$

B. FOR LOTS GREATER THAN 10,000 SQ. FT., THE MAXIMUM SITE COVERAGE SHALL NOT EXCEED TWENTY PERCENT (20%) OF THE LOT AREA.

**EXHIBIT B**

**Article II Section 201**

- 1) **ACCESSORY BUILDING**: A DETACHED OR ATTACHED BUILDING 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 FACILITIES SUFFICIENT TO RENDER THEM SUITABLE FOR PERMANENT RESIDENTIAL OCCUPANCY.
  
- 2) **BUILDING HEIGHT OF**: HEIGHT OF A BUILDING SHALL MEAN THE VERTICAL DISTANCE FROM THE AVERAGE PRE-CONSTRUCTION GRADE OF THE BUILDING'S SITE COVERAGE TO THE MEAN HEIGHT LEVEL BETWEEN THE HIGHEST RIDGE OR WALL - EXCLUDING CHIMNEYS OR VENT PIPES - AND IT'S HIGHEST ASSOCIATED EAVE FOR HIP, GABLE, SHED OR GAMBREL ROOFS.
  
- 3) **BASEMENT**: A PORTION OF A BUILDING LOCATED PARTIALLY OR WHOLLY UNDERGROUND HAVING ONE-HALF OR MORE OF IT'S FLOOR TO CEILING HEIGHT BELOW THE AVERAGE GRADE OF THE ADJOINING GROUND.
  
- 4) **SITE COVERAGE**: SITE COVERAGE MEANS THAT PORTION OF A BUILDING SITE OR PARCEL THAT IS COVERED BY BUILDINGS AND STRUCTURES, EXCLUDING OPEN DECKS, PORCHES, ROOF EAVES AND STOOPS.
  
- 5) **PRINCIPAL BUILDING**: PRINCIPAL BUILDING MEANS THAT MAIN STRUCTURE OR BUILDING ON A BUILDING SITE OR PARCEL IN WHICH THE PRIMARY USE BY RIGHT OCCURS
  
- 6) **ATTACHED**: A PHYSICAL CONNECTION OF THE FOUNDATION WALL OR ROOF OF TWO (2) BUILDINGS. IF THE METHOD BY WHICH THE BUILDINGS ARE ATTACHED INCLUDES AN ABOVE GRADE WALL, OR AN ABOVE GRADE WALL WITH ROOF, OR HAS A COMMON ABOVE GRADE WALL, THEN THE ATTACHED BUILDINGS SHALL BE CONSIDERED A SINGLE STRUCTURE FOR THE PURPOSES OF DETERMINING SITE COVERAGE AND FLOOR AREA. IF THE ATTACHMENT DOES NOT ENCLOSE AREA AND DOES NOT INCLUDE AN ABOVE GRADE WALL, THEN THE AREA OF ATTACHMENT SHALL NOT BE COUNTED FOR THE PURPOSES OF DETERMINING SITE COVERAGE.

## EXHIBIT C

### Article III Section 303. General Requirements.

- 1) **NO BUILDING SHALL BE ERECTED, CONVERTED, ENLARGED OR STRUCTURALLY ALTERED NOR SHALL ANY BUILDING BE USED FOR ANY PURPOSE OTHER THAN PERMITTED IN THE DISTRICT IN WHICH SUCH BUILDING IS LOCATED. NO BUILDING SHALL BE ERECTED, ENLARGED, MOVED OR STRUCTURALLY ALTERED EXCEPT IN CONFORMITY WITH THE HEIGHT, YARD OR OTHER REGULATIONS PRESCRIBED HEREIN FOR THE DISTRICT IN WHICH SUCH LOT IS LOCATED; EVERY PART OF A REQUIRED YARD SHALL BE OPEN TO THE SKY AND UNOBSTRUCTED, EXCEPT AS HEREINAFTER PROVIDED; NO YARD OF ANY LOT SHALL BE REDUCED SO AS TO BE SMALLER THAN THE APPLICABLE DISTRICT REQUIREMENT.**
- 2) **EVERY BUILDING HEREINAFTER ERECTED OR STRUCTURALLY ALTERED SHALL BE LOCATED ON A LOT AS DEFINED IN SECTION 201, AND IN NO CASE SHALL MORE THAN ONE RESIDENTIAL BUILDING BE LOCATED ON A LOT. THERE SHALL BE NO MORE THAN ONE ACCESSORY BUILDING ASSOCIATED WITH EACH RESIDENTIAL BUILDING.**
- 3) **ALL BUILDINGS SHALL HAVE NATURAL MATERIALS AS EXTERIOR SURFACES.**
- 4) **NO BUILDING SHALL BE ERECTED, CONVERTED, ENLARGED OR STRUCTURALLY ALTERED UNLESS, PRIOR TO APPLYING FOR A SAN MIGUEL COUNTY BUILDING PERMIT, COMPLETE PLANS HAVE BEEN FILED WITH THE OPHIR TOWN CLERK INDICATING ALL LANDS TO BE USED FOR DETERMINING SITE COVERAGE AND FLOOR AREA MAXIMUMS.**