

ORDINANCE NO. 237B

AN ORDINANCE TO MODIFY THE USE, HEIGHT AND SET-BACK REQUIREMENTS FOR SINGLE-FAMILY DWELLINGS

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF BOW MAR, COLORADO, PURSUANT TO TITLE 31, ARTICLE 16 OF THE COLORADO REVISED STATUTES, AS AMENDED:

Section 1.

a. Section 16-5 of the Municipal Code of the Town of Bow Mar shall be repealed and shall be replaced with language reading as follows:

(a) Use Regulations.

No building, accessory construction or land shall be used and no building or accessory construction shall be erected, converted or structurally altered unless otherwise permitted herein except for one (1) or more of the following uses:

(1) *Single-family dwelling.*

(2) *Accessory construction or uses incident to the above as is within the scope of this Chapter.*

(b) Height Regulations.

(1) *All dwellings are restricted in height to a maximum of sixteen (16) feet, measured from the highest existing natural grade point on the front setback line to the highest point of the roof, except that no more than 25% of the total ridge line (the horizontal line formed where two upward sloping roof surfaces meet) may be up to eighteen (18) feet in height, as measured from the highest existing natural grade point on the front setback line. On corner lots, the applicant may use either street setback as the front setback line, but will be bound by that decision.*

(2) *A flat roof (a roof with less than 3 inches per foot slope) shall not exceed a maximum height of sixteen (16) feet at any point from the highest existing natural grade point on the front setback.*

(3) *Chimneys are not included in the height measurement or restricted by this ordinance.*

(4) *Any dwelling which currently exceeds this height restriction may be remodeled or reconstructed to its historic height, as long as at least 50% of the original dwelling remains intact.*

(c) Area Regulations.

(1) *Lot area and width: For every dwelling erected or structurally altered, there shall be provided a lot area as platted upon the Zoning Map. The size and dimensions of each existing lot in the Town shall be as platted on said Zoning Map. In order to preserve the spacious character of the Town and to preserve the values enumerated in Section 16-1 above, lots in Residential I shall in no event be less than one (1) acre in size except for lots that have heretofore been platted less than one (1) acre in size.*

Yards and Setbacks:

(i) *For every dwelling erected or structurally altered there shall be provided a front yard and a rear yard each of not less than forty (40) feet in depth and a side yard on each side of the building of not less than forty (40) feet in width.*

(ii) *No structures of any kind, including but not limited to decks, patios, gazebos, pools, hot tubs, play structures, sport courts, swing sets, sculptures and sheds shall be constructed in the setback area. Driveways, mailboxes, light columns, and boundary fences are not prohibited by this ordinance.*

b. If one or more of the above provisions are declared void for some reason by a court, all other provisions are to remain effective.

Section 2.

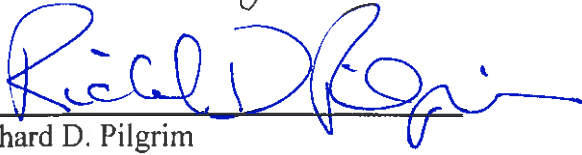
NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF BOW MAR, COLORADO:

a. The Town Clerk shall cause notice of contents of this Ordinance to be published in the Denver Post, said newspaper being a daily newspaper of general circulation in the Town of Bow Mar and being duly qualified for publishing legal notices and advertisements within the meaning of the laws of the State of Colorado.

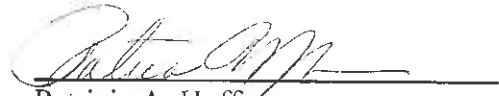
b. Introduced as Ordinance No. 237B at a regular meeting of the Board of Trustees of the Town of Bow Mar on the 11th day of May, 2009, and passed on final reading at a regular meeting of the Board of Trustees of the Town of Bow Mar by a vote 6 to 0 on the 20 day of July, 2009.

Adopted this 26 day of July, 2009.

ATTEST:



Richard D. Pilgrim
Mayor



Patricia A. Hoffman
Town Clerk and Treasurer

PROOF OF PUBLICATION

I certify that the foregoing ordinance was published in the *Denver Post*, a legal newspaper within the Town of Bow Mar, Colorado on the 9 day of July, 2009.

