

Ordinance 04-02 Series 2020
AN ORDINANCE OF THE TOWN OF JAMESTOWN, COLORADO ADOPTING
CONSTRUCTION SETBACKS AND HEIGHT REGULATIONS FOR NEW
CONSTRUCTION

WHEREAS, Colorado Revised Statutes §29-20-101 and §31-23-301 provide for municipal authority to regulate land use and building standards, and

WHEREAS, in furtherance of the public health, safety and welfare of the residents of the Town of Jamestown (Town), the Town Board of Trustees desires to provide for regulations concerning setback distances and height restrictions applicable to new construction, and

WHEREAS, the Town Board of Trustees has determined that the introduction of setback regulations and height restrictions is in keeping with the Town 2017 Comprehensive Plan and in general with the character of the community,

NOW THEREFORE, BE IT ORDAINED BY THE TRUSTEES FOR THE TOWN OF JAMESTOWN, THAT:

Section 1. Setbacks and Additional Building Requirements:

a. Definitions:

The term "*Building*" as used in this ordinance shall have the following meaning:
Any permanent structure built for the support or shelter of any use or occupancy

The term "*Lot line*" as used in this ordinance shall have the following meaning:

Front lot line: That part of a property line dividing a lot from a road. On a corner lot, only one property line shall be considered as a front line. The shorter property line shall be considered the front unless the property owner chooses another property line dividing the lot from a road.

Rear lot line: The line opposite and parallel to the front line. In the event no lot line is opposite and parallel to the front lot line, there shall be no rear lot line.

Side lot line: All lot lines other than front lot lines or rear lot lines. A triangular lot has two side lot lines and no rear lot line.

The term "*Setback*" as used in this ordinance shall have the following meaning:
The required minimum distance in feet between a building or structure and a lot line.

The term "Structure" as used in this ordinance shall have the following meaning: *A combination of materials forming an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner, including but not limited to dwelling units, accessory dwelling units (ADUs), garages, outbuildings and sheds. The term "structure" excludes the following: 1. retaining walls; 2. fences not over 6 feet high; 3. platforms or decks not more than 30 inches above grade and not over any basement or story below; 4. utility mains, lines, and underground facilities; and 5. yard and play equipment.*

b. Existing structures including those for which a complete building permit application has been submitted to Boulder County prior to the effective date of this ordinance are not subject to the requirements set forth in this ordinance. Such structures shall be deemed non-conforming or "grandfathered". Notwithstanding the foregoing, additions to such existing structures shall comply with all requirements of this ordinance.

c. The following setback and other requirements apply to the construction of any structure on a residential lot or additions to any such existing structures:

- Will provide 10 feet of distance between buildings and structures on adjacent lots. This is to ensure emergency access and allow maintenance access between these houses or structures.
- Rear and side yard setbacks shall be a minimum of 5 feet.
- Must maintain the total 10-foot distance between structures on any lot or combination of lots under common ownership.
- Shall be 5 feet from the located marks of any buried public utility.
- The setback for properties adjoining United States Forest Service property shall be one (1) foot. The landowner is solely responsible for determining property lines and the Town shall have no liability with respect to construction on or near national forest land.
- All fences, as well as small structures (≤ 120 sq ft), which do not block access between larger buildings, are exempt from the setback and distance regulations.

d. In the event of catastrophic loss from a natural disaster, a structure may be rebuilt upon the building footprint existing prior to the effective date of this ordinance. Scrape-offs and new construction not due to a natural disaster such as fire, flood, or landslide will be subject to the setback and height restrictions set forth in this ordinance, regardless of the original structure's footprint and height.

Section 2. Maximum Height Restrictions: The maximum height of any structure shall be as follows:

- The maximum height of any structure constructed after the effective date of this ordinance shall be 30 feet to a point on the ridgeline directly above the existing slope or grade.
- Calculation of the maximum allowable height shall be in accordance with Boulder County Land Use Code, Article 4 as amended.

Section 3. Compliance with Floodplain Ordinance. Notwithstanding anything in this ordinance to the contrary, structures shall be constructed in compliance with any Town ordinance or resolution providing for prevention of flood damage through adoption of principles promulgated by the Federal Emergency Management Agency (FEMA).

Section 4. Variance Permit.

- The property owner may apply for a variance permit setting forth compelling reasons and/or equivalent standards for a variance to the requirements of this ordinance.
- The cost of the application for a variance permit shall be \$200. The property owner shall be responsible for any other additional costs that may be incurred by the Town relating to the application of a variance.
- For each application for variance permit, the Board of Trustees shall fix a reasonable time for the hearing on the application. At least fifteen days before the hearing, the property owner shall provide notice by mail to property owners within 300 feet of the subject property and by posting notice of the hearing on the subject property.
- Only the Town Board of Trustees can grant a variance.
- All variances are considered on their own merits by the Town Board of Trustees. An approved variance shall not be considered a precedent to any other variance application.
- In order to grant a variance, the Board of Trustees shall find that the following criteria have been satisfied:
 - There exists exceptional or extraordinary physical circumstances of the subject property such as irregularity, narrowness, shallowness, or slope;
 - Because of these physical circumstances, the strict application of this ordinance would create an exceptional or undue hardship upon the property owner;

- o The hardship is not self-imposed;
- o The variance, if granted, will not adversely affect the use of adjacent property;
- o That the variance, if granted, will not change the character of the neighborhood in which the property is located and is in keeping with the intent of Town's Comprehensive Plan; and
- o That the variance, if granted, does not adversely affect the health, safety and welfare of the citizens of the Town.


Section 5. Enforcement: The Town shall have the authority to enforce all rules and regulations under this ordinance. Any person who violates any provision of this Ordinance shall be fined not more than three hundred dollars (\$300.00) per day and the violation may result in denial of the certificate of occupancy.

Section 6. Repeal: All other ordinances, including Ordinance 03-01, 2019 or portions thereof inconsistent or conflicting with this ordinance or any portion hereof are hereby repealed to the extent of such inconsistency or conflict.

Section 7. Severability: If any portion of this ordinance is held to be invalid for any reason, such decision shall not affect the validity of the remaining portions of this ordinance. The Board of Trustees hereby declares that it would have passed this ordinance and each part thereof irrespective of the fact that any one part be declared invalid.

INTRODUCED, READ, ADOPTED, APPROVED, SIGNED AND ORDERED
PUBLISHED BY TITLE THIS 6th DAY OF APRIL, 2020.

TOWN OF JAMESTOWN, COLORADO

Attest: 

Kristi Rutledge, Town Clerk



Kenneth Lenarcic, Mayor