

ORDINANCE 94-9

TOWN OF OPHIR

AN ORDINANCE REPEALING ZONING ORDINANCE 80-1, ORDINANCE 83-1, ORDINANCE 92-1 and ORDINANCE 93-2; and ADOPTING THE TOWN OF OPHIR LAND USE CODE BY REFERENCE.

WHEREAS, the General Assembly of the Town of Ophir adopted the Town of Ophir Master Plan on September 21st, 1993, which recommends the adoption of various design guidelines and regulations;

WHEREAS, the General Assembly of the Town of Ophir finds that the adoption of the Town of Ophir Land Use Code will promote and preserve the health, safety and welfare of the Ophir community;

WHEREAS, the State of Colorado grants the authority to establish zone districts, enact land use regulations, and enact subdivision regulations; and,

WHEREAS, the Town of Ophir Planning and Zoning Commission recommended the adoption of the Town of Ophir Land Use Code after holding public hearings thereon;

WHEREAS, the Town of Ophir held a public hearing on June 7th to take all comments regarding the adoption of the Town of Ophir Land Use Code and caused notice of adoption of the Town of Ophir Land Use Code by ordinance to be published 15 days prior to and 8 days prior to the public hearing.

NOW, THEREFORE, BE IT ORDAINED BY THE GENERAL ASSEMBLY OF THE TOWN OF OPHIR, STATE OF COLORADO the following:

SECTION 1. ORDINANCES REPEALED

Zoning Ordinance 80-1, Ordinance 83-1, Ordinance 92-1, and Ordinance 93-2 are hereby repealed in their entirety.

SECTION 2. TOWN OF OPHIR LAND USE CODE ADOPTED

The Town of Ophir Land Use Code is hereby adopted by reference along with the official zone district maps including the Town of Ophir Zoning Map and the Town of Ophir Hazards Overlay Map.

SECTION 3. ZONE DISTRICT BOUNDARIES

Unless otherwise indicated, all privately owned land in the Town of Ophir is included in the Residential Zone District as well as Town owned lots 1, 2, 3, 4, 15, 16, 17, 18, 19, and 20 of Block 11 and the vacated portion of Eighth Street south of the south line of Aurum Street and north of the north line of Porphyry Street. The Hazard Overlay Map delineates districts which have additional land use regulations.

SECTION 4. GRANT OF AUTHORITY

It is the intention of the General Assembly of the Town of Ophir in adopting this Town of Ophir Land Use Code to fully exercise all of the powers reserved to the Town as a home-rule municipality under Article XX of the Colorado Constitution, all the powers granted to the Town by: the provisions of the Local Government Land Use Control Enabling Act (Title 29, Article 12, C.R.S.) and Article 23 of Title 31, C.R.S., which enables municipalities to adopt zoning regulations and subdivision regulations, and all other powers granted, either expressly or impliedly, to municipalities in the State of Colorado.

SECTION 5. CONFLICT WITH OTHER LAWS

The Town of Ophir Land Use Code shall supersede any existing laws of the Town of Ophir or existing or future laws of the State of Colorado or of the United States of America, to the maximum extent permissible by home-rule communities, that are in conflict with the provisions of this Ordinance or Town of Ophir Land Use Code.

SECTION 6. SEVERABILITY

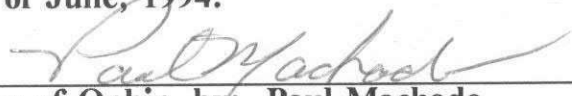
If any one or more sections or parts of this Ordinance or Town of Ophir Land Use Code shall be adjudged unenforceable or invalid, such judgement shall not affect, impair, or invalidate the remaining provisions of this Ordinance or Town of Ophir Land Use Code, it being the intention that the various provisions hereof are severable.

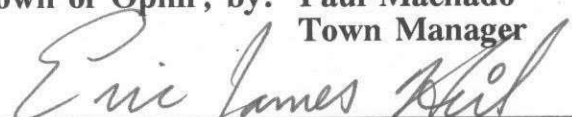
SECTION 7. EFFECTIVE DATE


This Ordinance and Town of Ophir Land Use Code shall take effect immediately upon passage and adoption of the second reading.

FIRST READING OF THIS ORDINANCE HEARD, APPROVED AND ADOPTED AS AMENDED BY THE OPHIR GENERAL ASSEMBLY this 7th day of June, 1994.

SECONG READING OF THIS ORDINANCE HEARD, APPROVED AND ADOPTED AS AMENDED BY THE OPHIR GENERAL ASSEMBLY this 21st day of June, 1994.


Town of Ophir, by: **Paul Machado**
Town Manager


Approved as to Form: **Eric James Heil**
Town Attorney


Attest: **Lawrence Van Hoey, Town Clerk**

(Town Seal)