

**Ordinance 95-3 - Town of Ophir**

**ORDINANCE 95-3**

**TOWN OF OPHIR**

**AN ORDINANCE ZONING LOTS 4A, 4B, 4C, AND 4D OF THE SARA PLACER/  
MONTEZUMA MILLSITE SUBDIVISION and AMENDING THE OPHIR LAND  
USE CODE TO INCLUDE THE FORESTRY ZONE DISTRICT**

**WHEREAS**, Lot 4 of the Sara Placer and the Montezuma Millsite have been annexed by the Town of Ophir;

**WHEREAS**, final subdivision approval of Lot 4 of the Sara Placer and the Montezuma Millsite has been obtained with conditions;

**WHEREAS**, the Owner designates and the Planning and Zoning Commission of the Town of Ophir concurred and recommended designation of Lots 4B and 4D as included in the Residential Zone District and designation of Lots 4A and 4C as included in the Forestry Zone District at the March 16th, 1995, public meeting;

**WHEREAS**, the Town of Ophir General Assembly held a public hearing on March 21st, 1995, such hearing was duly noticed in the Telluride Times-Journal and by first class mail to all property owners within 150 feet of the applicant's property;

**WHEREAS**, the Town of Ophir entered into the "Town of Ophir - Williams/Bristol Pre-Annexation Agreement" recorded in the San Miguel County Clerk and Recorder's office at Book 531, Pages 779 to 797, which set forth in Section 7. the agreement to apply prescribed zoning to Lot 4 of the Sara Placer and the Montezuma Millsite properties;

**WHEREAS**, the Town of Ophir General Assembly finds that the proposed zoning is consistent with the Town of Ophir Master Plan; and,

**WHEREAS**, the Town of Ophir General Assembly finds that the adoption of the proposed zoning and Forestry Zone District will promote the health, safety and general welfare of the Ophir community and will preserve and promote property values in the Town of Ophir;

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

**SECTION 1. RESIDENTIAL ZONE DISTRICT INCLUSION**

The boundaries of the Residential Zone District on the Official Zone District Map of the Town of Ophir are hereby amended to include Lots 4B and 4D of the Sara Placer/Montezuma

**Ordinance 95-3 - Town of Ophir**

Millsite Subdivision plat as approved by the General Assembly of the Town of Ophir.

**SECTION 2. OPHIR LAND USE CODE AMENDED TO INCLUDE FORESTRY ZONE DISTRICT**

The Town of Ophir Land Use Code is hereby amended to include the Forestry Zone District as follows:

**"ARTICLE VIII FORESTRY ZONE DISTRICT**

**SECTION 801. INTENT AND PURPOSE**

The Forestry Zone District is intended to preserve large, relatively remote areas of the Town of Ophir for resource, agricultural, open space, and recreational purposes.

**SECTION 802. USES PERMITTED BY RIGHT**

802.1 Single Family Dwellings, accessory buildings and uses.

802.2 Caretaker Unit with the following restrictions:

a. The Caretaker Unit shall not be leased for a period of less than 30 days or more than 5 years;

b. Occupancy of the Caretaker Unit shall be subject to the requirements of the County R-1 Housing Deed Restriction;

c. A Caretaker Unit shall not be conveyed or sold separately from the remainder of the parcel and shall remain under the same ownership as the primary residence;

d. A Caretaker Unit shall not exceed one half the floor area of the primary residence; and,

e. A Caretaker Unit shall be detached from the primary residence.

802.3 Day Care Homes

802.4 Normal and customary agricultural, ranching, and equestrian activities.

802.5 Home Occupations

**Ordinance 95-3 - Town of Ophir**

**SECTION 803. MINIMUM LOT AREA PER SINGLE FAMILY DWELLING**

The minimum lot area for a single family dwelling, caretaker unit, and accessory buildings and uses permitted by right is 15 acres.

**SECTION 804. SETBACKS**

All structures shall be setback at least thirty (30) feet from the front lot line and twenty (20) feet from the rear and side lot lines.

**SECTION 805. MAXIMUM BUILDING HEIGHT**

The maximum building height is 35 feet.

**SECTION 806. MAXIMUM FLOOR AREA**

The Maximum Floor Area for all residential structures, inclusive of principal, secondary, accessory buildings, and caretaker units, shall be 7,000 sq.ft.

**SECTION 807. OFF-STREET PARKING**

The minimum off-street parking requirements is two vehicles per dwelling unit."

**SECTION 3. FORESTRY ZONE DISTRICT DESIGNATION**

Lots 4A and 4C of the Sara Placer/Montezuma Millsite subdivision plat as approved by the General Assembly of the Town of Ophir are hereby designated as the Forestry Zone District on the Official Zone District Map of the Town of Ophir.

**SECTION 4. "GRANDFATHERING" OF EXISTING USES AND VESTED RIGHTS**

The application of this zoning ordinance shall be (1) subject to "Grandfathering" of existing uses as defined by the Town of Ophir Land Use Code, SECTION 306. GRANDFATHER CLAUSE FOR NON-CONFORMING USE OR BUILDING, and (2) subject to continuation of any vested real property development rights for site specific development plans approved by San Miguel County, for the duration of such rights.

**SECTION 5. SEVERABILITY**

If any one or more sections or parts of this Ordinance are adjudged unenforceable or invalid, such judgement shall not affect, impair, or invalidate the remaining provisions of this

**Ordinance 95-3 - Town of Ophir**

Ordinance, it being the intention that the various provisions hereof are severable.

**SECTION 6: SAFETY CLAUSE**

The passage of this ordinance is necessary for the preservation of the public health, safety, morals, and welfare of the Town of Ophir community

**SECTION 7: EFFECTIVE DATE**

This ordinance shall become effective immediately upon publication of final adoption and final approval of the subdivision application for Lot 4 of the Sara Placer and the Montezuma Millsite, including final approval and signature by the Town of Ophir of all related final subdivision plats, improvement agreements, and any other necessary site specific development agreements with the Town of Ophir.

**SECTION 8: PUBLICATION**

After final adoption, the Town Clerk shall cause the title this ordinance and notice of final adoption to be published in full once in a newspaper having general circulation within the limits of the Town of Ophir.

**FIRST READING INTRODUCED, READ, and ADOPTED this 21st Day of March, 1995, by the General Assembly of the Town of Ophir.**

**SECOND READING READ AND ADOPTED this 16th day of May, 1995, by the General Assembly of the Town of Ophir.**

\_\_\_\_\_  
By: Meeting Moderator

\_\_\_\_\_  
Date

\_\_\_\_\_  
Attest: Lawrence Van Hoey, Town Clerk

\_\_\_\_\_  
Date