

ORDINANCE NO. 61

AN ORDINANCE CONCERNING THE ZONING OF DISTRICTS AND REGULATIONS RELATING TO RESTRICTIONS AFFECTING THE SAME.

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF LA JARA, COLORADO:

1. From and after the passage of this ordinance, the Board of Trustees of the Town of La Jara, Colorado, shall act as the Zoning Commission within said Town and shall perform such duties, without compensation, as are now provided for in Article 11 of Chapter 26, C. S. A. 1935.

2. That for the purpose of this ordinance, the following described real property situate within the limits of the Town of La Jara, Colorado, is designated, selected and zoned, as follows, to-wit:

ZONE "A":

Blocks 1, 2, 3 and 4 in Braidens Addition to the Town of La Jara;

Blocks 5, 8, 17, 20, 24, 26, 27, 29, 32, 34 and 35 in the original townsite;

ZONE "B":

Blocks 10, 11, 12, 25, 30, 31 and 36 in the original townsite;

ZONE "C":

Blocks 1, 2, 3, 6 and 7 in the original townsite;

ZONE "D":

Blocks 4, 9, 16, 21, 28 and 33 in the original townsite.

3. The minimum cost of the erection of new buildings upon lots within Zone "A" shall be restricted to not less than Twenty-five Hundred (\$2500.00) Dollars; Zone "B", not less than Fifteen Hundred (\$1500.00) Dollars; and Zone "C", not less than Five Hundred (\$500.00) Dollars; and Zone "D", such minimum cost as the Board of Trustees shall from time to time determine and establish by regulation.

4. In Zones "A", "B", and "C", no building or premises shall be used and no building shall hereafter be erected or structurally altered, unless otherwise provided for by regulation or ordinance, except for one or more of the following uses: one family dwellings, two family dwellings; churches; libraries; public schools and accessory buildings; private garage to be used in connection with any of the above buildings and located on the same lot; the offices of physicians, surgeons, dentists, musicians and artists when located in the dwelling; and in all structures the plumbing shall be connected with the municipal sewage system wherever such system is available for use.

5. Every building hereafter erected or structurally altered shall provide a lot area of not less than thirty-five hundred square feet for each family and frontage of not less than 25 feet, provided that where a lot held under distinct ownership from adjacent lots and of record at the time of the passage of this ordinance, has less area than herein required, this restriction shall not apply; a rear yard having a depth of not less than 25 feet, a side yard on each side of a building of not less than 5 feet in width, provided, how-

ever, that on a lot having a width of less than 25 feet, and held under a distinct ownership from adjacent lots, and of record at the time of the passage of this ordinance, there shall be a side yard on each side of the building of not less than 3 feet in width; the front building line shall be at least 30 feet from the lot line of the street on which the lot fronts, provided, however, that in each block in which 50 per cent or more the lots on the same side of the street shall have been built upon in conformity with a fairly even and determinable front building line located more or less than 30 feet feet from the front lot line, all buildings hereafter erected or constructed in any such block on the same side of the street, shall be erected in conformity with said front building line, determined by buildings already erected on 50 percent of the lots, and in determining whether or not a front building line has been so determined and established, the fair intent and purpose shall be considered and minor irregularities shall be ignored; the building line for the side street line of corner lots shall be a distance of at least 10 feet from the side street line measured at right angles; and no coal house, or chicken house, or storage building for any of the above mentioned uses, now or hereafter erected or structurally altered, shall be used for any other purpose without the approval of the Board.

6. In Zone "D", all buildings or premises, except as otherwise hereafter provided by ordinance or regulation, shall be used for any of the following purposes and uses: retail commercial business, wholesale commercial business, public garages, auto repair shops, filling stations, machine shops, places of amusement including theaters, office buildings, studios, beauty parlors, paint shops, dyeing and cleaning establishments, newspaper printing plants, laundries, photographic galleries, restaurants, bakeries, lumber yards, and all governmental buildings.

7. All buildings erected under the provisions of this ordinance, located within the fire limits of the Town of La Jara, shall be erected in strict conformity with the requirements of the ordinance prescribing building regulations within said fire limits.

8. A non-conforming use existing at the time of the passage of this ordinance shall be continued or extended to any portion of a building which portion was arranged and designed for such non-conforming use at the time of the passage of this ordinance, but a non-conforming use shall not be otherwise extended except with the approval of the Board of Trustees, and no building so arranged and designed shall be reconstructed or structurally altered during any 10 year period to an extent exceeding aggregate cost of 20 per cent of the value at which the building is assessed, unless the building is changed to a conforming use, and a non-conforming use shall not be changed unless to a higher use.

9. The requirements of this ordinance shall not affect or require the change of any building now constructed, except as hereinabove provided.

10. The construction, alteration,

repair or removal of any building or structure, or any part thereof, as provided and restricted in this ordinance, shall not be commenced or proceeded with except after issuance of a written permit for same by the Board of Trustees of said Town of La Jara, and upon payment of the fee, now provided for by ordinance, to the Town Clerk for the issuance of said permit.

11. The Board of Trustees of said Town of La Jara shall, immediately upon the passage of this ordinance, appoint a Board of Adjustment consisting of five members, each to be appointed for the term of three years. Such board of adjustment shall hear and decide appeals from and review any order, requirement, decision or determination made by the Board of Trustees, sitting as a Zoning Commission, and charged with the enforcement of this ordinance, and in all respects do and perform all acts, assume all powers, apply such procedure, as is now provided for such Board of Adjustment under the provisions of Section 22 of Chapter 26, C. S. A. 1935.

12. In interpreting and applying the provisions of this ordinance, such provisions shall be held to be the minimum requirements adopted for the promotion and preservation of health, safety, morals, comfort, convenience and the general welfare of the community, and shall be construed liberally to secure the beneficial interest and purposes thereof.

13. No building hereafter erected or altered shall be occupied, used or changed in use until a certificate of compliance shall have been issued by the Zoning Commission, stating that the building or proposed use of a building or premises, complies with all the building and health laws and ordinances and with the provisions of this ordinance.

14. Any person, firm or corporation violating, disobeying, omitting, neglecting or refusing to comply with any provision of this ordinance, shall, upon conviction, be fined not less than Ten Dollars nor more than Three Hundred Dollars, for each offense, and every violation for twenty-four hours of the thing commanded or prohibited shall constitute a separate and distinct offense.

15. The Board of Trustees of said Town of La Jara, sitting as the Zoning Commission, may promulgate such other and further regulations as it shall deem necessary and expedient from time to time, and upon publication of such regulations in a newspaper of general circulation and published in said Town of La Jara, said regulation or regulations shall thereafter be as effective and operative as though such regulation or regulations had been adopted by ordinance.

16. Nothing in this ordinance contained shall be held to repeal or in any manner affect any ordinance or ordinances, or any part or parts thereof, now in force, except as herein expressly provided.

Introduced, passed and adopted this 21st day of August, A. D. 1945.

A. F. BRESSE,
Mayor Pro-Temp.

ATTEST:
MELITON VELASQUEZ,
Town Clerk.

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