TOWN OF BOW MAR

INTRODUCED BY: Carlson

ORDINANCE NO. 302

AMENDING SECTION 16-8, AGRICULTURAL DISTRICT OF THE TOWN OF BOW MAR MUNCIPAL CODE

WHEREAS, the exercise of the police power for the protection of the public health, safety and welfare is vested in the Town Trustees, and

WHEREAS, the Trustee's power to regulate for the public's health, safety and welfare necessarily includes the right to determine zone districts and from time to time modify, add, change or delete same; and,

WHEREAS, the Trustee's desire to modify specific provisions of the current Section 16-8 in order to provide for limited residential and accessory uses while maintaining the agricultural intent of the zone district

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

Section 1.

Article I, Chapter 16, Section 16-8 of the Bow Mar Municipal Code is hereby repealed and re-enacted as follows:

Sec. 16-8. Agricultural District

(a) Use Regulations. No buildings, accessory structures or land shall be used and no building or accessory construction shall be erected, converted or structurally altered except for the following:

(1) Growing of crops.

(2) The keeping of livestock in accordance with the Bow Mar Municipal Code provisions as may be amended.

(3) Maximum of three single family dwellings meeting the bulk requirements (height, area regulations, dwelling size and footprint and lighting regulations) of the Residential District 2 of the Town of Bow Mar. For purposes of determining dwelling size pursuant to the Code, each single family dwelling shall be deemed to be located on a lot consisting of one acre in size

(4) Accessory uses or structures incidental to the enumerated uses 1 through 3 above, provided that:

a. No more than three accessory structures shall be permitted on any property zoned Agricultural.

b. The maximum height of any accessory structure on property zoned Agricultural shall not exceed 20 feet.

c. The maximum square footage of any accessory structure permitted on property zoned Agriculture shall not exceed 2,500 square feet.

d. Guest quarters for use by temporary guests or invitees of the property owner are permitted within the accessory structure provided that: (1) such guests or invitees shall not occupy the quarters for more than thirty (30) continuous days, (2) the property owner is not permitted to collect any rental or lease income from the guests or invitees, and (3) not more than forty nine percent (49%) of the square footage of the accessory structure may be devoted for use as guest quarters.

(b) Minimum Lot Size. The minimum lot size for any property to be zoned Agricultural is 30 acres. Contiguous lots under common ownership may be aggregated for purposes of determining minimum lot size. If adjoining properties are aggregated in order to meet the minimum lot size requirement of the Agricultural District (30 acres or larger), said adjoining properties must remain under common ownership to preserve the zoning classification. Common ownership includes ownership by spouses and/or children of the original owner, or entities controlled by such persons.

(c) Architectural Committee Review. All new construction or proposed building alteration must obtain review by the BMOI Architectural Control Commission prior to construction or alteration.

Section 2:

a. Introduced as Ordinance No. 302 at a regular meeting of the Board of Trustees of the Town of Bow Mar on the 18th day of May, 2015 Adopted by the Board of Trustees by a vote of 6 for and 0 against at a regular meeting held on the 17th day of August, 2015.

b. The Town Clerk shall cause notice of the Title of this Ordinance and of the time and place that the Board shall conduct a public hearing of this ordinance in the Denver Post, said newspaper being a weekly paper of general circulation of 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 at least fifteen (15) days prior to the date of the public hearing.

PROOF OF PUBLICATION

I certify that the title of the foregoing ordinance was published in the Denver Post, a legal newspaper within the Town of Bow Mar, Colorado, on the 28th day of July, 2015, and on the 25th day of August, 2015.

Section 4:

Severability. If any part, section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such invalidity shall not affect the validity of the remaining sections of this ordinance, including each part, section, subsection, sentence clause or phrase hereof, irrespective of the fact that one or more parts, sections, subsections, sentenced, clauses or phrases may be declared invalid.

ADOPTED, this 17th day of AUGUST, 2015.

ATTEST:

Richard D. Pilgrim, Mayor

Karen V. Reutzel, Town Clerk