

**ORDINANCE NO. 2016-3**

**AN ORDINANCE AMENDING SECTIONS 16-5-40 AND 16-8-50(A) OF THE FAIRPLAY MUNICIPAL CODE**

**BE IT ORDAINED BY THE TOWN BOARD OF THE TOWN OF FAIRPLAY, COLORADO, THAT:**

**Section 1.** Section 16-5-40 of the Fairplay Municipal Code is amended to read as follows:

**Sec. 16-5-40 Table of Dimensional Standards**

Land Use	SF-Res	MF-Res	T	TC	C	MU	LI	CC	POST
<b>Primary Structure Setbacks</b>									
Minimum lot size-Sq. Ft.	2,500	3,000[2]	2,500	2,500	5,000	3,000	6,000	2,500	None
Minimum lot width-Ft.	25	30	25	25	50	30	50	25	None
Maximum lot coverage-%	40	60	50	100	80	80	80	80	20
Minimum lot frontage-Ft.	25	30	25	25	50	25	25	25	None
Front setback-Ft.	15	15	10	0	25	10	25	10	10
Rear setback-Ft.	10, 5[1]	10, 5[1]	10, 5[1]	5	10	10	10	10, 5[1]	5
Side yard setback-Ft.	5	10	5	0	10	0	10	5	5
Maximum principal building height-Ft.	30	35	30	30	30	30	30	35	35
Maximum accessory bldg. height-Ft.	22	22	22	22	n/a	n/a	n/a	22	22
Minimum building footprint-Sq. Ft.	450	450	450	n/a	n/a	n/a	n/a	n/a	n/a

[1] Adjacent to alley

[2] Plus 1,000 Sq. Ft. for each additional dwelling unit over 3 units

**Building Height Exceptions:** Building height shall exceed the maximum limitations set forth in the Table of Dimensional Standards except as follows:

- a. Parapet walls may extend above the maximum building height by up to thirty inches (30").
- b. Stacks, vents, cooling towers, elevator structures and similar mechanical building appurtenances, spires, domes, cupolas, towers and similar non-inhabitable building appurtenances may extend above the applicable maximum building height limitations by up to ten (10) feet.

**Setback Encroachments:** No structure shall encroach into a required setback except as follows:

- a. Uncovered porches and decks, not more than thirty inches (30") above undisturbed grade, may project into required setbacks. Uncovered porches and decks shall be a minimum of five feet (5') from the property line.
- b. Balconies and Fire Escapes, not used as passageways, may project four feet (4') into required setbacks. Balconies and Fire Escapes shall be a minimum of five feet (5') from the property line.
- c. Cornices, eaves, canopies, gutters, chimneys, flues, headers, sills, belt courses, pilasters, ornamental features and other similar architectural features may project two feet (2') into required setbacks. All projections shall be a minimum of five feet (5') from the property line.
- d. Slabs, patios and steps may project into required setbacks. All slabs, patios and steps shall be a minimum of one foot (1') from the property line.
- e. Walks and handicap access ramps may be located within required setbacks.

**Section 2.** Section 16-8-50(A) of the Municipal Code of the Town of Fairplay is amended to read as follows:

**Sec. 16-8-50 Rules and procedures for design review**

**A) Preliminary Review**

1. An application for a certificate of appropriateness shall first be informally reviewed by the Town Planner, Town Building Official and other appropriate Town staff.
2. As part of this preliminary review, Town staff shall review the application, the plans and exterior design and may make suggestions for revisions to the applicant. Staff shall also make suggestions and recommendations, in the form of a written report, to the Architectural Review Committee regarding approval, conditions of approval or denial of the application for a certificate of appropriateness. Minor work in the nature of routine maintenance and repairs may be approved administratively by the Town staff without submission to the Committee.

**Section 3.** **Safety Clause.** The Town Board hereby finds, determines and declares that this Ordinance is promulgated under the general police power of the Town of Fairplay, that it is promulgated for the health, safety and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The Town Board further determines that the Ordinance bears a rational relation to the proper legislative object sought to be obtained.

**Section 4. Severability.** If any clause, sentence, paragraph or part of this Ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect application to other persons or circumstances.

**Section 5.** This Ordinance shall become effective thirty (30) days after final publication.

INTRODUCED, READ, ADOPTED, AND ORDERED PUBLISHED this  
18<sup>th</sup> day of April, 2016.



Approved: \_\_\_\_\_

*Gabby Lane*  
Gabby Lane, Mayor

Attest: \_\_\_\_\_

*Tina Darrah*  
Tina Darrah, Town Clerk

Approved as to form: \_\_\_\_\_  
Herbert C. Phillips, Town Attorney