

TOWN OF COAL CREEK

ORDINANCE NO. 1 – SERIES 2015

AN ORDINANCE IMPLEMENTING RULES AND REGULATIONS ON ACCESSORY BUILDINGS AND STRUCTURES WITHIN THE TOWN LIMITS OF COAL CREEK, COLORADO.

WHEREAS, the Board of Trustees for the Town of Coal Creek wishes to improve and sustain the quality of life for Coal Creek;

WHEREAS, the property values of neighborhoods are affected by the quality and maintenance of its residents;

WHEREAS, the town board after much research and careful consideration does wish to enact the following requirements in regards to accessory buildings and structures.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN BOARD OF THE TOWN OF COAL CREEK, COLORADO, AS FOLLOWS:

Accessory buildings and structures.

Section 1. General provisions. All accessory structures shall comply with the following general conditions:

- (1) Be clearly incidental and customarily used in connection with the principal use;
- (2) Be located on the same lot as the principal use and structure;
- (3) No accessory structure shall be placed upon land within any recorded easement, including all deeded and dedicated easements, or be permitted to encroach into any public right-of-way;
- (4) All roofed or covered accessory structures shall be subject to lot coverage maximums in combination to the principal structure of the zone district in which the accessory structure is located;
- (5) No accessory structure shall be built or placed on any lot before the principal structure to which it is an accessory has been completed and issued a certificate of occupancy or equivalent approval from the Building Inspector unless the principal structure and accessory structure are being constructed at the same time; and
- (6) No accessory structure shall allow residential occupancy.
- (7) Attached accessory structures, including but not limited to private garages, carports, porches and decks, built as an integral part of the principal structure shall not be subject to size limitations, provided that they are smaller than the habitable portion of the principal structure. Attached accessory structures shall be attached to and architecturally compatible with the principal structure, and shall not exceed the height of the principal structure.

Section 2 Unless otherwise specified, all detached accessory structures shall comply with the following:

- (1) No detached accessory structure or combination of structures shall exceed twenty-five percent (25%) of the lot area, up to a maximum of one thousand five hundred (1,500) square feet, or one hundred percent (100%) of the footprint of the principal structure, whichever is smaller;
- (2) Only one (1) detached accessory structure larger than one hundred sixty (160) square feet shall be permitted for each principal structure on the building site;
- (3) Only one-story detached accessory structures sixteen (16) feet or lower in height may be placed as close as five (5) feet to the rear or side property lines.
- (4) Any detached accessory structure more than one (1) story or higher than sixteen (16) feet shall comply with the minimum setback requirements of the zone district;

- (5) Any detached accessory structure larger than seventy-five (75) square feet or higher than seven (7) feet at the highest point shall be architecturally compatible with the principal structure. For the purposes of this Section, compatibility shall mean construction of similar material and details and shall specifically exclude prefabricated metal structures and pole barns, or the use of corrugated metal panels as a siding material.

Section 3. Exceptions from accessory building and structure provisions:

- (1) Uncovered accessory structures such as patios and decks fewer than thirty (30) inches in height from adjacent finished grade;
- (2) Swimming pools are not subject to the size limitations.
- (3) Removable playhouses and children's play equipment lower than eight (8) feet in height;
- (4) Detached accessory structures are allowed in side and rear yards, provided that:
 - a. The projected roof area of the structure does not exceed seventy-five (75) square feet;
 - b. The maximum height of the structure at the highest point does not exceed seven (7) feet;
 - c. The structure is not placed on a permanent aggregate foundation; and
 - d. No part of the structure may be placed in front of the building setback established by the location of the principal structure.
- (5) Prefabricated metal carports will be allowed on a single-family residential lot, provided that the following conditions are met:
 - a. The structure is maintained in a manner that does not detract from the aesthetics of the neighborhood;
 - b. The carport is built behind or beside the principal structure and not in any setbacks.

Section 4. The town board of Coal Creek understands that this is an historic town and that not all lots work with these regulations therefore variances will be considered upon following the proper procedures for such. Appeal procedures and variances. To obtain a variance from the requirements of this Section, the property owner must prove that a variance is needed to avoid unnecessary hardship and will not undermine the purpose and intent of the zoning ordinances. The alleged hardship cannot be self-imposed and must be of a type unique to the property owner; that is, a hardship not generally shared by other property owners in the zone district.

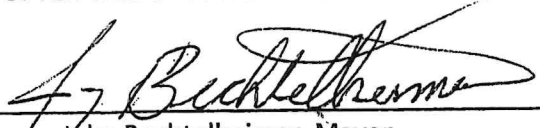
Section 5. This ordinance shall be applicable only to structures that are structured, erected, placed or moved after the adoption of this ordinance.

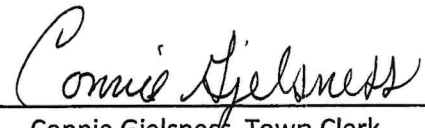
Section 6. Failure to comply could result in but not limited to fines, tickets, show cause hearing or other legal actions.

Introduced as a bill and passed on its first reading and ordered published in the Canon Daily Record by title only this 1st day of September 2015.

Passed on its second reading;

ADOPTED THIS 6th DAY of October 2015.


John Bechtelheimer, Mayor

ATTEST: 
Connie Gjelsness, Town Clerk