

**ORDINANCE NO. XXXX
SERIES 2021**

**AN ORDINANCE AMENDING TITLE 17 OF THE LOUISVILLE MUNICIPAL CODE
CONCERNING BUILDING HEIGHT CALCULATIONS**

WHEREAS, the City of Louisville is a Colorado home rule municipal corporation duly organized and existing under laws of the State of Colorado and the City Charter; and

WHEREAS, the City has previously adopted building height measurement standards and desires to update such standards; and

WHEREAS, the City Council desires to ensure that building height is measured from a natural grade or other approved grade so that the overall height of a structure may not be raised through the manipulation of the grade of a lot during construction; and

WHEREAS, after a duly noticed public hearing held _____, where evidence and testimony were entered into the record, including the Louisville Planning Commission Staff Report dated _____, the Louisville Planning Commission has recommended the City Council adopt the amendments to the LMC set forth in this ordinance; and

WHEREAS, City Council has provided notice of a public hearing on said ordinance by publication as provided by law and held a public hearing as provided in said notice;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LOUISVILLE, COLORADO, THAT:

Section 1. Chapter 17.08 of the Louisville Municipal Code is hereby amended to read as follows (words added are underlined; words deleted are ~~stricken through~~):

Sec. 17.08.045. - Building height.

Building height means the vertical distance measured from natural grade or the grade of an approved over-lot grading plan to the highest point on the roof surface.

Sec. 17.08.205. – Grade, natural (~~ground level~~).

Natural Ggrade (~~ground level~~) means ~~the average of the finished grade surface elevation measured at the highest and lowest exterior corners of a structure. If fill is added to raise the surface elevation at the structure by more than one foot, then grade is determined from the finished site grade level a distance of ten feet from the structure wall, or from the property line if the property line is closer than ten feet to the structure wall~~ the elevation of a lot undisturbed by construction, including the addition of fill, berms, retaining walls and landscaping.

Section 2. Chapter 17.16 of the Louisville Municipal Code is hereby amended by the addition of new Section 17.08.322 to read as follows (words added are underlined; words deleted are ~~stricken through~~):

Sec. 17.16.090. - ~~Exception to building height regulations.~~ Building height calculations.

A. Building height shall be measured from the average of the natural grade at the highest and lowest exterior corners of the structure. However, if the lot is part of a development with an over-lot grading plan that has been approved through a final plat, final planned unit development, or general development plan, the building height shall be measured from the grade established by such over-lot grading plan.

B. If the natural grade has been disturbed prior to development and an over-lot grading plan has not been approved then the planning director shall determine the natural grade based on the best topographical information and mapping available for the lot.

C. The following type of structures or structural parts are not subject to the building height limitations of this title: chimneys, tanks, church spires, belfries, monuments, fire and hose towers, flagpoles, commercial radio and television towers, masts, aerials, cooling towers, elevator shafts and ranch and farm accessory uses.

Section 3. If any portion of this ordinance is held to be invalid for any reason such decisions shall not affect the validity of the remaining portions of this ordinance The City Council hereby declares that it would have passed this ordinance and each part hereof irrespective of the fact that any one part be declared invalid.

Section 4. The repeal or modification of any provision of the Municipal Code of the City of Louisville by this ordinance shall not release, extinguish, alter, modify, or change in whole or in part any penalty, forfeiture, or liability, either civil or criminal, which shall have been incurred under such provision, and each provision shall be treated and held as still remaining in force for the purpose of sustaining any and all proper actions, suits, proceedings, and prosecutions for the enforcement of the penalty, forfeiture, or liability, as well as for the purpose of sustaining any judgment, decree, or order which can or may be rendered, entered, or made in such actions, suits, proceedings, or prosecutions.

Section 5. All other ordinances or portions thereof inconsistent or conflicting with this ordinance or any portions hereof are hereby repealed to the extent of such inconsistency or conflict.

INTRODUCED, READ, PASSED ON FIRST READING, AND ORDERED
PUBLISHED this _____ day of _____, 2021.

Ashley Stolzmann, Mayor

ATTEST:

Meredyth Muth, City Clerk

APPROVED AS TO FORM:

Kelly, P.C.
City Attorney

PASSED AND ADOPTED ON SECOND AND FINAL READING this ____ day of
_____, 2020.

Ashley Stolzmann, Mayor

ATTEST:

Meredyth Muth, City Clerk