

**CITY OF EDGEWATER**  
**ORDINANCE NO. 2016 - 13**  
**SERIES OF 2016**

**AN ORDINANCE AMENDING CHAPTER 16 OF THE EDGEWATER MUNICIPAL CODE, CONCERNING ZONING, BY AMENDING SUBSECTION 16-3-130(D) TO LOWER THE BULK PLANE HEIGHT IN THE R-1 AND R-2 ZONE DISTRICTS; SECTION 16-5-20 TO LOWER MAXIMUM PRINCIPAL BUILDING HEIGHT IN THE R-1 ZONE DISTRICT; SECTION 16-5-70 TO INCREASE LOT COVERAGE ALLOWANCE IN THE R-1 ZONE DISTRICT; SECTION 16-6-20 TO LOWER MAXIMUM PRINCIPAL BUILDING HEIGHT IN THE R-2 ZONE DISTRICT; SECTION 16-6-70 TO INCREASE LOT COVERAGE ALLOWANCE IN THE R-2 ZONE DISTRICT; AND SECTION 16-12-20 TO LOWER THE MAXIMUM BUILDING HEIGHT IN THE C-1 ZONE DISTRICT ON SHERIDAN BOULEVARD SOUTH OF WEST 25<sup>TH</sup> AVENUE**

WHEREAS, pursuant to its home rule authority under Sec. 6 of Article XX of the Colorado Constitution and pursuant to Article 23 of Title 31, C.R.S., the City of Edgewater, Colorado ("City") possesses the authority to regulate the zoning and use of land within its jurisdiction; and

WHEREAS, pursuant to this authority, the City previously adopted zoning regulations, codified as Chapter 16 of the Edgewater Municipal Code ("Code"); and

WHEREAS, the 2013 Edgewater Comprehensive Plan recommended, among other things, to develop and adopt residential design guidelines or standards to promote the articulated goal of preserving and enhancing the residential character of lower density neighborhoods within the City; and

WHEREAS, as a result, the Edgewater Planning and Zoning Commission ("Commission") has undertaken a study and review of the City's existing zoning regulations in lower density residential districts to determine if any amendments are necessary or desirable to better-promote that goal; and

WHEREAS, the Commission recommended to the Edgewater City Council ("Council") that lowering the maximum building heights and bulk planes in the R-1 and R-2 districts would better-preserve and enhance the residential character of those districts by prohibiting new structures of a large-scale mass that are out of character with existing neighborhoods; and

WHEREAS, to allow more flexibility in the R-1 and R-2 districts to construct dwellings with smaller vertical mass, the Commission further recommended that the maximum permissible lot coverages in those districts be expanded, as further set forth herein; and

WHEREAS, the 2013 Edgewater Comprehensive Plan further recommends that the City explore the possibility of increased height and density in the Water's Edge

Opportunity Area, to capitalize on the views of Sloan's Lake and the downtown skyline that are possible in such area; and

WHEREAS, while the Commission has not yet formulated recommendations on the entirety of the Water's Edge Opportunity Area, the Commission recommended that the maximum building height along Sheridan Boulevard south of 25<sup>th</sup> Avenue be reduced, in order to preserve the possibility of tiered development to the west of Sheridan Boulevard and other potential development scenarios; and

WHEREAS, the Council finds that existing development on Sheridan Boulevard south of 25<sup>th</sup> Avenue is under twenty-five feet (25') in height and, as such, reducing the maximum building height within that area to 25 feet, as recommended by the Commission, is consistent with existing conditions and would not create new non-conforming buildings; and

WHEREAS, the Council finds and determines that the recommendations of the Commission that are reflected in this Ordinance promote the goals and vision of the 2013 Edgewater Comprehensive Plan, as well as the community goals and vision that have evolved over the past 3 years, in such a manner that serves the public health, safety and general welfare.

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

Section 1. Subsection 16-3-130(d) of the Code, concerning measurement of the bulk plane, is hereby amended as follows:

(d) Measurement. The starting height for the bulk plane shall be measured at the height required by the chart below. The bulk plane shall start at each property line and extend to the center of the property at a forty-five (45) degree angle.

Zone Districts	Bulk Plane Height
<u>R-1, R-2</u>	<u>12 feet</u>
<u>R-1, R-2, R-3</u>	15 feet
RC-1, R-4, R-PD, C-1 and C-2	35 feet, <u>except as follows:</u>  on a property line adjacent to an <u>R-1, or R-2 or R-3</u> zone district, <del>in which</del> case the height of the bulk plane on that property line shall be <u>12 15 feet.</u>  <u>on a property line adjacent to an R-3 zone district, the height of the bulk plane on</u>

	<u>that property line shall be</u> <u>15 feet.</u>
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Section 2. Section 16-5-20 of the Code, concerning maximum building height in the R-1 zone district, is hereby amended as follows:

**Sec. 16-5-20. - Height.**

No principal building shall exceed ~~thirty-five (35)~~ twenty-five (25) feet in height, excepting, however, that portion of a principal building with a minimum roof pitch of two over twelve (2/12), which portion of the building shall not exceed twenty-eight (28) feet in height. No accessory building shall exceed fifteen (15) feet in height.

Section 3. Section 16-5-70 of the Code, concerning maximum lot coverage in the R-1 zone district, is hereby amended as follows:

**Sec. 16-5-70. - Lot coverage.**

Maximum lot coverage is thirty-five (35) percent. Notwithstanding the definition of lot coverage under Section 16-1-50, the following areas are excluded from the calculation of lot coverage in this district: (1) that part of one-story unenclosed porches that extends into the required front yard, as authorized by Section 16-3-90; and (2) all other portions of one-story unenclosed porches and accessory structures that do not exceed, in the aggregate, one hundred and twenty (120) square feet.

Section 4. Section 16-6-20 of the Code, concerning maximum building height in the R-2 zone district, is hereby amended as follows:

**Sec. 16-6-20. - Height.**

No principal building shall exceed ~~thirty-five (35)~~ twenty-five (25) feet in height, excepting, however, that portion of a principal building with a minimum roof pitch of two over twelve (2/12), which portion of the building shall not exceed twenty-eight (28) feet in height. No accessory building shall exceed fifteen (15) feet in height.

Section 5. Section 16-6-70 of the Code, concerning maximum lot coverage in the R-2 zone district, is hereby amended as follows:

**Sec. 16-6-70. - Lot coverage.**

Maximum lot coverage is thirty-five (35) percent. Notwithstanding the definition of lot coverage under Section 16-1-50, the following areas are excluded from the calculation of lot coverage in this district: (1) that part of

one-story unenclosed porches that extends into the required front yard, as authorized by Section 16-3-90; and (2) all other portions of one-story unenclosed porches and accessory structures that do not exceed, in the aggregate, one hundred and twenty (120) square feet.

Section 6. Section 16-12-20 of the Code, concerning maximum building height in the C-1 zone district, is hereby amended as follows:

**Sec. 16-12-20. - Height.**

No building shall exceed thirty-five (35) feet in height, except for those buildings located on Sheridan Boulevard, which shall not exceed forty-five (45) feet in height north of West 25<sup>th</sup> Avenue or twenty-five (25) feet in height south of West 25<sup>th</sup> Avenue.

Section 7. Severability. Should any one or more sections or provisions of this Ordinance be judicially determined to be invalid or unenforceable, such determination shall not affect, impair or invalidate the remaining sections or provisions of this Ordinance, it being the intent of the City Council of the City of Edgewater that such invalid or unenforceable provisions are severable.

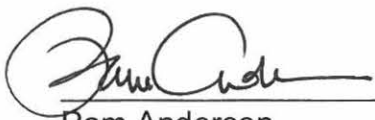
Section 8. Safety Clause. The City Council hereby finds, determines, and declares that this ordinance is promulgated under the general police power of the City, that it is promulgated for the health, safety, and welfare of the public, that this ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare, and that this ordinance bears a rational relation to the proper legislative object sought to be attained.

Section 9. Effective Date. This ordinance shall become effective in accordance with the Home Rule Charter of the City of Edgewater.

INTRODUCED, READ, PASSED ON FIRST READING AND ORDERED PUBLISHED this 7th day of July, 2016.

  
Kris Teegardin, Mayor

ATTEST:

  
Pam Anderson  
Interim City Clerk



PASSED AND ADOPTED ON SECOND READING AND ORDERED PUBLISHED  
this 4<sup>th</sup> day of August, 2016.



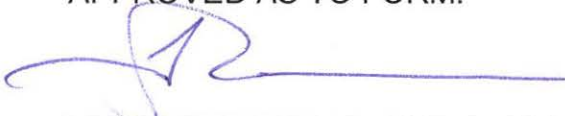
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Kris Teegardin, Mayor

ATTEST:



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Pam Anderson  
Interim City Clerk

APPROVED AS TO FORM:



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Thad Renaud, City Attorney



**CERTIFICATE OF PUBLICATION**

STATE OF COLORADO    )  
                                  )  
CITY OF EDGEWATER    )    SS:  
                                  )  
COUNTY OF JEFFERSON )

I, Pam Anderson, Interim City Clerk, in and for said City of Edgewater, in the County of Jefferson, in the State of Colorado, do hereby certify that Ordinance 2016-13 was published in full on the City website in accordance with Section 1-3-50 of the Edgewater Municipal Code on July 25, 2016. In witness whereof, I have hereunto set my hand and the seal of the City of Edgewater, this 25th day of July, 2016.



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Pam Anderson  
Interim Edgewater City Clerk

**CERTIFICATE OF PUBLICATION**

STATE OF COLORADO    )  
                                  )  
CITY OF EDGEWATER    )    SS:  
                                  )  
COUNTY OF JEFFERSON )

I, Pam Anderson, Interim City Clerk, in and for said City of Edgewater, in the County of Jefferson, in the State of Colorado, do hereby certify that Ordinance 2016-13 was published in full on the City website in accordance with Section 1-3-50 of the Edgewater Municipal Code on August 5, 2016. In witness whereof, I have hereunto set my hand and the seal of the City of Edgewater, this 5th day of August, 2016.



Pam Anderson  
Interim Edgewater City Clerk