

CITY OF EDGEWATER

ORDINANCE NO. 2016 - 04  
SERIES OF 2016

**AN ORDINANCE AMENDING CHAPTER 16 OF THE EDGEWATER MUNICIPAL CODE, CONCERNING ZONING, BY AMENDING SECTION 16-1-50, CONCERNING DEFINITIONS; SECTIONS 16-4-70, 16-5-70, 16-6-70, 16-7-70, 16-8-70, 16-11-50, 16-12-70, 16-13-70 AND 16-14-70, ALL CONCERNING LOT COVERAGE; SECTIONS 16-10-10, 16-12-10, 16-13-10 AND 16-14-10, ALL CONCERNING PERMITTED USES; SECTION 16-20-20, CONCERNING VIEW OBSTRUCTIONS; SECTIONS 16-20-30 AND 16-20-60, CONCERNING FENCE MATERIALS; SECTION 16-30-60, CONCERNING MEDICAL MARIJUANA BUSINESS LICENSE TERMS AND RENEWALS; AND SUBSECTION 16-30-70(A), CONCERNING MEDICAL MARIJUANA LICENSE APPLICATION REQUIREMENTS**

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 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, based on its experience with administering, interpreting and applying the Code, City staff has recommended several amendments to said zoning regulations, in the interests of clarifying intent, amending provisions to reflect original intent, correcting typographical errors and implementing changes in policy direction; and

WHEREAS, the Edgewater City Council finds and determines that said amendments are desirable in furtherance of the stated purpose of Chapter 16 of the Code to promote the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of the City.

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

Section 1. Section 16-1-50 of the Code, concerning definitions for purposes of Chapter 16, is hereby amended by amending the existing definition of "Lot coverage" set forth therein, as follows:

*Lot coverage* is determined by dividing that area of a lot which is occupied or covered by the total horizontal projected surface of all buildings, including covered porches and accessory buildings, all covered decks, patios, parking areas and drives, or covered portions thereof, by the gross area of that lot.

Section 2. Section 16-4-70 of the Code, concerning maximum lot coverage in the R-A zone district, is hereby amended as follows:

**Sec. 16-4-70. - Lot coverage.**

Maximum lot coverage is ~~Not more than~~ thirty-five percent (35%) of the area of a lot shall be covered by the main buildings and accessory buildings.

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 ~~Not more than~~ thirty-five percent (35%) of the area of a lot shall be covered by the principal building and all accessory buildings.

Section 4. 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 ~~Not more than~~ thirty-five percent (35%) of the area of a lot shall be covered by the principal building and all accessory buildings.

Section 5. Section 16-7-70 of the Code, concerning maximum lot coverage in the R-3 zone district, is hereby amended as follows:

**Sec. 16-7-70. - Lot coverage.**

Maximum lot coverage is ~~No more than~~ fifty percent (50%) of the area of a lot shall be covered by the main building and all accessory buildings.

Section 6. Section 16-8-70 of the Code, concerning maximum lot coverage in the R-C1 zone district, is hereby amended as follows:

**Sec. 16-8-70. - Lot coverage.**

Maximum lot coverage is ~~Not more than~~ fifty percent (50%) of the area of a lot shall be covered by the principal building and all accessory buildings.

Section 7. Section 16-10-10 of the Code, concerning permitted uses and uses by special permit in the R-4 zone district, is hereby amended as follows:

**Sec. 16-10-10 Permitted accessory and special uses.**

The regulations for the R-4 District are designed to promote and encourage, insofar as compatible with the intensity of land use, a suitable environment for family life composed predominantly of an adult population and to prohibit all activities of a commercial nature except certain enumerated facilities maintained for the convenience of the residents. To these ends, this District is protected against encroachment of business or industrial uses while the regulations permit high-density development consistent with high concentration of persons and land valuation. No building or land shall be used and no building shall be hereafter erected, converted or structurally altered, unless otherwise provided herein, except for one (1) or more of the uses specified herein:

(1) The principal permitted use and structure will house an excess of fifty (50) dwelling units.

(2) Retail sales facilities not otherwise readily available to the occupants and tenants of the structure.

(3) Subject to the remainder of this subsection, accessory buildings and uses. Accessory uses ~~may will normally~~ include only service-type facilities for the occupants and tenants of the principal permitted structure, including but not limited to a restaurant or lounge operated in conjunction with the primary use of the structure, but retail sales facilities open to the general public may be approved only by special permit issued pursuant to the procedures provided in Sections 16-25-40 through 16-25-80, provided that such retail sales facilities meet the following conditions.

a. They are provided primarily for the convenience of the owner and/or tenants.

b. Do not have signs of any type visible from any street.

c. Do not have separate outside entrances.

~~(4) Such accessory uses shall be construed to include a restaurant or lounge when operated in conjunction with the primary use of the structure.~~

~~(4~~ 5) Educational and training uses which are compatible with the principal use of the building or improvement. Such uses shall be approved by special permit issued pursuant to procedures provided in Sections 16-25-40 through 16-25-80, including the following information:

a. Entry and exit areas.

- b. The area of the special uses in relationship to the total area of the building or improvement.
- c. On and off-street parking.
- d. Vehicular circulation and vehicular "drop-off" and "pick-up" facilities.
- e. Noise.
- f. Hours of operation.
- g. Numbers of students, staff, volunteers, teachers or trainers.
- h. Signage.
- i. Lighting.
- j. Compliance with all applicable provisions of this Code.
- k. Evaluation, comments and recommendations of the Mayor, City departments and staff members.
- l. Compatibility with the uses of the principal building or improvements, and the property uses within the neighborhood within a reasonable distance from the subject property.
- m. Length of time of the proposed uses.
- n. Any other matters deemed necessary by the City Council related to Section 16-1-30.

If granted, such special use shall not run with the land, shall be limited to the user of the property and shall cease immediately upon termination of such use by the user, or upon noncompliance with the terms of the use granted by City Council;

~~(6) Offices which are compatible with and accessory to the principal use of the building or improvement, and which are occupied only by the owner of the building or improvement. Such uses shall be granted only by special review and approval by the City Council following the notice and public hearing procedures as provided for in Sections 16-25-40 through 16-25-80. The City Council shall consider, but not be limited to, the criteria provided in Subparagraphs (5)a. through n. hereof in considering such uses, except that "number of employees, visitors and other occupants" shall be substituted for Subparagraph g. The City Council may reject,~~

~~approve or approve with conditions a request for such special uses. If granted, such special uses shall not run with the land, shall be limited to the owner of the property who made the request, and shall cease immediately upon termination of such uses by said owner, any transfer of ownership of the building or improvement, or any noncompliance with the conditions of such uses imposed by the City Council in connection with its approval.~~

(7 5) Telephone exchange facilities where no public business office and no repair or storage facilities are maintained. No such use shall be permitted or continued if it causes or results in any interference with any existing uses in the area of the building or improvement. Such a use shall be granted only by special review and approval by motion of the City Council following compliance with the notice and public hearing procedures of Sections 16-25-40 through 16-25-70. The City Council shall consider, but not be limited to, the criteria provided in Subparagraphs (5)b., e., j., k., l., m., and n. hereof in considering a request for such a use. The City Council may reject, approve or approve with conditions, a request for such a special use. If granted, such a special use shall not run with the land, shall be permitted only for the specific applicant for whom the use was approved, and shall cease immediately upon termination of such use by said applicant, or in the event of any noncompliance with the conditions of such uses imposed by the City Council in connection with its approval.

Section 8. Section 16-11-50 of the Code, concerning maximum lot coverage in the R-PD zone district, is hereby amended as follows:

**Sec. 16-11-50. - Lot coverage.**

Maximum lot coverage is ~~Not more than forty-five percent (45%) of the area of the lot or development shall be covered by the principal building and all accessory buildings.~~

Section 9. Subsection 16-12-10(b) of the Code, concerning permitted uses in the C-1 zone district, is hereby amended as follows:

(b) Permitted uses:

- (1) Retail sales.
- (2) Business and professional office.
- (3) Recreational and entertainment facility.
- (4) Service establishment.

- (5) Hotel and motel.
- (6) Community and religious assembly.
- (7) Eating establishment.
- (8) Pawnbroker.
- (9) Sexually oriented business.
- (10) Deferred deposit lender establishment.
- (11) Accessory building or use.

Section 10. Section 16-12-70 of the Code, concerning maximum lot coverage in the C-1 zone district, is hereby amended as follows:

**Sec. 16-12-70. - Lot coverage.**

Maximum lot coverage is ~~Not more than~~ fifty percent (50%) ~~of the area of a lot shall be covered by the principal building and all accessory buildings.~~

Section 11. Subsection 16-13-10(b) of the Code, concerning permitted uses in the C-2 zone district, is hereby amended as follows:

(b) Permitted uses:

- (1) Retail sales.
- (2) Business and professional office.
- (3) Recreational and entertainment facility.
- (4) Service establishment.
- (5) Warehouse, distribution and wholesale business.
- (6) Parking lot and parking garage as a principal use.
- (7) Workshops and custom small industry.
- (8) Community and religious assembly.
- (9) Eating establishment.
- (10) Pawnbroker.

(11) Sexually oriented business.

(12) Deferred deposit lender establishment.

(13) Accessory building or use.

Section 12. Section 16-13-70 of the Code, concerning maximum lot coverage in the C-2 zone district, is hereby amended as follows:

**Sec. 16-13-70. - Lot coverage.**

Maximum lot coverage is ~~Not more than fifty percent (50%) of the area of a lot shall be covered by the principal building and all accessory buildings.~~

Section 13. Section 16-14-10 of the Code, concerning permitted uses in the C-3 zone district, is hereby amended as follows:

**Sec. 16-14-10. - Permitted uses.**

No building or land shall be used and no building shall be hereafter erected, converted or structurally altered, unless otherwise provided herein, except for one (1) or more of the uses specified herein:

(1) Any use permitted in the C-2 District.

(2) Automobile repair shops for all types of repairs.

(3) Storage in bulk of, or warehouse for, such items as building materials, construction equipment, oil and petroleum in quantities less than tank-car lots, coal and wood. Storage must be screened from public view.

(4) Auto wrecking or junk yards, provided that they are screened from public view by solid fence, and provided that said fence is maintained in a good state of repair;

(5) Manufacture or industrial operations of any kind not heretofore listed and exclusive of industrial operations listed hereafter, where not in excess of five (5) horsepower is employed in the operation of any machine;

(6) Other similar uses which are not more detrimental to the highest and best uses of land in said district than are the uses hereinbefore enumerated, but not including any use permitted in any residential zoned districts.

(7) Accessory building or use.

Section 14. Section 16-14-70 of the Code, concerning maximum lot coverage in the C-3 zone district, is hereby amended as follows:

**Sec. 16-14-70. - Lot coverage.**

Maximum lot coverage is ~~Not more than fifty percent (50%) of the area of a lot shall be covered by the main building and all accessory buildings.~~

Section 15. Section 16-20-30 of the Code, concerning permissible fence and wall materials, is hereby amended as follows:

**Sec. 16-20-30. Classification of fences and walls.**

(a) Fences and walls are hereby classified as follows:

- (1) Masonry or textured walls.
- (2) Ornamental iron.
- (3) Woven wire, excluding chicken wire.
- (4) Wood picket (more than fifty percent [50%] open).
- (5) Solid fences (wood or metal less than fifty percent [50%] open).
- (6) Hedges of natural plant materials.
- (7) Weather-resistant plastic, such as vinyl.

(b) The materials permitted for fences and walls shall be limited to the types set forth in Subsection (a) above.

Section 16. Section 16-20-60 of the Code, concerning fences and fencing materials, is hereby amended by the addition of a new subsection (c), to read in its entirety as follows:

(c) The owner and the occupants of the premises on which a fence is located shall be jointly and severally liable to maintain such fence in such a manner that prevents the development of rust, corrosion, rotting, peeling, cracking or other deterioration in the physical appearance, functionality, stability or safety of such fence.

Section 17. Section 16-30-60 of the Code, concerning medical marijuana business license terms and renewals, is hereby amended as follows:

**Sec. 16-30-60. License required; term of license; renewal application.**

(a) It shall be unlawful for any person to establish or operate a medical marijuana business in the City without first having obtained from the City and

the state a license for each facility to be operated in connection with such business. Such licenses shall be kept current at all times and shall be conspicuously displayed at all times in the premises to which they apply. The failure to maintain a current license shall constitute a violation of this Section.

(b) Any license issued by the Authority under this Article shall expire one (1) year after the date of its issuance.

(c) An application for renewal of an existing license shall be made on forms provided by the City and the state. At the time of the renewal application, each applicant shall pay a nonrefundable fee to the City, as set forth in the fee schedule adopted by the City Council from time to time, to defray the costs incurred by the City for review of the application and inspection of the proposed premises, as well as any other costs associated with the processing of the application.

(d) Notwithstanding the provisions of subsection (a) hereof, a licensee whose license has been expired for not more than ninety (90) days may file a late renewal application upon the payment of a nonrefundable late application fee, as set forth in the fee schedule adopted by the City Council from time to time.

Section 18. Subsection 16-30-70(a) of the Code, concerning application requirements for medical marijuana license applications, is hereby amended as follows:

**Sec. 16-30-70. Application requirements; payment of application fee.**

(a) Prior to making an application for a license pursuant to the Colorado Medical Marijuana Code and the provisions of this Article, the person potentially seeking the license shall first attend at least one (1) pre-application meeting with the City Manager, City Clerk, and any other City official or employee whose presence is requested by the City Manager or City Clerk. The purpose of the pre-application meeting is to advise the potential applicant as to the process for applications under this Article, to answer preliminary questions from the potential applicant, and to provide an opportunity to identify issues that might preclude the issuance of a license pursuant to this Article. Prior to such pre-application meeting, the potential applicant shall pay a pre-application fee to the City, as set forth in the fee schedule adopted by the City Council from time to time, to defray the costs incurred by the City in conducting the meeting.

A person applying for seeking a new license or to change the location, physical premises or ownership of an existing license pursuant to the Colorado Medical Marijuana Code and the provisions of this Article shall submit an application to the City on forms provided by the state and City. At the time of any such application, each applicant shall pay an application fee

to the City, [as set forth in] the fee schedule adopted by the City Council from time to time, to defray the costs incurred by the City for review of the application, ~~and~~ inspection of the proposed premises, when applicable, as well as any other costs associated with the processing of the application. In addition, the applicant shall present for recording one (1) of the following forms of identification:

Section 19. 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 20. 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 21. 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 21st day of January, 2016.

*/s/ Kris Teegardin, Mayor*

ATTEST:

*/s/ Elizabeth A. Hedberg, MMC*  
City Clerk

PASSED AND ADOPTED ON SECOND READING AND ORDERED PUBLISHED this 4th day of February, 2016.

*/s/ Kris Teegardin, Mayor*

ATTEST:

*/s/ Elizabeth A. Hedberg, MMC*  
City Clerk

APPROVED AS TO FORM:

*/s/ Thad Renaud, City Attorney*

**CERTIFICATE OF PUBLICATION**

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

I, Beth A. Hedberg, City Clerk, in and for said City of Edgewater, in the County of Jefferson, in the State of Colorado, do hereby certify that Ordinance 2016-04 was published in full on the City website in accordance with Section 1-3-50 of the Edgewater Municipal Code on January 22, 2016. In witness whereof, I have hereunto set my hand and the seal of the City of Edgewater, this 22nd day of January, 2016.

*/s/ Beth A. Hedberg, MMC*  
 Edgewater City Clerk

**CERTIFICATE OF PUBLICATION**

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

I, Beth A. Hedberg, City Clerk, in and for said City of Edgewater, in the County of Jefferson, in the State of Colorado, do hereby certify that Ordinance 2016-04 was published in full on the City website in accordance with Section 1-3-50 of the Edgewater Municipal Code on February 5, 2016. In witness whereof, I have hereunto set my hand and the seal of the City of Edgewater, this 5th day of February, 2016.

*/s/ Beth A. Hedberg, MMC*  
 Edgewater City Clerk

**SUMMARIZED HISTORY FOR ORDINANCE NO. 2016-04**

Action	Date
Workshopped Planning & Zoning Commission	December 16, 2015
Workshopped	January 7, 2016
First Reading	January 21, 2016
Posted	January 22, 2016
Publication	January 22, 2016
Second Reading	February 4, 2016
Sent to Codifier	February 5, 2016
Posted	February 5, 2016
Publication	February 5, 2016
Enacted	February 9, 2016

