

CITY OF EDGEWATER
ORDINANCE NO. 2016 - 11
SERIES OF 2016

AN ORDINANCE AMENDING CHAPTER 17 OF THE EDGEWATER MUNICIPAL CODE, CONCERNING SUBDIVISIONS, BY AMENDING SECTION 17-4-10(b), CONCERNING THE APPLICABILITY OF SITE DEVELOPMENT PLAN REGULATIONS.

WHEREAS, pursuant to its home rule authority under Article XX of the Colorado Constitution and pursuant to C.R.S. § 31-23-214, the City of Edgewater, Colorado (“City”) possesses the authority to adopt regulations governing the subdivision and development of land within its jurisdiction; and

WHEREAS, pursuant to this authority the City has adopted and amended from time to time site development plan regulations (“SDP Regulations”), such regulations currently codified as Article 4 of Chapter 17 of the Edgewater Municipal Code (“Code”); and

WHEREAS, City staff recommended certain changes to the SDP Regulations based on its experience with the SDP Regulations over the past year; and

WHEREAS, the Council, after taking into consideration the recommendations of staff and all other information it deems prudent, now desires to amend the SDP Regulations as set forth in this Ordinance.

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

Section 1. Section 17-4-10(b) of the Edgewater Municipal Code, concerning the applicability of site development plan regulations, is hereby amended to read as follows:

(b) **Applicability.** Except as expressly provided below, this Article shall apply to the construction of a new building or structure or an addition to, or alteration of, an existing building or structure that either adds to or relocates any square footage area of the building or structure. For purposes of this Article, square footage area of a building or structure shall include all areas within a building as well as decks and patios located outside of a building.

(1) An SDP shall not be required for interior remodeling of an existing residential structure.

~~(2) An SDP shall be not required for interior remodeling of an existing nonresidential structure unless said remodeling is for the purpose of a change in use in the structure.~~

(32) An SDP shall not be required to construct or alter an accessory structure to a single-family or two-family residence.

(43) An SDP shall not be required if the only modification to a property is the erection of a sign or changes made to an existing sign.

Section 2. Severability. If any section, paragraph, sentence, clause, or phrase of this ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this ordinance. The City Council hereby declares that it would have adopted this ordinance and each part or parts hereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

Section 3. Repeal. All other ordinances or portions thereof inconsistent or conflicting with this ordinance or any portion hereof are hereby repealed to the extent of such inconsistency or conflict.

Section 4. 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 5. Effective Date. This ordinance shall become effective five (5) days after final publication.

INTRODUCED, READ, PASSED ON FIRST READING AND ORDERED PUBLISHED this 3rd day of March, 2016.

/s/ Kris Teegardin, Mayor

ATTEST:

/s/ Elizabeth A. Hedberg, MMC
City Clerk

PASSED AND ADOPTED ON SECOND READING AND ORDERED PUBLISHED this 7th day of April, 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 2016-11 was published in full on the City website in accordance with Section 1-3-50 of the Edgewater Municipal Code on March 4, 2016. In witness whereof, I have hereunto set my hand and the seal of the City of Edgewater, this 4th day of March, 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 2016-11 was published in full on the City website in accordance with Section 1-3-50 of the Edgewater Municipal Code on April 8, 2016. In witness whereof, I have hereunto set my hand and the seal of the City of Edgewater, this 8th day of April, 2016.

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

SUMMARIZED HISTORY FOR ORDINANCE NO. 2016-11

Action	Date
Workshopped	February 4, 2016
First Reading	March 3, 3016
Posted	March 4, 2016
Publication	March 4, 2016

Second Reading	April 7, 2016
Sent to Codifier	April 8, 2016
Posted	April 8, 2016
Publication	April 8, 2016
Enacted	April 12, 2016