

CITY OF EDGEWATER

**ORDINANCE NO. 2016 – 19
SERIES OF 2016**

AN ORDINANCE AMENDING SUBSECTION 16-3-130(D) OF THE EDGEWATER MUNICIPAL CODE TO CLARIFY THE MANNER OF BULK PLANE HEIGHT MEASUREMENT

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, Subsection 16-3-130(d) of the Code provides the manner in which bulk plane height is measured; and

WHEREAS, in administering said subsection, City staff has reasonably interpreted and applied existing Code language in a manner consistent with how building height is measured for zoning purposes; and

WHEREAS, the Edgewater City Council (“Council”) finds that using the same manner of measurement for the heights of both bulk planes and buildings, respectively, is reasonable, logical and internally consistent; and

WHEREAS, the Council therefore desires to amend subsection 16-3-130(d) of the Code to expressly provide how the height of bulk plane shall be measured, in a manner consistent with the way in which building height is measured, as further set forth herein.

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

Section 1. Subsection 16-3-130(d) of the Code, concerning the manner of measurement of bulk plane height, 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 baseline elevation from which the starting height is measured shall be the level of the curb adjacent to the centerpoint of the front lot line; provided, however, that, if the grade of the lot varies or exceeds a three-percent change in elevation between the front and rear lot lines, then such baseline elevation shall be the average of the existing front and rear lot line elevations. 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
R-1, R-2	12 feet
R-3	15 feet
RC-1, R-4, R-PD, C-1 and C-2	35 feet, except as follows: On a property line adjacent to an R-1 or R-2 zone district, the height of the bulk plane on that property line shall be 12 feet; On a property line adjacent to an R-3 zone district, the height of the bulk plane on that property line shall be 15 feet.

Section 2. 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 3. 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 4. 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 3rd day of November, 2016.

/s/ Kris Teegardin, Mayor

ATTEST:

/s/ Pam Anderson, City Clerk

PASSED AND ADOPTED ON SECOND READING AND ORDERED PUBLISHED this 17th day of November, 2016.

/s/ Kris Teegardin, Mayor

ATTEST:

/s/ Pam Anderson, City Clerk

APPROVED AS TO FORM:

/s/ Thad Renaud, City Attorney