

## CHAPTER 17

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## ARTICLE 1

### General Provisions

#### **Sec. 17-1-10. Purpose.**

The purpose of the regulations in this Chapter and any rules, regulations and specifications adopted pursuant hereto, is to control and regulate the division and development of any land for any purpose whatsoever contained within the City. It includes the resubdivision and, when appropriate to the context, relates to the process of subdividing. The regulations are designed to provide for the proper arrangement of streets, for adequate and convenient open spaces, for traffic, utilities, access by firefighting and emergency vehicles, recreation, light and air, for the avoidance of congestion of population, including minimum width and area of lots, and for adequate provision for water, drainage, sewer and other sanitary facilities. (Prior code 20-1)

#### **Sec. 17-1-20. Jurisdiction.**

The regulations in this Chapter shall govern all subdivision of land within the corporate limits of the City as now or hereafter established. (Prior code 20-2)

#### **Sec. 17-1-30. Title.**

This Chapter shall be known as the 'Subdivision Regulations of the City of Edgewater, Colorado.' (Prior code 20-3)

#### **Sec. 17-1-40. Definitions.**

For the purposes of this Chapter, the following words, terms and phrases shall have the meanings ascribed to them in this Section, unless the context clearly indicates otherwise:

*Alley* means a public thoroughfare, not exceeding thirty-five (35) feet in width, which affords only a secondary means of access to abutting property.

*Area of minimum lot* means the total area within the property lines of the lot, excluding adjacent streets.

*Building* means any permanent structure built for the shelter or enclosure of persons, animals, chattels or property of any kind and not including advertising sign boards or fences.

*Easement* means a grant or reservation of the right to use a parcel of land for a specific purpose or purposes.

*Front lot line* means the property line dividing a lot from a street. On a corner lot, only one (1) street line shall be considered as a front lot line and the shorter frontage shall be considered the side lot line.

*Lot* means a parcel of land occupied or to be occupied by a building or group of buildings and any accessory building identified with each, together with such open spaces as are required under this Chapter, and having its principal frontage on a public street.

*Planning and Zoning Commission* means the Planning and Zoning Commission of Edgewater, Colorado.

*Rear lot line* means the line opposite the front lot line.

*Reversed corner lot* means a corner lot having its side street line substantially a continuation of the front lot line of the first lot to its rear.

*Setback* means the distance required by Chapter 16 between the face of a building and the lot line opposite that building face, measured perpendicularly from such lot line to the nearest face or point of the building.

*Side lot line* means any lot line other than the front lot line or rear lot line.

*Street* means any public or private thoroughfare which affords the principal means of access to abutting property, including such terms as *public right-of-way*, *highway*, *road* and *avenue*.

*Structure* means anything constructed or erected which requires location on the ground or attached to something having a location on the ground, but not including fences less than six (6) feet in height, poles, lines, cables or other transmission or distribution facilities, or public utilities.

*Subdivider* or *developer* means any person, firm, partnership, joint venture, association or corporation who participates as owner, promoter, developer or sales agent in the planning, platting, development promotion, sale or lease of a subdivision.

*Subdivision* means:

- a. A group of two (2) or more building sites, tracts or lots in which dwelling units are affixed to one (1) or more of said sites, tracts or lots which are contiguous, which were formerly part of an undivided common tract or which are part of a common development;
- b. A group of two (2) or more building sites, tracts or lots in which dwelling units are not affixed to one (1) or more of said sites, tracts or lots, which are contiguous, which were formerly part of an undivided common tract or which are part of a common development; or
- c. A divided or undivided tract or parcel of land which is sold or will be sold as two (2) or more undivided interests in or to the whole tract or parcel of land. *Lot*, as used in this Chapter, includes such undivided interests where sale is made in this manner.

*Width of lot* means the distance parallel to the front line measured between side lot lines at the required front setback line. (Prior code 20-4; Ord. 12-08 §1, 2008)

#### **Sec. 17-1-50. Appeal; petition for hearing.**

In the event the plat of a subdivision has been disapproved by the Planning and Zoning Commission, the applicant for approval may petition the City Council for a hearing upon said rejection. After a public hearing, the City Council may approve the subdivision or take other action consistent with this Chapter. (Prior code 20-5)

**Sec. 17-1-60. Violations; penalties.**

(a) It is unlawful for any person to violate any of this Chapter or to sell any lot within a subdivision in the City as defined in this Chapter until such subdivision has been approved in writing by the City Council and recorded in the office of the County Clerk and Recorder. It is also unlawful to sell or lease any lot or parcel of land which has been described by metes and bounds until such subdivision has been similarly approved, if such lot or parcel of land lies within or forms a part of a subdivision as defined in this Chapter.

(b) In addition to the remedies of the City provided elsewhere in these regulations for violations thereof, the penalty for violations of this Chapter shall be as presented in Section 1-4-20. (Prior code 20-6)

**ARTICLE 2**

**General Requirements and Design Standards**

**Sec. 17-2-10. Application.**

The requirements and design standards in this Article shall apply to all subdivisions within the City unless unusual and exceptional conditions warrant a departure from such requirements. (Prior code 20-26)

**Sec. 17-2-20. Streets.**

When streets are in alignment with existing streets, the new streets shall be named according to the streets with which they correspond. Streets which do not fit into an established street-naming pattern shall be named by the Planning and Zoning Commission in a manner which will not duplicate or be confused with existing street names. (Prior code 20-27)

**Sec. 17-2-30. Lots.**

(a) Size. Lots shall be at least as large as the allowed minimum set forth in the area standards contained in Chapter 16.

(b) Building permit issuance on unplatted land. No building permit shall be issued on unplatted property unless the Planning and Zoning Commission first determines that the construction will in no way interfere with the proper alignment of needed public rights-of-way.

(c) Lot lines. Lot lines shall normally be at right angles to the street line or, on curvilinear streets, lot lines shall be radial to the curb of the street lines.

(d) Fronting. All lots shall front on public streets. (Prior code 20-28)

**Sec. 17-2-40. Blocks.**

Blocks for residential use shall not be more than one-fourth ( $\frac{1}{4}$ ) mile (one thousand three hundred twenty [1,320] feet) in length and not less than three hundred (300) feet in length. Blocks should

normally have sufficient width to provide for two (2) tiers of lots of appropriate depth. (Prior code 20-29)

**Sec. 17-2-50. Alleys or easements.**

The City may require alleys at least twenty (20) feet in width and open at both ends in business districts and at the rear of all lots fronting on arterial streets. Where alleys are not provided, easements shall be granted or reserved at least five (5) feet in width, or more if required by the City, on each side of all rear lot lines and along sufficient side lot lines and front lot lines when necessary for utility installation and maintenance, including storm or sanitary sewers, gas and water lines and electric service. (Prior code 20-30)

**Sec. 17-2-60. Floods.**

No lots shall be platted in areas subject to flooding unless flood protection measures are taken subject to approval by the City Engineer. (Prior code 20-31)

**Sec. 17-2-70. Public sites and open spaces.**

Where a proposed park, playground, school or other public use shown in the Comprehensive Plan is located wholly or in part in a subdivision, the Planning and Zoning Commission may require the reservation of such area as it may determine to be reasonable. (Prior code 20-32)

**Sec. 17-2-80. Service expansion fee.**

(a) Definitions.

*Building* means any enclosed structure without reference to use or occupancy for which a building permit is required by the ordinances of the City.

*Building Inspector* means the official charged with the administration and enforcement of the Uniform building code as adopted by the City, or his or her authorized agent.

*Contractor* means any person, developer, firm, entity, partnership, joint venture, architect or corporation required to obtain a building permit pursuant to the ordinances of the City.

*Floor area* means the area of each floor and basement included within the surrounding exterior walls of a building or portion thereof, measured from the inside of all exterior walls, including parking garages.

(b) Payment.

(1) Any owner, architect, developer, contractor or other person applying for a building permit in accordance with the applicable ordinances of the City shall, as a condition to obtaining such building permit, pay to the City a service expansion fee as follows: For any building constructed in all zoned districts, as established and defined in Chapter 16, a services expansion fee of seventy-five cents (\$0.75) per square foot of total floor area, as herein defined, as the same may be determined from the plans and specifications submitted to the Building Official as part of the application for a building permit; provided, however, that such fee shall not be applicable to

unattached, owner-occupied, single-family residences in any zoned districts; and provided further that said exception to the expansion fees shall not be applicable to such single-family residences which are used for purposes of home occupations or preschools and day nurseries.

(2) The service expansion fee shall apply to all new construction, all additions to existing structures and the substantial alterations or reconstruction of existing structures, except for churches, schools, governmental, municipal or quasimunicipal structures. The Building Official shall determined whether alterations are substantial as referred to herein.

(3) The service expansion fee shall be due and payable at the time the building permit is issued. Under no circumstances shall the Building Official issue a certificate of occupancy until and unless the service expansion fee, as calculated in this Section, has been paid in full. (Prior code 20-33)

### **ARTICLE 3**

#### **Plats**

##### **Sec. 17-3-10. Preliminary plat; contents.**

In order to obtain the approval of the City of a subdivision as required by this Chapter, there shall first be filed with the Planning and Zoning Commission a preliminary plat in conformity with the following requirements and containing the following information:

- (1) Proposed name of the subdivision.
- (2) The legal description and location of the subdivision as a part of some larger subdivision or tract of land, and by reference to permanent survey monuments with a tie to a section corner or a quarter-section corner.
- (3) Names and addresses of the subdividers and owners, the designer of the subdivision, the engineer or surveyor registered in the State and the owners of adjacent property.
- (4) Location and principal dimensions of all existing or recorded section lines, streets, alleys, easements, water courses, public utilities and other important existing features within and adjacent to the tract to be subdivided. Existing uses, structures and improvements shall be shown.
- (5) Location and principal dimensions of all proposed streets, alleys, easements, lot lines and areas to be dedicated for public use. Approximate grades and centerline curve radii of all proposed streets shall be shown.
- (6) Date of preparation, scale (not less than two hundred [200] feet to the inch), and north sign (designation as true north).
- (7) Acreage of land to be subdivided.
- (8) Topography, with contour intervals of not greater than two (2) feet.

(9) A clear indication of how proposed drainage is to be accomplished within and outside the subdivision.

(10) Names and addresses of all owners of properties that are contiguous to the proposed subdivision.

(11) Present and proposed zoning of property. (Prior code 20-46)

**Sec. 17-3-20. Preliminary plat; procedure.**

(a) Ten (10) copies of the preliminary plat shall be submitted to the Planning and Zoning Commission at least two (2) weeks prior to the hearing at which such plat is to be considered.

(b) The Planning and Zoning Commission shall furnish copies of the plat to public and private utility companies or districts serving the area and public school administration, so that their comments and recommendations may be delivered to the Planning and Zoning Commission prior to the hearing.

(c) The Planning and Zoning Commission shall notify the subdivider of the time and place of a hearing on the proposed plat not less than five (5) days before the date fixed for the hearing. Similar notices shall be given to the owners of land immediately adjoining the area proposed to be platted. Notice shall be given to public and private utility companies serving the area and the public school administration of such hearing.

(d) Within forty-five (45) days after submission of the preliminary plat, the Planning and Zoning Commission shall approve, disapprove or approve subject to modifications said plat. Failure of the Planning and Zoning Commission to act on the preliminary plat within forty-five (45) days shall be deemed approval of the plat. If the plat is disapproved, reasons for such disapproval shall be stated in writing. If approved subject to modifications, the nature of the required modifications shall be indicated in writing.

(e) Approval of the preliminary plat shall not constitute acceptance of the final plat.

(f) The approval of the preliminary plat shall lapse unless a final plat based thereon is submitted within one (1) year from the date of the approval. (Prior code 20-47)

**Sec. 17-3-30. Final plat; contents.**

(a) The final plat should conform substantially to the preliminary plat as approved, and it may constitute only a portion of the preliminary plat which the subdivider proposes to record and develop. The following items shall be included on the final plat:

(1) The plat shall be at a scale of one hundred (100) feet to one (1) inch or larger.

(2) The date, title, name and location of the subdivision, graphic scale and true north line.

(3) All dimensions, angles, bearings and similar data on the plat should be tied to primary control points as approved by the City Engineer. The location and description of said control points should be given.

(4) Tract boundary lines, right-of-way lines of streets, easements and other rights-of-way, and property lines of residential lots and other sites, with accurate dimensions to the nearest one-hundredth ( $1/100$ ) of a foot; bearings or deflection angles, radii, arcs and central angles of all curves and dimensions on the centerline of all proposed streets shall be shown.

(5) Street names and right-of-way width of each street, easement or other right-of-way.

(6) Lot and block numbers.

(7) Names and locations of adjoining subdivisions and streets.

(8) Certification on the plat or title showing that applicant is the owner, and a statement by such owner dedicating streets and stating all easements, rights-of-way and any other site for public use are hereby granted and conveyed to the City.

(9) Certification on the plat by a surveyor or engineer as to the accuracy of survey and plat.

(10) Certification and approvals as follows:

a. Acknowledgement certificate for the dedication signature;

b. Attorney's certificate;

c. Recorder's certificate;

d. City Engineer approval;

e. City Attorney approval;

f. All seals required by law.

(11) Certificates showing approval of the plat by the Planning and Zoning Commission and approval and acceptance of the plat by the City Council.

(b) All drawings and signatures shall be in waterproof ink on tracing cloth (or other permanent reproducible form acceptable to the City) with outer dimensions of twenty-four (24) inches by thirty-six (36) inches.

(c) At the time of submission of the final plat, the applicant must provide a letter of agreement between the applicant and all electrical and natural gas utility providers that will serve the development, or other evidence satisfactory to the City that provision has been made for the facility sites, easements and rights of access to ensure reliable and adequate electrical service and, if applicable, natural gas service for the proposed subdivision. (Prior code 20-48)

**Sec. 17-3-40. Final plat; procedure.**

(a) The subdivider shall submit the original and ten (10) copies of the final plat to the Planning and Zoning Commission at least two (2) weeks prior to the meeting at which such plat is to be considered.

(b) Within forty-five (45) days after the submission of the final plat, the Planning and Zoning Commission shall approve, disapprove or approve subject to modifications said plat. Failure of the Planning and Zoning Commission to act on the final plat within forty-five (45) days shall be deemed approval of the plat. If the plat is disapproved, reasons for such disapproval shall be stated in writing. If approved subject to modifications, the nature of the required modifications shall be indicated.

(c) After the final plat has been approved by the Planning and Zoning Commission, the original and one (1) copy thereof shall be presented to the City Council for its approval and its acceptance of the areas dedicated to public use. If approved by the City Council, the final plat shall be legally recorded. (Prior code 20-49)

## **ARTICLE 4**

### **Site Development Plans**

#### **Sec. 17-4-10. Scope and applicability.**

(a) Scope. A Site Development Plan ("SDP") is a detailed development plan for a property that permits an evaluation of the intended use and such design elements as circulation, parking and access, open space and landscaping, building location and configuration, grading and drainage, setbacks and screening, building exterior materials, public improvements and other elements to determine whether the proposal has been planned consistently with the intent of this Code. An SDP shall be required for the construction or modification of, or any addition to, any parking or landscaping other than the maintenance thereof. An SDP for a single-family or two-family residence will be required to address the above-listed design elements only as they are applicable to the proposed development, as determined by the City Engineer.

(1) Any SDP not in compliance with the requirements of Chapter 16 of this Code must first obtain approval from the Board of Adjustment of a variance or appeal request in accordance with Article 24 of said Chapter.

(b) Applicability. Except as expressly provided below, this Article shall apply to the construction or alteration of any structure within the City.

(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.

(3) An SDP shall not be required to construct or alter an accessory structure to a single-family or two-family residence if, when the accessory structure is completed, it will measure less than one-third ( $\frac{1}{3}$ ) of the total square footage of the principal structure.

(4) 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. (Ord. 10-07 §3, 2007; Ord. 09-09 §1, 2009)

**Sec. 17-4-20. Definitions, interpretation and general requirements.**

(a) For purposes of this Article, the term *adjacent properties* includes properties separated by a public street or alley, and properties situated diagonally from the subject property, even where separated by a street or alley, which would otherwise be adjacent to the subject property.

(b) For purposes of this Article, determination of the square footage of a structure is based on the Jefferson County Assessor's records for the existing structure.

(c) The height of a structure shall be measured from the existing curb to the top of the roofline.

(d) An SDP shall be on platted property pursuant to this Chapter.

(e) Building permits shall not be issued until an SDP required under this Article is approved.

(f) General requirements for residential development.

(1) Development plans for one (1) or more residential dwellings shall have on the front of each home one (1) doorway entrance into the living area of the structure and windows facing the public right-of-way.

(2) When located on a corner lot, a residential dwelling shall face the street indicated by the property's address.

(3) "T-111" siding and similar types of plywood material are not permitted on the exterior of any new principal or accessory structure or on the exterior of any improvements or additions to any existing principal or accessory structure. (Ord. 10-07 §3, 2007; Ord. 09-09 §1, 2009)

**Sec. 17-4-30. Administrative review.**

(a) Eligibility. An SDP is eligible for administrative review if:

(1) An existing single-family residence or two-family residence is to be modified by less than one third ( $\frac{1}{3}$ ) in square footage;

(2) A new accessory structure is being built, or an existing accessory structure is being modified, such that when completed, the accessory structure measures less than fifty percent (50%) of the size of the principal structure.

(3) The property complies with all requirements of the underlying zone district, all applicable technical codes and the City of Edgewater Design Standards ("Design Standards");

(4) The exterior of the principal structure is siding, brick masonry or stucco, unless otherwise set forth in the Design Standards;

(5) The exterior of all additions and accessory structures matches the color and texture of the materials on the principal structure, or if the addition or accessory structure is brick, the trim matches the color and texture of the principal structure;

(6) All structures are on a permanent foundation in accordance with the International Building Code, as amended by this Code; and

(7) Any proposed additions or new structures will comply with the bulk plane requirements of Section 16-1-50.

(b) Application submittal requirements. The applicant shall submit the following to the City Engineer:

(1) Land use application form;

(2) Application fee;

(3) Site plan, on a minimum of 8½" x 11" paper, including the following:

a. Location of all existing and proposed structures, including distance to all lot lines, and the specific use of each;

b. North arrow;

c. Elevation views of the structures to be constructed or altered, including height and a bulk plane line; and if the height of a structure is being increased, elevations of structures on adjacent properties;

d. Description of materials and colors to be used;

e. Landscape plan for the property and adjacent rights-of-way;

f. For new principal structures, indicate by the use of arrows the direction of flow of run-off water after final grading. Run-off must flow to the street or alley, and cannot flow onto adjacent properties;

g. For new principal structures, elevations of structures on adjacent properties; and

h. Identification of adjacent streets.

(4) One (1) set of stamped envelopes addressed to the owners of all adjacent properties for use by the City to provide notice to all adjacent property owners.

(c) Notice.

(1) When the City Engineer determines that the application is complete, the City shall post notice on the property. Each sign shall be at least three (3) feet by four (4) feet in size, with letters at least one (1) inch high, shall be erected in a conspicuous location along each public street abutting the subject property, shall be dated, and shall read as follows:

CITY OF EDGEWATER NOTICE OF APPLICATION FOR A SITE DEVELOPMENT PLAN

NOTICE IS HEREBY GIVEN THAT AN APPLICATION FOR A SITE DEVELOPMENT PLAN FOR THIS PROPERTY HAS BEEN SUBMITTED TO THE CITY OF EDGEWATER. SHOULD 20% OR MORE OF THOSE INDIVIDUALS OWNING PROPERTY ADJACENT TO THE SUBJECT PROPERTY OBJECT TO SAID APPLICATION, THE EDGEWATER PLANNING AND ZONING COMMISSION SHALL SCHEDULE AND HOLD A PUBLIC HEARING THEREON. WRITTEN OBJECTIONS TO SAID APPLICATION MUST BE RECEIVED BY THE CITY CLERK'S OFFICE PRIOR TO 5:00 P.M. ON (date).  
ONLY ONE (1) OBJECTION PER HOUSEHOLD WILL BE ACCEPTED.

(2) Concurrently with the posting, the City shall notify by U.S. Mail all adjacent property owners that they have ten (10) days from the date of posting to submit objections to the City.

(3) One (1) copy of the proposed site plan shall be kept in the City Clerk's office and made available for review by the public.

(d) Protest. If, by the deadline stated in the notice, the City receives written objections from twenty percent (20%) or more of adjacent property owners, the application shall be submitted to the Planning and Zoning Commission for approval pursuant to Section 17-4-40 below.

(e) Decision. If no timely protest is filed, the City Engineer shall determine whether the application meets all requirements of this Code and shall issue a written decision approving, approving with conditions or denying the application. The City Engineer may place reasonable conditions on any administrative approval. (Ord. 10-07 §3, 2007; Ord. 09-09 §1, 2009)

**Sec. 17-4-40. Planning and Zoning Commission review.**

(a) Eligibility. An SDP application is eligible for Planning and Zoning Commission (the "Commission") review if:

(1) A new single-family residence or a new two-family residence is to be constructed; or

(2) Modifications that would change the existing square footage of a single-family residence or two-family residence in excess of one-third ( $\frac{1}{3}$ ); or

(3) Modifications are made to a structure accessory to a single-family or two-family residence if, when the accessory structure is completed, it will measure fifty percent (50%) or more of the total square footage of the principal structure.

(b) Application submittal requirements.

(1) The applicant shall submit to the City Engineer the information required under Subsection 17-4-30(b).

(2) The City Engineer shall promptly determine whether the application is complete and in compliance with all submittal requirements and shall so notify the applicant in writing. An incomplete application shall be returned to the applicant with written notification of deficiencies. The applicant may correct any deficiencies and resubmit to the City Engineer for review.

(c) Public hearing. Within forty-five (45) days after the application is complete, as determined by the City Engineer, the Commission shall hold a public hearing on the application.

(d) Notice.

(1) At least fifteen (15) days prior to the hearing, the City Clerk shall notify the applicant in writing of the date, time and place of the public hearing.

(2) At least ten (10) days prior to the hearing, the City shall post notice on the property. Each sign shall be at least three (3) feet by four (4) feet in size, with letters at least one (1) inch high, shall be erected in a conspicuous location along each public street abutting the subject property, shall be dated and shall read as follows:

CITY OF EDGEWATER NOTICE OF PUBLIC HEARING ON AN  
APPLICATION FOR A SITE DEVELOPMENT PLAN

NOTICE IS HEREBY GIVEN THAT A PUBLIC HEARING WILL BE HELD BEFORE THE EDGEWATER  
PLANNING AND ZONING COMMISSION IN THE CITY COUNCIL CHAMBERS AT THE EDGEWATER  
MUNICIPAL BUILDING, 2401 SHERIDAN BLVD., AT 7:00 P.M. ON (date), TO CONSIDER  
AN APPLICATION FOR A SITE DEVELOPMENT PLAN CONCERNING THIS PROPERTY.

ALL THOSE WISHING TO BE HEARD SHOULD BE PRESENT AT THE TIME  
AND PLACE STATED ABOVE.  
FOR MORE INFORMATION CONTACT THE CITY CLERK AT (303) 238-7803.

(3) At least ten (10) days prior to the hearing, the City Clerk shall cause notice of the hearing to be published in a newspaper of general circulation within the City.

(4) At least ten (10) days prior to the hearing, the City shall notify all adjacent property owners by U.S. Mail of the date and time of the hearing.

(e) Approval criteria. In its review, the Commission shall consider the following:

(1) Whether all applicable provisions of the Edgewater Municipal Code have been met;

(2) Whether the project is compatible with the general purpose, goals and policies of the Master Plan, if applicable;

(3) Whether the project is compatible with the Design Standards, if applicable;

(4) Whether permanent address identification signs will be installed on the front of each building and on the alley side of the garage, as applicable, to allow quick identification by emergency service personnel.

(f) Decision. At the conclusion of the hearing, the Commission shall by resolution approve, deny or approve with conditions the application. The Commission's decision shall be final, subject only to judicial review as provided by law.

(g) Following approval by the Commission, the applicant shall make any changes required by the Commission and submit two (2) sets of drawings to the City. The City Engineer will approve and stamp the drawings and return one (1) set to the applicant. (Ord. 10-07 §3, 2007; Ord. 09-09 §1, 2009)

**Sec. 17-4-50. City Council review.**

(a) All SDP applications other than those eligible for review under Section 17-4-30 or 17-4-40 shall be processed under this Section.

(b) Application procedure.

(1) Pre-application meeting. The applicant shall meet with the City Engineer prior to formal submittal of an SDP application to determine key issues and process requirements.

(2) Formal application. Following the pre-application meeting, the applicant shall submit a formal application, which shall include the following items:

- a. Land use application form;
- b. Application fee, deposit and reimbursement agreement pursuant to Section 17-4-60;
- c. Letter of intent;
- d. Site plan in conformance with subsection (c) of this Section;
- e. Engineering reports and studies or waivers, as applicable;
- f. Executed agreement to pay all fees associated with the review of the SDP application;  
and
- g. The following additional information as required as by the City Engineer:
  1. Drainage plan;
  2. Traffic impact report; and
  3. Any additional materials, drawings and information required by the City Engineer to determine compliance of the site plan with applicable ordinances and regulations.

(c) Site plan requirements. The site plan shall be twenty-four (24) inches by thirty-six (36) inches in size, with a scale of at least one (1) inch equals one hundred (100) feet, with all dimensions clearly shown. The site plan shall contain the following information:

- (1) Vicinity map;
- (2) The boundary of the site described in bearings and distances and existing and proposed lot lines;
- (3) Legal description of the site matching the certified survey;
- (4) Signed surveyor's certification;
- (5) Scale and north arrow;

- (6) Date of preparation and name and address of person who prepared site plan;
- (7) Location of one-hundred-year floodplain, if applicable;
- (8) Existing and proposed contours at two-foot intervals;
- (9) Location of all existing and proposed:
  - a. Fences, walls or screen plantings and their type and height;
  - b. Exterior lighting, location, height and type;
  - c. Signs, including location, type, height and size;
  - d. Landscaping and buffers, including type and coverage;
  - e. Parking and loading areas;
  - f. Pedestrian circulation;
  - g. Easements and rights-of-way;
  - h. Drainage ways, pond areas, ditches, irrigation canals, lakes and streams, if applicable;
  - i. Streets, both adjacent and within the site, including names, widths, location of centerlines, acceleration/deceleration lanes;
  - j. Curbs, gutters, sidewalks, bike paths;
  - k. Trash containers and method of screening, if any; and
  - l. Areas to be used for outside work areas, storage or display and method of screening, if any;
- (10) Zoning and current uses of adjacent properties;
- (11) Elevations of structures on adjacent properties.
- (12) Utility plan including location and size of utility lines within the site and the extension, if any, to serve the development, including easements where necessary for the construction, maintenance and operation of each utility;
- (13) Adjoining property lot lines, buildings, access, parking, so that development compatibility can be determined;
- (14) Elevations of all buildings to be constructed or retained on the site, including exterior materials, use, height, size, floor area, setback dimensions, bulk plane and type of construction;

(15) For development on Sheridan Boulevard, 25th Avenue or 20th Avenue, a demonstration of compliance with the Edgewater Design Standards;

(16) Schedule of development;

(17) Other information, in written or tabular form, including:

a. Statement of proposed uses;

b. Site data (numeric and percentage) including:

1. Total area of property, gross and net;

2. Number of residential units and density (if applicable);

3. Building coverage;

4. Gross floor area;

5. Landscape coverage;

6. Total lot coverage by all structures and paving; and

7. Number of parking spaces.

(d) Confirmation of completion.

(1) Within ten (10) days, the City Engineer shall determine whether the application is complete and in compliance with all submittal requirements and shall so notify the applicant in writing. An application determined to be incomplete shall be returned to the applicant with written notification of deficiencies.

(2) Upon confirmation of completion, the applicant shall submit twenty-one (21) copies of the application to the City Engineer.

(e) Referral.

(1) Upon receipt by the City Engineer of the twenty-one (21) copies of the application, the City Engineer shall notify City staff and the following referral agencies serving the property, including, but not limited to: utility companies, sanitation districts, school districts and fire departments.

(2) Referral agencies shall have thirty (30) days from receipt of the referral (the "Referral Period") to submit a response.

(3) Upon expiration of the Referral Period, City staff shall compile all comments received.

(f) Public hearings.

(1) Within forty-five (45) days after the expiration of the Referral Period, the Planning and Zoning Commission (the "Commission") shall hold a public hearing on the application, considering the criteria contained in Subsection (g) hereof, and shall by resolution make a recommendation to the City Council for the approval, approval with conditions or denial of the application.

(2) Within forty-five (45) days after the Commission's hearing, the City Council shall hold a public hearing on the application.

(3) Notice.

a. At least fifteen (15) days prior to each hearing, the City Clerk shall notify the applicant in writing of the time and place of the public hearing.

b. At least ten (10) days prior to each hearing, the City shall post notice of the hearing on the property. Each sign shall be at least three (3) feet by four (4) feet in size, with letters at least one (1) inch high, shall be erected in a conspicuous location along each public street abutting the subject property, shall be dated and shall read as follows:

CITY OF EDGEWATER NOTICE OF PUBLIC HEARING ON AN  
APPLICATION FOR A SITE DEVELOPMENT PLAN

NOTICE IS HEREBY GIVEN THAT A PUBLIC HEARING WILL BE HELD BY THE [EDGEWATER CITY COUNCIL OR PLANNING AND ZONING COMMISSION] IN THE CITY COUNCIL CHAMBERS AT THE EDGEWATER MUNICIPAL BUILDING, 2401 SHERIDAN BLVD., AT 7:00 P.M. ON (date), TO CONSIDER AN APPLICATION FOR A SITE DEVELOPMENT PLAN CONCERNING THIS PROPERTY. ALL THOSE WISHING TO BE HEARD SHOULD BE PRESENT AT THE TIME AND PLACE STATED ABOVE. FOR MORE INFORMATION, CONTACT THE CITY CLERK AT (303) 238-7803.

c. At least ten (10) days prior to each hearing, the City Clerk shall cause notice of the hearing to be published in a newspaper of general circulation within the City.

d. At least ten (10) days prior to each hearing, the applicant shall notify all adjacent property owners of the date, time and place of the hearing by U.S. Mail.

(g) Approval criteria. In their review of an application submitted under this Section 17-4-50, the Commission and the City Council shall consider the following:

- (1) Whether all applicable provisions of the Edgewater Municipal Code have been met;
- (2) Whether the project is not detrimental to the public health, safety and general welfare;
- (3) Whether the project is compatible with the general purpose, goals and policies of the Master Plan;
- (4) Whether the project is compatible with the Design Standards, if applicable;
- (5) Whether the following are arranged so that traffic congestion is avoided, pedestrian and vehicular safety and welfare are protected, adequate fire protection can be provided and adverse

impacts on adjacent property, including noise, glare, odors, vibration and fumes, are mitigated or eliminated:

- a. Location of buildings, structures and improvements;
  - b. Vehicular ingress and egress;
  - c. Internal vehicular circulation;
  - d. Setback lines;
  - e. Height of buildings;
  - f. Service facilities;
  - g. Walls;
  - h. Open space and landscaping; and
  - i. Sidewalks;
- (6) Whether proposed signs will interfere with traffic or limit visibility;
- (7) Whether water and sewer systems are adequate to serve the project;
- (8) Whether stormwater runoff problems are compounded because of the project;
- (9) Whether curb cuts onto arterial and collector streets will be kept to a minimum and placed in safe locations; and
- (10) Whether permanent address identification signs will be installed on the front of each building and on the alley side of the garage, as applicable, to allow quick identification by emergency service personnel.
- (h) Decision. Following the hearing, the City Council shall approve, approve with conditions or deny the application. The City Council's decision shall be final, subject only to judicial review.
- (i) Following approval by the City Council, the applicant shall make any changes required by Council and submit two (2) sets of drawings to the City. The City Engineer will approve and stamp the drawings and return one (1) set to the applicant.
- (j) Applicant shall submit two (2) sets of final construction plans to the City Engineer for review. The City Engineer will review and approve the construction plans prior to issuing a building permit. (Ord. 10-07 §3, 2007; Ord. 09-09 §1, 2009)

**Sec. 17-4-60. Application fees.**

(a) The fee for an SDP application for modifications of less than one-third ( $\frac{1}{3}$ ) of the original floor plan of the principal structure to detached single-family residences, two-family residences and related accessory structures is fifty dollars (\$50.00).

(b) The fee for an SDP application for modifications to detached single-family residences, two-family residences and related accessory structures of more than one-third ( $\frac{1}{3}$ ) of the original floor plan of the principal structure is one hundred dollars (\$100.00).

(c) The fee for an SDP application for construction of new single-family residences, new two-family residences and new related accessory structures is two hundred dollars (\$200.00).

(d) For multi-family, commercial and industrial development, the applicant shall pay all outside and administrative costs associated with the review. The applicant shall execute a cost reimbursement agreement on a form provided by the City and remit an initial deposit of five thousand dollars (\$5,000.00). (Ord. 10-07 §3, 2007; Ord. 09-09 §1, 2009)

**Sec. 17-4-70. Financial guarantee.**

All on-site and off-site improvements associated with the SDP under Section 17-4-50 must be completed prior to the issuance of a certificate of occupancy for the principal structure. Under extenuating circumstances, as determined by the City Engineer, certain improvements may be delayed for a specified period of time under the following conditions:

(1) Submittal of adequate assurance to ensure that on-site and off-site improvements will be provided as shown on the SDP. Such assurance may be in the form of a bond, corporate surety or other financial assurance approved as to form by the City Attorney.

(2) The financial assurance shall be in the amount of one hundred twenty-five percent (125%) of the estimated engineering, materials and construction costs at the projected time of installation.

(3) If the required improvements are not complete by the projected time of completion, the City Engineer may:

a. Extend the deadline one (1) time for a specified period; or

b. Draw upon the financial assurance provided by the applicant to fund such completion by the City. (Ord. 09-09 §1, 2009)

**Sec. 17-4-80. Expiration of approval.**

(a) SDP approval shall expire six (6) months after the date of final approval unless a building permit has been issued for the plan or unless an extension is granted pursuant to this Subsection. The City Engineer may grant one (1) extension of time, of no more than six (6) months, upon a written request submitted by the applicant prior to the expiration of the initial six-month period. Any requests for an extension of time beyond the six-month extension granted by the City Engineer shall be decided by the Commission in its sole and absolute discretion.

(b) Every written request for an extension of SDP approval, including a request for an additional extension after one (1) or more extensions have previously been granted, must include a narrative stating the reasons for the applicant's inability to comply with the applicable deadline and any changes to the character of the neighborhood, any changes to the City Master Plan or to this Article that have occurred since the previous deadline was imposed, as these changes affect the SDP, and the anticipated time schedule for completing the plan.

(c) Failure of an applicant to submit any additional documentation required by the approval of an SDP within thirty (30) days after the SDP approval shall render such approval null and void and result in the necessity for the resubmittal of an SDP application, along with all required fees and documentation. (Ord. 09-09 §1, 2009)

**Sec. 17-4-90. Amendments to approved Site Development Plans.**

No changes may be made to an approved SDP except upon application to the City under the procedures provided below:

(1) Minor changes resulting in no more than a ten-percent change in the location, siting and height of buildings and structures, and other minor changes, such as changes to landscaping and parking, may be authorized by the City Engineer if such changes were not foreseen or contemplated at the time of SDP approval.

(2) Any changes not approved as a minor change pursuant to Paragraph (1) above shall be processed under the procedure applicable to the original SDP application.

(3) All changes to an approved SDP shall comply with adopted City ordinances and any applicable design standards. (Ord. 09-09 §1, 2009)

**ARTICLE 5**

**Improvements**

**Sec. 17-5-10. Public improvements required for approval of final plat.**

(a) No final plat shall be approved by the City Council unless it is satisfied that the following public improvements shall be provided by the subdivider:

(1) Public water, sanitary sewer and storm sewer facilities shall be installed in accordance with design and construction standards and requirements provided hereinafter in Paragraph (3).

(2) Surface improvements (including, without limitation, sidewalks, curbs and gutters, culverts, bridges, streets and alleys, street signs, transportation facilities and other such necessary improvements as reasonably determined by City Council) shall be constructed by the subdivider as required by the City Council. All required improvements shall be completed in accordance with standards and requirements provided hereinafter in Paragraph (3).

(b) The following standard codes applicable to the design and construction of public improvements are adopted by reference in full, including the outline of contents, index and appendices contained therein:

- (1) Transportation Engineering Design Standards;
- (2) Water System Design Standards;
- (3) Sanitary Sewer Design Standards;
- (4) Storm Drainage Design Standards.

(c) The foregoing codes of standards are published by the City.

(d) At least three (3) copies of the public improvements codes of standards, as adopted, are on file in the office of the City Clerk and may be inspected during regular business hours. Copies of each are available for purchase at twenty-five dollars (\$25.00) per copy, or a complete set at a cost of one hundred dollars (\$100.00). (Prior code 20-76; Ord. 12-08 §1, 2008)

**Sec. 17-5-20. Agreement with City.**

Prior to the final approval and acceptance of any plat of lands, the subdivider shall enter into an agreement with the City, which agreement shall obligate the subdivider to install and construct all public improvements in the particular subdivision, except as otherwise provided herein. It shall specify the nature of all public improvements involved, the time of construction in relation to the development and improvement of individual sites, blocks of sites or other suitable unit of development, and any other matters required by this Chapter or regulations adopted pursuant hereto. (Prior code 20-77)

**Sec. 17-5-30. Improvement guarantee.**

In addition to assuming a contractual obligation for the construction and installation of all public improvements in a subdivision, the subdivider shall further guarantee such construction, by any one (1) or more of the methods in the following sections. (Prior code 20-78)

**Sec. 17-5-40. Surety bond.**

If such method is elected by the subdivider, he or she shall deposit with the City Clerk a good and sufficient surety bond executed by a corporate surety company duly licensed and authorized to do business in the State, in an amount equal to the cost of construction of public improvements for a block of sites or other suitable unit of development of comparable size to a block of sites. The cost of construction of such public improvements shall be as computed and determined by the City Engineer on the basis of current actual cost of such construction; provided that such amount may be as determined by a bona fide bid secured by a performance bond of a reputable contractor. Such surety bond shall be conditioned upon completion of public improvements as specified in the agreement between the subdivider and the City. (Prior code 20-79; Ord. 12-08 §1, 2008)

**Sec. 17-5-50. Cash bond.**

If such method is elected by the subdivider, he or she shall deposit with the City Clerk an amount equal to the cost of construction of public improvements for a block of sites or other suitable unit of development of comparable size to a block of sites. The amount of such bond shall be determined as provided hereinabove. The cash bond shall be security for the construction and installation of public improvements in the subdivision, and, upon completion of such improvements, the subdivider shall be entitled to a refund of cash deposited. In the event that the subdivider fails to complete installation and construction of all public improvements as provided in his or her agreement with the City, the City may apply so much or all of the cash deposit in its possession to the construction of public improvements, rendering a complete accounting of such expenditure to the subdivider on completion of construction of all public improvements, and the City shall refund to the subdivider any and all unused moneys deposited with it for such purpose. Such bond may be retained for additional blocks of sites or similar units as the subdivision progresses. Upon a request of the subdivider, the City shall notify the Federal Housing Authority or the Veteran's Administration of such bond. (Prior code 20-80)

**Sec. 17-5-60. Lien upon subdivision lands.**

(a) If such method is elected by the subdivider, he or she shall grant to the City a lien upon a block of sites or similar units. Such lien shall be in amount sufficient to pay the costs of the construction of all of the public improvements required by this Article to be erected by the subdivider determined as hereinabove provided. Such lien shall be prior to any lien of record created by the subdivider to secure the payment of funds advanced for use in the construction of improvements, public or private, upon the lands within the subdivision, and to all other liens of record upon the lands at the time such lien is created. It shall be subordinate to all liens of the United States or the State which shall, by operation of law, require it to be subordinate to them. Such lien shall be prior to all other liens created on the lands. The subdivider shall furnish evidence of his or her title to or ownership of the lands in question to the City Attorney, who shall examine and approve the same prior to the time that such lien is created. The lien shall be recorded in the office of the County Clerk and Recorder. The subdivider may demand the release of such lien from any of the lands within the subdivision either by parcel or lot, when the required improvements are completed for that parcel or lot.

(b) The power and authority to release all liens created pursuant to this Section shall be in the City Council (Prior code 20-81)

**Sec. 17-5-70. Letter of credit.**

If such method is elected by the subdivider, he or she shall submit a certified letter from a financial institution pledging and guaranteeing the financing of costs of the construction of all of the public improvements required by this Chapter to be erected by the subdivider. (Prior code 20-82)

**Sec. 17-5-80. Violations; remedies.**

In the event that a subdivider fails or refuses to comply in full with this Article, the City may pursue any course of action available to it, including but not limited to the following:

(1) The City may institute suit in any court of competent jurisdiction to recover the amount which may be due and owing to it either on any bond posted or for breach of contract.

(2) The City may, after thirty (30) days' notice to the contractor that the public improvements are either not installed or not installed in accordance with the specifications of this Chapter or regulations adopted pursuant to this Chapter and, after a reasonable time for the subdivider to meet such requirements, in no event to exceed ninety (90) days from the date of notice, declare any cash deposits forfeited and use so much or all of such deposit as may be required to defray the cost of construction of public improvements within the subdivision. Any notice given pursuant to this Section shall be in writing and shall specify the violations or defects complained of.

(3) Foreclosure on all liens which it may have upon the lands in that subdivision. (Prior code 20-83)

## ARTICLE 6

### Vested Property Rights

#### **Sec. 17-6-10. Purpose.**

The purpose of this Article is to provide the procedures necessary to implement the provisions of Title 24, Article 68, C.R.S. (Prior code 20-90)

#### **Sec. 17-6-20. Definitions.**

As used in this Article, the following words and phrases shall have the meanings set forth in this Section, unless the context otherwise requires:

*Landowner* means any owner of a legal or equitable interest in real property, and includes the heirs, successors and assigns of such ownership interests.

*Site specific development plan* means and is limited to a site development plan submitted pursuant to Article 4. No other type of land use application shall be considered a site specific development plan.

*Vested property right* means the right to undertake and complete the development and use of property under the terms and conditions of a site specific development plan. (Prior code 20-91)

#### **Sec. 17-6-30. Creation notice and hearing.**

(a) A vested property right pursuant to Title 24, Article 68, C.R.S., is created only upon City Council approval or conditional approval of a site specific development plan which has been processed in accordance with the provision of this Article. No administrative or other type of land use approval shall create such a vested property right.

(b) Any landowner seeking the creation of a vested property right through approval of the site specific development plan shall invoke the procedures of this Article by specific written request to the City. The request shall be made to the City Clerk at least thirty (30) days prior to the date the City

Council is to consider approval of the site specific development plan. The failure of the landowner to make such a request renders the site development plan not a site specific development plan, and no vested rights shall be deemed to be created by its approval or conditional approval.

(c) No site specific development plan shall be approved until after a City Council public hearing, preceded by notice of the hearing published at least once in a newspaper designated by the City for the publication of notices. The notice shall be published by the City at least ten (10) days prior to the City Council hearing date and may, at the City's option, be combined with any notice required for the site development plan or with any other required notice, or may be given separately. Interested persons shall have the opportunity to be heard at the hearing.

(d) The City Council's intention to create a vested property right shall be set forth in the resolution granting approval or conditional approval of the site specific development plan. (Prior code 20-92)

**Sec. 17-6-40. Notice of approval.**

(a) Not more than fourteen (14) days after City Council approval or conditional approval of a site specific development plan, there shall be published, in a newspaper designated by the City for the publication of notices, a public notice. The notice shall contain the following:

(1) A statement that a site specific development plan has been approved and a vested property right created.

(2) A statement generally describing the type and intensity of use approved in the site specific development plan, and a reference to the specific City Council resolution of approval.

(3) A description of the subject property, which shall include a vicinity description by reference to an adjacent or nearby road intersection, and which may include a legal description.

(b) Each map, plan or other document constituting a site specific development plan shall contain the following language: 'Approval of this plan may create a vested property right pursuant to Article 68 of Title 24, C.R.S., as amended.' Failure to include this statement shall prevent the creation of a vested property right. (Prior code 20-93)

**Sec. 17-6-50. Effective date.**

A site specific development plan shall be deemed approved upon the effective date of City Council's final action granting approval or conditional approval of such plan, if such approval is otherwise granted in compliance with the procedures of this Article. Failure to comply with the procedures set forth in this Article shall prevent the creation of a vested property right. (Prior code 20-94)

**Sec. 17-6-60. Duration and amendment.**

(a) A vested property right which has been created pursuant to this Article shall remain vested for a period of three (3) years, unless a longer period is expressly authorized by resolution of the City Council.

(b) The three-year vesting period shall not be extended by any amendments to a site specific development plan. Therefore, in the event the City Council approves amendments to a site specific development plan, the effective date of such amendments, for purposes of duration of any vested property right, shall be the date of the City Council's approval of the original site specific development plan, unless the City Council by resolution expressly finds and determines otherwise. Vested property rights shall not attach to any administrative amendment, and may attach to amendments to the site specific development plan only if approved in compliance with the procedures set forth in this Article. (Prior code 20-95; Ord. 12-08 §1, 2008)

**Sec. 17-6-70. Payment of costs.**

The applicant for approval of a site specific development plan shall pay a fee in an amount as may from time to time be set by the City Council. (Prior code 20-96)

**Sec. 17-6-80. Other provisions unaffected.**

(a) Approval of a site specific development plan shall not constitute an exemption from or waiver of any other provisions pertaining to the development or use of property.

(b) The establishment of a vested property right shall not preclude the application of ordinances or regulations which are general in nature and are applicable to all property subject to land use regulation by the City, including but not limited to building, fire, plumbing, electrical and mechanical codes. Further, the establishment of a vested property right shall not preclude the application of ordinances or regulations as otherwise permitted by Title 24, Article 68, C.R.S.

(c) A site specific development plan for which a vested right has been created shall not be exempt from subsequent reviews and approvals to ensure compliance with the terms and conditions of the plan's approval. (Prior code 20-97)

**Sec. 17-6-90. Rights by agreement.**

The City Council may enter into agreements with landowners providing that property rights shall be vested for a period exceeding three (3) years, where warranted in light of all relevant circumstances, including but not limited to the size and phasing of development, economic cycles and market conditions. Such agreements shall be adopted as legislative acts subject to referendum. (Prior code 20-98)

**Sec. 17-6-100. Limitations.**

Nothing in this Article is intended to create any vested property right, but only to implement the provisions of Title 24, Article 68, C.R.S. In the event that said article is repealed or deemed by a court to be invalid or unconstitutional, this Article shall be deemed to be repealed and the provisions hereof shall no longer be effective. (Prior code 20-99)