

ORDINANCE NO. 3.362.1, Series of 2023

TITLE: A BILL FOR AN ORDINANCE TO AMEND SECTION 13.02.010 AND SECTION 13.10.090 OF THE PARKER MUNICIPAL CODE CONCERNING UTILITIES

NOW, THEREFORE, THE TOWN COUNCIL OF THE TOWN OF PARKER, COLORADO, ORDAINS:

Section 1. Section 13.02.010 of the Parker Municipal Code is amended by the addition of a new definition for *on-site utilities and equipment* (inserted alphabetically) to read as follows:

13.02.010 Definitions.

* * *

On-site utilities and equipment means all improvements, facilities, equipment and appurtenances for service to the development and/or service to multiple lots as part of an approved plat, replat or site plan. Equipment may include, but is not limited to transformers, switchboxes, cabinets and other appurtenances that provide service. Equipment does not include streetlights or individual service lines.

Section 2. Section 13.10.090 of the Parker Municipal Code is amended to read as follows:

13.10.090 Utilities.

(a) All on-site utilities and equipment shall be placed underground. The cost of undergrounding utilities shall be borne by the development.

(b) On-site utilities and equipment for the provision of service to residential use(s) shall only utilize side-yard and rear-yard utility easement(s) for service to individual lots, except:

(1) Where located in the required shared sidewalk and utility easement adjacent to a local residential street, not to exceed six (6) feet in width, measured from the property line to the street; or

(2) Pocket utility easements for underground utility lines, which are located in the front yard, and shall be no larger than the typical width of the individual residential lot of the subdivision it is located within; or

(3) When located within tracts for parks, open space, and landscape and buffer tracts where equipment is screened by landscaping.

(c) On-site utilities and equipment for the provision of service to residential use(s) may be placed above ground if located in a rear-yard utility easement only.

On-site utilities and equipment shall be placed at or near the rear corner where the rear-yard and side-yard utility easements meet to the maximum extent practicable.

(d) On-site utilities and equipment, including service lines to a lot, for the provision of service to nonresidential use(s) shall meet the following requirements:

(1) Individual service lines to nonresidential use(s) shall be placed underground.

(2) On-site utilities and equipment may be placed above ground in a rear yard or side yard only.

(3) Where a nonresidential property has three (3) or more frontages on a street and the applicant can demonstrate that a side and/or rear location is not feasible, the Town may consider an above-ground location in the front yard adjacent to the street with the lowest average daily traffic (ADT) volume. Equipment shall be set back to the greatest extent practicable from the corner and screened in accordance with the Town-approved plans.

(4) Utilities and equipment that serve more than one lot or user may be placed within the front setback when the following conditions are satisfied (this Subparagraph does not apply to individual on-site utilities and equipment):

a. Equipment is existing;

b. Existing equipment needs to be relocated due to development;

c. Equipment is added to an existing line; and

d. Where compliance is precluded due to the size of the lot, the layout of existing development and infrastructure, or there is the presence of significant topography, wetlands, floodplains, watercourses, hazard areas, or other significant environmental features, the applicant shall comply with the requirements of this Section to the maximum extent practicable, as determined by the Planning Director.

(e) Where the placement of above-ground on-site utilities and equipment in the rear-yard utility easement is infeasible for the provision of service to residential use(s), such equipment may be placed above ground in the side-yard utility easement. Side-yard utility easements permitted pursuant to this Subsection (e) shall be located between the rear of the principal structure and the rear property line. Equipment placed within the side-yard utility easement shall be placed at or near the rear corner where the rear-yard and side-yard meet to the maximum extent practicable.

(f) Meters and related conduit may be placed above ground if mounted to the principal structure and integrated into the overall building architecture, painted to

match the building, or screened from view. Meters should be located on the side or rear façade of a building to the greatest extent practicable.

(g) All above-ground equipment visible from Town streets and rights-of-way shall be screened in accordance with a Town-approved plat, replat or site plan.

(h) Where an applicant is unable to comply with Subsections (a) through (g) above, the applicant may apply to the Town Council for approval of a modification or waiver of the standards, subject to a demonstration that:

(1) There is a hardship related to the exceptional narrowness, shallowness or shape of a specific piece of property, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of such piece of property; or

(2) The utility has refused to provide service and said decision is upheld by the Colorado Public Utilities Commission.

(i) Streetlights and underground electric service to streetlights are permitted in the front yard.

(j) All structures and uses, except for temporary uses authorized by this Title, shall be served by public water and sewer facilities.

Section 3. **Safety Clause.** The Town Council hereby finds, determines and declares that this Ordinance is promulgated under the general police power of the Town of Parker, that it is promulgated for the health, safety and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The Town Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be obtained. The Town Council further finds that the title to this Ordinance was posted in two public places two days before the Town Council meeting, as provided by Section 7.5e. of the Town of Parker Home Rule Charter.

Section 4. **Severability.** If any clause, sentence, paragraph or part of this Ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect application to other persons or circumstances.

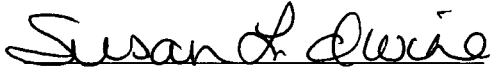
Section 5. **Effective Date.** This Ordinance shall become effective ten (10) days after final publication.

INTRODUCED AND PASSED ON FIRST READING this 5th day of SEPTEMBER, 2023.



Jeff Toborg, Mayor

ATTEST:

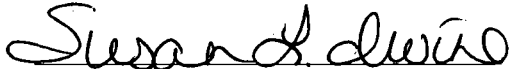


~~Chris Vanderpool, Town Clerk~~
SUSAN IRVINE, DEPUTY TOWN CLERK

ADOPTED ON SECOND AND FINAL READING this 18th day of SEPTEMBER, 2023.

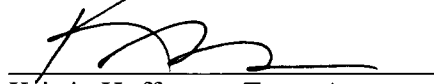

Jeff Toborg, Mayor

ATTEST:



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SUSAN IRVINE, DEPUTY TOWN CLERK

APPROVED AS TO FORM:


Kristin Hoffmann, Town Attorney