

Council Request Update

December 30, 2015

Council Request 15-238 (Trash – 3200 block South Broadway)

Requested by: Council Member Olson

Assigned to: Public Works

Request: Request for staff to respond to reports of excessive trash/trash cans in the 3200 block of South Broadway near the Gothic Theater.

Response: The attached memo from Right-of-Way Services Manager Larry Nimmo provides a response.

Council Request 15-242 (Posting Mayor/Manager Meetings)

Requested by: Council Member Barrentine

Assigned to: City Manager's Office

Request: Request for staff to post notice of the weekly agenda-setting meetings with the Mayor, Mayor Pro Tem, City Manager, and City Attorney.

Response: A notice has been added to the City Council web page regarding these weekly meetings.

Council Request 15-243 (Street Conditions near Charles Hay Elementary)

Requested by: Mayor Jefferson

Assigned to: Public Works

Request: Citizen concerns regarding street conditions near Charles Hay Elementary following the last substantial snowfall.

Response: The attached memo from Right-of-Way Services Manager Larry Nimmo provides details on the snow clearing efforts during the last storm.

Council Request 15-244 (Snowboarding in Belleview Park)

Requested by: Mayor Pro Tem Gillit

Assigned to: Police Department/Parks & Recreation

Request: Resident concerns regarding snowboarding at Belleview Park following the last snowstorm.

Response: The attached memo from Deputy Chief Sanchez provides information on this situation and notes that staff will keep a close eye on the area in the future.

Council Request 15-246 (EHA Agendas and Minutes posted on website)

Requested by: Council Member Barrentine

Assigned to: City Manager's Office

Request: Request for the Englewood Housing Authority's current agendas and minutes to be posted on the City's website.

Response: Staff has contacted the Englewood Housing Authority and again requested that meeting agendas be forwarded so they can be posted prior to the meetings, along with the minutes once they have been approved. EHA Executive Director Renee Tullius has forwarded the most current agenda and minutes, which are now posted on the City's website. Ms. Tullius noted that the EHA has recently undergone staff changes and indicated she will remind her staff to forward the documents in a timely manner.

Council Request 15-247 (Fox & Tufts Property Inquiry)

Requested by: Mayor Pro Tem Gillit

Assigned to: Community Development

Request: Request for zoning history of 4609 and 4619 South Fox Street.

Response: The attached letter from Interim Community Development Director Michael Flaherty provides the requested information.

Council Request 15-248 (Massage Facilities Regulations)

Requested by: Mayor Pro Tem Gillit

Assigned to: City Attorney's Office

Request: Request for the City to implement licensing regulations for massage facilities in Englewood.

Response: The attached memo from Acting City Attorney Dugan Comer notes that municipalities are prohibited from regulating massage therapy, but that the state statute governing massage therapy does allow local law enforcement agencies to inspect massage facilities to ensure compliance with applicable laws.

2015 COUNCIL REQUESTS

Number	Request Date	Request Type	Requested by	Request	Assigned To	Due Date	Follow-up Date	Date Completed
15-216	10/23/2015	S	Penn	Early morning Construction Activity - Swedish	PD	10/27/2015		10/26/2015
15-217	11/2/2015	I	Olson	Marijuana Social Clubs Subcommittee Roster	FAS	11/5/2015		11/4/2015
15-218	11/2/2015	I	Jefferson	iBake Violations/Complaints	PD/CD	11/5/2015		11/10/2015
15-219	11/2/2015	S	McCaslin	Cultural Arts Sculpture Review	PR	11/5/2015		11/6/2015
15-220	11/2/2015	I	Wilson	Motel Inspections - Smoking Rooms State Statute	PD	11/5/2015		11/9/2015
15-221	11/2/2015	I	Jefferson	Study Session - ESBDC Loans	CD/CMO	11/5/2015		11/4/2015
15-222	11/3/2015	I	Yates	Small Lot Inquiry	CD	11/5/2015		11/12/2015
15-223	11/3/2015	I	Yates	3200 S. Downing/Corona Alley Code Violations	PD	11/5/2015		11/12/2015
15-224	11/3/2015	I	Yates	4635 S. Pearl Urban Lot Appeal - P&Z Background	CD	11/6/2015		11/12/2015
15-225	11/4/2015	I	Penn	Traffic Counts	PW	11/6/2015		11/9/2015
15-226	11/12/2015	I	Gillit	W. Grand Ave. Police Activity	PD	11/16/2015		11/12/2015
15-227	11/12/2015	I	Resident	City Attorney Resignation & Contract	CAO	11/16/2015		11/12/2015
15-228	11/16/2015	S	Jefferson	School Board/City Council Meeting	CMO	11/19/2015		11/17/2015
15-229	11/17/2015	I	Barrentine	Appeal Decision Notification Protocol	CD	11/20/2015		11/19/2015
15-230	12/7/2015	I	Gillit	RV - possible residence	CD/PD	12/10/2015		12/11/2015
15-231	12/7/2015	S	Olson	Meetings with Swedish and Craig CEOs	CMO	12/10/2015		12/8/2015
15-232	12/7/2015	S	Olson	Tri-Cities Meeting + Schedule	CMO	12/10/2015		12/8/2015
15-233	12/9/2015	I	Gillit	Massage Studios Licensing Inquiry	FAS	12/11/2015		12/14/2015
15-234	12/8/2015	S	Barrentine	Board & Commission Minutes on Web	CMO	12/10/2015		12/8/2015
15-235	12/8/2015	I	Barrentine	4088 S. Sherman Welfare Check	PD	12/10/2015		12/11/2015
15-236	12/14/2015	I	Yates	Fire Service Comparisons	CMO	12/16/2015		
15-237	12/14/2015	I	Jefferson	Lehigh Parking Problems	PD	12/16/2015		12/16/2015
15-238	12/15/2015	S	Olson	Trash - 3200 block S. Broadway	PW	12/17/2015		12/28/2015
15-239	12/15/2015	I	Barrentine	EHA Meetings Posted on Website	CMO	12/17/2015		12/15/2015
15-240	12/15/2015	I	Barrentine	Board of Adjustment Authority/Cancellations	CD	12/17/2015		12/28/2015
15-241	12/15/2015	I	Yates	Council Schedules - Board & Commission Mtgs.	CMO	12/17/2015		12/15/2015
15-242	12/15/2015	I	Barrentine	Posting Mayor/Manager Meetings	CMO	12/17/2015		12/15/2015
15-243	12/18/2015	S	Jefferson	Street Conditions near Charles Hay Elementary	PW	12/22/2015		12/28/2015
15-244	12/21/2015	S	Gillit	Snowboarding in Belleview Park	PR/PD	12/28/2015		12/23/2015
15-245	12/22/2015	I	Olson	4020 S. Pearl Alley Light Billing (Xcel)	PW/CMO	12/28/2015		
15-246	12/22/2015	I	Barrentine	EHA Agendas and Minutes Posted on Web	CMO	12/28/2015		12/22/2015
15-247	12/22/2015	I	Gillit	Fox & Tufts Property Inquiry	CD	12/28/2015		12/23/2015
15-248	12/29/2015	I	Gillit	Massage Facilities Regulations	CAO	1/4/2016		12/30/2015

S = Service
I = Information

CA - City Attorney; CMO - City Manager's Office; CD - Community Development; EEF - Englewood Environmental Foundation
FAS - Finance and Administrative Services; FD - Fire Department; LIB - Library; MC - Municipal Court; PR - Parks and Recreation;
PW - Public Works; PD - Police Department; UT - Utilities; WW = Wastewater Treatment Plant

TO: City Council

THROUGH: Eric A. Keck, City Manager

THROUGH: Rick Kahm, Director of Public Works

FROM: Larry Nimmo, Right-of-Way Services Manager

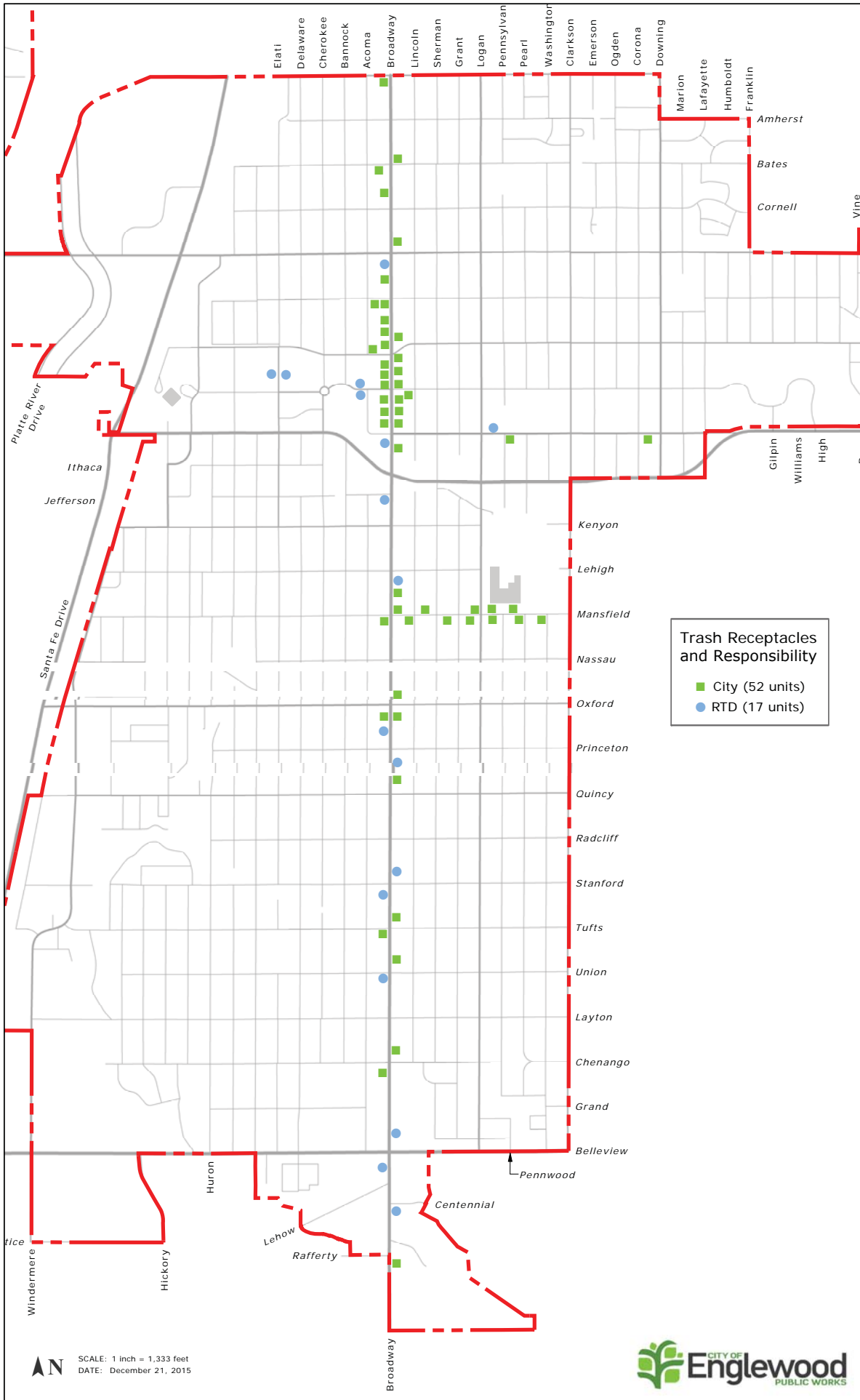
DATE: December 23, 2015

SUBJECT: Excessive Trash/Trash Cans in the 3200 block of S. Broadway
COUNCIL REQUEST NO. 15-238

Street crews were dispatched the afternoon of Thursday, December 17, as early as possible in the midst of snow plowing efforts, to empty trash receptacles near The Gothic. The trash overflow was likely caused by individuals camping out in the area waiting to purchase tickets for an event, which staff had observed. Crews removed six trash bags from and around the two receptacles in front of the Gothic and one to the north on the corner of Eastman. The issue is created due to the city's routine trash runs not coinciding with the Gothic's popular events. It should be noted that we have doubled the number of trash cans at the Gothic to try to accommodate the popularity of the location.

Per the attached map, street crews are responsible for emptying 52 trash receptacles primarily along Broadway from the north city limit to the south city limit as well as Mansfield Avenue; additionally identified are the 17 trash receptacles under RTD's responsibility. This work is scheduled for Friday mornings and normally requires two employees working four hours with one small dump truck. Streets crews do not patrol Broadway or any other receptacle locations to monitor fullness; and we are not adequately staffed to accommodate special or popular events unless previous arrangements have been made. If The Gothic hosts an event that that draws large crowds or early ticket purchasers, the two available trash cans be overloaded. Staff will contact The Gothic management group to discuss possible solutions to prevent this problem in the future.

lt/att





TO: Mayor Jefferson and Members of City Council

THROUGH: Eric Keck, City Manager

FROM: Michael Flaherty, Interim Director of Community Development

DATE: December 28, 2015

SUBJECT: Council Request 15-240 – Board of Adjustment Authority/Cancellations

During the December 15, 2015 City Council meeting a City Council Member posed a question about the authority of the Englewood Board of Adjustment and Appeals (BoAA) being undermined during a City Council decision on May 18, 2015. A question was also raised about the cancellation of BoAA meetings.

No action was taken during the May 18, 2015 City Council meeting (or any other meeting) that impacted the Board of Adjustment and Appeals' authority. During the May 18 City Council meeting, a public hearing was held on an ordinance authorizing amendments to the Unified Development Code regarding administrative adjustment for a small number of lots in the R-2 zone that are not the full 50 feet required for two unit development.. A copy of the ordinance (which was approved by City Council on June 1, 2015) is attached. It is possible that this ordinance may have been interpreted as being related to the Board of Adjustments, but the adjustment referenced in this ordinance cannot currently be heard by BoAA as a request for a variance.

Regarding the cancellation of BoAA meetings, meetings are only held if requests for variances or appeals are received that need to be addressed. There are no BoAA meetings held in any given month if no variance or appeal requests have been received.

Attachment: Council Bill No. 17 (2015)



M E M O R A N D U M

TO: City Council

THRU: Michael Flaherty, Deputy City Manager

FROM: Chris Neubecker, Senior Planner

DATE: May 26, 2015

SUBJECT: Administrative Adjustments – Second Reading

During the public hearing on the proposed Administrative Adjustments Council members asked about the proposed ordinance and its impacts on the community. The ordinance is intended to promote economic development in the community, and to facilitate development on lots that are burdened by unusual size or shape, through new development of uses that are permitted on the same block or in the same zone district.

The proposed ordinance is good for Englewood for several reasons, including:

- Allowing the same uses and new investment currently permitted on standard sized lots on the same block. Due to errors made in platting Englewood properties more than 100 years ago, it is not uncommon for a lot to be less than a uniform lot size, especially on corner lots.
- Englewood's older housing stock is more than 50% rental. This ordinance will help to promote new market rate, owner occupied housing. New homes, especially those that sell at or above \$500,000 are much more likely to be sold to owner occupants.
- Higher valuations will result in more tax revenue for the City.
- Developers cannot afford to demolish and build new single family homes on a 50 foot lot in an R-2 zone, but they can justify the cost to build and sell duplexes. Denver neighborhoods immediately north of Englewood show the demand and impact of new investments.
- Triplex lots in R-2 zone districts are 75 feet wide. The properties at 2701 and 2705 S. Sherman Street are 73.62 feet wide (combined). This ordinance would allow new investment on this corner; without an adjustment, these older homes will likely remain without significant improvement.
- A difference of 5% on lots with 50 feet of frontage is 2.5 feet. This difference will not be visibly noticeable to most people.

The lots at the north end of the block on S. Lincoln Street and E. Yale Avenue are not the only lots in this area with oddly dimensioned lot widths. The following lots also share these non-standard dimensions, possibly due to platting errors or older surveying techniques:

- Sherman and Yale (south-west corner) - 2701 S. Sherman St.
- Sherman and Amherst (south-west corner) - 2801 S. Sherman St.
- Sherman and Bates (north-west corner) - 2895 S. Sherman St.
- Lincoln and Amherst (north-west corner) - 2797 S. Lincoln St.
- Lincoln and Amherst (north-east corner) - 2798 S. Lincoln St.
- Lincoln and Amherst (south-west corner) - 2801 S. Lincoln St.
- Lincoln and Amherst (south-east corner) - 2800 S. Lincoln St.
- Lincoln and Bates (north-east corner) - 121 E. Bates Ave.

These are a sample of lots researched by staff. There are likely many other lots in the City that share these traits. Most of the lots listed above were platted 23.62 feet wide. The lots in the center of the block were platted 25 feet wide. Each standard sized parcel (2 lots) zoned R-2 would allow a new duplex on a 50 foot wide lot.

The corner lots listed above, due to their historic platting anomalies, are burdened and would be more difficult to redevelop. These corner lots, which are much more visible, but may only be 48.62 feet wide (combined), would likely remain in their current condition without allowing a small adjustment to the lot width.

New Townhome Development

Several new townhomes have developed in the City along S. Sherman Street and S. Lincoln Street, zoned R-2. Many more new developments are under construction or have been recently built in Denver just to the north of the city limits. Below are some examples of the developments in Englewood and in Denver, within 3 blocks of E. Yale Avenue:





New Development Denver (just north of W. Yale Avenue)





Existing Building at 2701 S. Lincoln Street



Notice Procedures

Council requested information on the notice procedures for Administrative Adjustments and Variances. Following are the notice procedures as required by the Unified Development Code:

- Administrative Adjustments: *"Notice. The City shall require that the applicant notify adjacent property owner(s) and/or occupant(s) by written notice of any application for Administrative Adjustment."* In the past, notice has been provided to the property owner and occupant on either side of a property. We have traditionally not provided notice beyond the properties on the two sides of the subject property. No other notice has been provided.
- Variance: *"Notice. The City shall require that notice of required public hearings be given in accordance with Section 16-2-3.G EMC."* Notice is posted on the property and in the Englewood Herald newspaper. Notice is also provided on the City of Englewood website. No notice is provided to adjacent property owners.

Options for City Council

City Council has three options on the proposed Administrative Adjustments ordinance. These options include:

- Approve the Administrative Adjustment language on second reading, as proposed.
- Adopt alternative variance language allowing the Board of Adjustments and Appeals to hear applications for additional dwelling units in residential districts above the maximum number permitted by zone district standards for lot area and lot width, based on a variance of up to 5% of the minimum lot width or minimum lot area. (Note: This option would require another reading of the ordinance at a later date.) Alternate variance language is attached for your review.
- Leave the Unified Development Code "as-is", which would likely prevent redevelopment of some older homes on lots less than standard size or width.

We believe that Administrative Adjustments would be the cleanest and least time consuming option, as well as least costly for developers. The Variance option would also work, but would add a delay and uncertainty to the process, which may discourage some investors. The Variance option would require an additional reading of the ordinance.

Staff will be available during the meeting on Monday night to answer questions from the City Council. We look forward to your decision.

Proposed new language is shown in **bold and double-underline**. Language proposed for removal is shown as ~~strikethrough~~.

16-2-16: Zoning Variances.

Two (2) different types of variance are available: (1) Zoning Variances and (2) Flood Plain Variances. Zoning Variances are addressed in this section, and Flood Plain Variances are addressed in Chapter 16-4 EMC. (Note that the Planning Commission is the decision-making body on Flood Plain Variances rather than the Board of Adjustment and Appeals.) The Board of Adjustment and Appeals pursuant to the procedures in this Section may grant Zoning Variances from the zoning provisions of this Title otherwise applicable to a property.

A. *Jurisdiction/Scope for Zoning Variances.*

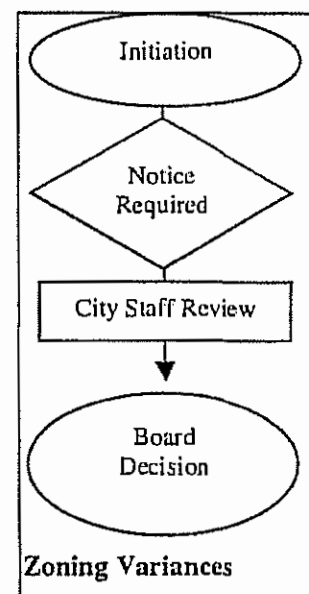
1. Nothing in this Title shall be construed to empower the Board to change the terms of this Title or to effect changes in the Official Zoning Map of the City of Englewood. The powers of the Board shall be narrowly interpreted and strictly construed so that this Title and the Official Zoning Map shall be strictly enforced.
2. The Board shall have the authority to require any reasonable stipulation or condition that might be necessary to properly protect the general welfare when granting a Zoning Variance.
3. The Board's granting of Zoning Variances shall not result in any encroachment into a recorded easement or right-of-way.
4. The Board shall not consider a Zoning Variance application relating to the use of property.
5. The Board shall not consider a Zoning Variance application to allow additional dwelling units in residential districts above the maximum number permitted by zone district standards for lot area and lot width, **except for a variance of up to five percent (5%) of the required minimum lot width or minimum lot area. In residential districts, the variance shall not result in the creation of more than one (1) additional residential dwelling unit.**
6. The Board shall not consider a Zoning Variance application relating to Temporary Use Permits.
7. The Board shall not consider a Zoning Variance application relating to Conditional Use Permits.

B. *Initiation.* An application for a Zoning Variance may be initiated by those parties identified in Section 16-2-3.A EMC.

C. *Notice.* The City shall require that notice of required public hearings be given in accordance with Section 16-2-3.G EMC.

D. *City Review.* The City Manager or designee shall review the Zoning Variance application, and may refer the application to any department or agency for its review and comments.

E. *Board Decision.* The Board shall review the proposed Zoning Variance application and the report of City staff, and shall hold a public hearing on the proposed Zoning Variance. Following such hearing, the Board shall make written findings either approving,



conditionally approving, or denying the Zoning Variance. The decision on whether to approve or deny an application for a Zoning Variance shall be in writing, based upon substantial evidence presented at the public hearing. A copy of the decision of the Board shall be provided to the applicant.

F. *Criteria for Considering a Zoning Variance.*

1. General Zoning Variances. In passing upon Zoning Variances that do not involve provisions of the Sign Code, the Board may vary the application of the regulations set forth in this Title only if the Board finds the following:
 - a. That unique physical conditions exist, such as size, shape, location, topography or surroundings, which are peculiar to the land or structure involved, which deprive the applicant of privileges enjoyed by other properties in the vicinity; and
 - b. The variance is consistent with the intent of the zone district regulations to secure public health, safety and welfare; and
 - c. The variance will not permanently impair the use or development of adjacent conforming properties or alter the essential character of the neighborhood; and
 - d. The variance is not a self-imposed difficulty or hardship.
2. Sign Code Variances. In passing upon Zoning Variances to the Sign Code, Section 16-6-13 EMC, the Board may vary the application of the regulations set forth in this Title only if it determines that:
 - a. There are special circumstances or conditions such as the existence of buildings, topography, vegetation, sign structures, or other matters on adjacent lots or within the adjacent public right-of-way, which would substantially restrict the effectiveness of the sign in question; provided, however, that such special circumstances or conditions must be peculiar to the particular business or enterprise to which the applicant desires to draw attention, and do not apply generally to all businesses or enterprises; and
 - b. The variance will not weaken the general purpose of this Title nor the regulations prescribed for the district in which the sign is located; and
 - c. The variance will not alter the essential character of the district in which the sign is located; and
 - d. The variance will not substantially or permanently impair the appropriate use of adjacent conforming property.

G. *After Approval.*

1. All Zoning Variances shall be effective on the date of final action by the Board. For the purpose of this subsection, final action by the Board shall be deemed to be the approval of the findings of fact for the Zoning Variance request.
2. The City shall record all Zoning Variances with the office of the Arapahoe County Clerk and Recorder.
3. Any Zoning Variance granted by the Board shall run with the land unless the Board

specifies otherwise as a condition of the Zoning Variance.

4. Any Zoning Variance granted by the Board shall automatically lapse within one hundred eighty (180) days of the date it was effective, or within such other time as the Board may prescribe, unless a building permit for the action that was the subject of the variance is obtained and work started.

H. *Post Decision Remedies.* Initiation of the following remedies must occur within thirty (30) days of the Board decision. For the purpose of this subsection, Board decision shall be the vote on the Zoning Variance request.

1. Rehearing. If the applicant or an interested third party finds evidence that was not available at the time of the hearing that may materially bear on the case, a request for a rehearing may be made to the Board. The request shall be in writing and contain the following:
 - a. A summary of the new evidence.
 - b. The reason the evidence was not available to the Board at the original hearing.
 - c. A statement as to why it is believed that the evidence will materially affect the decision of the Board.

The Board shall hear the request for rehearing and shall vote on the issue of granting a rehearing. The chairperson shall announce the Board's decision. If a rehearing is granted, a new date will be set for a public hearing and all posting and publication requirements shall apply and shall be the responsibility of the original applicant. If a rehearing is denied, the original Board decision shall stand.

2. Reconsideration. If a Board Member believes that the Board would benefit from reviewing a Board decision, a motion for reconsideration of the decision may be made. If the motion to reconsider fails, the original decision stands. If the motion to reconsider is approved, the original variance request shall be reheard by the Board. The Board may reconsider the variance request immediately or may continue the reconsideration to a date certain.

The reconsideration shall be limited to the facts presented in the original variance request and no new evidence shall be taken. The Board may confirm, reverse, or modify the original decision.

I. *Appeals of Board Decisions.* Appeals of final decisions of the Board may be made pursuant to Section 16-2-18 EMC, "Appeals".

BY AUTHORITY

ORDINANCE NO. _____
SERIES OF 2015

COUNCIL BILL NO. 17
INTRODUCED BY COUNCIL
MEMBER OLSON

AN ORDINANCE AMENDING THE UNIFIED DEVELOPMENT CODE, TITLE 16, CHAPTER 2, OF THE ENGLEWOOD MUNICIPAL CODE 2000, RELATING TO ADMINISTRATIVE ADJUSTMENTS.

WHEREAS, land development is subject to review and conformance with the Unified Development Code which sets development standards based on the zone district, land use, lot width and lot area; and

WHEREAS, in some limited cases, development is hindered by unusual features of a property or lot which generally do not apply to other lots in the vicinity; and

WHEREAS, in some of these cases, the existing Uniform Development Code regulations on Administrative Adjustments (Title 16, Chapter 2, Section 17 EMC) will allow the City to approve an alternative design, as long as the proposed development meets the intent of the Code and has no adverse effects on nearby properties; and

WHEREAS, Administrative Adjustments are currently limited to very specific circumstances such as a 6" adjustment to a required 3' setback; and

WHEREAS, the Englewood Board of Adjustment and Appeals is prohibited from hearing a case that would result in additional residential dwelling units in residential districts above the maximum permitted by zone district standards, based on minimum lot width or lot area; and

WHEREAS, these limitations in the current Code are preventing redevelopment and investment in the community in some instances; and

WHEREAS, this ordinance would allow minor adjustments in the minimum lot width or minimum lot area, which should result in more redevelopment and investment in Englewood; and

WHEREAS, the Englewood Planning and Zoning Commission recommended these changes at their April 7, 2015 meeting.

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

Section 1. The City Council of the City of Englewood, Colorado hereby authorizes the amending Title 16, Chapter 2, Section 17, Subsection D "*Permitted Adjustments*", Paragraph 1, Subparagraph b; and Title 16, Chapter 2, Section 17, Subsection D, Paragraph 2, Subparagraph a, of the Englewood Municipal Code 2000 to read as follows:

16-2 DEVELOPMENT REVIEW AND APPROVAL PROCEDURES

16-2-17: Administrative Adjustments.

D. Permitted Adjustments.

1. General Rules.

- a. Except when requested as a reasonable accommodation for Federal Fair Housing Act ("FFHA") purposes, a request for an Administrative Adjustment shall not be used to further modify a development standard that, as applied to the subject property, already qualifies as an exception to, or modification of, a generally applicable development standard required under Chapter 16-6 EMC, (Development Standards). For example, the developer of a residential project that qualifies for a special variation in the required side setback under the residential design provisions in Section 16-6-10.B EMC, cannot seek an Administrative Adjustment to further reduce the side setback allowed under the special variation.
- b. Unless specifically stated in the Scope of Authority below, ~~T~~the City Manager or designee shall not approve any Administrative Adjustment that results in an increase in permitted maximum development density or intensity; a change in permitted uses; an increase in building height; or a decrease in the amount of common or dedicated open space required by this Title or other City policies, standards, or regulations.

2. Scope of Authority—All Adjustments Except Reasonable Accommodations Under FFHA. An application for an Administrative Adjustment that is not related to a request for "reasonable accommodation" under the Federal Fair Housing Act may request only the following types of adjustments:

- a. *Side or Rear Setbacks:* Adjustments to any ~~side or rear~~ setback standard may be permitted as follows:

TABLE 16-2-17.1: PERMITTED ADJUSTMENTS TO SIDE OR REAR SETBACKS	
Required Setback	Permitted Maximum Adjustment
3 feet	6 inches
5 feet	1 foot
7 feet	1 foot
20 feet	2 feet
25 feet	3 feet

Section 2. The City Council of the City of Englewood, Colorado hereby authorizes the amending Title 16, Chapter 2, Section 17, Subsection D, Paragraph 2 “*Scope of Authority*”, by the addition of a new Subparagraph (e) entitled “*Minimum Lot Width or Lot Area*” of the Englewood Municipal Code 2000 to read as follows:

16-2-17: Administrative Adjustments.

D. *Permitted Adjustments.*

2. Scope of Authority

e. Minimum Lot Width or Lot Area: Adjustments may be permitted to the minimum lot width or minimum lot area is the “Summary Table of Dimensional Requirements for Principal Uses and Structures” in Section 16-6-1 of this Title, subject to the following requirements:

- (1) The adjustment shall not exceed five percent (5%) of the required minimum lot width or minimum lot area; and
- (2) The adjustment in the minimum lot width or minimum lot area may result in an alternate permitted land use in the base zone district where the property is located; and
- (3) A development for which a minimum lot width or minimum lot area adjustment is granted shall not be eligible for additional variances or additional administrative adjustments based on the reduced lot width or area; and
- (4) The result of an approved adjustment may result in an increase in the maximum development density or intensity; for residential developments, the result of the administrative adjustment shall not exceed one (1) additional residential dwelling unit.

Section 3. Safety Clauses. The City Council hereby finds, determines, and declares that this Ordinance is promulgated under the general police power of the City of Englewood, 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 City Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be obtained.

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, impair or invalidate the remainder of this Ordinance or its application to other persons or circumstances.

Section 5. Inconsistent Ordinances. 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 6. Effect of repeal or modification. The repeal or modification of any provision of the Code of the City of Englewood by this Ordinance shall not release, extinguish, alter, modify, or change in whole or in part any penalty, forfeiture, or liability, either civil or criminal, which shall have been incurred under such provision, and each provision shall be treated and held as still remaining in force for the purposes of sustaining any and all proper actions, suits, proceedings, and prosecutions for the enforcement of the penalty, forfeiture, or liability, as well as for the purpose of sustaining any judgment, decree, or order which can or may be rendered, entered, or made in such actions, suits, proceedings, or prosecutions.

Section 7. Penalty. The Penalty Provision of Section 1-4-1 EMC shall apply to each and every violation of this Ordinance.

Introduced, read in full, and passed on first reading on the 4th day of May, 2015.

Published by Title as a Bill for an Ordinance in the City's official newspaper on the 7th day of May, 2015.

Published as a Bill for an Ordinance on the City's official website beginning on the 6th day of May, 2015 for thirty (30) days.

A Public Hearing was held on the 18th day of May, 2015.

Read by title and passed on final reading on the 1st day of June, 2015.

Published by title in the City's official newspaper as Ordinance No. ____, Series of 2015, on the 4th day of June, 2015.

Published by title on the City's official website beginning on the 3rd day of June, 2015 for thirty (30) days.

This Ordinance shall take effect thirty (30) days after publication following final passage.

Randy P. Penn, Mayor

ATTEST:

Loucrishia A. Ellis, City Clerk

I, Loucrishia A. Ellis, City Clerk of the City of Englewood, Colorado, hereby certify that the above and foregoing is a true copy of the Ordinance passed on final reading and published by title as Ordinance No. ____, Series of 2015.

Loucrishia A. Ellis

TO: City Council

THROUGH: Eric A. Keck, City Manager

THROUGH: Rick Kahm, Director of Public Works

FROM: Larry Nimmo, Right-of-Way Services Manager

DATE: December 23, 2015

SUBJECT: Snow Plowing/Charles Hay Elementary School
COUNCIL REQUEST NO. 15-243

The Right-of-Way Services Manager reviewed the City's snow plowing efforts and results around Charles Hay Elementary School on Friday, December 18, 2015, and found that the streets had been plowed per current City standards. Streets near Bishop Elementary were inspected at the same time, with the same results.

"Roadways adjacent to schools and hospitals" are included in the Snow Removal document as a first priority. However, as the schools were closed on Tuesday, December 15, plow trucks did not complete this work until early Wednesday morning during the midnight to 5am shift.

Snow removal information is located on the City of Englewood's website at <http://www.engagewoodgov.org/inside-city-hall/city-departments/public-works/snow-removal>, with the Snow Route Map download at the bottom of the page or at <http://www.engagewoodgov.org/inside-city-hall/download-documents/-folder-160>.

MEMORANDUM

To: John Collins, Chief of Police
From: Jeff Sanchez, Deputy Chief
Date: December 23, 2015
Subject: Council Request #15-244

Council Response #15-244 – Snowboarding in Belleview Park

Assigned to: Police Department / Parks & Recreation

Date Assigned: December 22, 2015

On December 18, the Police Department responded on the report of unwanted parties and contacted four snowboarders who were in Belleview Park. One of them acknowledged that they had accidentally gone through the complainant's yard. The officer spoke with the complainant, who expressed concerns about snowboarders in Belleview Park.

On December 19, the Police Department responded on a parking/juvenile problem. The officer contacted two males who were snowboarding in the park and had set up a temporary apparatus as a ramp. The officer was unable to find anything in Municipal Code or Parks rules which prevented this activity. The officer spoke with the complainant, who advised that he knew there was nothing illegal about what they were doing, however, he wanted to petition City Council to change the law.

Dave Lee, Parks and Recreation Open Space Manager, who met with the complainant on December 21, advised there are no park rules which specifically address this issue. He advised Parks staff has since removed the snow ramp that was constructed by the snowboarders. Staff has also removed the park bench seat and seat back so that the snow ramp cannot be reconstructed. He has asked his staff to keep a close eye on the area in the future when we get snowfall so that they can be proactive in removing any newly built snow structures.

Leigh Ann Hoffhines

Subject: FW: 4609-4619 South Fox Street Property

-----Original Message-----

From: Steve Scott

Sent: Wednesday, December 23, 2015 11:37 AM

To: Michael Flaherty <mflaherty@englewoodgov.org>

Cc: ; Eric Keck <ekeck@englewoodgov.org>

Subject: Re: 4609-4619 South Fox Street Property

Mr. Flaherty,

Thank you. This provides all of the answers I have been searching for. I will forward this letter to my realtor as we move forward in remarketing this property.

Sincerely,

Steve Scott

~ Mr. Scott, in response to your email to Eric Keck on December 21, 2015, I ~ have attached a letter that provides zoning history of his R-1-A property.

~ Also attached are scanned copies of the 1940, 1955, and 1963 zoning ~ regulations for your property.

~

~ If you have additional questions, please contact me.

~

~ Michael Flaherty

~ Interim Director

~ Community Development Department

~ City of Englewood

~ 1000 Englewood Parkway

~ Englewood, CO 80110

~ Phone 303 762-2314

~ [Englewood Logo - email signature]

~ www.englewoodgov.org<<http://www.englewoodgov.org>>

~

~ To promote and ensure a high quality of life, economic vitality, and a ~ uniquely desirable community identity.



CITY OF ENGLEWOOD
COMMUNITY DEVELOPMENT

December 23, 2015

Mr. Steve Scott
Via email:

Re: 4609-4619 South Fox Street

Dear Mr. Scott;

The Community Development staff have invested considerable time reviewing and analyzing the sale and development issues concerning your property at 4609 and 4619 South Fox Street, Lots 18, 19, and 20, Morse Subdivision. Your property along with surrounding blocks was annexed to the City in 1950. At the time of the annexation your property was part of Block 6, Wollenweber's Broadway Gardens Subdivision. Upon annexation the properties were zone R-1, Residential District. Attached for your information are the 1940 R-1, Residential District regulations. Please note that the 1940 R-1 regulations do not include a minimum lot frontage, but only a minimum lot area of not less than 6,000 square feet for development of a one family dwelling.

In 1951 the East ½ of Blocks 5 and 6 Wollenweber's Broadway Gardens Subdivision was resubdivided as the Morse Subdivision.

The structure located on lot 18, 4619 South Fox Street, was issued a Building Permit on September 6, 1952 and a Certificate of Occupancy on June 2, 1953. The structure located on lots 19 and 20, 4609 South Fox Street, was issued a Building Permit in November 1954 and completed mid-year 1955.

The zoning regulation were significantly revised with the adoption of Ordinance 45, Series of 1955 on November 15, 1955. Under this zoning ordinance your property and surrounding properties were rezoned to R-1-B, Residential District. For the first time, these zoning regulations included minimum lot frontage requirements for the development of one family dwellings. In particular, the R-1-B regulations required a minimum lot frontage of 75 feet and a minimum lot area of 9,000 square feet.

Again in 1963, the City undertook a major rezoning effort, the result of which was the rezoning of your property and surrounding properties to R-1-A, Restricted Single-Family Residential District (Ordinance No. 26, Series of 1963.) The minimum lot frontage and


minimum lot area requirement of the R-1-A District were identical to the former 1955 R-1-B requirements 75 feet and 9,000 square feet respectively.

The City has maintained the R-1-A zoning on your property and surrounding properties since 1963 including the minimum lot frontage requirement of 75 feet and minimum lot area requirement of 9,000 square feet for the development of single family dwellings.

Under the requirements of the zoning code for the R-1-A district, your options include the continued use of the church, which would also allow from related accessory uses, and either the retention of the parsonage, or with a subdivision into two 75 front lots, a separate sale of the parsonage. If the site were be fully redeveloped the property could be subdivided to accommodate two single family dwellings.

The Community Development staff are willing to assist you and your realtor as you pursue sale or redevelopment of you property within the requirements of the current R-1-A, Single Unit Residential District (Large Lot Size.)

If you have any additional questions, please feel free to contact me.

Sincerely, 

Michael Flaherty, Interim Director, Community Development

SECTION 3 — R-1-B — RESIDENTIAL DISTRICT

R-1-B

1. Permitted Principal Uses.
One-family dwellings.
2. Minimum Area of Lot.
Per dwelling 9,000 sq. ft.
3. Minimum Floor Area.
Per dwelling 1,000 sq. ft.
4. Maximum Percentage of Lot Coverage 30%
5. Minimum Frontage of Lot.
Per dwelling 75 ft.
6. Maximum Height of Building.
Principal building 2 stories 25 ft.
7. Minimum Front Yard.
Principal buildings 25 ft.
8. Minimum Side Yard.
Principal building 7 ft. (Total 18 ft. for both sides)
9. Minimum Rear Yard.
Principal building 25 ft.
10. Minimum Off-Street Parking.
Dwellings 1 space per unit
11. Accessory Buildings and Permitted Accessory Uses: (In addition to the following see Supplementary Regulations.)
 - (a) Private garages—designed or used for the storage or shelter of motor vehicles owned or operated by the occupants of the principal building, however, commercial vehicles shall be limited to 3/4 ton carrying capacity.
 - (b) Maximum Height 1 story 15 ft.
 - (c) Minimum Front Yard (See Supplementary Regulations).
 - (d) Side Yard 5 ft. (If detached and on rear 1/3 of lot)
 - (e) Rear Yard 5 feet.
 - (f) Signs.
 - (1) One unlighted, unanimated sign not to exceed a total area of 4 sq. ft. appertaining to the prospective rental or sale of property on which the sign is located. Such sign shall not be located less than 15 ft. from any lot line, except where affixed to the building and not extending over any lot line. No sign shall extend above the roof line.
 - (2) Announcement signs constructed for public welfare, educational or religious institutions, not to exceed 18 sq. ft. in area. Such signs shall be set back 15 ft. from any lot line, except where affixed to the building and not extending over any property line. No sign shall extend above the roof line and shall be unanimated and if lighted shall be by indirect methods.
12. Conditional Uses—provided the public interest is fully protected and the following uses are approved by the Board:
 - (a) Uses:
 - (1) Parks and Playgrounds.
 - (2) Public Buildings and Community Centers. (The area of the lot shall not be less than 12,000 square feet.)
 - (3) Religious and Educational Institutions.
 - (4) Golf courses and County Clubs provided:
 - (a) Area of not less than 40 acres.
 - (b) Flood lights or other illuminating devices are not used to permit night use of driving fields.
 - (5) Electric Substations (if transformers are exposed there shall be provided an enclosing wall with setback regulations and at least six feet high, adequate to obstruct view, noise and passage of persons and materials.)
 - (6) Gas Regulator Stations.
 - (b) Maximum Height—for any building or structure permitted by conditional use, the height limitation of the zone district may be exceeded provided, for each additional foot of height an additional foot of yard is provided in addition to the minimum yard required.
 - (c) Minimum Yards—for any building or structure permitted by conditional use.
Front Yard 25 ft.
Side Yard 20 ft. (except electric substations and gas regulator stations which may be 5 ft.)
Rear Yard 25 ft. (except electric substations and gas regulator stations which may be 5 ft. if having an entrance on the alley; if such structures do not have an entrance on the alley, or if there is no alley, a rear setback is not required.)
 - (d) Minimum Off-Street Parking—for any building or structure permitted by conditional use.
 - (1) See Supplementary Regulations.

13. Other Provisions or Requirements.

(a) No building on the same lot with the dwelling shall be used for a residence purpose.

(b) Where a lot has a width of less than 75 ft. or an area of less than 9,000 sq. ft. and is in separate and different ownership from any lot immediately adjoining as shown by the last recorded sale at the time of the enactment of this Ordinance, said lot may be occupied by any use permitted in this zone, except that the width shall in no case be less than 60 ft. and the area not less than 7,200 sq. ft.

SECTION 4 — R-1-C — RESIDENTIAL DISTRICT

1. Permitted Principal Uses.

One-family dwellings.

2. Minimum Area of Lot.

Per dwelling 7,200 sq. ft.

3. Minimum Floor Area.

Per dwelling 1,000 sq. ft.

4. Maximum Percentage of Lot Coverage 30 %

5. Minimum Frontage of Lot.

Per dwelling 60 ft.

6. Maximum Height of Building.

Principal building 2 stories 25 ft.

7. Minimum Front Yard.

Principal building 25 ft.

8. Minimum Side Yard.

Principal building 5 ft. (Total 14 ft. for both sides)

9. Minimum Rear Yard.

Principal building 25 ft.

10. Minimum Off-Street Parking.

Dwellings 1 space per unit

11. Accessory Buildings and Permitted Accessory Uses: (In addition to the following see Supplementary Regulations.)

(a) Private garages—designed or used for the storage or shelter of motor vehicles owned or operated by the occupants of the principal building, however, commercial vehicles shall be limited to ¼ ton carrying capacity.

(1) Maximum Height 1 story 15 ft.

(2) Minimum Front Yard — (See Supplementary Regulations)

(3) Side Yard 3 ft. (if detached and on rear 1/3 of lot)

(4) Rear Yard 3 feet.

(b) Signs

(1) One unlighted, unanimated sign not to exceed a total area of 4 sq. ft. appertaining to the prospective rental or sale of property on which the sign is located. Such sign shall not be located less than 15 ft. from any lot line, except where affixed to the building and not extending over any lot line. No sign shall extend above the roof line.

(2) Announcement signs constructed for public welfare, educational or religious institutions, not to exceed 18 sq. ft. in area. Such signs shall be set back 15 ft. from any lot line except where affixed to the building and not extending over any property line. No sign shall extend above roof line and shall be unanimated and if lighted, shall be by indirect methods.

(3) One unlighted, unanimated name plate not exceeding 100 sq. inches in area for any permitted home occupation and provided the sign is affixed to the building and does not extend over any property line.

(c) Home Occupations—customary home occupation of a physician, dentist, veterinarian, artist, author, or other professional person, (not including barbers, hairdressers, cosmetologists, beauticians), when conducted in the same dwelling provided that:

(1) It is operated in its entirety within the dwelling unit and only by the person or persons maintaining a dwelling unit therein.

(2) No assistants are employed.

(3) The office is not used for the general practice of medicine, surgery, dentistry, osteopathic or chiropractic treatment or treatment or hospitalization of animals, but may be used for consultation as an adjunct to a principal office located elsewhere.

(4) The hours of such use and the manner of such use and the noises are not such as to interfere with the peace, quiet or dignity of the neighborhood and adjoining properties.

(5) There be no advertising except as permitted herein.

(6) The office or business does not have a separate entrance from outside the buildings.

(7) Does not utilize more than 20% of the gross floor area in the dwelling unit, but in any event, not more than 300 sq. ft.; provided, however, that this limitation does not apply to foster family care.

R-1-C

tered to exceed in height the limit herein established for any District in which such building is located.

3. No lot area shall be so reduced or diminished that the yards or other open spaces shall be smaller than prescribed by this ordinance, nor shall the lot area per family be reduced in any manner except in conformity with the area regulations hereby established for the District in which such building is located.

SECTION 3—R1 RESIDENCE DISTRICT REGULATIONS

USE: No building or land shall be used and no building shall be hereafter erected or structurally altered, unless otherwise provided in this ordinance, except for one or more of the following uses:

1. One family dwellings.
2. Schools (elementary and high.)
3. Libraries, Public Parks and Playgrounds.
4. Farming and Truck Gardening pertaining to the cultivation of land.

5. Accessory buildings including one private garage when located not less than sixty (60) feet from the front lot line, or a private garage within or attached to a dwelling, provided, a basement garage shall not have a front entrance below the established grade.

*Garage
must
be
60' back*

6. Uses customarily incident to any of the above uses when located on the same lot and not involving the conduct of a business on the premises, but permitting the office of a physician, surgeon, dentist, musician, or artist, when situated in the same dwelling; provided no name plate exceeding one (1) square foot in area, nor signs exceeding five (5) square feet in area appertaining to the lease, hire, or sale of a building or premises, nor advertising sign of any other character shall be permitted in any R1 Residence district.

HEIGHT: No building hereafter erected or structurally altered shall exceed thirty-five (35) feet or two and one-half (2½) stories in height. See Sec. 12, Height Exceptions.

REAR YARD: There shall be a rear yard of not less than twenty-five (25) feet in depth. See Section 11, Area Exceptions.

SIDE YARD: There shall be a side yard of seven (7) feet on the south and three (3) feet on the north of the buildings facing on streets running north and south, or a side yard of seven (7) feet on the west and three (3) feet on the east side of building when facing on east and west streets; provided, however, that on a lot having a width of less than forty (40) feet as shown by the last recorded sale at the time of the passage of this ordinance, there shall be a side yard on each side of a building of not less than three feet (3) in width. See Setback regulations below; also Section 11, Area Exceptions.

*Side
Yard*

SETBACK: There shall be a setback of not less than

twenty-five (25) feet, provided, however, that:

Where lots comprising twenty-five (25) per cent or more of the frontage of any block are developed with buildings having a predominant setback, no building hereafter erected or structurally altered shall project beyond the predominant setback line so established; providing further that this regulation shall not be interpreted so as to require a setback of more than fifty (50) feet.

CORNER LOTS: On corner lots the front of the building shall comply with the setback requirement of the street upon which the front of the building faces. The side of the building shall be set back to not less than half ($\frac{1}{2}$) of the setback required for buildings on lots fronting upon the side street, except that where there are no lots fronting on that street, the side yard requirements only shall apply.

5-11-57 Accessory buildings on corner lots regardless of which way such buildings face, shall be set back not less than twenty-five (25) feet.

LOT AREA PER FAMILY: Every building hereafter erected or structurally altered shall provide a lot area of not less than six thousand (6,000) square feet per family; provided, however, that where a lot has less area than herein required, as shown by the last recorded sale at the time of the passage of this ordinance, said lot may be occupied by not more than one (1) family.

SECTION 4—R2 RESIDENCE DISTRICT REGULATIONS

USE: No building or land shall be used and no building shall be hereafter erected or structurally altered, unless otherwise provided in this ordinance, except for one or more of the following uses:

1. Any use permitted in the R-1 Residence District.
2. Two-family dwellings.
3. Churches.

HEIGHT, REAR YARD, SIDE YARD, CORNER LOTS, SETBACK: The same as for R1 Residence District.

LOT AREA PER FAMILY: Every building hereafter erected or structurally altered shall provide a lot area of not less than six thousand (6,000) square feet per family for single family residences or three thousand (3,000) square feet per family for two-family residences.

Provided, however, that where a lot has less area than herein required, as shown by the last recorded sale at the time of the passage of this ordinance, said lot may be occupied by no more than one (1) family.

SECTION 5—R3 RESIDENCE DISTRICT REGULATIONS

USE: No building or land shall be used and no building shall hereafter be erected or structurally altered, unless otherwise provided for in this ordinance, except for one or more of the following uses:

public inspection.

g. Limitations on the board. Nothing herein contained shall be construed to empower the Board to change the terms of this Ordinance or to effect changes in the Zoning Map of the City of Englewood. The powers of the Board shall be narrowly interpreted and strictly construed so that this Ordinance and Map shall be strictly enforced.

h. Appeals from the board. Any person or persons jointly or severally aggrieved by any decision of the Board, or any resident, taxpayer, or any officer, department, Board or Commission of the municipality may appeal such decision by appropriate legal action to a Court of Record having jurisdiction thereof.

Sec. 22.3 Amendments.

Sec. 22.3-1 Requirement for change. Whenever the public necessity, convenience, health, safety, morals, general welfare, or good zoning practice justifies such action, and after having been submitted for consideration by the Commission, the City Council may change the zone or the regulations established by this Ordinance after Public Hearing has been held on the proposed change.

Sec. 22.3-2 Initiation of change. A proposed change of zone may be submitted by the City Council, the Commission, or the Board without fee, or by an application with proper fees by one or more of the owners of property within the area proposed to be changed. Any proposed amendment or change, initiated otherwise than by the City Planning and Zoning Commission, shall be submitted to said Commission for its examination and recommendation before consideration by the City Council.

Sec. 22.3-3 Amendment fees of Planning and Zoning Commission. Any person applying to the Commission for zoning amendments shall deposit with application for amendment a sum determined by the Commission as necessary to cover cost for processing said amendment and for advertising costs, but in no event shall such sum be less than fifty dollars (\$50.00).

Sec. 22.3-4 Changing the ordinance.

a. Commission shall meet. The Commission shall meet to consider proposed changes or amendments to the Zoning Ordinance and Map at such times and places as established by rules and regulations of the Commission, and after Public Notice of Hearing.

b. Adoption of recommendations. After the Commission has considered the proposed amendment and/or map change, and has submitted its recommendations to the Council, the Council may adopt by ordinance the proposed amendment and/or map change, after a Public Hearing thereon. Any such amendment and/or map change shall require the affirmative vote of the majority of the membership of the entire Council for final passage.

c. Disapproval of change. In the event the Commission disapproves a change in the Ordinance, a report thereon shall be made to the City Council. An applicant, if dissatisfied with the recommendations and report of the Commission, may appeal to the City Council, and the City Council shall thereupon review the recommendation and report of the City Planning and Zoning Commission. On such appeal, the City Council may, after Public Hearing, make such change in said Ordinance, by the affirmative vote of the majority of the membership of the entire Council.

Sec. 22.4 Zone Districts.

Sec. 22.4-1 Restrictions. No building, structure, or land shall be used and no building or structure shall be erected, constructed, reconstructed, structurally altered, repaired, converted, enlarged, or maintained except as provided herein.

Sec. 22.4-2 R-1-A Residence District. This District is composed of certain quiet, low-density residential areas of the City. The regulations for this District are designed to stabilize and protect the essential characteristics of the District, to promote and encourage a suitable environment for family life and to prohibit activities of a commercial nature within the District. To these ends, development is limited to a relatively low concentration and permitted uses are lim-

ited basically to single-family dwellings, educational institutions and religious institutions, plus certain public facilities, which serve the residents of the District.

a. Supplementary regulations. The provisions found in this Zone District shall be subject to the requirements and standards found in Sec. 22.5, Supplementary Regulations, unless otherwise provided for in this Ordinance or an amendment hereto.

- b. Permitted principal uses.
- (1) Single-family dwellings.
 - (2) Religious institutions.
 - (3) Educational institutions.
 - (4) Public buildings.

c. Minimum area of lot.

- (1) Standards for:
 - (a) Religious institutions15,000 sq. ft.
 - (b) Educational institutions15,000 sq. ft.
 - (c) Public buildings15,000 sq. ft.
- (2) Other permitted principal use requirements:
 - (a) Single-family dwellings9,000 sq. ft.

d. Minimum floor area.

- Minimum floor area1,100 sq. ft.
- e. Maximum percentage of lot coverage.
- Maximum percentage of lot coverage25%
- f. Minimum frontage of lot.

- (1) Standards for:
 - (a) Religious institutions125 feet
 - (b) Educational institutions125 feet
 - (c) Public buildings125 feet
- (2) Other permitted principal use requirements:
 - (a) Per dwelling75 feet

g. Maximum height of building.

- Principal building —
2 stories25 feet

h. Minimum front yard.

- (1) Standards for:
 - (a) Religious institutions25 feet
 - (b) Educational institutions25 feet
 - (c) Public buildings25 feet
- (2) Other permitted principal use requirements:
 - (a) Per dwelling25 feet

i. Minimum side yard.

- (1) Standards for:
 - (a) Religious institutions20 feet
(Total 50 feet for both sides)
 - (b) Educational institutions20 feet
(Total 50 feet for both sides)
 - (c) Public buildings20 feet
(Total 50 feet for both sides)
- (2) Other permitted principal use requirements:
 - (a) Per dwelling7 feet
(Total 18 feet for both sides)

j. Minimum rear yard.

- (1) Standards for:
 - (a) Religious institutions25 feet
 - (b) Educational institutions25 feet
 - (c) Public buildings25 feet
- (2) Other permitted principal use requirements:
 - (a) Per dwelling25 feet

k. Minimum private off-street parking.

- (1) Standards for:
 - (a) Religious institutions, see Supplementary Regulations.
 - (b) Educational institutions, see Supplementary Regulations.
 - (c) Public buildings, see Supplementary Regulations.
- (2) Other permitted principal use requirements:
 - (a) Dwellings, one (1) space per unit.

l. Accessory buildings and permitted accessory uses.

- (In addition to the following, see Supplementary Regulations.)
- (1) Private garages and carports. Private garages and carports designed or used for the storage or shelter of motor vehicles owned or operated by the occupants of the principal

building; however, commercial vehicles shall be limited to three-quarter (3/4) ton carrying capacity.

- (a) Maximum height —
1 story15 feet
- (b) Minimum front yard —
see Supplementary Regulations.
- (c) Side yard — five (5) feet if detached and on rear one-third (1/3) of lot.
- (d) Rear yard5 feet

(2) Signs.

- (a) One (1) unlighted, unanimated sign not to exceed a total area of four (4) square feet appertaining to the prospective rental or sale of property on which the sign is located. Said sign shall be located not less than fifteen (15) feet from any lot line, except where affixed to the building, and shall not extend over any property line. No sign shall extend above the roof line.
- (b) Announcement signs constructed for public buildings, educational or religious institutions, not to exceed eighteen (18) square feet in area. Such signs shall be set back not less than fifteen (15) feet from any lot line, except where affixed to the building, and shall not extend over any property line. They shall not extend above the roof line and shall not be animated. Any lighting shall be by indirect methods only.

m. Conditional uses. Provided the public interest is fully protected and the following uses are approved by the Commission.

(1) Uses:

- (a) Parks and playgrounds.
- (b) Electric substations, provided that if transformers are exposed, there shall be provided an enclosing structure within setback regulations and at least eight (8) feet high, designed to protect the health, safety, and welfare of the community.
- (c) Gas regulator stations.

(2) Maximum height.

See Sec. 22.5-7.

(3) Minimum yards.

The minimum yards for any building or structure permitted by Conditional Use are:

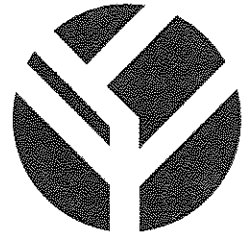
- (a) Front yard25 feet
- (b) Side yard20 feet, except for electric substations and gas regulator stations which may be five (5) feet.
- (c) Rear yard25 feet, except for electric substations and gas regulator stations which may be five (5) feet if having an entrance on the alley; if such structures do not have an entrance on the alley, or if there is no alley, the rear setback shall be governed by public utility easements.

(4) Minimum private off-street parking. For any building or structure permitted by Conditional Use, see Supplementary Regulations.

n. Other provisions and requirements.

- (1) No structure or vehicle on the same lot with the dwelling shall be used for residence purposes.
- (2) Where a lot has a width of less than seventy-five (75) feet or an area of less than nine thousand (9,000) square feet, and is in separate and different ownership from any lot immediately adjoining as shown by the last recorded sale at the time of the enactment of this Ordinance, said lot may be occupied by any use permitted in this Zone, except that the width shall in no case be less than sixty (60) feet and the area not less than seven thousand two hundred (7,200) square feet.

MEMORANDUM



TO: Mayor Jefferson ✓
Council Member Rick Gillit
City Council
City Manager's Office

FROM: Dugan Comer, Acting City Attorney

DATE: December 29, 2015

REGARDING: Council Short Term No. 15-248 – Licensing of Massage Facilities.

In 2008 the Colorado General Assembly passed the Massage Therapy Practice Act, setting forth regulations licensing massage therapists. In so doing, the General Assembly removed the ability of local jurisdictions to license and regulate massage therapists and facilities.

These statutory provisions can be found at 12-35.5-101 et seq., of the Colorado Revised Statutes. At 12-35.5-102, it states in part that the general assembly hereby finds and declares that it is in the best interest of the public health, safety and welfare to require massage therapists to be licensed, and that it is a matter of statewide concern.

Hence in enacting this statute and declaring the issue of licensing of massage therapists a matter of statewide concern, the general assembly has essentially stated that it has supreme authority in this area.

This state authority is further expounded upon by the language of the statute found at 12-35.5-118 – Local government – regulations – enforcement. Where the statute states:

(1) No city, county, city and county, or other political subdivision of this State shall enact or enforce any local ordinance that regulates the practice or the profession of massage therapy.

Thus any attempt by a local municipality to pass laws or regulations to control the practice of massage therapy would be prohibited by this section.

With that said, however, the statute does provide that local jurisdictions and their law enforcement agencies may inspect massage therapy licenses and business premises where massage therapy is practiced for compliance with applicable laws. In the event that an inspection reveals that an individual is practicing massage therapy without a license, law enforcement shall charge the person with a class 2 misdemeanor, under 18-1.3-501 CRS.

Although local municipalities are prohibited from enacting laws regulating massage therapists and their facilities, municipalities are allowed to inspect to ensure that the therapist is licensed under state law.