



**AGENDA FOR THE
ENGLEWOOD CITY COUNCIL
STUDY SESSION
MONDAY, MAY 2, 2011
COMMUNITY ROOM
6:00 P.M.**

- I. **MOA 2010 Annual Report**
Museum of Outdoor Arts Director Rodney Lontine will provide City Council with their 2010 Annual Report.
- II. **Medical Marijuana Fees**
Financial and Administrative Services Director Frank Gryglewicz will discuss fees for medical marijuana.
- III. **Code Enforcement Advisory Committee/RV's & Off-Road Vehicles**
Code Enforcement Committee will discuss their recommendation for RV's and Off-Road Vehicles.
- IV. **Board and Commission Reappointments**
City Council will discuss applicants for reappointment to various boards and commissions.
- V. **City Manager's Choice**
- VI. **City Attorney's Choice**

Please Note: If you have a disability and need auxiliary aids or services, please notify the City of Englewood, 303-762-2407, at least 48 hours in advance of when services are needed. Thank you.

M



March 23, 2011

Mr. Michael Flaherty
Deputy City Manager
City of Englewood
Englewood, Colorado 80110



Re: MOA - Englewood Programming 2010

Dear Mike:

Please accept this letter as the Museum of Outdoor Arts (MOA) 2010 report for programming provided by MOA as per section 17.2 (i) of our Governmental Agreement and Sublease:

MOA had \$1,672,436.00 in operating expenses in 2010. With the help of the city of Englewood, MOA continues our commitment to provide quality art installations, collaborative performances, education programs, and world-class art exhibitions that appeal to the diverse population of Englewood. City funding ensures that MOA events and programs can be offered free of charge and will be open and accessible to the public.

MOA successfully presented four (4) world-class art exhibitions in our main gallery, three (3) audio – visual exhibitions in our state-of-the-art Sound Gallery, two (2) outdoor exhibitions and installations in Samson Park, hosted the 2010 Design & Build™ program, purchased and installed four (4) new public art installations, completed construction on a full scale Cretan Labyrinth installation, and maintained our multi-million dollar outdoor sculpture collections at Englewood CityCenter. MOA spends on average \$200,000 annually on maintaining and expanding this collection.

In each of these cases, these activities are offered free of charge and are open to the public. Thousands of Englewood citizens enjoy and are exposed annually to MOA programming. The city of Englewood's contribution represented 5.7% of MOA's 2010 operating budget.

MOA also collaborated with The Hudson Gardens and Event Center in presenting and producing "Hudson Holiday", a spectacular lighting and holiday program event at Hudson Gardens.



DESTINATION ART

1000 Englewood Parkway Suite 2-230 Englewood Colorado 80110
303 806 0444 fax 303 806 0504





EVENTS AND ACQUISITIONS 2010

76 Outdoor Permanent Installations

MOA - Main Gallery / Sound Gallery, Englewood CityCenter

1/04/10 - 3/05/10 – Exhibition	“Color of Sound II”
1/04/10 - 3/05/10 – Exhibition	“Cabinet of Curiosities”
4/10/10 - Opening Reception	“Element House”
4/12/10 - 8/14/10 – Exhibition	“Element House”
4/10/10 - 8/14/10 – Exhibition	“Burning Man”
4/01/10 - 9/20/10 – Public Art Installation	“Design & Build Installation”
9/18/10 - Author/Artist, Nick Bantock Book Signing	“Griffin and Sabine”
9/18/10 - Opening Reception	“Nick Bantock a Retrospective”
9/19/10 - 12/31/10 – Exhibition	“Nick Bantock a Retrospective”
10/29/10 - 11/26/10 – Exhibition	“Englewood Calendar Art”

MOA Samson Park

6/22/10 - 12/31/10 – Exhibition	“Weidenblume” - Living Sculpture”
8/29/10 - 12/31/10 – Exhibition	“P.S.” - Art Installation

Special Holiday Exhibition

"Hudson Holiday"

Acquisitions:

Tom Ware, “Mujer Del Lago”, Bronze Sculpture, Acquired 2010, installed CityCenter
 Craig Marshall Smith, “Rodger”, Mixed Media Acquired 2010, installed CityCenter
 San Fte Strukturen, “Weidenblume”, Living Sculpture Acquired 2010, installed Samson Park
 Doug Eichelberger, “P.S.”, Glass/Steel Architectural Sculpture Acquired 2010, installed Samson Park



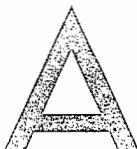
Please call me if you need any additional information.

Thank you for your support.

Sincerely,

THE MUSEUM OF OUTDOOR ARTS

Rodney N. Lontine
COO



DESTINATION ART

1000 Englewood Parkway Suite 2-230 Englewood Colorado 80110
303 806 0444 fax 303 806 0504

Memorandum

To: Mayor Jim Woodward and City Council
Through: Gary Sears, City Manager
From: Frank Gryglewicz, Director of Finance and Administrative Services
Date: April 28, 2011
Re: Medical Marijuana Fees

Attached you will find the Council Communication regarding the proposed fees for various Medical Marijuana licenses.

The fees are intended to cover the cost of administering the licensing of these establishments.

Attachment

COUNCIL COMMUNICATION

Date: May 2, 2011	Agenda Item:	Subject: A Resolution Setting License Fees for Various Medical Marijuana Licenses
Initiated By: Department of Finance and Administrative Services		Staff Source: Frank Gryglewicz, Director

COUNCIL GOAL AND PREVIOUS COUNCIL ACTION

On August 17, 2009 City Council approved Ordinance No. 34, establishing a temporary suspension or moratorium on Medical Marijuana Primary Caregivers until licensing and zoning regulations could be put into place. This moratorium was set to expire on February 17, 2010.

On October 5, 2009 City Council approved Ordinance No. 41. This ordinance amends Title 5 of the Englewood Municipal Code to include licensing for Medical Marijuana Primary Caregivers.

On January 4, 2010, City Council approved Ordinance No. 5, extending the temporary suspension or moratorium on the establishment of new Medical Marijuana dispensing and growing uses. This moratorium was set to expire on June 17, 2010.

On May 3, 2010 City Council approved Ordinance No. 14, extending the moratorium on the establishment of new Medical Marijuana dispensing and growing uses. This moratorium was set to expire on October 19, 2010.

On August 2, 2010 City Council approved Ordinance No. 30, extending the existing temporary suspension or moratorium on the establishment of new Medical Marijuana dispensing and growing uses. This moratorium expires on July 1, 2011.

On September 13, 2010 City Council discussed zoning and licensing requirements for Medical Marijuana uses. A consensus was reached regarding spacing requirements.

On April 11, 2011, City Council approved Council Bill 19, Series of 2011 which addressed a variety of issues surrounding Medical Marijuana, including distancing, adding "Medical Marijuana" to Local Liquor Licensing Authority, eliminated Title 5, Chapter 22 of EMC and adopted new licensing procedures.

On April 18, 2011, City Council held a public hearing to gather input from the public regarding the changes to the Englewood Municipal Code that were proposed in Council Bill 19, Series of 2011.

On May 2, 2011, City Council passed on second reading Council Bill 19.

RECOMMENDED ACTION

Applications for Medical Marijuana establishments will be processed by the Local Liquor and Medical Marijuana Authority after the applications are approved by the State of Colorado.

There are three basic licenses that can be issued: Medical Marijuana Centers, Medical Marijuana-Infused Products Manufacturers, and Optional Premises Cultivation Operations.

Staff recommends City Council approve the following license fees:

Application Fee for New license:	
Medical Marijuana Center -	\$1,000.00
Optional Premises Cultivation License	\$1,000.00
Medical Marijuana - Infused Products Manufacturer	\$1,000.00
Application fee Transfer of Ownership:	
Medical Marijuana Center -	\$1,000.00
Optional Premises Cultivation License	\$1,000.00
Medical Marijuana - Infused Products Manufacturer	\$1,000.00
Annual Renewal application Fee	\$100.00
Change of Location	\$750.00
Change of Trade name/Corporate name	\$100.00
Corp/LLC Change (per person)	\$100.00
Late Renewal Application Fee	\$500.00
Modification of Premises	\$100.00
Fingerprint (per person) (Either the State or the City will do - not both)	\$38.50

FINANCIAL IMPACT

The proposed fees are expected to offset the staff time required to administer these licenses.

LIST OF ATTACHMENTS

Proposed Resolution



Memorandum

TO: Mayor Woodward and Members of City Council

FROM: Marty Mosman, Chair
Code Enforcement Advisory Committee

DATE: April 25, 2011

SUBJECT: Recommendations for Potential Changes to Off-Road Vehicles/Recreational Vehicles/Trailers: Regulations and Enforcement

Over the past few months, the Code Enforcement Advisory Committee has met and discussed potential changes to ordinances pertaining to the Off-Road Vehicles/Recreational Vehicles/Trailers: Regulations and Enforcement ordinances. We have followed the “Code Enforcement Advisory Committee Action Plan (to) review existing codes regarding RV’s and other recreational equipment, parking and storage in the City of Englewood”. A copy of this document, which was previously provided to City Council, is attached.

The Committee has received input from citizens during the Public Comment section of our meetings and has taken those comments into consideration in our recommendations. The committee also received a “Citizen Petition” during our meetings on this subject and we have attached this petition for your information.

At the Committee’s meeting of April 20, 2011, the Committee formally approved for submission to Council recommendations for changes to the existing City Code as it relates to the parking and storage in residential zoned property of off-road vehicles, recreational vehicles, trailers and commercial vehicles. The pages that follow this memorandum include each of those recommendations, the specific changes proposed to sections of the City Code and the result of the Committee votes on each of these recommendations.

The Committee urges City Council to consider these recommendations carefully and to request the City Attorney to initiate ordinance or ordinances to amend the City Code as Council deems appropriate and in the best interests of all citizens of the City. The Committee also suggests that Council hold a public hearing on the proposed changes to the City Code.

The Committee further urges that any changes that Council may approve be implemented and enforcement be carried out based on the provisions of the Code, as it may be amended.

Members of the Code Enforcement Advisory Committee will attend the City Council Study Session on May 2, 2011, to present our recommendations and rationale for these recommendations to Council.

We appreciate your time and consideration in reviewing these recommendations.

Code Enforcement Advisory Committee Recommendations

(in the order in which they were discussed)

Title 15, Chapter 9 (a copy of Chapter 9, in its entirety is attached)

INOPERABLE MOTOR VEHICLES, OFF-ROAD VEHICLES AND TRAILERS

15-9-1: Inoperable Motor Vehicles.

The Committee recommends that the first paragraph be amended as follows:

This Chapter is intended to address the property storage of inoperable motor vehicles, off-road vehicles and trailers. It shall be unlawful and considered a nuisance for any person to store, maintain or keep any inoperable motor vehicle, RECREATIONAL CAMPING Vehicles, off road vehicles or trailers

Vote as follows:

Ayes: Bayless, Becker, Hart, Mosman, Wilson

Nays: None

The Committee suggests the second paragraph be amended as follows:

The owner of an inoperable motor vehicle, off-road vehicle or trailer, as well as the occupancy and owner of the property where such a vehicle or ANY trailer is stored, shall be responsible for the maintenance of such vehicle in compliance with this Chapter.

Vote as follows:

Ayes: Bayless, Becker, Hart, Mosman, Wilson

Nays: None

15-9-2: Vehicles: Off-Road (ORV) and Trailers.

A. Off-Road Vehicles (ORV) and Trailers in All Residential Zone Districts.

The committee recommended that following changes/additions to A.1 and A.2.

1. ~~No ORV or any type of trailer shall be stored within the front yard.~~ NO OFF ROAD VEHICLE OR TRAILER SHALL BE STORED WITHIN THE FRONT YARD UNLESS A SHOWING OF PROOF IS PROVIDED STATING THAT THE PROPERTY CANNOT ACCOMMODATE ACCESS TO REAR OR SIDE YARD. IN SUCH A CASE, THE GUIDELINES ESTABLISHED BY THE DISTANCE GUIDELINES AND HARD SURFACE GUIDELINES MUST BE

ABIDED BY. REFERENCE: 15-9-2 AND 11-6-2, C2. UPON SHOWING PROOF THAT THERE IS NOT ACCESS TO REAR OR SIDE YARDS, DETACHED CAMPERS MAY BE STORED IN FRONT YARDS AND SIDE YARDS IN ACCORDANCE WITH ABOVE DESCRIBED GUIDELINES.

Vote as follows:

Ayes: Bayless, Becker, Hart, Hinger, Mosman, Wilson
Nays: None

2. No person shall store or work on any ORV or any type of trailer within the front yard or in or on any public right-of-way, except that such vehicles may be temporarily maintained in the front yard, on a hard surface, for the purposes of transport, loading, unloading, or other temporary activities. Such transport, loading, unloading, or other temporary activities shall not exceed eight (8) hours per day UNLESS EXEMPTED BY LACK OF ACCESS AS STATED IN 15-9-2 A. 1.

Vote as follows:

Ayes: Bayless, Becker, Hart, Hinger, Mosman, Wilson
Nays: None

Titles 11 and 16: Vehicle Weight Limitations

The Committee recommends that the vehicle weight limitation be changed to 10,000 pounds in all references currently in Titles 11 and 16 (see below) to be consistent within the City code and with the Colorado State commercial vehicle weight definition.

11-6-1-A

It shall be unlawful for the operator or owner of an automobile transport trailer, road tractor, truck tractor, moving van, transit-mix concrete truck, trailer, semi-trailer or truck with an empty weight in excess of ~~seven~~ TEN thousand ~~(7,000~~ 10,000) pounds (~~70~~ 100 C.W.T.) or special mobile equipment to stop, stand or park such vehicle or cause such vehicle to be stopped, stood or parked on any street or highway, alley or other public way within the City for a period in excess of four (4) hours at any time, except when such vehicle is being expeditiously loaded or unloaded or such mobile equipment is being used to perform the special operations for which it was designed.

11-6-2-C

In no case shall more than one commercial vehicle be parked or stored on property in any residential zone district, whether in a private garage or carport, in

an off-street parking space or in an open-space area, and the size of said commercial vehicle shall not exceed empty vehicle weight of ~~seven~~ TEN thousand (~~7,000~~ 10,000) pounds (~~70~~ 100 C.W.T.).

11-6-2-B No person shall park the following described vehicles on public or private property in residential areas except while making normal deliveries or being used to perform the special operations for which it is designed:

1. Any vehicle with an empty weight in excess of ~~seven~~ TEN thousand (~~7,000~~ 10,000) pounds (~~70~~ 100 C.W.T.).
2. In no case shall more than one commercial vehicle be parked or stored on property in any residential zone district, whether in a private garage or carport, in an off-street parking space or in an open-space area, and the size of said commercial vehicle shall not exceed empty vehicle weight of ~~seven~~ TEN thousand (~~7,000~~ 10,000) pounds (~~70~~ 100 C.W.T.).

16-5-4-C-2 (7) No vehicle in excess of ~~seven~~ TEN thousand (~~7000~~ 10,000) may be parked in the parking area.

16-5-4-D-2 (1) In no event shall more than one (1) commercial vehicle be stored on property in any residential zone district, whether in a private garage or carport, in an off-street space, or in an open-space area. The size of the commercial vehicle shall not exceed vehicle weight of ~~six~~ TEN thousand (~~6,000~~ 10,000) pounds (~~60~~ 100 c.w.t.).

Vote as follows:

Ayes: Bayless, Becker, Hart, Hinger, Mosman, Wilson
Nays: None

Title 11, Chapter 6 (a copy of Chapter 6 of Title 11 is attached in its entirety)

VEHICLES

11-6-1: Parking/Storage Regulations in All Districts

The Committee is recommending the following changes/addition:

- B. No person shall park or permit to stand in any public right-of-way or on public property, any trailer or small trailer unless the trailer is connected to or attached to a motor vehicle in a manner to be towed. The vehicle and connected trailer shall not be parked in the public right-of-way for more than seventy-two (72) hours ~~within any one week~~ WITHIN ANY CONSECUTIVE FOURTEEN (14) DAY PERIOD.

Vote as follows:

Ayes: Bayless, Becker, Hart, Hinger, Mosman, Wilson

Nays: None

11-6-2: Parking/Storage Regulations for Residential Districts.

The Committee is recommending the following changes/addition:

- A. It shall be unlawful for any person to store a vehicle designed and used for recreation purposes, including, but not limited to, one or more motor homes, boats, campers, trailers used for carrying boats, hobby or derelict vehicles or racing cars, motorcycles and other equipment or motor vehicles upon the public right-of-way.

The vehicle may be parked in the right-of-way for no more than seventy-two (72) hours ~~within any one week~~ WITHIN ANY CONSECUTIVE FOURTEEN (14) DAY PERIOD while being expeditiously loaded or unloaded.

Vote as follows:

Ayes: Bayless, Becker, Hart, Hinger, Mosman, Wilson

Nays: None

11-6-2-C-2

The Committee is recommending the following changes/addition:

No vehicle shall be parked in front of the front setback of the principal structure unless located on a HARD SURFACE OF concrete, ASPHALT, brick paver, ~~asphalt surface, gravel or other similarly finished hardened or dust free surface.~~ SIMILAR ALTERNATE MATERIALS APPROVED BY THE CITY. HOWEVER, UPON PROOF THAT PROPERTY CANNOT ACCOMMODATE ACCESS TO SIDE OR BACK YARD STORAGE, FRONT YARD AND SIDE YARD STORAGE MAY BE PERMITTED.

Note: Currently inconsistencies exist in Titles 11, 15 and 16 regarding the definition of "Hard Surface" on December 17, 2008, a Council Bill (designated as Council No.79) was prepared by the City Attorney addressing proposed changes to the definition of a "Hard Surface" (copy attached). However, Council did not take action on this bill. The Committee suggests that this bill be re-introduced and adopted, with the additional requirement that the parking surface be maintained weed-free and in good repair. And that it applies to front and side yard

maintained weed-free and in good repair. And that it apply to front and side yard parking and not back yard enclosed vehicle storage or existing backyard establish parking surfaces.

Vote as follows:

Ayes: Bayless, Becker, Hart, Mosman, Wilson
Nays: Hinger

11-6-2-C

The Committee recommends the following changes as an alternative:

No vehicle shall be parked in front of the front setback of the principal structure ~~unless located on a concrete, brick paver, asphalt surface, gravel or other similarly finished hardened or dust free surface.~~

HOWEVER, UPON PROOF THAT PROPERTY CANNOT ACCOMMODATE ACCESS TO SIDE OR BACK YARD STORAGE FRONT DRIVE AND SIDE YARD STORAGE WILL BE ALLOWED, WITH HARD SURFACE REQUIREMENTS AND A DISTANCE REQUIREMENT OF NOT LESS THAN (15 OR 10) FEET FROM EDGE OF EXISTING SIDEWALK, IF AN EXISTING DRIVEWAY IN FRONT IS USED.

IF PARKING IS ON SIDE OF HOUSE OR GARAGE, IT MUST BE (10 OR 15) FEET FROM SIDE WALK BOUNDARY.

Members voted as follows:

Ayes: Bayless, Becker, Hart, Hinger, Mosman, Wilson
Nays: None

A motion to approve and forward these recommendations to City Council was approved unanimously.

Vote as follows:

Ayes: Bayless, Becker, Hart, Hinger, Mosman, Wilson
Nays: None

Code Enforcement Advisory Committee Action Plan

--Review existing codes regarding RV's and other recreational Equipment, parking and storing in the City of Englewood--

- I. Put together the information needed to study the situation
 - A. Existing Codes and requirements
 - B. City Maps identifying some of the different lot configurations in residential areas
 - C. Identify types, sizes, weights, etc on current RV's, boats, trailers and other popular recreational equipment that needs to be parked, stored and maintained by owners.
 - D. Actually visit some of the areas and situations that are needing to be seen in order to identify potential questions.
- II .Obtain code and enforcement information from other communities who have or are dealing with similar issues
- III.Listen to and ask for other citizen input that may offer insight or reasonable solutions towards dealing with the issues
- IV. Work closely with other boards and committees in order to avoid conflict in codes and enforcement procedures that are in place
- V. Any updates or progress will be forwarded to city council through Mike Flaherty, Deputy City Manager, until the committee feels it has had adequate information and time to make educated and thoughtful recommendations for City Council to consider.
- VI When the Code Enforcement Advisory Committee feels that we have studied these questions and issues as thoroughly as possible and listened and talked to any who wish to comment or bring information and when we have exhausted our resources and problem solving skills, we will ask for time at a regular City Council meeting to present our recommendations.

“Citizen Petition”

TO CITY COUNCIL MEMBERS,
CITY STAFF,

And Code Enforcement Advisory Committee

Let it be know, that we the citizens of Englewood and the undersigned desire that Englewood City Council consider the following in making their decisions regarding RV's, Boats, and Trailers.

- 1.) We do not want further restrictions on any of these items (Vehicles)!
- 2.) We support the rights of Home Owners to legally park these items on their property without harassment from Code Enforcement Officers or other City Staff and neighbors who don't like to see them.
- 3.) We support the fact that these items should be legally registered and meet the requirements that are presently in place for storage on property.
- 4.) We do not want to be treated as 2nd Class Citizens because we own these items. We have saved our money to purchase these items and do not believe that those who have not made the sacrifices have the right to take away our rights to own and store them on our property. We will stay off of your property, you stay off of ours!
- 5.) We understand and support the “Right of Way” 72 Hour rules and other rules presently in place regarding having these items on Public Streets!
- 6.) We ask that our City not make rules and regulations like a “Home Owners Association” or any other “Covenant Controlled Community”! We have moved to and live in Englewood because we do not want HOA's excessive rules like those imposed in a Covenant Controlled Communities! This is Englewood – Not Highlands Ranch!
- 7.) Council is to support open and public meetings that are well posted so we residents can know when these items will be up for discussion!

Following is the Signatures of those residents who agree with these statements.

These were taken by volunteers and without persuasion!

Thank You!

Signature:

Printed Name

Street Address:

Wesley Coleman 4410 So Bannock St.

RICEY McMAHON 4890 S. Jason St.

Richard Petty 4600 S Lipan

Albert Elmont 4630 S. Lipan

L Myrna J. Elmont 4630 S. Lipan St

Rodney D Burge 4620 S Lipan ST

LONNIE SCULL 1120 W Chenango Av

BRICE KOONS 1110 W. CHENANGO AVE

JAMIE KOONS 1110 W. Chenango Av

ALLENE L. England 4820 S. Lipan

John A England 4820 S. Lipan St

FRANKIE E BABCOCK 4881 S. Lipan St.

Teri Kavinsky 4975 S. Lipan Dr

JIM Kavinsky 4975 S. Lipan DR

^{DREVIS A.}
SID FOSTALL - RIDLEY 4981 S. Kalamath

JACK RIDLEY 4981 S KALAMATH DR

RICHARD GRIFFITH 4735 S. LIPAN ST

Laura Griffith 4735 S LIPAN ST

TIMOTHY M. Walker 4898 So. Lipan St.

Signature:

Printed Name

Street Address:

Patricia McClure	4956 S. Kalamath Dr.
William Costello	4936 S. Kalamath Dr.
John Mattheaus	4745 S. Grant St.
JAMES DYMEK	4935 S. Lipan Dr.
MARIE DYMEK	4935 S LIPAN DR
David Fritschen	4790 S. Ince St.
David L White	4795 S. Lipan St.
Rick L. OLSON	477 W. Layton Ave
MARK TUNSTEAD	4898 S. GALAPAGO ST
PAT HATSON	4801 S. Lipan ST
Mark McCaskey	4699 S. Lipan St
Sunshine McCaskey	4699 S Lipan St
Christa Dillon	4324 S Burnett St
Robin L. Dillo	4550 S. Kalamath
Michelle Docter	4580 S Kalamath
Brent Dowler	4580 S Kalamath
James H. Dillon	4550 S. Kalamath S
Melanie H. Dillon	4550 S. Kalamath
CHRIS EDENMAN	4821 S. KALAMATH

Signature:

Printed Name

Street Address:

<u>Rhonda Walker</u>	<u>4898 S. Lipan St.</u>
<u>John Eds</u>	<u>1210 W TUSTS AVE.</u>
<u>Mike Otis</u>	<u>4520 S. Lipan Ct.</u>
<u>Erick R Schaminck</u>	<u>4650 S. Jason St.</u>
<u>John E. Smith</u>	<u>4675 S Jason St</u>
TO SEE THIS MODIFIED CAPSULE A NAUGHTY	FOR "IN TARD" <u>4695 S. JASON ST.</u>
<u>Alanna Barker</u>	<u>4824 S. Jason St.</u>
<u>KEN BARKER</u>	<u>4824 S. JASON ST</u>
<u>Scott TRAIL</u>	<u>4831 S. Jason</u>
<u>LISA TRAIL</u>	<u>4831 S. Jason</u>
<u>Chris Cook</u>	<u>4821 S. Jason St</u>
<u>Sheryl Horton</u>	<u>4801 S. Jason St</u>
<u>C. Dolk</u>	<u>4925 S. Lipan</u>
<u>Mark Mato</u>	<u>4913 S. Lipan</u>
<u>Shirley Martinez</u>	<u>4930 S. Lipan Dr.</u>
<u>Tom Martinez</u>	<u>4930 S. Lipan Dr.</u>
<u>John Dranchak</u>	<u>4901 S. Lipan Dr</u>
<u>Scott A McCal</u>	<u>4996 S. Kalamath</u>
<u>Angela McCauley</u>	<u>4996 S. Kalamath</u>

Chapter 9

INOPERABLE MOTOR VEHICLES, OFF-ROAD VEHICLES AND TRAILERS*

15-9-1: Inoperable Motor Vehicles.
 15-9-2: Vehicles, Off-Road (ORV), and Trailers.

15-9-1: Inoperable Motor Vehicles.

This Chapter is intended to address the proper storage of inoperable motor vehicles, off-road vehicles and trailers. It shall be unlawful and considered a nuisance for any person to store, maintain or keep any inoperable motor vehicle, off-road vehicle or trailer in violation of this Chapter.

The owner of an inoperable motor vehicle, off-road vehicle or trailer, as well as the occupant and owner of the property where such a vehicle or trailer is stored, shall be responsible for the maintenance of such vehicle in compliance with this Chapter.

A. *Inoperable Motor Vehicles in All Residential Zone Districts.*

1. No inoperable motor vehicle shall be stored within the front yard.
2. No person shall store or work on any inoperable motor vehicle within the front yard or in or on any public property or right-of way, except that such vehicles may be temporarily maintained in the front yard, on a hard surface, for the purposes of transport, loading, unloading, or other temporary activities. Such transport, loading, unloading, or other temporary activities shall not exceed eight (8) hours per day.
3. No inoperable motor vehicle may be stored in a carport. An inoperable motor vehicle may be stored in a fully enclosed garage or similar structure.
4. One (1) inoperable motor vehicle may be stored in a rear or side yard if it is

on a hard surface, and screened from view of adjacent properties and public rights-of-way.

B. *Inoperable Motor Vehicles in Zone Districts Other Than Residential (including TSA District and PUDs).*

1. No inoperable motor vehicle shall be stored unless it is on a hard surface, screened from view of adjacent properties and public rights-of-way or in a fully enclosed structure.
2. The provisions of this Section shall not apply to a permitted and/or licensed automotive use.

(Ord. 98-39; Ord. 02-32; Ord. 03-44; Ord. 04-15)

15-9-2: Vehicles: Off-Road (ORV) and Trailers.

A. *Off-Road Vehicles (ORV) and Trailers in All Residential Zone Districts.*

1. No ORV or any type of trailer shall be stored within the front yard.
2. No person shall store or work on any ORV or any type of trailer within the front yard or in or on any public right-of-way, except that such vehicles may be temporarily maintained in the front yard, on a hard surface, for the purposes of transport, loading, unloading, or other temporary activities. Such transport, loading, unloading, or other temporary activities shall not exceed eight (8) hours per day.
3. One (1) ORV or trailer under three thousand five hundred (3,500) pounds, may be stored in a carport or a rear or side yard if it is on a hard surface. Any additional ORV or trailer under five thousand (5,000)

*Editor's note—Ord. 04-15, adopted March 15, 2004, amended the title of ch. 9 to read as herein set out. Ch. 9 previously was titled "Vehicles, Inoperable."

pounds may be stored in the rear or side yard if it is on a hard surface and screened from view of adjacent properties and public rights-of-way.

B. Off-Road Vehicles (ORV) and Trailers in Zone Districts Other Than Residential (including TSA Districts and PUDs).

1. No off-road vehicle or trailer shall be stored unless it is on a hard surface, screened from view of adjacent properties and public rights-of-way or in a fully enclosed structure.
2. The provisions of this Section shall not apply to permitted and/or licensed ORV and trailer uses.

(Ord. 03-44; Ord. 04-15; Ord. 07-4)

Chapter 6

VEHICLES

11-6-1:	Parking/Storage Regulations in All Districts.
11-6-2:	Parking/Storage Regulations for Residential Districts.

11-6-1: Parking/Storage Regulations in All Districts.

A. It shall be unlawful for the operator or owner of an automobile transport trailer, road tractor, truck tractor, moving van, transit-mix concrete truck, trailer, semi-trailer or truck with an empty weight in excess of seven thousand (7,000) pounds (70 C.W.T.) or special mobile equipment to stop, stand or park such vehicle or cause such vehicle to be stopped, stood or parked on any street or highway, alley or other public way within the City for a period in excess of four (4) hours at any time, except when such vehicle is being expeditiously loaded or unloaded or such mobile equipment is being used to perform the special operations for which it was designed.

B. No person(s) shall park any tank truck(s), tank trailer(s), tank semi-trailer(s) or other truck(s) used to transport hazardous substances or materials upon the streets, alleys or public or private places within the City except when entirely empty and then only for a period not exceeding one hour. No person shall repair any cargo area or tank of such vehicles within this City except when such cargo area or tank of such vehicles are completely empty of flammable liquids, vapors, or hazardous substances or materials, and only after being thoroughly steamed or washed to remove all explosive vapors. No person shall park or allow to remain on this City's streets, alleys, or public property, or private property any tank truck, tank semi-trailer or tank trailer used for transporting liquefied petroleum or gas, whether loaded or empty, or any truck carrying hazardous substances, except when actually engaged in filling storage tanks or while under repair.

C. No person shall park any motor vehicle or vehicle in excess of twenty-two feet (22') in length, or eight feet (8') in width, in the public right-of-way except when such motor vehicle is being expeditiously loaded or unloaded.

D. No person shall park or permit to stand in any public right-of-way or on public property, any trailer or small trailer unless the trailer is connected to or attached to a motor vehicle in a manner to be towed. The vehicle and connected trailer shall not be parked in the public right-of-way for more than seventy-two (72) hours within any one week.

E. No person shall permit any snowplow designed to be truck mounted which is not hooked up or otherwise attached to a motor vehicle in a manner to be used for its intended purpose, to be stored or parked on public streets or rights-of-way. All owners and/or operators of vehicles with snowplows attached shall not store them on public streets.

F. No person shall store any truck or other vehicle loaded with trash, junk, weeds, tree branches or limbs in a public right-of-way.

G. No person shall park or store any motor vehicle in a manner so as to obstruct the public sidewalk or right-of-way.

H. No person shall park a vehicle in excess of any time limit established for parking at that location, which shall be the time limit for that day and that block.
(Ord. 98-39)

11-6-2: Parking/Storage Regulations for Residential Districts.

A. It shall be unlawful for any person to store a vehicle designed and used for recreation purposes, including, but not limited to, one or more motor homes, boats, campers, trailers used for carrying boats, hobby or derelict vehicles or racing cars, motorcycles and other equipment or motor vehicles upon the public right-of-way.

The vehicle may be parked in the right-of-way for no more than seventy-two (72) hours within any one week while being expeditiously loaded or unloaded.

B. No person shall park the following described vehicles on public or private property in residential areas except while making normal deliveries or being used to perform the special operations for which it is designed:

1. Any vehicle with an empty weight in excess of seven thousand (7,000) pounds (70 C.W.T.).
2. A road tractor, truck tractor or semi-trailer.
3. A truck constructed or adapted for the purpose of transporting or delivery of bulk gasoline, petroleum products, or hazardous substances or materials.
4. A tow truck or automobile wrecker.
5. A church bus or school bus not used for school or church purposes.

C. No person shall park or store any vehicle on private property in violation of the following restrictions:

1. No vehicle shall be parked in such a way as to block the sidewalk or any portion of the public sidewalk.
2. No vehicle shall be parked in front of the front setback of the principal structure unless located on a concrete, brick paver, asphalt surface, gravel or other similarly finished hardened or dust free surface.
3. In no case shall more than one commercial vehicle be parked or stored on property in any residential zone district, whether in a private garage or carport, in an off-street parking space or in an open-space area, and the size of said commercial vehicle shall not exceed empty vehicle weight of seven thousand (7,000) pounds (70 C.W.T.).
4. Detached campers shall be stored in the area identified as the rear or side yard and shall be stored on blocks or supports not more than six inches (6") in height, or

on its loading jacks or apparatus at their lowest limits. All loading equipment shall be in good repair.

5. No person shall occupy any vehicle in violation of the following:

- a. No motor vehicle or vehicles shall be occupied or used for living or house-keeping or sleeping purposes or for the housing and keeping of animals, except as provided in subsection b below;
- b. Upon the application of a resident of the City, a special permit may be issued by the City for a nonresident journeying in a recreational vehicle used for housekeeping purposes and who is visiting at the residence of the applicant, to occupy the recreational vehicle at the applicant's residence for not more than seven (7) days. The special permit shall specify the location of the applicant's property or adjacent right-of-way in which the recreational vehicle will be parked while occupied.

This shall not be deemed to permit the parking or storage of a detached camper, trailer or small trailer in any public street or right-of-way of any street designated as an arterial or collector street. (Ord. 98-39; Ord. 00-7)

6. Storage Yard for Vehicles, Equipment, Material, and/or Supplies. A storage yard for vehicles, equipment, material, and/or supplies shall comply with all of the following conditions:
- a. The site shall be surfaced with concrete, asphalt, or other impervious surface approved by the City Manager or designee.
 - b. The site shall be maintained in good condition, free of weeds, dust, trash, and debris.
 - c. The site shall be screened by a solid fence.
 - d. No materials or supplies shall be stored above the level of the screening fence.
- (Ord. 04-5; Ord.04-66; Ord. 05-25; Ord. 08-5, § 3; Ord. 08-37, § 4; Ord. 08-55, § 2; Ord. 08-48, §§ 12, 13; Ord. 09-28, § 5)

16-5-3: Adaptive Reuse of Designated Historical Buildings.

In order to help ensure the preservation, maintenance, and continued economic value of any historical buildings so designated by an agency of the State or Federal government, any vacated historic building, school, church, or public building that cannot feasibly be used for a permitted use in the zone district in which such building is located, may be eligible for reuse subject to the review and approval by the Commission and Council. The approval of the reuse of the historic building, vacated school, church, or public building shall be subject to the following conditions:

- A. The property cannot feasibly be used for a use permitted in the zone district in which the property is located.
- B. No exterior alteration, remodeling, or architectural change will be allowed; this does not limit any necessary restoration or repair work.
- C. Alterations will be limited to interior changes necessary to accommodate the adaptive reuse of the building or to comply with the applicable City codes.
- D. No off-street parking or loading space may be located in any required front or side yard, and parking areas shall be screened from the view of adjacent residential uses so they do not adversely affect the character of the surrounding residential area.
- E. The reuse of the building shall be limited to such use approved by the Commission and Council following a public hearing.
- F. The application shall include: the location of the property, the zone classification in which it is located, the previous use of the property, the proposed use of the property, and a statement demonstrating that the proposed reuse will not adversely affect the neighborhood by reason of excess traffic, hours of operation of the use, or any external effects created, such as noise or lights, that would unreasonably disturb adjacent residents. The application shall include a Zoning Site Plan, an off-street parking plan, a drainage plan, and a landscaping plan for the site.

(Ord. 04-5)

16-5-4: Accessory Uses.

A. General Provisions.

1. Purpose. This Section authorizes the establishment of accessory uses that are incidental and customarily subordinate to principal uses. The City's intent in adopting this Section is to allow a broad range of accessory uses, so long as such uses are located on the same site as the principal use, and so long as they comply with the performance criteria set forth in this Section in order to reduce potentially adverse impacts on surrounding properties.

2. Approval of Accessory Uses. A permitted accessory use may be approved in conjunction with approval of the principal use.

3. Compliance with Code Requirements. All accessory uses, shall be subject to the general, dimensional, operational, and use-specific regulations set forth in this Section. In the case of any conflict between the accessory uses and standards of this Section and any other requirement of this Title, the standards of this Section shall control.
4. General Conditions. All accessory uses shall comply with the following general conditions:
 - a. Be clearly incidental and customarily found in connection with the principal use; and
 - b. Be conducted and/or located on the same lot as the principal use; and
 - c. Be operated and maintained under the same ownership, or by lessees or concessionaires thereof, and on the same lot as the permitted principal use.
5. Accessory Structures. For regulations applicable to accessory structures, see Sections 16-6-1.H and 16-6-1.I EMC.

B. *General Development and Operational Standards.* The following general standards shall apply to all accessory uses in all zoning districts, unless otherwise specified in this Title:

1. Time of Establishment. No accessory use shall be established or allowed on the subject parcel until all required permits and approvals for the principal use or activity have been obtained.
2. Temporary Accessory Uses. Temporary accessory uses shall be governed by the standards and Temporary Use Permit procedures set forth in Sections 16-2-14 and 16-5-5 EMC.

C. *Accessory Uses Permitted.* Table 16-5-1.1 includes accessory uses and shows in which zoning district a specific accessory use is permitted. If an accessory use is not listed in Table 16-5-1.1, but satisfies all the general standards set forth in subsection 16-5-4.B EMC, the City Manager or designee may allow its establishment according to the procedures and criteria in Section 16-5-1.B EMC, "Unlisted Uses." In addition, all unlisted accessory uses shall be subject to compliance with the general, dimensional, and operational standards set forth in this Section 16-5-4 EMC.

1. Home Occupation. Occupations customarily incidental to the principal use as a residence may be allowed when conducted in the same dwelling, provided the following standards are met:
 - a. *Districts Allowed.* Home occupations are allowed in the following districts: R-1-B, R-1-C, R-2-A, R-2-B, MU-R-3-A, and MU-R-3-B. Only one (1) home occupation shall be permitted per dwelling unit. Home occupations may be permitted accessory to principal residential uses located in nonresidential districts (e.g., in a manufactured home park located in an industrial district) provided the home occupation complies with all requirements of residential district home occupations herein.
 - b. *Where Allowed on Site.* The home occupation shall be operated entirely within the dwelling unit and only by the person or persons maintaining a dwelling unit therein. The home occupation shall not have a separate outside entrance. The home occupation shall not be conducted in a detached accessory structure.
 - c. *Registration.* All home occupations shall register with the City.
 - d. *Sales.*
 - (1) On the Premises. The sale on the premises of items that have been made, grown, or prepared on the premises shall be permitted. The sale on the premises of any item that has not been made, grown, or prepared on the premises shall be prohibited.
 - (2) Off the Premises. Sales off the premises of such items as personal or household goods such as those products offered by Avon, Amway, Fuller Brush, Watkins, etc., shall be permitted.

e. *Operational Requirements.*

- (1) No assistants or employees that are not residents of the principal dwelling unit shall be employed in the home occupation.
- (2) The hours and manner of such uses and the noise created thereby shall not interfere with the peace, quiet, or dignity of the neighborhood and adjoining properties.
- (3) Incidental storage shall be allowed for items made on the premises and/or sold off the premises consistent with this Section.
- (4) The home occupation, including storage of materials, equipment, inventory, and/or supplies, shall not utilize more than three hundred (300) square feet; provided, however, that this does not apply to permitted home care accessory uses.
- (5) The use of electric motors shall be limited in power, with a total limitation of one and one-half (1½) horsepower, and no single unit over three-fourths (¾) horsepower.

f. *Prohibited Uses.* In no event shall any home occupation include the following business or commercial activities:

- (1) Animal hospital or kennel, animal daycare, breeders, except licensed canine and feline breeders.
- (2) Asphalt paving business.
- (3) Barbers, hairdressers, cosmetologists, beauticians or any activity involving the skin, hair or nails.
- (4) Body, mechanical repair, or modification of motor vehicles.
- (5) The sale, storage, manufacture, or assembly of guns, knives or other weapons or ammunition.
- (6) Dump trucks.
- (7) Restaurants.
- (8) Towing business.
- (9) Processes involving the dispensing, use, or recycling of hazardous or flammable substances and materials.
- (10) Automotive vehicles sales requiring a state dealer's license.

2. *Parking Area, Surface.*

a. *Parking Area, Surface (R-2-B District Only).* When an R-2-B district abuts or is adjacent to a MU-B-2 district, the portion of the lot adjacent to the business district may be used as a parking area by any commercial establishment to a depth of twenty-five feet (25') if the following conditions are met:

- (1) The parking area must be screened from the residential portion of the lot by a six foot (6') opaque fence. Side yard fences must also be provided to screen adjacent property. These fences shall also be six feet (6') in height except that, within ten feet (10') of the rear property line, the fences cannot exceed thirty inches (30") in height or be less than fifty percent (50%) open.
- (2) The paved parking area must be of hard surface to prevent the movement of dirt and debris from the parking area onto the public right-of-way.
- (3) Parking stops or other devices allowing snowfall maintenance must be placed in the parking area to prevent damage to the fence by vehicles.
- (4) Provisions must be made for the collection of trash as per City ordinance.



- (5) The final design of the parking area must be approved by the City Manager or designee.
 - (6) No storage of vehicles is permitted and the lot is to be used solely for the parking of employees or customers.
 - (7) No vehicles in excess of seven thousand (7,000) pounds may be parked in the parking area.
 - (8) The minimum width of the parking area shall be fifty feet (50').
 - (9) The City Manager or designee may deny the use of any lot as a parking area if the above provisions are not met or if conditions are unsafe. The ruling may be appealed to the Board.
- b. *Parking Area, Surface (TSA District Only)*. Surface parking areas, noncommercial and accessory to a principal use, are allowed subject to the following additional conditions:
- (1) General. Such surface parking area shall be maintained as long as the principal permitted use is maintained, or until alternative parking is provided for such principal use.
 - (2) Location.
 - (a) An accessory surface parking area may be located within six hundred feet (600') of the lot containing the principal use, either within the TSA district or within a zone district that permits noncommercial parking lots, subject to a City-approved alternative parking plan and pursuant to the Station Area Standards and Guidelines, as applicable.
 - (b) Accessory surface parking lots are prohibited within the transit station subarea.
- c. *Remote Parking Areas*. Pursuant to Section 16-6-4 EMC, required parking may be provided as an accessory use within four hundred feet (400') of the principal use, either within the same district or within a district that permits noncommercial parking lots. Such parking lots must be maintained as long as the principal permitted use is maintained, or alternate parking provided. Approval of an alternative parking plan is required (administrative process), pursuant to Section 16-6-4.D EMC. Such lots shall be paved, shall require a building permit, and shall be subject to the landscaping requirements of Section 16-6-7.M EMC.
3. *Satellite Dish Antenna*.
- a. *Small Satellite Dish Antennas*. Satellite dish antennas of one (1) meter or less in diameter are permitted accessory uses in all residential and nonresidential zoning districts. Such dishes shall not be located within the public right-of-way.
 - b. *Large Satellite Dish Antennas*.
 - (1) Satellite dish antennas measuring one (1) meter or more are permitted accessory uses in all zoning districts. Any roof-mounted dishes shall submit an engineer's certificate to the City. Such dishes shall not be located within the public right-of-way.
 - (2) As applied only to large satellite dish antennas accessory to a principal residential use, to the maximum extent feasible, but only where there is no substantial impairment to acceptable signal quality, such antennas shall:
 - (a) Be located in the rear yard of the residential use; and
 - (b) Be screened from view from adjacent public rights-of-way; and
 - (c) Be of a color harmonious with their surroundings. There shall be no advertising in words or pictures, other than the manufacturer's name in small letters.

4. **Service Unit or Facility.** Service units or facilities shall be allowed as accessory uses in the MU-R-3-B district. Such uses include, but are not limited to, barber or beauty shops, gift shops, coffee shops, and dining facilities for the convenience of the tenants. Such uses shall comply with underlying zone district requirements, including the dimensional requirements set forth in Section 16-6-1 EMC.
5. **Swimming Pool.** Swimming pools are allowed as accessory uses in all districts. See Title 8 EMC.
6. **Wholesale Sales and Distribution.** Wholesale sales and distribution shall be allowed as an accessory use in MU-B-1 and MU-B-2 districts provided the principal use maintains an active retail license and is open to the public for retail trade.

D. *Prohibited Accessory Uses.*

1. **Prohibited in All Zoning Districts.** The following activities shall not be regarded as accessory to a principal use on any site and are prohibited in all zoning districts:
 - a. *Use of Travel Trailer or Recreational Vehicle (RV) as a Residence.* The use of a travel trailer as a residence, permanent or temporary, with the exception of a trailer approved as a temporary use for security under Section 16-5-5 EMC, shall be prohibited in all zoning districts.
 - b. *Use of Motor Vehicle or Trailer for Sales, Service, Storage, or Other Business.* The use of any motor vehicle, trailer, mini-mobile storage container, or shipping container as a structure in which, out of which, or from which any goods are sold or stored, any services performed, or other businesses conducted, shall be prohibited in all zoning districts. However, this subsection shall not prohibit the following:
 - (1) The sale of goods or merchandise at a City-approved or sponsored event; or
 - (2) Use of a motor vehicle, trailer, or shipping or storage container in connection with an approved recycling operation; or
 - (3) Use of a trailer or shipping or storage container in conjunction with construction authorized by a valid building permit; or
 - (4) Use of a trailer, shipping, or storage container for the temporary loading and unloading of goods, provided that no individual trailer or container is in place longer than forty-eight (48) hours.
2. **Prohibited in Residential Zoning Districts.** The following activities shall not be regarded as accessory to a residential principal use and are prohibited in all residential (R) districts:
 - a. *Automotive Repair.* Automotive repair, including engine, body, or other repair or repainting of more than one (1) vehicle at any one time owned by a person not residing at that address, regardless of whether compensation was paid for the service.
 - b. *Outdoor Storage of Inoperative Vehicles.* The outdoor storage of inoperable vehicles shall comply with Title 15 EMC.
 - c. *Parking of Commercial Vehicles.*
 - (1) In no event shall more than one (1) commercial vehicle be stored on property in any residential zone district, whether in a private garage or carport, in an off-street parking space, or in an open-space area. The size of such commercial vehicles shall not exceed vehicle weight of six thousand (6,000) pounds (60 c.w.t.).
 - (2) For the purpose of this Section, a road tractor or truck tractor shall not be deemed a commercial vehicle, and no road tractor or truck tractor shall be parked or stored in any residential zone district.

(3) No commercial vehicle shall be stored on public property or in the public right-of-way.
(Ord. 04-5; Ord. 08-48, § 14)

CITY OF ENGLEWOOD
LEGAL NOTICE

BY AUTHORITY

ORDINANCE NO. _____
SERIES OF 2008

COUNCIL BILL NO. 79
INTRODUCED BY COUNCIL
MEMBER WILSON

A BILL FOR

AN ORDINANCE AMENDING TITLE 11, CHAPTER 6, SECTION 2; TITLE 15, CHAPTER 1, SECTION 2; AND TITLE 16, CHAPTERS 5, 6 AND 11, OF THE ENGLEWOOD MUNICIPAL CODE 2000, REGARDING HARD SURFACE STANDARDS AND COMMERCIAL VEHICLE WEIGHT.

WHEREAS, the Englewood Municipal Code contains several references to the maximum weight of commercial vehicles relative to where they may be parked; and

WHEREAS, all references in the Englewood Municipal Code except 16-5-4(D)(2)(c)(1) use a maximum weight limit of 7,000 pounds; and

WHEREAS, the passage of the proposed Ordinance would make the Code consistent, ease enforcement and conserve resources since the traffic signs already refer to the 7,000 pound limit; and

WHEREAS, currently each Title uses similar but inconsistent language to discuss parking surfaces, including allowed materials which creates interpretation and enforcement conflicts among the three Titles; and

WHEREAS, the proposed amendments coordinate the definition of hard surface and its usage in the Englewood Municipal Code; and

WHEREAS, the Englewood Planning and Zoning Commission held public hearings on September 16 and October 21, 2008, regarding the Title 16 amendments and recommended forwarding the proposed amendments to City Council;

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

Section 1. The City Council of the City of Englewood, Colorado hereby authorizes amending Title 11, Chapter 6, Section 2, Subsection (C), Paragraph 2, of the Englewood Municipal Code 2000, to read as follows:

11-6-2: Parking/Storage Regulations for Residential Districts.

- A. It shall be unlawful for any person to store a vehicle designed and used for recreation purposes, including, but not limited to, one or more motor homes, boats, campers, trailers used for carrying boats, hobby or derelict vehicles or racing cars, motorcycles and other equipment or motor vehicles upon the public right-of-way.

The vehicle may be parked in the right-of-way for no more than seventy-two (72) hours within any one week while being expeditiously loaded or unloaded.

- B. No person shall park the following described vehicles on public or private property in residential areas except while making normal deliveries or being used to perform the special operations for which it is designed:
1. Any vehicle with an empty weight in excess of seven thousand (7,000) pounds (70 C.W.T.).
 2. A road tractor, truck tractor or semi-trailer.
 3. A truck constructed or adapted for the purpose of transporting or delivery of bulk gasoline, petroleum products, or hazardous substances or materials.
 4. A tow truck or automobile wrecker.
 5. A church bus or school bus not used for school or church purposes.
- C. No person shall park or store any vehicle on private property in violation of the following restrictions:
1. No vehicle shall be parked in such a way as to block the sidewalk or any portion of the public sidewalk.
 2. No vehicle shall be parked in front of the front setback of the principal structure unless located on a ~~concrete, brick paver, asphalt surface, gravel or other similarly finished hardened or dust free surface~~ hard, durable surface of concrete, asphalt, brick pavers, or similar alternate materials approved by the City.
 3. In no case shall more than one commercial vehicle be parked or stored on property in any residential zone district, whether in a private garage or carport, in an off-street parking space or in an open-space area, and the size of said commercial vehicle shall not exceed empty vehicle weight of seven thousand (7,000) pounds (70 C.W.T.).
 4. Detached campers shall be stored in the area identified as the rear or side yard and shall be stored on blocks or supports not more than six inches (6") in height, or on its loading jacks or apparatus at their lowest limits. All loading equipment shall be in good repair.
 5. No person shall occupy any vehicle in violation of the following:
 - a. No motor vehicle or vehicles shall be occupied or used for living or housekeeping or sleeping purposes or for the housing and keeping of animals, except as provided in subsection b below;
 - b. Upon the application of a resident of the City, a special permit may be issued by the City for a nonresident journeying in a recreational vehicle used for housekeeping purposes and who is visiting at the residence of the applicant, to occupy the recreational vehicle at the applicant's residence for not more than

seven (7) days. The special permit shall specify the location of the applicant's property or adjacent right-of-way in which the recreational vehicle will be parked while occupied.

This shall not be deemed to permit the parking or storage of a detached camper, trailer or small trailer in any public street or right-of-way of any street designated as an arterial or collector street.

Section 2. The City Council of the City of Englewood, Colorado hereby authorizes amending Title 15, Chapter 1, Section 2, "Definitions" of the Englewood Municipal Code 2000, to read as follows, with unchanged definitions:

15-1-2: Definitions.

Hard Surface: ~~A surface as defined in 16-11-2(B) EMC.~~ A hard, durable surface of concrete, asphalt, brick pavers, or similar alternate materials approved by the City.

Section 3. The City Council of the City of Englewood, Colorado hereby authorizes amending Title 15, Chapter 5, Section 4, Subsection (D)(2), of the Englewood Municipal Code 2000, to read as follows:

16-5-4: Accessory Uses.

D. Prohibited Accessory Uses.

1. Prohibited in All Zoning Districts. The following activities shall not be regarded as accessory to a principal use on any site and are prohibited in all zoning districts:
 - a. Use of Travel Trailer or Recreational Vehicle (RV) as a Residence. The use of a travel trailer as a residence, permanent or temporary, with the exception of a trailer approved as a temporary use for security under Section 16-5-5 EMC, shall be prohibited in all zoning districts.
 - b. Use of Motor Vehicle or Trailer for Sales, Service, Storage, or Other Business. The use of any motor vehicle, trailer, mini-mobile storage container, or shipping container as a structure in which, out of which, or from which any goods are sold or stored, any services performed, or other businesses conducted, shall be prohibited in all zoning districts. However, this subsection shall not prohibit the following:
 - (1) The sale of goods or merchandise at a City-approved or sponsored event; or
 - (2) Use of a motor vehicle, trailer, or shipping or storage container in connection with an approved recycling operation; or
 - (3) Use of a trailer or shipping or storage container in conjunction with construction authorized by a valid building permit; or
 - (4) Use of a trailer, shipping, or storage container for the temporary loading and unloading of goods, provided that no individual trailer or container is in place longer than forty-eight (48) hours.

2. Prohibited in Residential Zoning Districts. The following activities shall not be regarded as accessory to a residential principal use and are prohibited in all residential (R) districts:
 - a. Automotive Repair. Automotive repair, including engine, body, or other repair or repainting of more than one (1) vehicle at any one time owned by a person not residing at that address, regardless of whether compensation was paid for the service.
 - b. Outdoor Storage of Inoperable Vehicles. The outdoor storage of inoperable vehicles shall comply with Title 15 EMC.
 - c. Parking of Commercial Vehicles.
 - (1) In no event shall more than one (1) commercial vehicle be stored on property in any residential zone district, whether in a private garage or carport, in an off-street parking space, or in an open-space area. The size of such commercial vehicles shall not exceed vehicle weight of ~~six~~ seven thousand ~~(6,000)~~ (7,000) pounds (~~60~~ 70 e.w.t. C.W.T.).
 - (2) For the purpose of this Section, a road tractor or truck tractor shall not be deemed a commercial vehicle, and no road tractor or truck tractor shall be parked or stored in any residential zone district.
 - (3) No commercial vehicle shall be stored on public property or in the public right-of-way.

Section 4. The City Council of the City of Englewood, Colorado hereby authorizes amending Title 16, Chapter 6, Section 4, Subsection O, of the Englewood Municipal Code 2000, to read as follows:

16-6-4: Off-Street Parking Loading Requirements.

- O. *Surface Cover.* Off-street parking and loading spaces shall be of a ~~hard surface, either paved with asphalt, concrete or brick pavers, except that the City may approve the use of alternate dust free surfacing materials (e.g., chip seal surfacing)~~ hard, durable surface of concrete, asphalt, brick pavers, or similar alternate materials approved by the City to serve a principal permitted residential use.

Section 5. The City Council of the City of Englewood, Colorado hereby authorizes amending Title 16, Chapter 6, Section 10, Subsection B, Paragraph 5, Letter d, Number 4, of the Englewood Municipal Code 2000, to read as follows:

16-6-10: Design Standards and Guidelines.

5. Front Lot Coverage/Residential Driveway and Parking Pad Standards.
 - d. Standards for Residential Driveways and Parking Pads within the Front Yard or Setback Area.
 - (1) Relationship to and Conflict with Similar Provisions. The general residential driveway standards in Section 16-6-3 EMC, above shall apply to residential

development, except that if this subsection's residential driveway standards conflict with the standards in Section 16-6-3 EMC, this subsection's standards shall control and apply.

- (2) Zoning Site Plan Review Required. All new construction, surfacing or resurfacing, alteration, expansion, or re-installation of a residential driveway or parking pad shall require Zoning Site Plan review (see Section 16-2-9 EMC) prior to the start of work.
- (3) The Use of Parking Pads in Conjunction with Driveways. The use of parking pads in conjunction with driveways is discouraged but not prohibited. However, in no case shall the total width of any combination of parking pad and driveway exceed twenty feet (20').
- (4) Permitted Driveway and Parking Pad Paving Materials. Residential driveways and parking pad shall be improved with a hard, durable surface of concrete, asphalt, brick pavers, or similar alternate materials approved by the City. ~~durable hard surface approved by the City. Surfacing materials that may be used include concrete, asphalt, exposed aggregate, or Grasserete. Prohibited materials include dirt, and gravel, crushed concrete and Grasserete or other porous material.~~ Zoning Site Plan review (see Section 16-2-9) is required prior to the start of any residential driveway or parking pad surfacing.

[EDITORS NOTE: The remainder of 16-6-10, contains no changes and is therefore not included here]

Section 6. The City Council of the City of Englewood, Colorado hereby authorizes amending Title 16, Chapter 11, Section 2, of the Englewood Municipal Code 2000, to read as follows:

16-11-2: Definition of Words, Terms and Phrases.

Hard Surface: As related to driveways, parking, and loading areas, "hard surface" means a durable surface of concrete, asphalt, ~~exposed aggregate~~, brick pavers, or similar alternate materials approved by the City.

Section 7. 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 8. 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 9. 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 10. 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 11. 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 17th day of November, 2008.

Published as a Bill for an Ordinance in the City's official newspaper on the 21st day of November, 2008.

Published as a Bill for an Ordinance on the City's official website beginning on the 19th day of November, 2008 for thirty (30) days.

/s/ James K. Woodward

James K. Woodward, Mayor

ATTEST:

/s/ Loucrishia A. Ellis

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 a Bill for an Ordinance, introduced, read in full, and passed on first reading on the 17th day of November, 2008.

/s/ Loucrishia A. Ellis

Loucrishia A. Ellis

PUBLISHED: November 19, 2008
Official Website of the
City of Englewood, Colorado

Copies of the aforesaid ordinance are available for
public inspection in the office of the City Clerk, City
of Englewood, Civic Center, 1000 Englewood
Parkway, Englewood, Colorado 80110

Douglas Cohn
3051 S. Marion St.
Englewood, Co., 80113

April 23, 2011

CITIZEN'S INITIATIVE

In order to preserve and maintain the existing property rights of the people of Englewood on their own use of private property, this ordinance will protect the right of parking vehicles on private property. No vehicle weight restrictions are to be applied to private property. All recreational vehicles (RV's, trailers, ATV's, boats, campers, camper shells, and any other vehicle that is defined as a "ORV" by Englewood Municipal Code) are allowed to be parked and stored on private property with the location and placement at the discretion of the property owner. Business labeled vehicles are allowed to be parked on private property. The city cannot limit the number of vehicles to two per household. Any surface on private property permeable or non-permeable except for grass is an allowable surface for parking and storage of a vehicle. Any existing laws in conflict with the wording of this ordinance shall be repealed.

This letter is the official notification to the City of Englewood, the City Council and the voters of the city that a legislative initiative is going to be placed on the ballot at the regularly scheduled municipal election in November, 2011.

This initiative will **ONLY** apply to private property and will not affect any codes relating to rights of way, streets or public areas.

This initiative will modify the Englewood Municipal Code 2000 in the following areas.

Title 15 Chapter 9 sections 1 and 2
Title 11 Chapter 6 sections 1 and 2
Title 15 Chapter 1 section 2
Title 16 Chapter 5 section s, sub sections 1b and 2c
Title 16 Chapter 6 section 4 sub section O
Title 16 Chapter 6 section 10 sub section 5d4

This initiative affirms all existing private property rights and will modify all elements of the code having to do with the parking and storage of all types of RV's, ORVs, trailers, work trucks etc. It will also modify all sections of the code that refer to hard surfaces, parking pads, and drive ways.

This initiative is being brought forward by the following people:

Douglas Cohn 3051 S. Marion St. Englewood, 80113
Carolyn Fulton 4955 S. Lipan Dr. Englewood, 80110

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MEMORANDUM

TO: Mayor Woodward and Members of City Council
THROUGH: Gary Sears, City Manager
FROM: Sue Carlton-Smith, Executive Assistant
DATE: April 28, 2011
SUBJECT: Board and Commission Reappointments

At the Study Session on Monday, May 2, 2011, City Council will be discussing board and commission members who are interested in reapplying for another term with their current board or commission. No interviews will be held this evening.

Attached is a list of board and commission vacancies, applications, a summary sheet, worksheets, and an updated Roster.

All Chairs have been contacted regarding the board and commission members who are reapplying for another term.

Code Enforcement Advisory Committee Chair Marty Mosman called stating that Ms. Tealee Hinger is an intelligent Committee member but has missed a couple meetings.

Cultural Arts Commission Chair Eric Bertoluzzi e-mailed that he "heartily supports the reappointment of commissioners Bartunek, Schnitzer and Stewart to the Cultural Arts Commission. Each is participatory and eager to share her abilities to further the arts in Englewood."

Parks and Recreation Commission Chair Austin Gomes called stating that he highly recommended Randy Kloewer for reappointment.

I have not received any information from Alliance for Commerce in Englewood Committee Chair Jeanette Sarconi and Liquor Licensing Authority Chair Robyn VanDerLeest. Any information I receive prior to the Study Session on May 2nd will be forwarded to City Council.

Also attached is the memorandum to all board, commission and authority members concerning the interview process and deadlines. This memorandum was distributed on April 20, 2011 and included in the Council Newsletter.

If you need additional information, please call me at 303-762-2311.