

**AGENDA FOR THE
ENGLEWOOD CITY COUNCIL
PUBLIC FORUM
WEDNESDAY, OCTOBER 12, 2011
Community Room
7:00 p.m.**



I. Public Forum

City Council and residents will discuss parking and storage of recreational and off-road vehicles.

6:30 – 7:15 p.m. Viewing of informational material available at 6:30 p.m. (Comment cards are available for providing written comments on all topics. All comment cards submitted will be provided to all City Council Members.)

7:15 p.m. Introduction by the Mayor

Staff presentation

- Current Definitions
- Vehicle Weight Limit (Council Bill 50)
- Parking of Recreational Vehicles (Council Bill 51)
- Properties Without Access to Rear and Side Yards (Council Bill 49)

Questions and Comments from the Public on Council Bills 49-51. Please note that comments will be limited to 2 minutes per person/per topic.

8:00 p.m. Staff presentation - Sight Triangle (Council Bill 48)

Questions and Comments from the Public on Council Bill 48. Please note that comments will be limited to 2 minutes per person/per topic.

8:30 p.m. Staff presentation - Parking of Recreational Vehicles and Trailers in the Right of Way (Council Bill 52)

Questions and Comments from the Public on Council Bill 52. Please note that comments will be limited to 2 minutes per person/per topic.

8:40 p.m. Staff presentation - Hard Surface Requirement for Parking of Recreational and Off Road Vehicles (Council Bill 53)

Questions and Comments from the Public on Council Bill 53. Please note that comments will be limited to 2 minutes per person/per topic.

8:55 p.m. Summary of Significant Changes & Next Steps by Mayor Woodward

City Council Discussion

9:00 p.m. Adjourn

Current Definitions:

Off Road Vehicle (ORV): Includes, but is not limited to, an all-terrain vehicle (ATV), mini-bike, dirt bike, hovercraft, dune buggy, go-cart, boat, personal watercraft, race car or other vehicles that are not street legal in the State of Colorado, experimental vehicle, aircraft, and trailers for any of the foregoing even if properly licensed. For purposes of this definition, one (1) or more "ORV's" stored on a trailer shall be considered as one (1) ORV.

Recreational Vehicle: A vehicular-type portable structure without permanent foundation. Vehicle which can be towed, hauled or driven and primarily designed as temporary living accommodation for recreational, camping and travel use and including, but not limited to, travel trailers, truck campers, camping trailers and self-propelled motor homes.

Trailer, Small: For the purpose of Title 15, Englewood Municipal Code only, a small trailer is any wheeled vehicle without motive power and having an empty weight of two thousand (2,000) pounds or less, which is designed to be drawn by a motor vehicle and to carry its cargo load wholly upon its own structure and which is generally and commonly used to carry and transport property over the public highways.

Inoperable Motor Vehicle: Any motor vehicle that 1) is incapable of moving in a lawful manner under its own power, or 2) lacks a current license plate, or 3) is wrecked, damaged, dismantled or incompletely assembled.

Note: The language of the proposed ordinances does not change any of the above definitions.

Council Bill 50: Vehicle Weight Limit.

Title 11: Parking/Storage Regulations in Residential Districts

Current Language (excerpted): Prohibits parking of any vehicle in excess of 7,000 pounds on public or private property in residential areas, except while making deliveries or in performance of operations for which it is designed.

Proposed Language: Changes the weight limit to 10,000 pounds in both Titles of the City Code and permits storage of oversized commercial vehicles in a private garage.

Result: Standardizes the commercial vehicle weight limit in the City Code to the State of Colorado licensing standard of 10,000 pounds. This will allow for commercial vehicles of up to 10,000 pounds to be parked and stored on private property and allows for storage of one commercial vehicle, without weight limitation, in a private garage.

Council Bill 51: Parking of Recreational Vehicles

Title 11: Parking/Storage Regulations in All Districts

Current language (excerpted): Prohibits parking of any vehicle in excess of 7,000 pounds on public or private property in residential areas, except while making deliveries or in performance of operations for which it is designed.

Proposed Language: Excludes recreational vehicles from weight limitations. Recreational vehicles will now have the same parking opportunities and restrictions as off-road vehicles.

Adds a new section to Title 11, with the following language: “The owner of an inoperable motor vehicle, off-road vehicle, recreational 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 compliance with this Chapter.”

Results:

- 1) With the exception of weight limits, recreational vehicles are regulated in the same manner as off-road vehicles and trailers with regard to parking and storage and the parking
- 2) Recreational vehicles may be parked in the rear yard on a hard surface.
- 3) Provides that owners of vehicles who are not in residence where a vehicle is parked or stored are responsible for compliance.

Council Bill No. 49: Properties without Access to Rear and Side Yards

Current Language: Title 15: “No off-road vehicle (ORV) or any type of trailer shall be stored within the front yard.” This would also apply to recreational vehicles if Council Bill No. 51 is adopted.

Proposed New Language (excerpted): An exception to the requirement that recreational vehicles, off-road vehicles and any type of trailer must be stored in the front or side yard may be made for those properties where there is no reasonable access.

Additional provisions:

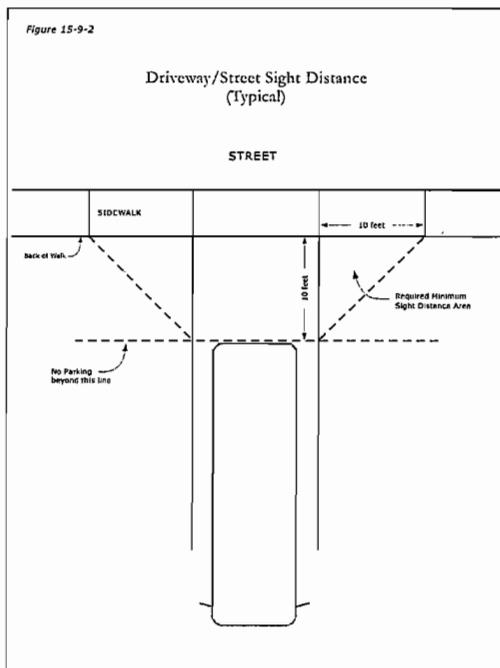
- Lack of reasonable access may include the lack of an alley, a masonry wall, large trees (in excess of 6 inch caliper) or permanent structures.
- The property must have a legal curb cut and driveway access from the street.
- Determination of lack of “reasonable access” shall be made by the City Manager or designee on a case-by-case basis. The City Manager’s decision is appealable to the Board of Adjustment and Appeals.
- This exception shall not apply to Arapahoe Acres or Hampden Hills subdivisions.

Result: Allows for parking and storage of recreational vehicles, off-road vehicles, and trailers in the front yard of residential properties when no reasonable access to rear yard or side yard is available, such as the lack of an alley, or access is obstructed with an unmovable object.

Council Bill No. 48: Sight Triangle

Current language: Title 15: “No recreational vehicle or off-road vehicle or any type of trailer shall be stored within the front yard.”

Proposed new language: “No recreational vehicle or off-road vehicle or trailer may block visibility of pedestrians or other vehicles on a public street or alley. All recreational vehicles, off-road vehicles and trailers must comply with an approved sight distance triangle.”



Result: Recreational and off-road vehicles allowed to be parked in a front yard must comply with an approved sight distance triangle. (With recreational, off-road, and larger commercial vehicles now being allowed in the front yard, safety becomes a concern and sight distances must be modified to ensure safety. Sight distance standards may vary depending on site conditions.)

Council Bill 52: Parking of Recreational Vehicles and trailers in the Right of Way

Current Language –Title 11 (excerpted): A recreational vehicle may be parked in the public right-of-way (on-street) for no more than 72 hours within any given week while being expeditiously loaded or unloaded.

Proposed Language: A recreational vehicle may be parked in the public right-of-way (on-street) for no more than 72 hours within any consecutive 14 day period while being expeditiously loaded or unloaded.

Result: Limits on-street parking of recreational vehicle to one 72-hour period in a 14-day period, rather than in a one week period. The change was proposed by the Code Enforcement Advisory Committee. A 72-hour period equals three full days and the Committee felt that neighboring residents could be impacted by large recreational vehicles using a significant amount of on-street parking space for long periods of time.

Council Bill 53: Hard surface requirement for parking of recreational and off-road vehicles

Current Language:

- 1) **Title 11** – “No vehicle shall be parked in the front setback of the principal structure unless located on a concrete, brick paver, asphalt surface, gravel or similarly finished hardened or dust free surface.”
(Note: gravel surfaces are allowed.)
- 2) **Title 15** – Hard Surface: “A surface as defined in 16.11.2(B) EMC.”
- 3) **Title 16** – “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 alternative dust free surfacing materials (e.g. chip seal surfacing) to serve a principal permitted residential use.” *(Note: gravel surfaces are not allowed)*

Proposed Language: “Off-street parking and loading spaces shall be of concrete or asphalt of sufficient thickness to support the weight of parked vehicles; brick, concrete or stone pavers with a minimum depth of two and one fourth inches (2¼”) or crushed hard rock of a minimum depth of three and a half inches (3½”) placed over an appropriate road base. If crushed hard rock is used, an adequate weed barrier is required. Crushed hard rock shall have a nominal gradation of three-quarter inches (¾”) (100% passing through a 1” screen and less than 10% passing through a ½” screen). River cobble, lava rock, crushed shale, recycled concrete or asphalt or other similar materials shall not be used.”

The proposed language also includes a “grandfather clause” for existing gravel driveways or parking pads.

Result: Corrects conflicting definitions in City Code by expanding materials within the definition of ‘hard surface.’ It also establishes standards for crushed rock surfaces. The new definition applies only to construction or expansion of driveways or parking pads for which an accessory permit is required. The “grandfather clause” allows for existing gravel surfaces to remain.

Summary of Significant Changes Council Bills 48 - 53

- 1) Excludes recreational vehicles from vehicle weight limit. Allows for parking and storage of recreational vehicles on private property in rear or side yard on hard surface.
- 2) Allows for parking of recreational and off-road vehicles in front yard, if rear yard and side yard is not accessible and the vehicle complies with sight distance triangle requirements.
- 3) Removes currently conflicting definitions of "hard surface" in City Code. Establishes new definition, which includes gravel surfaces, in addition to concrete, asphalt and brick, and provides for "grandfathering" of existing driveways and parking areas that do not meet the new requirement.

Wording of the citizen-initiated Ballot Question included on the November 1, 2011 Ballot:

Question No. 2D

Shall THE ENGLEWOOD MUNICIPAL CODE of the City of Englewood, Colorado be amended by changing the Code to provide:

In order to preserve 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 an "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 shall not 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.

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

Yes _____ No _____