

**Agenda for the
Regular Meeting of the
Englewood City Council
Monday, January 9, 2012
7:30 pm**

Englewood Civic Center – Council Chambers
1000 Englewood Parkway
Englewood, CO 80110

1. Call to Order.
2. Invocation.
3. Pledge of Allegiance.
4. Roll Call.
5. Consideration of Minutes of Previous Session.
 - a. Minutes from the Regular City Council Meeting of December 19, 2011.
6. Recognition of Scheduled Public Comment. (This is an opportunity for the public to address City Council. Council may ask questions for clarification, but there will not be any dialogue. Please limit your presentation to five minutes.)
7. Recognition of Unscheduled Public Comment. (This is an opportunity for the public to address City Council. Council may ask questions for clarification, but there will not be any dialogue. Please limit your presentation to three minutes. Time for unscheduled public comment may be limited to 45 minutes, and if limited, shall be continued to General Discussion.)

Council Response to Public Comment
8. Communications, Proclamations, and Appointments.

9. Consent Agenda Items.
 - a. Approval of Ordinances on First Reading.
 - i. Council Bill No. 1 – Recommendation from the Department of Finance and Administrative Services to approve a bill for an ordinance making changes to NonEmergency Employees Retirement Plan (NERP). **STAFF SOURCES: Frank Grylewicz, Director of Finance and Administrative Services.**
 - b. Approval of Ordinances on Second Reading.
 - i. Council Bill No. 76 – As amended, sections of the Englewood Municipal Code pertaining to ballot question 2d concerning parking vehicles on private property.
 - c. Resolutions and Motions.
 - i. Recommendation from the Department of Finance and Administrative Services, City Clerk’s Office, to approve a resolution designating the bulletin board on the north side of the second floor of the Englewood Civic Center as the Official Posting Place for all Legal Notices for the City of Englewood for 2012. **STAFF SOURCES: Frank Grylewicz, Director of Finance and Administrative Services and Loucrishia A. Ellis, City Clerk.**
10. Public Hearing Items. (None Scheduled.)
11. Ordinances, Resolutions and Motions
 - a. Approval of Ordinances on First Reading.
 - b. Approval of Ordinances on Second Reading.
 - c. Resolutions and Motions.
12. General Discussion.
 - a. Mayor’s Choice.
 - b. Council Members’ Choice.
 - i. National League of Cities Conference, March 10-14, 2012 in Washington, D. C.
13. City Manager’s Report.

14. City Attorney's Report.

15. Adjournment.

COUNCIL COMMUNICATION

Date: January 9, 2012	Agenda Item: 9 a i	Subject: A bill for an ordinance updating the NonEmergency Employees Retirement Plan (NERP), by removing undefined terms, changing mortality tables and clarifying the death benefit for a non-spousal beneficiary.
Initiated By: City of Englewood, Finance and Administrative Services Department	Staff Source: Frank Gryglewicz, Director of Finance and Administrative Services	

COUNCIL GOAL AND PREVIOUS COUNCIL ACTION

The City Council discussed these issues at the December 12, 2011 Study Session.

RECOMMENDED ACTION

The NonEmergency Employees Retirement Plan (NERP) Board recommends the City Council approve the attached bill for an ordinance making changes to the NonEmergency Employees Retirement Plan by replacing the undefined term "Accrued Pension" with the defined term "Accrued Benefit," clarifies the death benefit for a non-spousal beneficiary and changes the mortality table from the 1983 Mortality Table to the more current 1994 Mortality Table.

BACKGROUND, ANALYSIS, AND ALTERNATIVES IDENTIFIED

This bill for an ordinance provides for NonEmergency Employees Retirement Plan to replace the term Accrued Pension, which is not defined, with Accrued Benefit.

The proposed bill for an ordinance amends Sections 3-4-2-2.3. a and b and 3-4-18-3 to the more current 1994 Mortality Table in place of the 1983 Mortality Table. The change to 1994 Mortality Tables makes the Plan consistent with actuarial standards.

The proposed bill for an ordinance amends Sections 3-4-7-5, 3-4-8-1, 3-4-8-7, 3-4-9-1, 3-4-9-2, 3-4-9-3 and 3-4-9-5 to clarify the language allowing a Member, Deferred Vested Member or disabled Member to designate their beneficiary of choice and requiring a spousal waiver if married.

The proposed bill for an ordinance amends Sections 3-4-18-2 to clarify funds transferred from the NERP to the money purchase plan cannot be transferred back.

These amendments do not change Plan benefits but may require additional funding to accommodate the change of Mortality Tables.

FINANCIAL IMPACT

These changes have no substantial impact on the funding of the Plan or the City's overall financial condition.

LIST OF ATTACHMENTS

Proposed bill for an ordinance

BY AUTHORITY

ORDINANCE NO. _____
SERIES OF 2012 _____

COUNCIL BILL NO. 1
INTRODUCED BY COUNCIL
MEMBER _____

A BILL FOR

AN ORDINANCE AMENDING TITLE 3, CHAPTER 4, OF THE ENGLEWOOD MUNICIPAL CODE 2000, UPDATING THE NONEMERGENCY EMPLOYEES RETIREMENT PLAN (NERP).

WHEREAS, the NonEmergency Employees Retirement Plan changes were recommended by the Board on November 15, 2011; and

WHEREAS, changes need to be made to the NonEmergency Employees Retirement Plan (NERP) to bring the plan up to date, including:

Replacing the undefined term Accrued Pension with the defined term Accrued Benefit.

Clarifying the death benefit for a non-spousal beneficiary and change the current mortality table to the 1994 Mortality Table, these changes make the Plan consistent with actuarial standards.

Clarifying the language allowing a Member, Deferred Vested Member or disabled Member to designate their beneficiary of choice and requiring a spousal waiver if married.

Clarifying funds transferred from the NonEmergency Employees Retirement Plan to the money purchase plan cannot be transferred back.

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 amending Title 3, Chapter 4, Section 2, Subsection 2(C), of the Englewood Municipal Code 2000, to read as follows:

3-4-2-2: Definitions.

Unless the context otherwise requires, the definitions and general provisions contained in this Subsection govern the construction of this restated Plan.

C. Actuarial (or Actuarially) Equivalent means equality in value of the aggregate amounts expected to be received under different forms of payment based on interest rate and mortality assumptions as defined below unless otherwise specifically provided in the Plan:

1. Interest Rate Assumption for Alternative Periodic Benefits. The interest rate used for purposes of computing alternative periodic forms of benefits shall be 7.5 percent effective January 1, 1986.
2. Interest Rate Assumption for Single-Sum Payments. Effective for the calendar year beginning on January 1, 1986, and for each calendar year following sequentially thereafter, the interest rate used for purposes of computing single-sum payments shall be the immediate annuity rate (subject to adjustment as required for deferred annuities) used by the Pension Benefit Guaranty Corporation as of the January 1 coincident with or preceding the date as of which the amount of the alternative form of benefit is being determined hereunder.
3. Mortality Assumption.
 - a. Effective ~~July 1, 1999~~ January 1, 2012, the mortality assumption for calculation shall be a unisex rate that is fifty percent (50%) male, fifty percent (50%) female, taken from the ~~1983 1994~~ group annuity mortality table. For the period July 1, 1999 to December 31, 2011, such mortality assumption shall be a unisex rate that is fifty percent (50%) male, fifty percent (50%) female, taken from the 1983 group annuity mortality table. Prior to July 1, 1999, such mortality assumption shall be a unisex rate that is fifty percent (50%) male, fifty percent (50%) female, taken from the 1971 group annuity mortality table.
 - b. Solely for purposes of Section 3-4-16-~~2~~, hereof, on and after ~~January 1, 1995~~ January 1, 2012, the mortality assumption for calculation shall be a unisex rate that is fifty percent (50%) male, fifty percent (50%) female, taken from the ~~1983 1994~~ group annuity mortality table. In the case of distribution with annuity starting dates on or after December 31, 2002, the mortality table used to adjust any benefit or limitation under Code Section 415(b)(2)(B), (C), or (D) as set forth in Section 3-4-16-3 of The Plan is the table prescribed by Rev. Rul. 2001-62.

Section 2. The City Council of the City of Englewood, Colorado hereby authorizes amending Title 3, Chapter 4, Section 7, Subsection 5, of the Englewood Municipal Code 2000, to read as follows:

3-4-7-5: Normal Form of Payment.

Unless optional benefits have been elected or are prescribed pursuant to Section 3-4-8 hereof, the basic monthly retirement benefit, computed as set forth above, shall be a ten (10) year certain and life benefit. Such benefit shall be in equal monthly payments commencing on the first day of the month next following the retirement date, and continuing at monthly intervals for a period of one hundred nineteen (119) additional months and for the retired member's lifetime thereafter. The last benefit payment shall be made on the first day of the month of the retired member's death, unless payments have been made for fewer than one hundred twenty (120) months, in which event payments shall be continued to the named beneficiary, ceasing when an aggregate of one hundred twenty (120) monthly payments have been made to the retired member and his/her beneficiary. If the retired member is married at the time benefits are to commence, the spousal consent requirements of Subsection 3-4-8-2 hereof must be met before payments under this Section commence.

In the event that no beneficiary is living at the death of such retired member, the actuarial equivalent value of the monthly installments for the balance of the term certain will be computed and paid in one sum to the estate of the retired member. If at the death of the last surviving beneficiary following the death of the retired member, monthly installments have not yet been paid for the term certain, the actuarial equivalent value of the installments for the balance of the term certain will be computed and paid in one sum to the estate of the last surviving beneficiary.

As provided by Subsection 3-4-16-2 hereof, retirement benefits may be suspended for a retired member during a period of employment subsequent to his/her actual retirement date during which he/she is rehired and receiving compensation as an employee of the City. Monthly payments shall commence and be determined pursuant to such Subsection 3-4-16-2 hereof.

Section 3. The City Council of the City of Englewood, Colorado hereby authorizes amending Title 3, Chapter 4, Section 8 Subsection 1, of the Englewood Municipal Code 2000, to read as follows:

3-4-8-1: General.

Subject to such uniform rules and regulations as the retirement board may prescribe and the restrictions contained in this Section 3-4-8 hereof, a member or vested member may, in lieu of the basic retirement benefits provided in Section 3-4-7 hereof, elect one of the following forms of retirement benefits which shall be the actuarial equivalent of the benefit to which he would otherwise be entitled. In the case of a married Member whose spouse does not consent as described in Section 3-4-8-2 hereof, payment shall be made according to Section 3-4-8-2. The member or vested member must take any election of an optional benefit in writing, and such election must be filed with the retirement board at least thirty (30) days prior to the due date of the first payment of retirement benefits under the plan. The election of an option may be changed at any time prior to thirty (30) days preceding the due date of the first payment of retirement benefits under the plan. However, an optional form of payment may not be elected unless the value of the payments expected to be paid to the member exceeds fifty percent (50%) of the value of the total benefits to be paid under such optional form.

Section 4. The City Council of the City of Englewood, Colorado hereby authorizes amending Title 3, Chapter 4, Section 8, Subsection 7, of the Englewood Municipal Code 2000, to read as follows:

3-4-8-7: Beneficiary.

The Member or Vested Member must designate his Beneficiary in writing. If on or after January 1, 1987, a married Member or Vested Member wishes to designate someone other than his spouse to be a primary Beneficiary (or wishes to continue, after January 1, 1987, such a designation made prior to January 1, 1987), such designation will not become (or continue to be) effective unless his spouse (if his spouse can be located) consents in writing to such designation (or form of benefits) which may not be changed without spousal consent (or the consent of the spouse expressly permits designations by the Member or Vested Member without any requirement of further consent by the spouse), acknowledges the effect of such designation and has such consent and acknowledgment witnessed by a Plan representative or a notary public. Such designation shall be made in writing upon a form provided by the Retirement Board and shall be filed with the Retirement Board. The last such designation filed with the Retirement Board shall control. The Member or Vested Member may designate a different Beneficiary for DROP benefits. Retirement Benefits and for death benefits described in Section 3-4-9.

Section 5. The City Council of the City of Englewood, Colorado hereby authorizes amending Title 3, Chapter 4, Section 9, Subsection 1, of the Englewood Municipal Code 2000, to read as follows:

3-4-9-1: Death of an Active Member with Five (5) or More Years of Service.

If an active Member dies after completing five (5) or more years of service, the surviving spouse shall receive fifty percent (50%) of the Member's accrued benefit for one hundred twenty (120) months certain and life thereafter. However, if the spouse is more than five (5) years younger than the Member, the monthly benefits will be reduced by one and one-half percent (1.5%) for each year that their difference in age exceeds five (5) years. If the Member is not survived by a spouse or if the spouse consents to a designated Beneficiary other than the spouse according to Section 3-4-8-7, the his designated beneficiary shall receive fifty percent (50%) of the Member's monthly ~~a~~Accrued ~~b~~Benefit for one hundred twenty (120) months certain. If the Member is not survived by a spouse or designated Beneficiary, the one hundred twenty (120) monthly payments shall be computed and paid in a single sum to the Member's estate. The payment to the surviving spouse or designated Beneficiary will commence on the first day of the month following the date of the Member's death, or if later, the date the Member would have attained age fifty-five (55). If a Member's death occurs prior to his fifty-fifth (55th) birthday, the Retirement Board may elect, with the consent of the Member's spouse, designated Beneficiary or estate to pay the spouse, Beneficiary or estate a single sum payment at the time of the Member's death, equal to the Actuarial Equivalent of the payment due when the Member would have attained age fifty-five (55).

Section 6. The City Council of the City of Englewood, Colorado hereby authorizes amending Title 3, Chapter 4, Section 9, Subsection 2, of the Englewood Municipal Code 2000, to read as follows:

3-4-9-2: Death of a Vested or Disabled Member Prior to Commencement of Payments.

In the event a Vested Member or a disabled Member dies prior to the commencement of payments from the Plan, the surviving spouse shall receive fifty percent (50%) of the Member's Accrued Benefit for one hundred twenty (120) months certain and life thereafter. However, if the spouse is more than five (5) years younger than the Member, the monthly benefit will be reduced by one and one-half percent (1.5%) for each year that their difference in age exceeds five (5) years. If the Member is not survived by a spouse or if the spouse consents to a designated Beneficiary other than the spouse according to Section 3-4-8-7, his the designated Beneficiary shall receive fifty percent (50%) of the Member's monthly Accrued Benefit for one hundred twenty (120) months certain. If the Member is not survived by a spouse or designated Beneficiary, the one hundred twenty (120) monthly payments shall be computed and paid in a single sum to the Member's estate. The payment to the surviving spouse or designated Beneficiary will commence on the first day of the month following the date of the Member's death, or if later, the date the Member would have attained fifty-five (55). If a Member's death occurs prior to his fifty-fifth (55th) birthday, the Retirement Board may elect, with the consent of the Member's spouse, designated Beneficiary or estate to pay the spouse, Beneficiary or estate a single sum payment at the time of the Member's death, equal to the Actuarial Equivalent of the payment due when the Member would have attained age fifty-five (55).

Section 7. The City Council of the City of Englewood, Colorado hereby authorizes amending Title 3, Chapter 4, Section 9, Subsection 3, of the Englewood Municipal Code 2000, to read as follows:

3-4-9-3: Death of an Active Member Between Normal and Delayed Retirement Dates.

In the event a Member continues in City employment after his normal retirement date and dies before actually retiring, then he shall be deemed to have retired on the first day of the calendar month in which he dies. If an optional form or payment has been elected and the Member is not survived by a spouse or if the spouse consents to a designated Beneficiary other than the spouse according to Section 3-4-8-7. the designated Beneficiary shall receive one hundred percent (100%) of the Member's monthly Accrued Benefit for one hundred twenty (120) months certain. If the Member is not survived by a spouse or designated Beneficiary, the one hundred twenty (120) monthly payments shall be computed and paid in a single sum to the Member's estate. Death benefit payments shall commence on the first day of the month following the Member's death.

Section 8. The City Council of the City of Englewood, Colorado hereby authorizes amending Title 3, Chapter 4, Section 9, Subsection 5, of the Englewood Municipal Code 2000, to read as follows:

3-4-9-5: Supplemental Death Benefit for Members Hired Prior to January 1, 1976.

In addition to the death benefit provided in Subsections 1, 2 and 3, of this Section 9, a lump sum supplemental benefit shall be payable to the spouse or, if the spouse consents according to Section 3-4-8-7, to the designated Beneficiary of any active Member, Vested Member or disabled Member who dies prior to the commencement of retirement benefit payments from the Plan. The supplemental death benefit shall be equal to the amount of accumulated contributions as of his date of death plus two percent (2%) of the compensation received by him subsequent to December 31, 1975 and prior to January 1, 1983. If such Member is not survived by a designated Beneficiary, the lump sum payment shall be made to his estate.

Section 9. The City Council of the City of Englewood, Colorado hereby authorizes amending Title 3, Chapter 4, Section 14, Subsection 2, of the Englewood Municipal Code 2000, to read as follows:

3-4-14-2: Amendment.

The City reserves the right to alter, amend, or terminate the Plan or any part thereof in such manner as it may determine, and such alteration, amendment or termination shall take effect upon notice thereof from the City to the Retirement Board; provided that no such alteration or amendment shall provide that the Retirement Benefit payable to any Retired Member shall be less than that provided by his Accumulated Contributions or affect the right of any Member to receive a refund of his Accumulated Contributions and shall not directly or indirectly reduce any Member's ~~Accrued Pension~~ Accrued Benefit. And provided further, that no alteration or termination of the Plan or any part thereof shall permit any part of the Fund to revert to or be recoverable by the City or be used for or diverted to purposes other than the exclusive benefit of Members, Retired Members, Vested Members or Beneficiaries under the Plan, except such funds, if any, as may remain at termination of the Plan after satisfaction of all liabilities with respect to Members, Retired Members, Vested Members and Beneficiaries under the Plan and are due solely to erroneous actuarial assumptions. Further, no amendment shall cause the

elimination of an optional form of benefit nor the elimination or reduction of an early Retirement Benefit that continues after retirement.

Section 10. The City Council of the City of Englewood, Colorado hereby authorizes amending Title 3, Chapter 4, Section 18, Subsection 2, of the Englewood Municipal Code 2000, to read as follows:

3-4-18-2: Waiver and Release Requirement.

Each eligible member under Section 3-4-3-2B or 3-4-18-1, who wishes to exercise the option of converting membership to the money purchase plan must sign a waiver and release within the timeframes specified by the Board and in a form acceptable to the Board, waiving all rights to a defined benefit pension from this plan and releasing the City and Board from any liability to the member and/or his or her beneficiaries for such a defined benefit pension or any claim based on the conversion to the money purchase plan. Said election shall be irrevocable unless the employee changes status from an exempt employee to a non-exempt employee, in which case such employee may elect within sixty (60) days of the change in status to again become a member of this plan. In the event an employee rejoins this plan due to a change in status after five (5) years from the transfer date, credited service shall not be restored for such employee and such employee shall not be vested until he or she earns five (5) years of credited service subsequent to his or her reentry into this plan. Funds transferred to the money purchase plan shall not be transferred back to this Plan.

Section 11. The City Council of the City of Englewood, Colorado hereby authorizes amending Title 3, Chapter 4, Section 18, Subsection 3, of the Englewood Municipal Code 2000, to read as follows:

3-4-18-3: Transfer of Funds.

Each eligible member under Section 3-4-3-2B or 3-4-18-1, who chooses to exercise the option to convert his or her membership to the money purchase plan shall have a determinable amount transferred to the money purchase plan. The amount transferred on behalf of each such member is the actuarial equivalent present value (which shall include an adjustment if the member qualifies for special early retirement or regular early retirement as of the date the member changes status for a member described in Section 3-4-3-2B and is July 30, 2001, for a member described in Section 3-4-18-1), as of the date of transfer of the member's accrued benefit. For purposes of this Section 3-4-18-3, the term "actuarial equivalent present value" shall be based on an interest rate assumption of seven and one-half percent (7.5%) and the mortality assumption of a unisex rate that is fifty percent (50%) male, fifty percent (50%) female, taken from the 1983 1994 Group Annuity Mortality Table (except that the 1983 group annuity mortality table applies for transfers before January 1, 2012). The date of transfer of the member's accrued benefit shall be as soon as practicable after the election date for a member described in Section 3-4-3-2B, and August 31, 2001, or as soon as practicable thereafter, for a member described in Section 3-6-18-1.

Section 12. 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 13. 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 14. 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 15. 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 16. 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 9th day of January, 2012.

Published by Title as a Bill for an Ordinance in the City's official newspaper on the 13th day of January, 2012.

Published as a Bill for an Ordinance on the City's official website beginning on the 11th day of January, 2012 for thirty (30) days.

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 a Bill for an Ordinance, introduced, read in full, and passed on first reading on the 9th day of January, 2012.

Loucrishia A. Ellis

BY AUTHORITY

ORDINANCE NO. _____
SERIES OF 2011/2012

COUNCIL BILL NO. 76
INTRODUCED BY COUNCIL
MEMBER WOODWARD

AN ORDINANCE TO IMPLEMENT BALLOT QUESTION 2D CONCERNING PARKING VEHICLES ON PRIVATE PROPERTY.

WHEREAS, on August 3rd an initiative petition was submitted to the City Clerk’s Office; and

WHEREAS, the Englewood Home Rule Charter and State Statutes provide that this matter be forwarded to the Englewood City Council after the City Clerk certifies the validity and sufficiency of such initiative petition; and

WHEREAS, the Englewood City Clerk has certified the validity and sufficiency of the signatures for the initiative petition; and

WHEREAS, the Englewood City Council voted to place the initiative on the November, 2011 Ballot; and

WHEREAS, the November 1, 2011 Ballot Question 2D, read as follows:

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.

WHEREAS, the November 1, 2011 Election results were as follows:

Ballot Question 2D (Private Property RV Parking):

Yes	No
3113	2399

NOW, THEREFORE, THE CITY OF ENGLEWOOD REPEALS AND AMENDS THE FOLLOWING SECTIONS OF THE ENGLEWOOD MUNICIPAL CODE 2000 AS THEY ARE IN CONTRADICTION TO THE LANGUAGE TO BALLOT QUESTION 2D WHICH WAS APPROVED BY THE VOTERS:

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

11-1-6: Parking Restrictions.

A. *Regulations Not Exclusive:* The provisions of this Section imposing restrictions on parking shall not relieve any person from the duty to observe other and more restrictive provisions prohibiting or limiting the stopping, standing or parking of vehicles in specified places, at specified times, or in a specified manner (see also part 12 of the 1995 Model Traffic Code, as adopted and Section 15-5-1 et seq. of this Municipal Code).

B. *Methods Of Parking:*

1. *Parking In Alleys:*

- a. No person shall park a vehicle within an alley except during the necessary and expeditious loading and unloading of merchandise or freight.
- b. No person shall stop, stand or park a vehicle within an alley in such position as to block the driveway entrance to any abutting property.

2. *Parking Not To Obstruct Traffic Or Maintenance:* No person shall park any vehicle upon a street or highway in such a manner or under such conditions as to interfere with the free movement of vehicular traffic or proper street or highway maintenance.

3. *Clearance Between Vehicles:* No person shall stand or park a vehicle in such a manner as to leave less than two feet (2') clearance between vehicles when parked.

4. *Waiting For Parking Space Being Cleared:* The driver of a vehicle, while waiting for a parking space to be cleared by another vehicle which is in the actual process of leaving the parking space shall stop on the roadway side of and immediately to the rear of the vehicle and shall remain in such position until the parking space has been cleared.

C. *Stopping, Standing Or Parking Restrictions:*

1. *Obedience To Stopping, Standing Or Parking Regulations:*

- a. On any street or public property, or at any place within this Municipality where official signs are posted by the Traffic Engineer or designee giving notice of stopping, standing or parking restrictions or prohibitions, no person shall stop, stand or park a vehicle in any manner in violation of the provisions contained on such sign or signs except when necessary to avoid conflict with other traffic, or in compliance with the directions of a police officer or official traffic-control device or except for the purpose of loading or unloading passengers when such standing does not obstruct, impede or endanger any traffic.

- b. On private property, no person shall stop, stand or park a vehicle in any manner in violation of the provisions contained on such sign or signs except when necessary to avoid conflict with other traffic, or in compliance with the directions of a police officer or official traffic-control device or except for the purpose of loading or unloading passengers when such standing does not obstruct, impede or endanger any traffic, which the City will enforce only with written authority from the property owner.
- 2. *Emergency Stopping Or Parking Only:* When official signs are erected giving notice thereof, no person shall stop, stand or park a vehicle on the shoulder of any highway or any other ~~facility~~ street so marked except in case of emergency involving the vehicle or its occupants.
- 3. *Parking In Special Areas:* In addition to the restrictions on parking in Section 1204 of the Model Traffic Code, 1995 Edition, there shall be no stopping, standing, or parking in the following areas except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or an official traffic-control device:
 - a. Marked fire lanes.
 - b. Between the sidewalk and the street curb in the street right of way.
- 4. *Standing In Passenger Loading Zone:* No person shall stand a vehicle for any purpose or period of time other than for the expeditious loading or unloading of passengers ~~in any place~~ on public streets or rights-of-way officially marked as a passenger loading zone during hours when the regulations applicable to such loading zone are effective and then only for a period not to exceed three (3) minutes.
- 5. *Standing In Loading Zone:*
 - a. No person shall stand a vehicle for any purpose or length of time other than for the expeditious unloading and delivery or pickup and loading of materials ~~in any place~~ on any street officially marked as a loading zone during hours when the provisions applicable to such zones are in effect.
 - b. In no case shall the standing for loading and unloading of materials exceed thirty (30) minutes.
- 6. *Permits For Loading Zones:* Whenever special permits are issued, by the Traffic Engineer, to establish or control the use of loading zones or to allow the backing of a vehicle for the purpose of loading or unloading merchandise or materials subject to certain conditions, no permittee or other person shall violate any of the special terms of any such permits.
- 7. *Taxicab Stands Regulated:*
 - a. The operator of a taxicab shall not stand or park such vehicle upon any street ~~at any place~~ other than in a taxicab stand so designated as authorized by the Traffic Engineer.

- b. This provision shall not prevent the operator of a taxicab from temporarily stopping in accordance with other parking, standing or stopping regulations ~~at any place~~ for the purpose of and while actually engaged in the expeditious loading or unloading of passengers.
- D. *Valid Plates And Registration Required:* It is unlawful for any person to park or stand any motor vehicle or trailer upon any street or upon any private property available for public use in this City that does not have current valid vehicle license plates and vehicle registration in conformity with the laws of the state of plate issuance.
- E. *Parking Motor Vehicles In Private Parking Lots:* Where private property or a portion thereof is devoted to the purpose of parking motor vehicles, and where the owner or other authorized person has established parking restrictions on said property, which restrictions are prominently posted so as to give notice thereof, it shall be unlawful for any person to park or to stand a vehicle, whether occupied or not, in violation of the parking restrictions so posted. The City will enforce only with written authority from the property owner.
- F. *Bus Stops Regulated:*
- 1. The operator of a bus shall not stand or park such vehicle upon any street ~~at any place~~ other than a bus stop so designated as authorized by the Traffic Engineer.
 - 2. The operator of a bus shall not stop such vehicle upon any street ~~at any place~~ for the purpose of loading or unloading passengers or their baggage other than at a bus stop so designated as authorized by the Traffic Engineer, except in case of an emergency.
 - 3. The operator of a bus shall enter a bus stop on a public street in such a manner that the bus, when stopped to load or unload passengers or baggage, shall be in a position with the right front wheel of such vehicle not further than eighteen inches (18") from the curb and the bus approximately parallel to the curb so as not to unduly impede the movement of other vehicular traffic.
- G. *Residential On-Street Parking Permits And Fees:*
- 1. *Permits:* When the City Traffic Engineer has designated and established limitations on vehicle parking on streets in residential areas, the City Manager, or his/her designee, may, upon application, issue up to two (2) owners' permits per household to residents of such areas who own and/or operate a motor vehicle allowing said vehicle to be parked in the block on which the owner of said vehicle resides as if there were no restrictions on said parking. The permit shall be for a two (2) year period. The permit shall be affixed to the lower left-hand corner of the rear window of said vehicle, or in a location on the vehicle approved by the City Manager or designee. This provision shall not apply to metered parking spaces where parking meter zones have been established. A resident of such area may obtain two (2) visitor parking permits to be issued by the City. The permit shall be for a two (2) year period of time and shall be issued for no fee. The permit shall be issued for a specific block and address and shall only allow a visitor to come to the block that has been issued the visitor parking permit. The permit shall be displayed on the visitor vehicle in the front left-hand (driver's) windshield. If a permit is lost, stolen, or a resident's vehicle is sold, a replacement permit may be purchased. In the case of visitors' permits, two (2) replacements will be allowed each year.

2. *Fees*: No fee shall be charged for a permit issued for a vehicle owned by a resident at the area. No fee shall be charged for two (2) visitor permits. The cost of all replacement resident and visitor permits shall be set by Council resolution.
- H. *Parking For Certain Purposes Prohibited*: No person shall park a vehicle upon a roadway for the principal purpose of:
1. Displaying such vehicle for sale;
 2. Washing, greasing, painting, or repairing such vehicle except repairs necessitated by an emergency;
 3. Displaying advertising.

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

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 on a public street or public property, at that location, which shall be the time limit for that day and that block.

Section 3. The City Council of the City of Englewood, Colorado hereby authorizes amending Title 11, Chapter 6, Section 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 on a grass surface.~~

- ~~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.~~

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

1. 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~~ 2 below;
2. 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 4. The City Council of the City of Englewood, Colorado hereby authorizes amending Title 15, Chapter 1, Section 2, to be deleted from the alphabetical list of definitions of the Englewood Municipal Code 2000, to read as follows:

15-1-2: Definitions.

For the purpose of the application of the provisions of this Title, the following definitions shall apply:

~~*Vehicle, Commercial:* Any motor vehicle licensed by the State of Colorado as a commercial vehicle. Any vehicle designed, maintained or used primarily for the transportation of property.~~

~~*Vehicle, Hobby:* Any vehicle of the following type in the process of being built, restored or maintained as a hobby or diversion from one's regular occupation: boat, classic car, experimental car, off road vehicle, and race car and derelict vehicle.~~

Section 5. The City Council of the City of Englewood, Colorado hereby authorizes amending Title 15, Chapter 9, Section 1, of the Englewood Municipal Code 2000, to read as follows:

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 on a grass surface 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 not on a grass surface ~~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~~, not on a grass 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.

Section 6. The City Council of the City of Englewood, Colorado hereby authorizes amending Title 15, Chapter 9, Section 2, of the Englewood Municipal Code 2000, to read as follows:

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~~ on a grass surface.
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 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. ~~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) 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 on a grass surface 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.~~

Section 7. The City Council of the City of Englewood, Colorado hereby authorizes amending Title 16, Chapter 2, Section 9, Subsection A, of the Englewood Municipal Code 2000, to read as follows:

16-2-9: Zoning Site Plan Review.

A. Applicability. No land shall be used, occupied, or developed for any use without complying with the Zoning Site Plan requirements and procedures provided in this Section, as applicable. A Zoning Site Plan shall be required for:

1. The commencement of all development, improvement, or construction requiring a building permit, except for interior remodel and tenant finish.
2. The construction or expansion of fences, walls, and accessory structures (e.g., garages, carports, storage sheds, decks) in all zone districts, including decks less than thirty inches (30") in height and accessory structures containing less than one hundred twenty (120) square feet in floor area that do not otherwise require a building permit.
3. ~~The construction, re-installation, expansion, alteration, surfacing, or resurfacing of a residential driveway.~~
4. ~~3.~~ Accessory uses, not including home occupations, marked as "A" in the applicable table cell in Table 16-5-1.1, "Table of Allowed Uses".
5. ~~4.~~ The construction, re-installation, expansion, alteration, surfacing, or resurfacing of a parking area.

Section 8. The City Council of the City of Englewood, Colorado hereby authorizes amending Title 16, Chapter 5, Section 2, Subsection C, Number 3, Paragraph a, and Subsection C, Number 8, Paragraph a, and Subsection C, Number 9, Paragraph b, of the Englewood Municipal Code 2000, to read as follows:

16-5-2: Use-Specific Standards.

C. *Commercial Uses.*

3. Automotive Sales, Rental; Commercial Storage of Operable Vehicles; Parking Area, Surface (Operable Vehicles); and Parking Facility, Structure (Operable Vehicles).

- a. *Standards.*

- ~~(13) Parking areas, (surface) are prohibited as a principle use within the first one hundred (100) feet of any lot adjacent to Hampden Avenue, within the M-1 and M-2 zone districts.~~

8. Office.

- a. *Office, Type 2 (Limited).*

- (1) In the MU-R-3-A and MU-R-3-B districts, this includes administrative and professional offices where the following activities are prohibited:

- (a) Sale of goods or merchandise;

- (b) On-site storage of materials or equipment, except incidental to office operation;

- (c) On-site storage of materials, equipment, or vehicles; and

- ~~(d) On-site parking of business vehicles during non-business hours; and~~

- ~~(e)~~(d) On-site dispatch of personnel or equipment.

9. Parking Area, Surface (Operable Vehicles) (TSA District Only). A surface parking area is allowed as a short-term, interim principal use of vacant parcels in the TSA district, subject to compliance with the following standards:

- a. *Location.*

- (1) Surface parking lots developed or used as a principal use shall be permitted in the TSA district, except within the transit station subarea.

- (2) A surface parking lot developed or used as a principal use shall not be located adjacent to another surface parking lot use developed or used as a principal use.

- (3) A surface parking lot developed or used as a principal use in the district shall be located at least fifty feet (50') away from the intersection of two (2) public streets.

- b. *Parking Surfaces.* All surface parking lots shall ~~be paved with a hard surface acceptable to the City.~~ not be surfaced with grass.

- b. e. *Landscaping/Screening.* The perimeter and interior of all surface parking lots along a public street, public plaza, or other public open area or right-of-way, shall be screened and landscaped as stated in the Station Area Standards and Guidelines.
- c. d. *Allowed As Interim Use Only.* In order to encourage more high-intensity and pedestrian-friendly development in the TSA district, principal commercial parking uses on surface lots shall be considered an interim use only. Accordingly, the City shall attach the following conditions to all conditional use approvals of any principal commercial parking/vehicle storage use in the TSA district:
 - (1) Such use shall automatically lapse and expire after three (3) years from the date of the City's approval action, unless otherwise expressly allowed by the City in the terms of conditional use approval, or unless the City approves an extension of time prior to the end of the three-year period.
 - (2) If the surface parking lot use is not converted to another permitted principal use within one (1) year after such use expires, the owner shall remove the paved surface and all appurtenant structures, re-vegetate the parcel with grass seed or other landscaping material approved by the City, and maintain such landscaping until such parcel is redeveloped.
 - (3) An applicant shall request an extension of the expiration period at least sixty (60) days prior to the end of the original three (3) year (or extended) expiration period. All such requests shall be reviewed according to the procedures for review of a conditional use, as set forth in Section 16-2-12 EMC. The City shall review such request according to the review criteria in Section 16-2-12 EMC, and considering the purpose of the TSA district and the status of existing and planned development activity in the district. The City shall act to either extend the conditional use approval for a specified term of years, but in no case longer than three (3) years, or allow the conditional use approval to expire.

Section 9. The City Council of the City of Englewood, Colorado hereby authorizes amending Title 16, Chapter 5, Section 2, Subsection D, Number 6, of the Englewood Municipal Code 2000, to read as follows:

D. *Manufacturing/Industrial Uses.*

- 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 not be surfaced with grass. ~~be surfaced with concrete, asphalt, or other impervious surface approved by the City Manager or designee.~~ The site shall comply with 11-3-5 EMC regarding storm drainage.
 - 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.

Section 10. The City Council of the City of Englewood, Colorado hereby authorizes amending Title 16, Chapter 5, Section 3, of the Englewood Municipal Code 2000, to read as follows:

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.D. The reuse of the building shall be limited to such use approved by the Commission and Council following a public hearing.
- F.E. 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.

Section 11. The City Council of the City of Englewood, Colorado hereby authorizes amending Title 16, Chapter 5, Section 4, Subsection C, Number 2, of the Englewood Municipal Code 2000, to read as follows:

16-5-4: Accessory Uses.

- 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.

- 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. The parking area shall not have a grass surface.~~
 - (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.~~
 - (5)(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.

Section 12. The City Council of the City of Englewood, Colorado hereby authorizes amending Title 16, Chapter 5, Section 4, Subsection D, of the Englewood Municipal Code 2000, to read as follows:

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 e.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.~~

(1) ~~(3)~~ No commercial vehicle shall be stored on public property or in the public right-of-way.

Section 13. The City Council of the City of Englewood, Colorado hereby authorizes amending Title 16, Chapter 6, Section 1, Paragraph C, of the Englewood Municipal Code 2000, to read as follows:

16-6-1: - Dimensional Requirements.

C. Additional Dimensional and Development Standards.

1. *Multi-Unit Development Standards in R-2-A, R-2-B, MU-R-3-A and MU-R-3-B Districts.*

a. *Applicability.* The following standards apply to all multi-unit dwellings constructed or converted after the effective date of this Section.

b. Multi-unit dwellings existing on the effective date of this Section and which as of that date are not in compliance with standards established by this Section, shall not be considered nonconforming due solely to the dwelling's noncompliance with the standards of this Section. Such dwellings are "grandfathered," and shall be considered legal, conforming structures for the purposes of sale and development under this Title.

c. *Property having rear alley access.*

(1) Minimum lot width shall be twenty-five feet (25') per unit.

~~(2) Driveway access from the public street shall be prohibited, except for:~~

~~(a) Corner lots where garage, carport or parking pad may be accessed from the side street.~~

~~(b) Dwellings with four (4) or more units may have one (1) driveway accessing the street.~~

~~(3) Parking pads within the front yard or front setback shall be prohibited.~~

d. *Property without rear alley access.*

(1) Minimum lot width shall be thirty feet (30') per unit.

(2) Garages, and carports ~~and parking pads~~ shall be offset behind the front building line of each unit by a minimum of five feet (5').

~~(3) Minimum separation between driveways or parking pads of attached units shall be twenty feet (20').~~

~~(4) Maximum driveway or parking pad width within front yard or front setback shall be ten feet (10') per unit.~~

(3) ~~(5)~~ The maximum garage door width on the front façade of the structure shall be nine feet (9') per unit.

~~(6) A parking pad may be located in the front yard or front setback only when a garage or carport is not provided.~~

(4) ~~(7)~~ An opaque fence or wall shall be provided between driveways or parking pads on adjacent properties.

(5) ~~(8)~~ Units that provide attached garages behind the rear building line of the principal structure may reduce the principal structure's rear setback to ten feet (10').

(6) ~~(9)~~ It is recognized that because of the wide variety of multi-unit development options, the City Manager or designee may on a case-by-case basis consider minor deviations to this Subsection (2) through ~~(7)~~ (5) above, whenever such deviations are more likely to satisfy the intent of this subsection.

Section 14. The City Council of the City of Englewood, Colorado hereby authorizes amending Title 16, Chapter 6, Section 4, Subsections A through O, of the Englewood Municipal Code 2000, to read as follows:

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

A. *Purpose.* The purpose of this Section is to prevent or alleviate the congestion of public streets, ~~to minimize any detrimental effects of parking and loading areas on adjacent properties,~~ to enhance parking areas with landscape elements, and to promote the safety and welfare of the public. In recognition that different solutions may be appropriate in different areas of the City and for different types of development, the standards set out in this Section allow flexibility in dealing with vehicle parking and loading issues.

B. *Applicability.*

1. *New Development.* The off-street parking and loading standards of this Section shall apply to all new development after the effective date of this Title, except as otherwise expressly allowed in this Title.

2. Applicability to Existing Uses.
 - a. No existing use or structure shall be deemed nonconforming solely because of the lack of off-street parking (including bicycle parking) or loading requirements prescribed in this Section, provided that off-street parking and loading facilities existing on the effective date of this Title shall not be reduced in capacity, design, or function to less than the minimum standards prescribed in this Section and Title.
 - b. Off-street parking and loading facilities existing on the effective date of this Title shall be maintained as long as the use or structure exists, even if the amount of parking or loading spaces does not comply with this Section, unless an equivalent number of spaces are provided conforming to the requirements of this Section.
 - c. In connection with an existing use, this Section shall not require the maintenance of more parking or loading spaces than is required for a new building or use under this Section and Title.
 3. Expansions and Increases in Intensity. Unless otherwise expressly stated in this Section, the off-street parking and loading standards of this Section apply when an existing structure or use is expanded or enlarged, through the addition of dwelling units, floor area, seating capacity, employees, or other units of measurement used for establishing off-street parking and loading requirements. Additional off-street parking and loading spaces shall be required only to serve the enlarged or expanded area, not the entire building or use.
 4. Change of Use. Unless otherwise expressly stated in this Section, off-street parking (including bicycle parking) and loading facilities shall be provided for any change of use or manner of operation that would, based on the off-street parking schedule or the off-street loading schedule, result in a requirement for more parking or loading spaces than the former use. Additional parking or loading spaces shall be required only in proportion to the extent of the change, not for the entire building or use.
 5. Planned Unit Developments. In Planned Unit Developments, the amount of off-street parking shall be determined on a case-by-case basis as part of the City's consideration of the PUD application. However, the decision-making body may use the off-street parking and loading requirements of this Section as the starting point for determination of the applicable minimum standards. ~~All PUD development plan applications shall include a parking plan according to this Section.~~
- C. *No Reduction Below Minimums.* Unless otherwise expressly allowed in this Section, existing parking spaces may not be reduced below the minimum requirements established in this Section. Unless otherwise expressly allowed in this Section, any change in use or manner of operation that increases applicable off-street parking requirements shall be deemed a violation of this Title unless parking spaces are provided according to this Section.
- D. *Required Plan Elements.* ~~A parking and loading plan (including required bicycle parking), submitted as part of a site or development plan, is required for: all multi-unit residential dwelling uses; all nonresidential uses; and any other occasion when the City deems it necessary to determine the impact of parking on a development. The parking and loading plan shall show all information as required on City submittal requirement forms.~~

E.D. *Computation of Off-Street Parking and Loading Requirements.* The following rules apply when computing off-street parking and loading requirements:

1. Multiple and Mixed Uses. Unless otherwise approved by the City, off-street parking areas serving either (1) more than one principal use, (2) more than one use type within a structure (i.e., office and warehouse), or (3) a mixed-use development must provide parking and loading in an amount equal to the combined total of the minimum requirements for each use.
2. Fractions. When measurement of the number of required spaces results in a fractional number the fraction shall be rounded up to the next higher whole number.
3. Area-Based Standards.
 - a. Unless otherwise specifically noted, all square footage-based parking and loading standards (e.g., one (1) parking space per three hundred (300) square feet of office use) shall be computed on the basis of gross leasable or rentable floor area (i.e., excluding square footage of floor area devoted to common or public areas, hallways, and bathrooms).
 - b. When the standard states that an off-street parking area shall be provided based on the gross floor area of a specific use (e.g., "an area equal to the gross floor area"), calculations shall be based on a requirement of three hundred (300) square feet per parking space. For example, one thousand two hundred (1,200) square feet of gross floor area, divided by three hundred (300) square feet, equals four (4) parking spaces that must be provided.
4. Occupancy- or Capacity-Based Standards. For the purpose of computing parking requirements based on employees, students, residents, or occupants, calculations shall be based on the largest number of persons working on any single shift, the maximum enrollment, or the maximum building code capacity, whichever is applicable and whichever results in the greater number of spaces.
5. Unlisted Uses. In reviewing a development application for a use not specifically listed, the City Manager or designee, shall apply the standard for the use that is most similar to the proposed use.

F.E. *Off-Street Vehicle Parking Ratios Requirements and Design.*

1. Amount of Off-Street Vehicle Parking (Table 16-6-4.1). Table 16-6-4.1 below sets forth the minimum required ~~amount~~ number of off-street vehicle parking spaces. ~~In lieu of complying with these standards, an applicant may request approval of an alternative parking plan, under Section 16-6-4.1 EMC, "Alternative Parking Plans."~~

TABLE 16-6-4.1: MINIMUM OFF-STREET VEHICLE PARKING REQUIREMENTS RATIOS		
Use	Off-Street Vehicle Parking Standard	Additional Requirements
RESIDENTIAL USES		
Group Living		

Dormitory, fraternity, sorority	1 parking space per two beds	
Group living facility, large/special or small	1 parking space per 3 resident beds, plus 1 parking space for each 3 employees	
Nursing home	1 parking space per 4 resident beds plus 1 parking space for each 3 employees	
Senior citizen	.75 parking spaces per unit plus one guest space for each 5 units	
Household Living		
One-unit, detached or attached dwelling	2 spaces per each dwelling unit	
Senior citizen residential complex (35 percent or more of total units reserved for persons 60 years and older)	1 space per 2 dwelling units, plus one guest space for each 5 units	
Two-unit and multi-unit dwelling: Efficiency, 1- or 2-bedroom unit	1.5 spaces per each dwelling unit.(1) Such parking shall be designated and identified as parking for the occupants of the building only. (2) Guests or Visitor Parking for buildings with 5 or more dwelling units: 1 space for each 5 units. Such parking shall be designated and identified as temporary parking for the use of guests or visitors or the occupants of the building only.	
Two-unit and multi-unit dwelling: 3 or more bedroom unit	2 spaces per each dwelling unit.	
Boarding or Rooming Houses	1 space for each guest bed, in addition to the one-unit dwelling requirement	
PUBLIC/INSTITUTIONAL USES		

Religious Assembly		
All	1 space for each 3 seats or every 6 feet of bench length in the main assembly area or auditorium	
School		
Education institution - elementary	1 space for each classroom and administrative office	
Education institution - secondary	An area equal to 1/2 the gross floor area in the structure	
Public Buildings		
All	An area equal to 1/2 the gross floor area in the structure	
COMMERCIAL USES		
Assembly		
Assembly hall or auditorium, hall rental for meetings or social occasions	1 space for each 3 seats	
Entertainment/ Amusement: Indoor		
Amusement facilities, convention facilities, dance halls, gymnasiums, theaters, skating rinks	1 space for each 3 seats	
Bowling alley	4 spaces per lane, plus 1 additional space for each 2 employees	
Food and Beverage Service		
Restaurant, bar, tavern, with or without outdoor operations	1 space per each 100 square feet of gross floor area	
Medical/Scientific Service		
Hospital	1 space for each 2 patient beds, plus 1 space for each 2 employees	
Office		
All	1 space per each 300 square feet	
Retail Sales and Service		

All	Under 7,500 square feet: an area equal to 1/2 of the gross floor area; 7,500 square feet gross floor area and above: an area equal to the gross floor area.	As applicable, plus adequate stacking spaces as per Section 16-6-4-J below.
Vehicle and Equipment		
Automotive sales, rental; Automobile pawnbroker	1 space for each 2 employees at maximum employment on a single shift, plus 2 spaces for each 300 square feet of sales/office, repair, or maintenance space.	
Visitor Accommodation		
Hotel; Hotel, Extended Stay	1 space for each guest room, plus 1 additional space for each 2 employees. Parking for convention facilities and dining areas in the hotel shall conform with the requirements set forth within.	
MANUFACTURING/INDUSTRIAL USES		
Industrial Service and/or manufacturing	An area equal to 1/4 the gross floor area occupied by the use in a structure	
Warehouse/Storage		

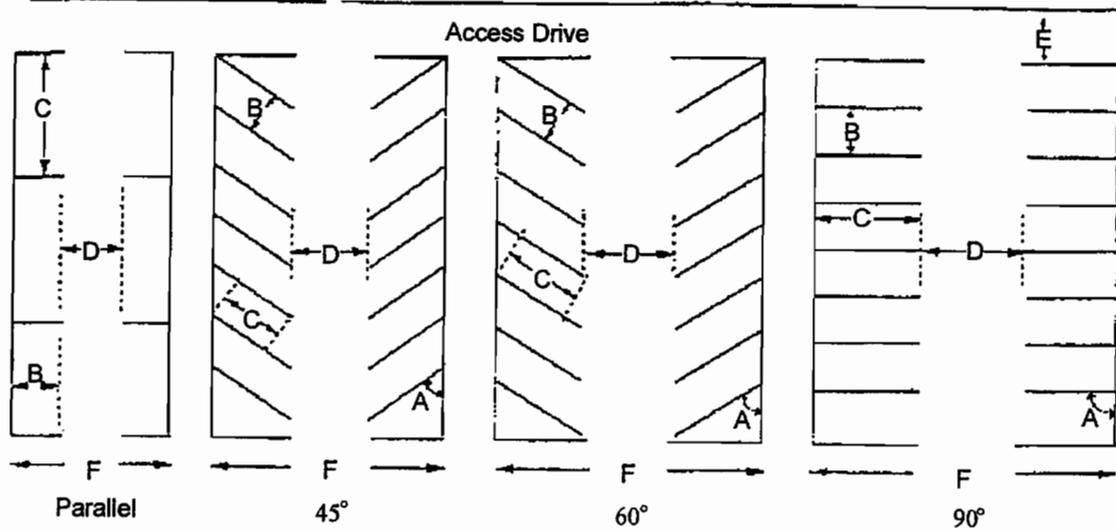
Mini-storage facility	Customer parking shall be provided at the manager's office calculated on the basis of one space for each six thousand (6,000) square feet of floor area and open storage, or one space for each one hundred (100) storage units or spaces, whichever is greater. Plus, 2 additional parking spaces for employees shall be provided at the manager's office.	A marked loading lane shall be provided adjacent to the exterior of any structure in which storage units are located and where such units have direct access to the exterior of the structure. Such loading lane shall be clearly marked for the exclusive use of the lessees of said storage units and shall not be used for the temporary or permanent storage of any item. Loading lanes shall be a minimum of nine feet (9') in width.
Wholesale business	An area equal to 1/4 of the gross floor area of the structure or structures.	
Warehousing and/or storage	An area equal to 1/4 of the gross floor area of the structure or structures.	

2. Location of Off-Street Parking Areas. Except as otherwise allowed in this Title, a parking area shall be provided on the same property as the principal building it serves, except that in business and industrial districts the required off-street parking area may be located within four hundred feet (400') of the property, but within the same district or within a MU-R-3-A district. Such separate parking lots shall be maintained as long as the principal building or uses are maintained. See Section 16-5-4.C.2 EMC, for special regulations applicable to surface parking areas in the TSA district.
3. Shared Parking. No part of an off-street parking space for any building or use shall be included as a part of an off-street parking space of another building or use, except that the City may approve shared parking according to Section 16-6-4.I. EMC, "Alternative Parking Plans."
4. Minimum Parking Space and Aisle Dimensions. All off-street parking spaces shall comply with the dimensions shown in the following drawing Figure 16-6(4) and Table 16-6-4.2, below. Please note that the letters in Figure 16-6(4) correspond to the letters heading the columns in Table 16-6-4.2:

TABLE 16-6-4.2: MINIMUM DIMENSIONAL AREAS INDICATED ON THE DRAWING BELOW								
A	B	C	D		E	F Vertical Clearance for Covered Spaces (ft)		
Parking Angle Stall Width (ft) ¹ of Stall (ft) ²	Aisle Width (ft) Access Drive (ft) ³	Width of	Bay Width (Center to Center Width of Two Row Bay with Aisle Between) (ft)					
1-way	2-way	1-way	2-way					
0°	9 / 13 ft.	23 ft.	15 ft.	24 ft.	18 ft./ 24 ft.	24 ft.	30 ft.	7 ft.
30° - 53°	9 / 13 ft.	18 ft.	13 ft.	24 ft.	18 ft./ 24 ft.	42 ft.	53 ft.	7 ft.
54° - 75°	9 / 13 ft.	19 ft.	20 ft.	24 ft.	18 ft./ 24 ft.	52 ft.	58 ft.	7 ft.
76° - 90°	9 / 13 ft.	19 ft.	22 ft.	24 ft.	24 ft.	60 ft.	62 ft.	7 ft.

Notes to Table: [1] The first width is for standard parking spaces, and the second is for accessible spaces (including access aisle). See Section 16-6-4.G. below. [2] If continuous curbing is provided pursuant to Section 16-6-4.F.6, "Continuous Curbs," the length of each full-size stall abutting such continuous curbing may be reduced by 2.5 feet. [3] As applicable, the first width is for one-way access drives, and the second figure is for two-way access drives.

Figure 16-6(4): Parking Dimensions



5. Continuous Curbs.

- a. *General.* Continuous curbs shall be provided, located, and designed to protect required screening devices and landscaping and pedestrian ways from damage or encroachment of vehicles and to provide necessary traffic control in the parking area.
- b. *Specifications for Continuous Curbs.* Continuous curbs shall be made of asphalt, concrete, or stone, and shall be a minimum of six inches (6") in height and six inches (6") in width. They shall form a non-interrupted edge around all landscaped areas abutting parking and turn-around areas that are not protected by wheel stops.

a. ~~Placement. The continuous curb shall be located a minimum of four feet (4') from any structures, buildings, walls, or plant material, excluding groundcover, to prevent a vehicle from driving onto the landscape area or hitting any structure or plant material at the edge of the parking area.~~

6. ~~Off-Street Parking Spaces in Residential Zone Districts. Parking shall not be permitted within the required front setback of any lot, except for parking on paved driveways accessory to one and multi-unit dwellings containing two (2) dwelling units.~~

G.F. *Accessible Parking for the Physically Disabled.*

1. Amount and Dimensions for Accessible Spaces.

a. The minimum number of required accessible parking spaces shall be as follows:

TABLE 16-6-4.3: MINIMUM NUMBER OF REQUIRED ACCESSIBLE PARKING SPACES	
Total Number of Required Parking Spaces from Table 16-6-4.1	Required Accessible Spaces
1 to 25 Spaces	1 Accessible Space
26 to 50 Spaces	2 Accessible Spaces
51 to 75 Spaces	3 Accessible Spaces
76 to 100 Spaces	4 Accessible Spaces
101 to 150 Spaces	5 Accessible Spaces
151 to 200 Spaces	6 Accessible Spaces
201 to 300 Spaces	7 Accessible Spaces
301 to 400 Spaces	8 Accessible Spaces
401 to 500 Spaces	9 Accessible Spaces
501 to 1,000 Spaces	2.0 percent of Total Required Spaces
1,001 Spaces and Over	20 Accessible Spaces plus 1 Accessible Space for Each 100 Spaces Over 1,000 Spaces

b. The size of the accessible space shall be eight feet (8') in width plus an additional five foot (5') wide access aisle, and nineteen feet (19') in depth. See Table 16-6-4.2 for specific dimensions. Two (2) accessible spaces may straddle and share a single five foot (5') access aisle.

c. One in every eight (8) accessible parking spaces required according to Table 16-6-4.3 above, but no less than one space per site, shall be van accessible. Alternately, ADA-approved universal parking spaces may be used, subject to City approval.

2. Each accessible space shall be marked with a freestanding sign and pavement markings using the standard uniform words, symbols and colors that signify that the space is for accessible parking only.
3. Designated accessible spaces shall be located as near to the entrance of the use as possible and shall be designed so that pedestrian access between the parking space and the building shall not involve crossing an area used for vehicular circulation.
 - a. Access ramps usable by physically disabled persons shall be provided for any change in grade between the parking space and the use.
 - b. The total number of spaces provided for the physically disabled shall be included in the total number of parking spaces otherwise required by this Title.

H.G. *Adjustments to Required Parking.* Notwithstanding the provisions of Section 16-6-4.F.1 EMC, "Amount of Off-Street Vehicle Parking," the following adjustments to the amount of off-street parking are allowed:

1. Parking Adjustments for Uses in the MU-B-1 Business District.

a. *Exempt Areas.*

- (1) MU-B-1 Business District. Principal nonresidential uses located on properties with frontage on South Broadway, and located within the MU-B-1 district, are exempt from providing off-street parking spaces as stated in this Section 16-6-4 EMC. However, if off-street parking exists on, or is provided after, the effective date of this Title, such off-street parking shall comply with all applicable standards in this Section, except for the minimum amount required by subsection 16-6-4.F.1 EMC.

~~b. *Location of Off Street Parking Areas.* The nearest property line of any off-site parking area for a nonresidential use in the MU-B-1 district:~~

- ~~(1) Shall be located no more than four hundred feet (400') from the nonresidential use, as measured from the nearest property line of the nonresidential use; and~~

- ~~(2) Shall not be separated from the nonresidential use by any street with more than four (4) travel lanes.~~

e. b. *Waiver of Other Requirements.* The City may waive the off-street parking requirements in this Section if an applicant submits a supporting marketing or parking study prepared by a qualified professional approved by the City, which applies reasonable professional standards, and the City Manager or designee approves such study.

2. Structured Parking Preferred. In order to conserve land for preferred development patterns in the MU-B-1 and TSA zone districts, the City strongly encourages developers to provide required off-street parking in multi-level structures to the maximum extent practicable. If structured parking is not feasible, surface parking areas shall be screened

from the view of pedestrian ways by means of decorative walls or fences, landscaped berms, or mature shrubbery. See Section 16-6-7 EMC, for general landscaping and screening requirements.

I.H. *Alternative Parking Plans.*

1. **Scope.** An alternative parking plan is a proposal to meet vehicle parking needs by means other than providing parking according to the ratios established in Table 16-6-4.1 above, or by providing an alternative to this Section's off-street parking area design standards. Alternative parking plans may not be used to reduce required setbacks, landscaping, or screening of off-street parking areas.
2. **Applicability.** Applicants who are not otherwise eligible for the parking adjustments in subsection 16-6-4.H EMC, and seek to: (1) provide fewer off-street parking spaces than required in Table 16-6-4.1 EMC; (2) provide parking off-site; or (3) modify this Section's otherwise applicable off-street parking design standards shall secure approval of an alternative parking plan according to the standards of this subsection.
3. **Contents.** Alternative parking plans shall be submitted in a form established by the City. At a minimum, such plans shall detail the type of alternative proposed and the rationale behind the proposal.
4. **Review and Approval Procedure.**
 - a. *Decision-Making Body.* The City Manager or designee, with advice from the City Traffic Engineer or Transportation Planner, may approve, approve with conditions, or deny alternative parking plans.
 - b. *Review Criteria.* In order to approve an alternative parking plan, the City Manager or designee must determine that the proposed plan shall protect surrounding neighborhoods, maintain traffic circulation patterns, and promote quality urban design equally as well as or better than a plan that strictly complies with otherwise applicable off-street parking standards.
5. **Violations and Lapse.**
 - a. Any modification or waiver of off-street parking approved under an alternative parking plan shall remain valid only as long as the conditions warranting the modification or waiver exist. If the conditions that warranted the modification or waiver cease to exist (e.g., the use changes in nature or extent, operation of the use is discontinued for twelve (12) months or more, or there is a substantial change in parking demand), the City shall send written notice to the applicant or owner that the plan approval shall automatically lapse and be null and void unless the applicant or owner can show cause why the plan approval should continue. The applicant or owner shall respond to the notice within thirty (30) days from the date of the notification, and shall appear and state their case to the City Manager or designee within ninety (90) days of the notification date.
 - b. Lapse of an alternative parking plan shall not preclude other remedies and enforcement actions available under this Title. Specifically, violations of an approved

alternative parking plan are violations of this Title and subject to the enforcement and penalty provisions of Chapter 16-10 EMC.

6. Eligible Alternatives/Criteria for Approval. A number of specific parking and access alternatives are described in the following subsections 6(a) through 6(e) below. The City may, however, consider and approve any alternative to providing off-street parking spaces on the site of the subject development if the applicant demonstrates that the proposed plan meets the criteria stated in Section 16-6-4.I.4(B) EMC.
 - a. *Shared Parking*. It is the City's stated intention to encourage efficient use of land and resources by allowing users to share off-street parking facilities whenever feasible. The City Manager or designee may authorize a reduction in the number of required off-street parking spaces for multiple use developments or for uses that are located near one another and that have different peak parking demands or different operating hours. Shared parking shall be subject to the following standards:
 - ~~(1)~~ ~~Location~~. ~~Shared off-street parking spaces shall be located according to Section 16-6-4.F.2 EMC, or as approved under the remote parking provisions of this Section.~~
 - (1) ~~(2)~~ Zoning Classification. Shared parking areas shall be considered accessory to the principal uses that the parking spaces are intended to serve. Shared parking areas shall require the same or a more intensive zoning classification than that required for the most intensive of the uses served by the shared parking area, provided that shared parking facilities may be located in any zoning district that allows commercial parking lots or structures.
 - (2) ~~(3)~~ Required Study and Analysis. The applicant shall submit a shared parking analysis to the City that clearly demonstrates the feasibility of shared parking. The study shall address, at a minimum, the size and type of the proposed development, the composition of tenants, the anticipated rate of parking turnover, and the anticipated peak parking and traffic loads for all uses that shall be sharing off-street parking spaces.
 - (3) ~~(4)~~ Shared Parking Agreement. A shared parking plan shall be enforced through written agreement among the owners of record. All shared parking agreements shall be approved by the City and thereafter recorded. A shared parking agreement may be revoked by the parties to the agreement only if off-street parking is provided under Table 16-6-4.1 of this Section or another alternative parking plan is approved.
 - b. *Remote Parking*. The City may permit all or a portion of required off-street parking to be located beyond the otherwise applicable distance requirements established in this Section, subject to the following standards:
 - (1) Location. No remote parking space shall be located more than three hundred feet (300') beyond the distance established in Section 16-6-4.F.2 EMC. The City may waive this distance limitation if adequate assurances are offered that van or shuttle service shall be operated between the remote lot and the principal use.

- (2) **Zoning Classification.** Remote parking areas shall be considered accessory to the principal use that the parking spaces are intended to serve. Parking areas shall require the same or a more intensive zoning classification than that required for the most intensive of the uses served by the remote parking area, provided that remote parking facilities may be located in any zoning district that allows commercial parking lots or structures.
 - (3) **Remote Parking Agreement.** If a remote parking area is not under the same ownership as the principal use served, a written agreement among the owners of record shall be required. All remote parking agreements shall be approved by the City and thereafter recorded. A remote parking agreement may be revoked by the parties to the agreement only if off-street parking is provided under Table 16-6-4.1, or if another alternative parking plan is approved.
- c. **Parking Assessment Districts.** When the City has established off-street parking facilities by special assessment district, all or a portion of the off-street parking spaces required by Table 16-6-4.1 may be waived when the subject building or use is located within the boundaries of the special assessment district, or other district that City may determine. The City Manager or designee, with the assistance of the City Traffic Engineer or Transportation Planner, shall determine to what extent and on which lots the required parking may be waived. In no event shall the total number of such waived parking spaces exceed the total number provided by the publicly owned parking facility.
 - d. **Valet Parking.** The City Manager or designee may authorize valet parking as a means of satisfying some or all of otherwise applicable off-street parking standards.
 - e. **Transportation Demand Management Plan.** The City may authorize a reduction in the number of required off-street parking spaces for large developments or uses (those otherwise required to provide more than two hundred fifty (250) parking spaces) that institute and commit to maintain a transportation demand management (TDM) program, according to the following standards:
 - (1) **Required Study.** The applicant shall submit a study to the City clearly indicating the types of transportation demand management activities and measures proposed. The study shall be provided in a form established by the City.
 - (2) **Transportation Management Activities.** There shall be no limitation on the types of transportation management activities for which reductions may be granted from otherwise required off-street parking ratios. The following measures shall serve only as a guide to eligible transportation management activities:
 - (a) **Posting and Distribution of Information.** The distribution and posting of information from transit agencies and other sources of alternative transportation may, in combination with other TDM measures, be cause for a reduction in otherwise applicable off-street parking requirements.
 - (b) **Transportation Coordinator.** The appointment of a transportation coordinator with responsibility for disseminating information on ride-sharing and other transportation options may, in combination with other TDM measures, be cause for a reduction in otherwise applicable off-street parking requirements.

In addition to acting as liaisons, transportation coordinators shall be available to attend meetings and training sessions with the City or transit providers.

- (c) *Off-Peak Work Hours.* Employers that institute off-peak work schedules, allowing employees to arrive at times other than the peak morning commute period, may be eligible for a reduction in otherwise applicable off-street parking requirements. The peak morning commute period is defined as seven-thirty o'clock (7:30) A.M. to nine o'clock (9:00) A.M.
 - (d) *Telecommuting.* Employers that adopt a specific telecommuting policy for employees may be eligible for a reduction in otherwise applicable off-street parking requirements.
 - (e) *Van and Car Pools.* Provision of regular, employer-sponsored ride-sharing measures, such as van and car pools, may be cause for a reduction in otherwise applicable off-street parking requirements.
 - (f) *Transit Head Facilities.* Provision for convenient employee connections to transit head facilities (e.g., bus transfer stations or park and ride lots) may be cause for a reduction in otherwise applicable off-street parking requirements.
 - (g) *Preferential Parking.* The provision of specially marked spaces for each registered car pool and van pool may be cause for a reduction in otherwise applicable off-street parking requirements.
 - (h) *Additional Bike Parking/Amenities.* The provision of bicycle parking in an amount substantially greater than otherwise required by this Title and/or the provision of showering and changing facilities for bicycle-commuting employees may be cause for a reduction in otherwise applicable off-street parking requirements.
 - (i) *Financial Incentives.* The provision of cash or in-kind financial incentives for employees commuting by car pool, van pool, and transit may be cause for a reduction in otherwise applicable parking requirements.
- (3) Reporting Required. Any development or use that institutes a TDM program and receives a reduction of off-street parking spaces under this subsection shall submit a written status report to the City at the end of each calendar year. The report shall provide tracking and other information that substantiates implementation of the TDM program and consistent or growing use of the program's measures by employees.

J.I. *Vehicle Stacking Areas and Design Standards for Auto-Oriented Uses.* The development and design standards of this subsection shall apply to all drive-in and drive-through facilities and other auto-oriented uses unless otherwise expressly approved by the City:

1. Minimum Number of Vehicle Stacking Spaces. Off-street stacking spaces shall be provided as follows:

TABLE 16-6-4.4: MINIMUM NUMBER OF VEHICLE STACKING SPACES		
Activity Type	Minimum Stacking Spaces	Measured From
Bank teller lane	6 (Maximum = 30)	Teller or Window
Automated teller machine	3	Teller
Restaurant drive-through	6	Order Box
Restaurant drive-through	4	Order Box to Pick-Up Window
Car wash stall, automatic	9	Entrance
Car wash stall, self-service	3	Entrance
Automobile service station	2	From end of the line of pumps
Funeral home/mortuary	4	Primary Passenger Loading Area for Processions
Drive-in liquor store	3	Pick-Up Window
Drive-in dry cleaners	3	Pick-Up Window
Other	4	Pick-Up Window

2. Design and Layout. Required drive-through lanes and facilities and vehicle stacking spaces are subject to the following design and layout standards:

- a. *Vehicle Stacking Spaces.*

- (1) Size. Vehicle stacking spaces must be a minimum of nine feet (9') by twenty feet (20') in size.
- (2) Location. Stacking spaces may not impede on- or off-site traffic movements, nor impede movements into or out of off-street parking spaces.
- (3) Design.
 - ~~(a) Stacking spaces shall be separated from other internal driveways by raised medians if the City Traffic Engineer deems the median necessary for traffic movement and safety.~~

- (a) ~~(b)~~ Vehicle stacking areas adjacent to public streets or sidewalks shall be separated from such streets or sidewalks by walls or landscaping with berms.

- b. *Drive-In (Drive-Through) Facilities and Lanes.*

- (1) Drive-in facilities (e.g., order stations, pick-up windows, bank teller windows, money machines, etc.) shall be located on the side or rear of principal structures to minimize their visibility from public streets.
- (2) To the maximum extent practicable, drive-in lanes shall not be located between the principal structure and adjacent public streets or sidewalks, or other public gathering place such as a park or bus stop). If this is not possible, drive-in lanes and facilities shall be set back a minimum of twenty feet (20') from any adjacent public street or sidewalk or other public place. The entire twenty foot (20') setback must be landscaped and bermed to screen the drive-in lane and facility from adjacent streets and block the exhaust from idling automobiles.
- (3) Car wash facilities and gas station auto service bays shall be located on the side or rear of principal structures to minimize their visibility from public streets.
- (4) In addition to any screening required by Section 16-6-7 EMC, drive-in lanes adjacent to residential uses shall be separated from such uses by an opaque wall at least six feet (6') high, located so that required buffer landscaping is between the wall and the adjacent residential use.

K.I. Bicycle Parking. Parking for bicycles shall be provided as follows:

1. Applicability. Bicycle facilities shall be provided for all new development subject to this Section, including expansions and changes of use that would result in additional parking facilities being required subject to the provisions of this Section and Title.
2. General Standards for Bicycle Parking Facilities.
 - a. Bicycle parking facilities shall include provisions for storage and locking of bicycles in secure racks, or equivalent installation, in which the user may lock both the bicycle frame and wheels to the rack.
 - b. Bicycle facilities required by this Section shall be maintained for the duration of the use requiring such facilities, and shall not be used for other purposes.
3. Location of Bicycle Facilities.
 - a. Parking for bicycles shall be provided on site, and bicycle parking areas shall be well-lighted and located as near to the building or facility entrance as possible ~~but not more than fifty feet (50') away,~~ and shall not interfere with pedestrian traffic.
 - b. If possible, bicycle parking areas should utilize already existing weather protected areas such as building overhangs.
 - c. If bicycle and automobile parking areas or accessways abut each other, a physical barrier between the bicycle parking area and the automobile parking or drive areas shall be provided to prevent the possibility of bicycle-motor vehicle collisions.
4. Amount of Bicycle Parking Required. Parking for bicycles shall be provided as follows:

- a. *Multi-Unit Residential Use.* As applied to multi-unit dwellings containing three (3) or more units only: One (1) bicycle parking space per each two (2) dwelling units; except that residences or facilities where at least ninety percent (90%) of the units are designed for or occupied by persons age sixty (60) years or older shall provide one (1) bicycle parking space per each twenty (20) units.
- b. *Nonresidential Uses.* One (1) bicycle parking space per each ten (10) parking spaces required for motor vehicles, but not less than two (2) spaces per premises, unless otherwise specified below:
 - (1) Mortuary, auto service station, automobile services, drive-up windows providing services to occupants in vehicles—No bicycle spaces required.
 - (2) School (Grades K through 8)—One (1) bicycle parking space for each twenty (20) students.
 - (3) School (Grades 9 through 12)—One (1) bicycle parking space for each thirty (30) students.
 - (4) Commercial Recreation—One (1) bicycle parking space for each twelve (12) persons capacity.
 - (5) Community Facilities, including swim club, tennis club, community centers, neighborhood centers and similar activities—One (1) bicycle space for each twelve (12) persons capacity.
 - (6) Public Transit Station—One (1) bicycle parking space per each ten (10) parking spaces required for motor vehicles, but not less than twenty (20) spaces.

L.K. *Off-Street Loading Standards.*

- 1. Applicability. This Section's off-street loading requirements shall apply to:
 - a. All multi-unit dwellings containing twenty-five (25) or more units; and
 - b. All nonresidential principal uses.
- 2. Off-Street Loading Standards.
 - a. *Minimum Amount Required.* The number of off-street loading spaces, determined by the amount of gross floor area within the structure or structures, shall be as follows:

TABLE 16-6-4.4: MINIMUM NUMBER OF VEHICLE STACKING SPACES		
Activity Type	Minimum Stacking Spaces	Measured From
Bank teller lane	6 (Maximum = 30)	Teller or Window
Automated teller machine	3	Teller

Restaurant drive-through	6	Order Box
Restaurant drive-through	4	Order Box to Pick-Up Window
Car wash stall, automatic	9	Entrance
Car wash stall, self-service	3	Entrance
Automobile service station	2	From end of the line of pumps
Funeral home/mortuary	4	Primary Passenger Loading Area for Processions
Drive-in liquor store	3	Pick-Up Window
Drive-in dry cleaners	3	Pick-Up Window
Other	4	Pick-Up Window

b. *Minimum Dimensions and Design Standards.*

- (1) Minimum dimensions for all off-street loading spaces or loading berths shall be: Ten feet (10') wide, thirty-five feet (35') long, and fourteen feet (14') high.
- (2) The loading space or berth shall be designed so that vehicles shall not extend into public rights-of-way from the off-street loading space.

c. *Location.* Except as required in subsection L.3 below for the MU-B-1 district, the following standards shall apply:

- (1) Off-street loading spaces may be located within a structure.
- (2) The public right-of-way shall not be used as a loading dock or loading berth.
- (3) ~~When the lot on which the loading space is located abuts upon an alley, such loading space shall adjoin the alley unless, because of the design of the building served by the loading space, it is not feasible to have an access to the alley. The length of the loading space may be measured perpendicular to or parallel with the alley, except that on lots less than thirty five feet (35') in width, the length of such loading space shall be measured perpendicular to the alley. Where said length is parallel with the alley, the loading space shall extend across the full width of the lot, except that if only two (2) such spaces are required, the length need not exceed sixty feet (60').~~

3. Off-Street Loading in the MU-B-1 District. Access for loading should be provided off the alley; or, if the property has no access to an alley, from the primary street. All other loading requirements in this subsection shall apply in the MU-B-1 district.

M.L. *Landscaping and Screening.* Off-street parking and loading areas shall comply with the parking area landscaping requirements in Section 16-6-7.F EMC, and the screening requirements for off-street loading areas stated in Section 16-6-7.K EMC.

N.M. *Snow Removal and Snow Storage.* Off-street parking areas having fifty (50) or more spaces shall provide a designated area for the storage of snow removed from the lot. Such storage area shall not be in a required parking space or spaces.

O. *Surface Cover.* Off-street parking and loading spaces shall not be a grass surface ~~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) to serve a principal permitted residential use.~~

Section 15. The City Council of the City of Englewood, Colorado hereby authorizes amending Title 16, Chapter 6, Section 10, Subsection B, Number 5, of the Englewood Municipal Code 2000, to read as follows:

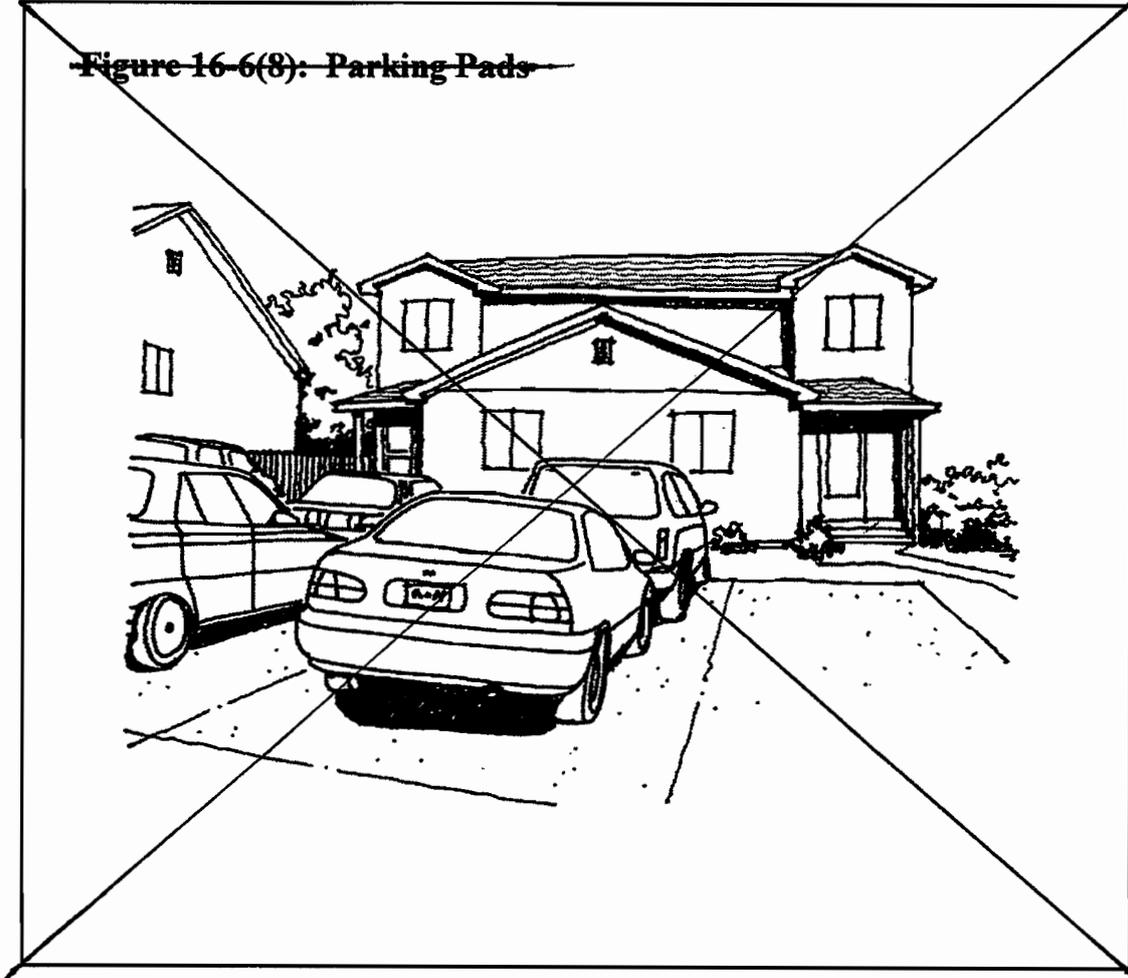
16-6-10: Design Standards and Guidelines.

B. Residential Design Standards

5. Front Lot Coverage/~~Residential Driveway and Parking Pad Standards.~~

- a. ~~*Intent.* The presence of open lawn and landscaped front yards throughout the City's residential districts is a strong character defining feature of these neighborhoods. These front yards provide a soft edged buffer between the street and the homes, and their consistent appearance creates a uniform, inviting appearance along the street. As reinvestment occurs, the open character of the front yard area should be preserved. Paving and other hard materials, in excess, can detract from this appearance and should be limited to the narrow driveways and walkways as traditionally found.~~
- b. ~~*Parking Pads.* Parking pads in the front yard or setback area are subject to the maximum front lot coverage requirements and in no case shall the total width of any parking pad exceed twenty feet (20').~~

~~Figure 16-6(8): Parking Pads~~



Commentary to Figure 16-6(8) [above]: This figure illustrates a prohibited parking pad. As shown, a parking pad which exceeds the twenty foot (20') maximum width and the forty five percent (45%) maximum front lot coverage for lots without rear alley access.

e.a. *Maximum Front Lot Coverage.*

(1) Lots With Rear Alley Access.

- (a) General Rule. The maximum front lot coverage shall be twenty-five percent (25%). The remainder of the front lot shall be landscaped according to the standards stated in Section 16-6-7 EMC. See Section 16-6-1.A EMC for rules of measurement regarding front lot coverage.
- (b) Incentive for Front Porches. The maximum front lot coverage may be increased to thirty-five percent (35%) when the dwelling includes a front porch that meets the following criteria:

- (1) The front porch is covered but not enclosed; and

(2) The front porch has a minimum gross area of sixty (60) square feet, and a minimum dimension of five feet (5').

(2) Lots Without Rear Alley Access. The maximum front lot coverage shall be forty-five percent (45%). The remainder of the front lot shall be landscaped according to the standards stated in Section 16-6-7 EMC.

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 pads shall be improved with a durable hard surface approved by the City. Surfacing materials that may be used include concrete, exposed aggregate, and asphalt. Prohibited materials include dirt, gravel, crushed concrete, and Grasserete. Zoning Site Plan review (see Section 16-2-9) is required prior to the start of any residential driveway or parking pad surfacing.~~

~~(5) Hollywood Driveways Prohibited. Hollywood driveways are prohibited.~~

~~(6) Maximum Driveway Width within the Front Yard or Setback Area:~~

~~(a) *Lots without Rear Alley Access.* On lots without rear alley access, residential driveways shall comply with the following standards. Permitted driveway width within the front yard or setback area shall vary according to the size of the garage served, as follows:~~

~~(1) Driveways Leading to a Single Door, One Car Garage Maximum Driveway Width. The maximum driveway width in the front yard or setback area shall be two feet (2') wider than the garage door, but no wider than twelve feet (12').~~

- (2) ~~Driveways Leading to Two or More Single Garage Doors Maximum Driveway Width. The maximum driveway width in the front yard or setback area shall be the lesser of the following:~~
- a. ~~Two (2) feet wider than the cumulative width of two (2) or more single garage doors separated by a support or building wall that is three feet (3') or less wide; or~~
 - b. ~~Twenty feet (20').
If two (2) or more single garage doors are separated by a support or building wall that is more than three feet (3') wide, then the driveway width standards applicable to single door, one car garages in paragraph (1) above shall apply.~~
- (3) ~~Driveways Leading to a Double (Two-Car) Garage Maximum Driveway Width. The maximum driveway width in the front yard or setback shall be twenty feet (20').~~
- (4) ~~Driveways Leading to a Double (Two-Car) Garage Door Combined with One or More Single Garage Doors Maximum Driveway Width. The maximum driveway width in the front yard or setback area shall be twenty feet (20').~~
- (5) ~~Driveways Leading to a Carport Maximum Driveway Width. Two feet (2') wider than the width of the carport, or twenty feet (20'), whichever is less.~~

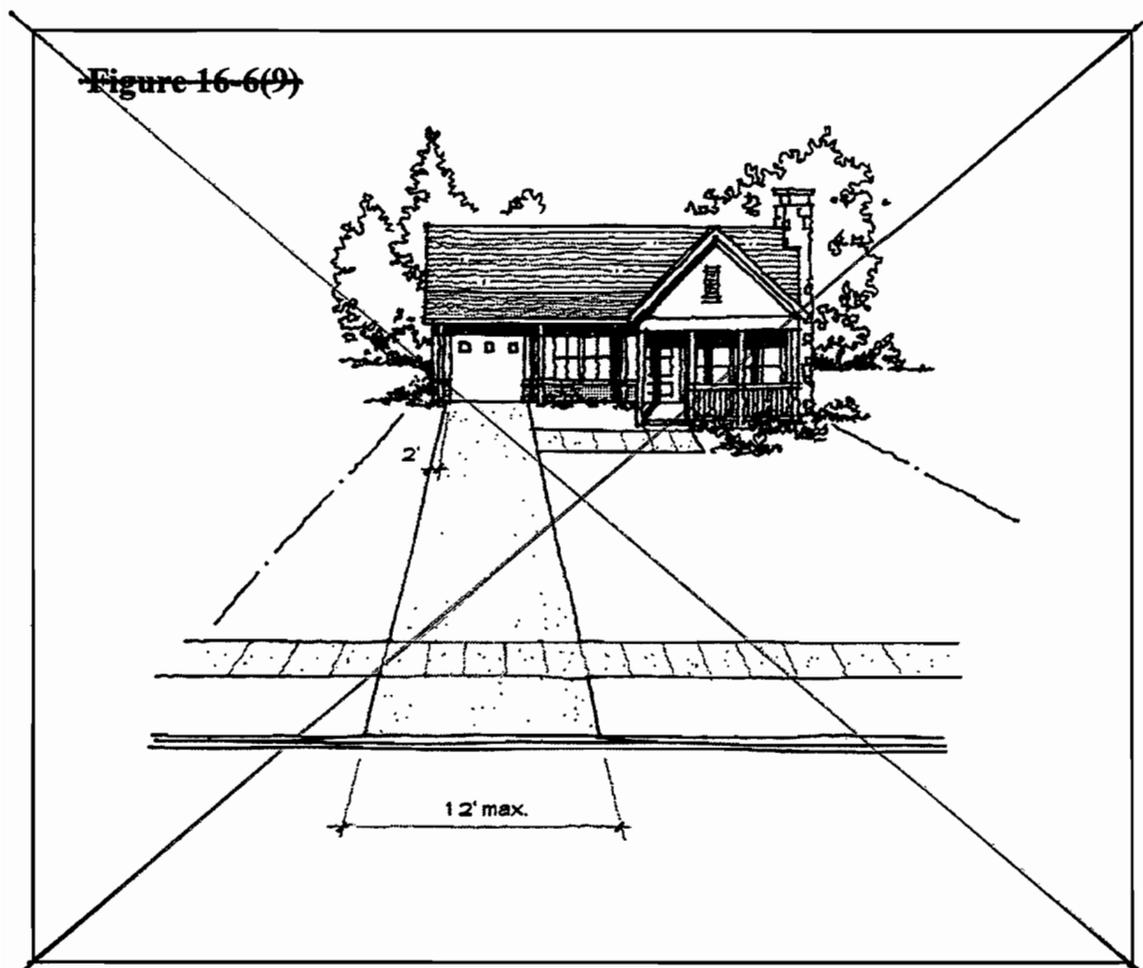
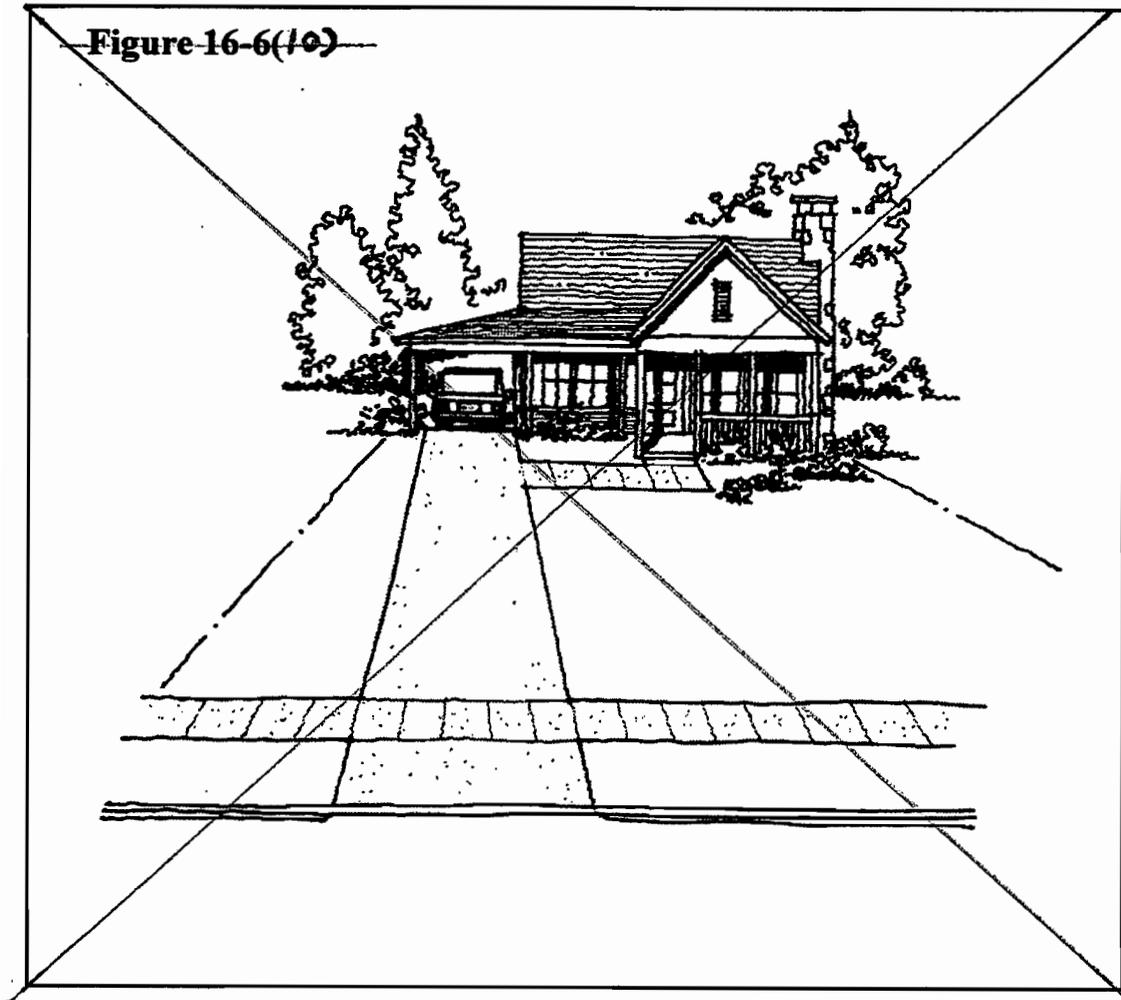
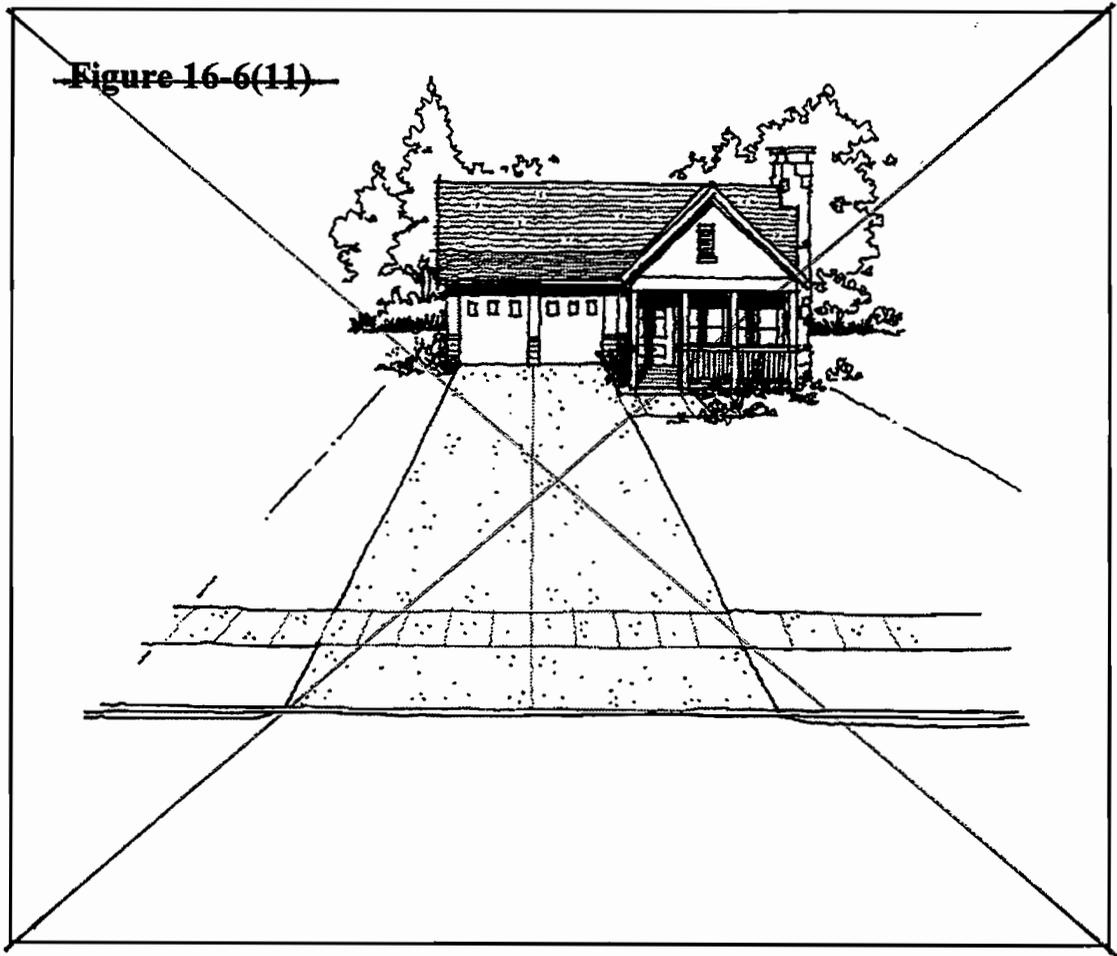


Figure 16-6(9)

Commentary to Figure 16-6(9) [above]: Within a residential structure's front yard or front setback area, the width of a residential driveway that leads from the street to a single door, one car garage shall not exceed twelve feet (12').



Commentary to Figure 16-6(10) [above]: Within a residential structure's front yard or front setback area, the width of a residential driveway that leads from the street to a carport shall not exceed the lesser of two feet (2') wider than the carport's total width, or twenty feet (20').



Commentary to Figure 16-6(11) [above]: Within a residential structure's front yard or front setback area, the width of a residential driveway that leads from the street to two or more single garage doors cannot be greater than two feet (2') wider than the cumulative width of the two (2) doors (including the support wall in between), and in no case may the driveway width exceed twenty feet (20').

(b) *Lots with Rear Alley Access—Incentives.* When a lot has access from a rear alley available, the driveway standards stated in subsection (a) above shall apply when access to a garage or carport is taken from the front street and not the rear alley. However, in order to reduce the amount of impervious coverage in the front yard and setback area of lots in established neighborhoods, the City strongly encourages homeowners to use available rear alleys to access new or expanded accessory garages and carports whenever practicable. To encourage this practice, the City will provide the following incentives, which the City may allow singularly or in combination.

(1) When new development subject to these standards involves the construction or expansion of an accessory garage or carport, the applicant may increase the maximum front lot coverage stated in

~~Section 16-6-10.B.5.c(1) EMC by up to ten percent (10%) if access to the garage or carport is provided exclusively from the rear alley.~~

- (2) ~~When new development subject to these standards involves: (a) the construction or expansion of an accessory garage or carport, and (b) the applicant proposes to provide access to the garage or carport exclusively from the rear alley, and (c) the garage or carport will be located in the rear one third (1/3) of the lot, then the City may reduce the minimum rear yard setback for the principal dwelling structure by up to five feet (5') provided the City Manager or designee finds that, as applicable, the resulting rear yard will provide adequate usable open space for the residents' enjoyment.~~

Section 16. The City Council of the City of Englewood, Colorado hereby authorizes amending Title 16, Chapter 6, Section 10, Subsection E, Number 4, Paragraph a, and renumbering the remainder of E(4) of the Englewood Municipal Code 2000, to read as follows:

16-6-10: Design Standards and Guidelines.

E. Design Standards and Guidelines for Large Retail Buildings.

4. ~~Site Design and Relationship to the Surrounding Community.~~

a. ~~Parking Lot Orientation.~~

- (1) ~~Guideline. Parking areas should provide safe, convenient, and efficient access. They should be distributed around large retail buildings in order to shorten the distance to other buildings and public sidewalks and to reduce the overall scale of the paved surface. If buildings are located closer to streets, the scale of the complex is reduced, pedestrian traffic is encouraged, and architectural details take on added importance.~~
- (2) ~~Standard. No more than seventy percent (70%) of the off street parking area for the entire property shall be located between the front facade of the principal large retail building(s) and the primary abutting street.~~

Section 17. The City Council of the City of Englewood, Colorado hereby authorizes amending Title 16, Chapter 11, Section 2, Subsection B, by deleting from the alphabetical list of definitions, of the Englewood Municipal Code 2000, to read as follows:

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

B. 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.

~~*Recreational Vehicles and Boats, Sales or Rental:* A specific type of vehicle and equipment use. The use of any building, land area or other premises for the display and sale or lease of new or used recreational vehicles, boats, and watercraft, including the outside storage of inventory, any warranty repair work, and other repair service conducted as an accessory use. See definition of "Vehicle and Equipment".~~

Section 18. 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 19. 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 20. 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 21. 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 22. Penalty. The Penalty Provision of Section 1-4-1 EMC shall apply to each and every violation of this Ordinance.

Introduced, read in full, amended, and passed on first reading as amended on the 19th day of December, 2011.

Published by Title as a Bill for an Ordinance in the City's official newspaper on the 23rd day of December, 2011.

Published as a Bill for an Ordinance on the City's official website beginning on the 21st day of December, 2011 for thirty (30) days.

Read by title and passed on final reading on the 9th day of January, 2012.

Published by title in the City's official newspaper as Ordinance No. ____, Series of 2011/2012, on the 13th day of January, 2012.

Published by title on the City's official website beginning on the 11th day of January, 2012 for thirty (30) days.

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 2011/2012.

Loucrishia A. Ellis

COUNCIL COMMUNICATION

Date: January 9, 2012	Agenda Item: 9 c i	Subject: Designation of Bulletin Board on the north side of the second floor of Englewood Civic Center as the Official Posting Place for all Legal Notices of the City of Englewood for 2012
Initiated By: Department of Finance and Administrative Services, City Clerk's Office		Staff Source: Frank Gryglewicz, Director of Finance and Administrative Services, Loucrishia Ellis, City Clerk

COUNCIL GOAL AND PREVIOUS COUNCIL ACTION

On January 4, 2011 City Council designated the bulletin board on the north side of the second floor of Englewood Civic Center as the Official Posting Place for all Legal Notices of the City of Englewood for 2011.

RECOMMENDED ACTION

Approve a resolution designating the bulletin board on the north side of the second floor of Englewood Civic Center as the Official Posting Place for all Legal Notices of the City of Englewood for 2012.

BACKGROUND, ANALYSIS, AND ALTERNATIVES IDENTIFIED

The OPEN MEETINGS LAW, State Statute § 24-6-402 (2) (c) states that "a local public body shall be deemed to have given full and timely notice if the notice of the meeting is posted in a designated public place within the boundaries of the local public body no less than twenty-four hours prior to the holding of the meeting. The public place or places for posting such notice shall be designated annually at the local public body's first regular meeting of each calendar year."

FINANCIAL IMPACT

None

LIST OF ATTACHMENTS

Resolution

RESOLUTION NO. _____
SERIES OF 2012

A RESOLUTION DESIGNATING THE BULLETIN BOARD ON THE NORTH SIDE OF THE SECOND FLOOR OF THE ENGLEWOOD CIVIC CENTER AS THE OFFICIAL POSTING PLACE FOR ALL LEGAL NOTICES OF THE CITY OF ENGLEWOOD FOR 2012.

WHEREAS, the "Open Meetings Law", State Statute §24-6-402(2)(c) requires that the public place or places for posting legal notices shall be designated annually at the local public body's first regular meeting of each calendar year;

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

Section 1. The official posting place for all legal notices of the City of Englewood for the year 2012, shall be the Bulletin Board on the north side of the second floor of the Englewood Civic Center and such notices shall be posted under the heading "OFFICIAL CITY NOTICES." This Resolution does not in any way of itself create a requirement for notice.

ADOPTED AND APPROVED this 9th day of January, 2012.

ATTEST:

Randy P. Penn, Mayor

Loucrishia A. Ellis, City Clerk

I, Loucrishia A. Ellis, City Clerk for the City of Englewood, Colorado, hereby certify the above is a true copy of Resolution No. _____, Series of 2012.

Loucrishia A. Ellis, City Clerk

