

CITY OF ENGLEWOOD
LEGAL NOTICE

BY AUTHORITY

ORDINANCE NO. _____
SERIES OF 2008 _____

COUNCIL BILL NO. 79
INTRODUCED BY COUNCIL
MEMBER WILSON

A BILL FOR

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

15-1-2: Definitions.

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

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

16-5-4: Accessory Uses.

D. Prohibited Accessory Uses.

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

2. Prohibited in Residential Zoning Districts. The following activities shall not be regarded as accessory to a residential principal use and are prohibited in all residential (R) districts:
 - a. Automotive Repair. Automotive repair, including engine, body, or other repair or repainting of more than one (1) vehicle at any one time owned by a person not residing at that address, regardless of whether compensation was paid for the service.
 - b. Outdoor Storage of 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~~ seven thousand ~~(6,000)~~ (7,000) pounds ~~(60 70 e.w.t. C.W.T.)~~.
 - (2) For the purpose of this Section, a road tractor or truck tractor shall not be deemed a commercial vehicle, and no road tractor or truck tractor shall be parked or stored in any residential zone district.
 - (3) No commercial vehicle shall be stored on public property or in the public right-of-way.

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

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

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

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

16-6-10: Design Standards and Guidelines.

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

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

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

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

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

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

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

Section 7. Safety Clauses. The City Council hereby finds, determines, and declares that this Ordinance is promulgated under the general police power of the City of Englewood, that it is promulgated for the health, safety, and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The City Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be obtained.

Section 8. Severability. If any clause, sentence, paragraph, or part of this Ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance or its application to other persons or circumstances.

Section 9. Inconsistent Ordinances. All other Ordinances or portions thereof inconsistent or conflicting with this Ordinance or any portion hereof are hereby repealed to the extent of such inconsistency or conflict.

Section 10. Effect of repeal or modification. The repeal or modification of any provision of the Code of the City of Englewood by this Ordinance shall not release, extinguish, alter, modify, or change in whole or in part any penalty, forfeiture, or liability, either civil or criminal, which shall have been incurred under such provision, and each provision shall be treated and held as still remaining in force for the purposes of sustaining any and all proper actions, suits, proceedings, and prosecutions for the enforcement of the penalty, forfeiture, or liability, as well as for the purpose of sustaining any judgment, decree, or order which can or may be rendered, entered, or made in such actions, suits, proceedings, or prosecutions.

Section 11. Penalty. The Penalty Provision of Section 1-4-1 EMC shall apply to each and every violation of this Ordinance.

Introduced, read in full, and passed on first reading on the 17th day of November, 2008.

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

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

/s/ James K. Woodward

James K. Woodward, Mayor

ATTEST:

/s/ Loucrishia A. Ellis

Loucrishia A. Ellis, City Clerk

I, Loucrishia A. Ellis, City Clerk of the City of Englewood, Colorado, hereby certify that the above and foregoing is a true copy of a Bill for an Ordinance, introduced, read in full, and passed on first reading on the 17th day of November, 2008.

/s/ Loucrishia A. Ellis

Loucrishia A. Ellis

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

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