

CITY OF ENGLEWOOD

**NOTICE OF APPROVAL
OF A BILL FOR AN ORDINANCE**

On the 17th day of December 2018, the City Council of the City of Englewood, Colorado, approved on first reading the following Council Bill:

**BY AUTHORITY
COUNCIL BILL NO. 48
INTRODUCED BY
COUNCIL MEMBER WINK**

A BILL FOR AN ORDINANCE
AMENDING THE UNIFIED
DEVELOPMENT CODE, TITLE
TITLE 16, CHAPTER 5 AND 6,
REGARDING ALTERNATIVE
DWELLING UNITS INCLUDING
A TEMPORARY MORATORIM,
ALL WITHIN THE CITY OF
ENGLEWOOD, COLORADO.

Copies of the aforesaid council bill are available for public inspection in the office of the City Clerk, City of Englewood, Civic Center, 1000 Englewood Parkway, Englewood, Colorado 80110 or it can be found at <http://www.engagewoodco.gov>, Government, Legal/Public Notices.

Published: December 20, 2018 Official Website of the City of Englewood, Colorado

BY AUTHORITY

ORDINANCE NO. _____
SERIES OF 2018

COUNCIL BILL NO. 2
INTRODUCED BY COUNCIL
MEMBER WINK

A BILL FOR

AN ORDINANCE AMENDING THE UNIFIED DEVELOPMENT CODE, TITLE 16, CHAPTERS 5 AND 6, REGARDING ALTERNATIVE DWELLING UNITS, INCLUDING A TEMPORARY MORATORIUM, ALL WITHIN THE CITY OF ENGLEWOOD, COLORADO.

WHEREAS, Alternative Dwelling Units (ADU's) were primarily built in Englewood during the 1920's, 1930's and 1940's, with fewer ADU's built after the 1950's due to expanded development of suburban areas within the City;

WHEREAS, More than 180 ADU's currently exist within the City of Englewood;

WHEREAS, ADU's have experienced a resurgence in popularity in the Denver metropolitan area in recent years in response to a tight and increasingly expensive housing market;

WHEREAS, ADU's are an economical and practical housing option for young families, couples, "empty nesters", singles, guests, and older adults who need to live close to their children while maintaining some autonomy;

WHEREAS, ADUs increase housing stock within the City which adds value to established neighborhoods, increase the value of properties upon which an ADU is located, increase housing options within the City, and increase infill development opportunities without requiring additional infrastructure costs;

WHEREAS, ADU's provide housing to allow for the addition of new residents who then support local businesses, provide young families and singles an introductory living experience to the overall community, and provide incentive for established residents to remain within the community when they are ready to upgrade their property or move to a larger residence;

WHEREAS, The Planning and Zoning Commission studied the issues and impacts of ADU's from 2015 through 2017 by holding study sessions to discuss where ADU's should be allowed, drafting regulations governing the use and construction of ADU's, and gathering citizen input concerning ADU's;

WHEREAS, The Planning and Zoning Commission developed recommendations to allow ADU's to be permitted in specifically identified zoning districts, and developed regulations governing ADU's to protect property values and ensure ADU's were not being used for speculative purposes; and

WHEREAS, On August 22, 2017, the Planning and Zoning Commission held a public hearing regarding proposed changes to the Unified Development Code relating to ADU's within the City, and following the public hearing voted to recommend those code changes to the City Council.

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 16, Chapter 5, Section 1, Subsection C, Table 16-5-1.1 “*Table of Allowed Uses*”, of the Englewood Municipal Code 2000 as follows:

[INSERT TABLE 16-5-1.1 TABLE OF ALLOWED USES]

TABLE 16-5-1.1: TABLE OF ALLOWED USES
P = PERMITTED USE C = CONDITIONAL USE A = ACCESSORY USE T= TEMPORARY USE L= LIMITED USE
C-A = ACCESSORY USE APPROVED CONDITIONALLY L-A = ACCESSORY USE APPROVED WITH LIMITED USE PROCEDURE

Use Category	Use Type	Residential								Non-Residential							Additional Regulations	
		R 1 A	R 1 B	R 1 C	R 2 A	R 2 B	MUR 3 A	MUR 3 B	MUR 3 C	M 1	M 2 — MO 2	M U B 1	M U B 2	T S A	I 1	I 2		
RESIDENTIAL USES																		
Group Living	Group living facility, large/special							C	C	C	C	C	P	P			16-5-2.A.1	
	Group living facility, small	P	P	P	P	P		P	P	P	P	P	P	P			16-5-2.A.1	
	Small treatment center							C	C	C	C	C	P	P			16-5-2.A.1	
Household Living	Live/work dwelling										P	P	P		P	L	L	16-5-2.A.2
	Manufactured home park															P		16-5-2.A.3
	Multi-unit dwelling					P	P	P	P	P	P	P	P	P				16-5-2.A.4 16-6-1.C.4
	One-unit dwelling	P	P	P	P	P	P	P	P	P	P							16-5-2.A.5 16-5-2.A.6
	One-unit dwelling on a small lot	P	P	P	P	P	P	P	P	P	P							16-5-2.A.6
	Boarding or rooming house					C	C	C	C	C	C							
PUBLIC/INSTITUTIONAL USES																		
Animal Shelter	Not-for-profit animal shelter															P	P	
Emergency Temporary Shelter	Housing shelter, food shelter							C						C				
Government and City	All other buildings and facilities not specified under the public/institutional uses category	P	P	P	P	P		P	P	P	P	P	P	P	P	P	P	
Library	Public										P	P	P	P	P			
Museum/Cultural	All uses							P	P		P	P	P	P	P			
Park and Open Space	Athletic field	C	C	C	C	C		C	C	C					C	P	P	
	Community garden	C	C	C	C	C		C	C	C					C			
	Park	P	P	P	P	P		P	P	P	P	P	P	P	P	P	P	
Religious Assembly	Religious institutions and associated accessory uses	P	P	P	P	P		P	P	P	P	P	L	L	L	L	L	
School	Education institution	P	P	P	P	P		P	P	P	P	P	P	P	C			
Telecommunication Facility <i>(See Chapter 16-7, "Telecommunications," for applicable use-related guidelines and standards)</i>	Alternative tower structure	P	P	P	P	P		P	P	P	P	P	P	P	P	P	P	
	Antenna (microwave antenna, sectorized panel antenna, whip antenna)	P	P	P	P	P		P	P	P	P	P	P	P	P	P	P	
	Tower structure	C	C	C	C	C		C	C	C	C	C	C	C	C	P	P	
Transportation Facility	RTD maintenance facility															P	P	
	Transit center															P		
Utility Facility (not including Telecommunication Facility)	Major utility facility															P	P	16-5-2.B.1
	Minor utility facility (as a principal use of land)	C	C	C	C	C		C	C	C	C	C	C	C	C	C	C	
COMMERCIAL USES																		
Adult Use	All types as defined in Chapter 16-11													P		P		16-5-2.C.1
Agricultural Use	Greenhouse/ nursery, raising of plants, flowers, or nursery stock															P	P	16-5-2.C.2
Animal Sales and Service	Animal shelter															P	P	
	Kennel/day care													L		P	P	
	Pet store (live animal sale)											P	P	P	P	P	P	
	Small animal veterinary hospital or clinic											L	L	P	C	P	P	

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Assembly	Assembly hall or auditorium, hall rental for meetings or social occasions										P	P	P	C	P	P	
	Membership organization (excluding adult use)										P	P	P	C	P	P	
Dependent Care	Dependent care center (less than 24-hour care, any age)	C	C	C	C	C	P	P	P	P	P	P	P	C			16-5-2.C.7
Entertainment/Amusement: Indoor	Amusement establishment										C	C	C	C	C	C	
	Hookah lounge										P	P	P		P	P	
	Physical fitness center/spa										P	P	P	P	P	P	
	Theater and performance/concert venue, not including adult entertainment											P	P	P	P	P	
Entertainment/ Amusement: Outdoor	General outdoor recreation												C		C	C	
Financial Institution	Check cashing facility										P		P		P	P	
	Financial institution, with drive-through service												L		P	P	
	Financial institution, without drive-through service										P	P	P	P	P	P	
Food and Beverage Service	Brew Pub										P	P	P	P	P	P	
	Caterer										P		P		P	P	
	Restaurant, bar, tavern with or without outdoor operations										P	P	P	P	P	P	
	Restaurant, with drive-through service												L		P	P	
	Sales Room (associated with Brewery, Distillery or Winery)										C	C	C		C	C	
	Take out and delivery only										P		P		P		
Medical/Scientific Service	Clinic							P	P	P	P	P	P	P	P	P	
	Hospital							P	P	P	P	P	P	P	P	P	
	Laboratory (dental, medical or optical)						P	P	P	P	P	P	P	P	P	P	
Medical Marijuana	Medical marijuana center										P	P	P		P	P	16-5-2.C.13 16-5-4.C.1.f
	Medical marijuana optional premises cultivation operation										A	A	A		P	P	16-5-2.C.13 16-5-4.C.1.f
	Medical marijuana infused products manufacturer										A	A	A		P	P	16-5-2.C.13 16-5-4.C.1.f
Office	Office, type 1 (general)							P	P	P	P	P	P	P	P	P	
	Office, type 2 (limited)						P	P	P	P	P	P	P	P	P	P	16-5-2.C.8
Retail Sales and Service (Personal Service)	Crematorium																C
	Dry cleaner, drop-off site only										P	P	P	P	P	P	
	Instructional service										P		P	P	P	P	
	Massage therapy								P	P	P	P	P	P	P	P	
	Mortuary										P		P				
	Personal care										P	P	P	P	P	P	
	Service: photography studio and photo lab, upholstery, printer, locksmith, tailor											P	P	P	P	P	
	Tattoo and body-piercing establishment														P	P	
Temporary employment business														C	C	16-5-2.C.11	

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Retail Sales and Service (Repair and Rental)	Equipment rental											L			P	P		
	Repair shop (not including auto)										P	P	P	P	P	P		
Retail Sales and Service (Sales)	Antique store										P	P	P	P	P	P		
	Art gallery										P	P	P	P	P	P		
	Auction house											P			P	P		
	Buy-back, second-hand, thrift, consignment stores, large										P		P		P	P		
	Buy-back, second-hand, thrift, consignment stores, small										P	P	P		P	P		
	Convenience store										P		P	P	P	P		
	Grocery/specialty food store										P	P	P	P	P	P		
	Internet sales location										P		P		P	P		
	Liquor store										P	P	P	P	P	P		
	Pawnbroker														P	P		
	Retail sales, general merchandise											P	P	P	P/C	P	P	16-5-2.C.10 For TSA, P if ≤ 20,000 sq. ft., C if > 20,000 sq. ft. of gross leasable floor area
School	Trade or business school										P	P	P	C	P	P	16-5-2.C.12	
Studio	Radio/television broadcasting studio, recording/film studio										P		P		P	P		
Vehicle and Equipment	Automobile pawnbroker												P		P	P	16-5-2.C.10	
	Automotive sales, rental												L		P	P	16-5-2.C.3	
	Automotive service and repair, including body or fender work														P	P	16-5-2.C.4	
	Automotive service and repair, not including body or fender work												L		P	P	16-5-2.C.4	
	Automotive service station (gasoline facility)												L		P	P	16-5-2.C.5	
	Car wash, auto detailing												L		L	L	16-5-2.C.6 16-5-2.C.4	
	Commercial storage of operable vehicles														P	P	16-5-2.C.3	
	Fuel dispensing												L		P	P		
	Parking facility, structure (operable vehicles), principal use							C	C		C	C	L	L	C	P	P	16-5-2.C.3 16-5-2.C.9
	Parking area, surface (operable vehicles), principal use							C	C		C	C	L	L	C	P	P	16-5-2.C.9 16-5-2.C.3
Recreational vehicles and boats, sales or rental													L		P	P		
Visitor Accommodation	Bed and breakfast									P	P			P				
	Hotel									P	P		P	P	P			
	Hotel, extended stay									P	P				P			
Wholesale	Sales and distribution													P	P			

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MANUFACTURING/INDUSTRIAL USES																	
Industrial Service	Industrial service, light													C	P	P	16-5-2.D.3 (TSA only)
	Industrial service, heavy															P	
Manufacturing, Including Processing, Fabrication, or Assembly	Brewery										C	C	C		P	P	16-5-2.C.14
	Distillery										C	C	C		P	P	16-5-2.C.14
	Winery										C	C	C		P	P	16-5-2.C.14
	Manufacturing, light													C	P	P	16-5-2.D.4 (TSA only)
	Manufacturing, heavy															P	
Warehouse/Storage	Fuel storage (principal use)															L	
	Mini-storage facility														P	P	
	Moving and storage														P	P	
	Outdoor storage														P	P	16-6-7.G
	Storage yard for vehicles, equipment, material, and/or supplies														P	P	16-5-2.D.6
	Warehousing and/or storage													P	P		
Waste/Salvage	Automobile wrecking/ salvage yard														C	P	16-5-2.D.1
	Commercial incinerator															C	
	Hazardous waste handling														C	C	16-5-2.D.2
	Recycling operation, all processing occurs within enclosed structure														P	P	16-5-2.D.5
	Recycling operation, some or all processing occurs outside an enclosed structure														C	C	16-5-2.D.5
	Sanitary service															C	
	Waste transfer station (not including hazardous waste)													C	C		
ACCESSORY USES - See Section 16-5-4 for additional regulations																	
<u>Household Living</u> (Accessory to Principal One-Unit Detached Dwelling Uses Only)	<u>Accessory Dwelling Unit</u>			A	A	A	A	A*									
Home Care Accessory Uses (Accessory to Principal One-Unit Dwelling Uses Only)	Adult dependent care	C-A	A	A	A	A	A	A	A	A	A						
	Family child care home	C-A	A	A	A	A	A	A	A	A	A						
	Infant/toddler home	C-A	A	A	A	A	A	A	A	A	A						
	Large child care home		L-A	L-A	L-A	L-A											
Other Accessory Uses	Caretaker's quarter									A	A	A	A		A	A	
	Dormitory												A		A	A	
	Home occupation		A	A	A	A	A	A	A	A	A			A			16-5-4.C.1
	Minor utility facility (as accessory use of land)	L-A	L-A	L-A	L-A	L-A	L-A	L-A	L-A	L-A	L-A	L-A	L-A	L-A	L-A	L-A	16-5-2.B.1
	Parking area (surface)					A	A	A	A	A	A	A	A	A	A	A	16-5-4.C.2
	Parking garage (structure)									A	A			A			
	Satellite dish antenna	A	A	A	A	A	A	A	A	A	A	A	A	A	A	16-5-4.C.3	

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TEMPORARY USES - See Section 16-5-5 for additional regulations																
	Car wash	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T
	Expansion or replacement of existing facilities	T	T	T	T	T	T	T	T	T	T	T	T		T	T
	Farmers market										T	T	T	T	T	
	Food vendor carts									T	T	T	T	T	T	
	Mobile storage (with or without building permit)	T	T	T	T	T	T	T	T	T	T	T	T	T	T	
	Real estate sales or leasing office (also model homes)	T	T	T	T	T	T	T	T	T	T	T	T	T	T	
	Outdoor sales (e.g., tent sales, parking lot sales, seasonal sales, windshield repair, sales from retail vendor carts, etc.)										T	T	T	T	T	
	Special event (e.g., carnival, bazaar, fair)	T	T	T	T	T	T	T	T	T	T	T	T	T	T	
	Tents, canopies	T	T	T	T	T	T	T	T	T	T	T	T	T	T	
USES NOT MENTIONED		See 16-5-1.B for procedures and criteria for approving unlisted uses, including unlisted accessory and temporary uses.														

*Moratorium imposed on approving applications, including issuing building permits, for Accessory Dwelling Units to be located within the MUR3B zoning district. Term of Moratorium is six months following effective date of Ordinance (CB 2, 2018).

(Ord. 04-5; Ord. 05-25; Ord. 08-13, § 1; Ord. 08-37, § 3; Ord. 08-55, § 1; Ord. 08-48, § 11; Ord. 09-4, § 1; Ord. 09-28, § 4; Ord. 10-20, § 1; Ord. 11-27, § 1; Ord. 23-12, § 4; Ord. 7-13, § 4; Ord. 45-13, § 1)

Section 2. The City Council of the City of Englewood, Colorado hereby authorizes amending Title 16, Chapter 5, Section 4, “*Accessory Uses*” Subsection C, by adding a new Paragraph 7, ~~all within the Englewood Municipal Code 2000~~, such paragraph 7 to be written as follows:

7 Accessory Dwelling Units

a. Purpose. Accessory Dwelling Units (ADUs) are allowed in certain situations to:

- (1) Provide flexibility for changing family situations;
- (2) Provide alternative types of living space;
- (3) Provide a supplemental source of income and assist with housing expenses;
- (4) Provide opportunities to increase property value;
- (5) Preserve neighborhood character.

b. Definition. An Accessory Dwelling Unit (ADU) is a smaller, secondary residential dwelling unit on the same lot as a principal one-unit dwelling. ADUs are independently habitable and provide the basic requirements of living, sleeping, cooking, and sanitation. Two (2) types of ADUs are permitted within the City:

- (1) Garden Cottages are detached residential structures on the same lot as a principal detached one-unit dwelling.
- (2) Carriage Houses are dwelling units above or attached to a detached garage or other permitted detached accessory structure, on the same lot as a principal detached one-unit dwelling.

c. Eligibility. Garden Cottages and Carriage Houses may be developed on One-unit Detached Dwelling standard lots. Carriage Houses may be developed on One-unit Detached Dwelling standard lots and One-unit detached small lots. ADU’s are not permitted on any property with existing attached dwelling units (duplex, townhouse, etc.).

d. Number. One (1) Accessory Dwelling Unit (ADU) is permitted per detached one-unit dwelling lot.

e. Creation. An Accessory Dwelling Unit (ADU) may be created through new construction, or conversion of a qualifying existing house to a garden cottage while simultaneously constructing a new principal dwelling on the site.

f. Approval. Applications for Accessory Dwelling Units (ADU’s) shall meet the following criteria:

- (1) The applicant must demonstrate the ADU complies with all applicable development and design standards of this Title.

- (2) The applicant must demonstrate the proposed design complies with applicable building and fire safety codes.
- (3) Approval of application is dependent on City inspection of existing primary structure. All primary structure deficiencies and code violations documented in the City's pre-ADU permit inspection form must be brought into full compliance with City housing and building code standards for ADU properties.
- (4) The applicant must provide a signed and notarized deed restriction in a form provided by the City. The deed restriction will be recorded as a legal document with the Arapahoe County Clerk and Recorder, and will serve as a permanent restriction upon the use and occupancy of both the primary structure and the ADU.
- (5) A temporary moratorium on the approval of applications for ADU's, and any associated building permits, to be located within the MUR3B zoning district is imposed to provide for additional time to review and determine the specific issues associated with allowing ADU's within Neighborhood Preservation Overlay Districts. See §16-3-1 et seq. referencing restrictions upon Overlay Districts, including the provision that in the event of an express conflict between the standards governing a base district and those governing an overlay district, the standards governing the overlay district shall control. The temporary moratorium shall extend for six months following the effective date of this Ordinance.

g. Occupancy and Use. Occupancy and use standards for an Accessory Dwelling Unit (ADU) shall be the same as those applicable to a principal dwelling on the same lot. An ADU shall be considered a separate and distinct dwelling from the principal dwelling on the property for the purposes of defining a "household" as determined by this code. The applicant agrees to provide annual documentation of compliance with the following regulations in order to continue the active rental use of one structure located on the subject property:

- (1) Occupancy. An individual holding an ownership interest of fifty percent (50%) in the Principal Dwelling Unit must occupy either the Principal Dwelling Unit or the ADU as their legal permanent address as demonstrated by two forms of proof of residency:
 - A. Vehicle Registration, Motor Vehicle License, or Voter Registration;
 - and
 - B. Credit Card Statement, Mortgage Bill, or Property Tax Statement.
- (2) Annual verification of occupancy. Owner shall verify on an annual basis that the owner continues to occupy either the Principal Dwelling Unit or the ADU as their legal permanent address through the City's Annual Conforming ADU Registered Use Mailing. Until an updated verification is filed with the City, all notices of compliance or violation shall be properly mailed to, or served upon, the owner who signed the verification at the verified legal permanent address.

- (3) Legally responsible agent. If the primary dwelling is owned by a corporation, trust, or other entity, an individual may complete and sign the annual verification described in (g)(2) above, thereby assuming all legal responsibility and liability for the property, and for assuring that all of the property remains in compliance with the City's codes. Additionally, both the legal entity and the individual must sign a notarized document providing that the occupant of the property is an individual authorized to bind such entity in real estate matters.
- (4) Limitation on rental. To maintain the nature of a One-unit Detached Dwelling standard lot the verified occupant (owner or legally responsible agent) may not rent that dwelling unit identified as such individual's permanent residence within the annual verification described in (g)(2) above.
- (5) Corporation and Corporations and For Profit Business Partnerships are prohibited from constructing accessory dwelling units on corporate or business partnership owned properties. Corporations and business partnerships are prohibited from separately renting a pre-existing accessory dwelling unit structure constructed after 2018 to a separate party as a separate unit from the principal structure.

h. Leave of Absence. Accessory Dwelling Unit (ADU) Owners may apply to the City for an extended Leave of Absence due to the following situations:

- Temporary job assignments
 - Military deployments
 - Educational and research sabbaticals
 - Formal voluntary service for a humanitarian organization
 - Religious missionary service
 - Long term hospital, nursing home, and assisted living facility stays due to adverse medical conditions
- (1) Owner must reside on the subject property for at least one year after construction of the ADU before applying to the City for a Leave of Absence.
 - (2) Owner may apply for a City-approved Leave of Absence of up to one year. Owner must reapply for an additional year, with a maximum absence of two (2) years, dependent on a clean record with no code violations or nuisance or criminal activity. Owners called away on overseas military tours of duty may be granted additional years, dependent on a clean record with no code violations or nuisance or criminal activity.
 - (3) During approved Leave of Absence, owner may rent both the Principal Dwelling Unit and the ADU at the same time.

- i. Design. It is intended that the design of Accessory Dwelling Units (ADU's) be compatible with the design and quality of the principal structure on the lot. Elements of design include, but are not limited to, building material (wood siding, brick, stucco, etc.), color, window treatments, roof pitch, etc. Design standards for ADU's are stated in this section. If not addressed in this section, base district zone development standards shall apply.
- (1) Size. An ADU shall not exceed six hundred fifty (650) square feet of gross floor area or the size of the principal dwelling, whichever is less. The City Manager or designee may approve Administrative Adjustments as permitted within Section 16-2-17 of this code.
 - (2) Exterior stairs. Exterior stairs for access to an upper level accessory suite shall not be located on the side of the accessory structure parallel to the nearest side lot line.
 - (3) Height. The maximum height allowed for an ADU shall not exceed twenty six (26) feet.
 - (4) Lot coverage. The lot coverage of an ADU shall be counted toward the maximum allowed lot coverage.
 - (5) Lot placement. ADU placement is restricted to the rear thirty-five (35) percent of the lot.
 - (6) Setbacks. ADU's shall meet the minimum setbacks as required by Table 16-6-1.2 "Summary of Dimensional Requirements for Accessory Structures" unless the building or structure complies with setback exemptions available elsewhere in the code.
 - (7) Bulk Plane. Bulk Plane regulations in the Section 16-6-1-G of this Title shall apply to ADU structures.
- j. Parking. One (1) off-street parking space shall be provided for each Accessory Dwelling Unit (ADU), located within the rear thirty-five (35) percent of the lot. Existing required off-street parking for the principal dwelling shall be maintained or replaced on-site.
- k. Impact Fees. All impact fees applicable to new construction shall also apply to Accessory Dwelling Units (ADU's) created after adoption of this ordinance.
- l. Utilities. Accessory Dwelling Units must connect to the water and sewer lines of the principal dwelling, subject to requirements and restrictions of the Englewood Water and Sewer Board.
- m. No Subdivision Allowed. An Accessory Dwelling Unit (ADU) shall not be subdivided or sold separately from the principal dwelling unit on a lot, unless all structures and lots meet the required dimensional standards upon completion of the subdivision, including but not limited to minimum lot area, minimum lot width, setbacks, bulk plane and other dimensional

standards that may apply. A covenant restricting the future subdivision of the ADU shall be recorded with the Arapahoe County Clerk and Recorder, prior to issuance of a building permit.

Section 3. The City Council of the City of Englewood, Colorado hereby authorizes amending Title 16, Chapter 6, Section 1, Subsection G, Paragraph 3, “*Bulk Plane Requirements*”, by adding a new subparagraph e, numbers 1 and 2 of the Englewood Municipal Code 2000 as follows:

e. Accessory Dwelling Units

1. A horizontal line that is located directly above the side lot line and which passes through a point twelve feet (12') above the base plane described in paragraph (a) above; and
2. The intersecting lines that extend over the lot at a pitch of 12:12 (45-degree angle) from the horizontal lines defined in paragraph (c)(1) above.

Section 4. The City Council of the City of Englewood, Colorado hereby authorizes amending Title 16, Chapter 6, Section 1, Subsection H, Paragraph 3, subparagraph c, of the Englewood Municipal Code 2000 as follows:

c. *Residential Occupancy.* No accessory structure shall allow residential occupancy, except as permitted for approved accessory structures occupied by caretakers or watchmen, or for approved accessory dwelling units on owner-occupied principal One-unit detached properties.

Section 5. The City Council of the City of Englewood, Colorado hereby authorizes amending Title 16, Chapter 6, Section 1, Subsection 1.2, “*Table 16-6-1.2 Summary Table of Dimensional Requirements for Accessory Structures*” of the Englewood Municipal Code 2000 as follows:

[Insert Table 16-6-1.2 SUMMARY TABLE OF
DIMENSIONAL REQUIREMENTS FOR ACCESSORY STRUCTURES]

TABLE 16-6-1.2: SUMMARY TABLE OF DIMENSIONAL REQUIREMENTS FOR ACCESSORY STRUCTURES								
Use	Districts Allowed	Maximum Number	Max. Height (ft)	Minimum Setback (ft)			Maximum Total Floor Area (sq ft)	Add'l Regulator
				Front	Side	Rear		
<u>Accessory Dwelling Units (ADUs)</u>	<u>R-1-C, R-2-A, R-2-B, MU-R-3-A, MU-R-3-B</u>	<u>1-unit dwelling: 1 ADU</u>	<u>26</u>	<u>Entire structure shall be located within rear 35% of the lot</u>	<u>3</u>	<u>Garden Cottage: 3</u> <u>Carriage House: 6</u> <u>If vehicle entrance faces street or side lot line: 3</u>	<u>Residential portion of structure shall not exceed 650 SF</u>	
Detached garages and all carports	All Residential Districts	1-unit dwelling: 1 garage and 1 carport, 2-unit dwelling: 1 garage and 1 carport per unit. More than two-unit dwelling: 1 garage or carport per unit	16	Shall conform to the zone district's minimum front setback applicable to the principal structure and to applicable residential development and design standards of this Chapter	R-1-A: 5 Other districts: 3	If entrance faces alley: 6 If entrance faces street or side lot line: 3	Combined maximum total floor area of all garages and carports shall not exceed 1,000 square feet per unit.	If a garage or carport is converted to another use, an equivalent amount of off-street parking shall be provided. When a garage or carport is converted to another use the existing driveway or carport in the
Detached garages and all carports	TSA, and all Medical, Business and Industrial Districts	Shall conform to zone district standards for principal structures.						
Storage sheds	All Residential Districts, TSA, Medical, Business, and Industrial Districts	1	10	All R Districts: Shall be located behind the rear building line of the principal structure B Districts: Shall be located behind the front building line of the principal structure TSA & I Districts: Shall conform to zone district standards for principal structures	R-1-A: 5; Other R Districts: 3; M M, B, TSA, I Districts: Shall conform to zone district standards for principal structures	R-1-A: 5; Other R Districts: 3; M B, TSA, I Districts: Shall conform to zone district standards for principal structures	150	See 16-2-9.A.2 for structures 120 square feet or smaller
Other accessory structures not listed above	All Residential and Medical Districts	1	12	Other accessory structures shall be located behind the rear building line of the principal structure	R-1-A: 5 Other R Districts: 3	R-1-A: 5 Other R Districts: 3	200	See 16-2-9.A.2 for structures 120 square feet or smaller

(Ord. 04-5; Ord. 05-25; Ord. 05-26; Ord. 08-37, § 5; Ord. 08-48, §§ 16—19; Ord. 09-28, § 6; Ord. 1-11/12, § 13; Ord. 23-12, § 6; Ord. 7-13, § 5; Ord. 45-14, § 3; Ord. 3-15, § 1; Ord. 4-15, § 1)

Section 6. The City Council of the City of Englewood, Colorado hereby authorizes amending Title 16, Chapter 6, Section 4, Subsection E, Paragraph 1, subparagraph 4.1 “Table 16-6-4.1 Minimum Off-Street Vehicle Parking Ratios” of the Englewood Municipal Code 2000 as follows:

TABLE 16-6-4.1: MINIMUM OFF-STREET VEHICLE PARKING 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	
<u>Accessory Dwelling Unit</u>	<u>1 space in addition to the one-unit dwelling requirement</u>	<u>Parking space must be entirely located within rear 35% of the lot</u>
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	

ABLE 16-6-4.1: MINIMUM OFF-STREET VEHICLE PARKING RATIOS		
Use	Off-Street Vehicle Parking Standard	Additional Requirements
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 pawn-broker	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		
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.	
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.	

Section 7. Notice of general provisions and findings applicable to interpretation and application of this Ordinance:

Applicability of Title 1, Chapter 2, Saving Clause. The provisions of E.M.C. Title 1, Chapter 2, Saving Clause apply to interpretation and application of this Ordinance, unless otherwise set forth above, including, but not limited to, the provisions regarding severability, inconsistent ordinances or code provisions, effect of repeal or modification, and legislation not affected by repeal.

Enforcement. E.M.C. Title 1, Chapter 4, “General Penalty” provisions mandate that except as otherwise provided within specific Titles, Chapters, or Sections of the Englewood Municipal Code, the violation of any provisions of the Code, or of any secondary code adopted therein, shall be punished by a fine not exceeding two thousand six hundred and fifty dollars (\$2,650.00) or imprisonment for a term not exceeding three hundred sixty (360) days or by both such fine and imprisonment.

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.

Introduced, read in full, and passed on first reading on the 19th day of November, 2018.

Published by Title as a Bill for an Ordinance in the City’s official newspaper on the 22nd day of November, 2018.

Published as a Bill for an Ordinance on the City’s official website beginning on the 21st day of November, 2018.

Read by Title and passed on final reading on the 7th day of January, 2019.

Published by Title in the City’s official newspaper as Ordinance No. ____, Series of 2018, on the 10th day of January, 2019.

Published by title on the City’s official website beginning on the 19th day of December, 2018 for thirty (30) days.

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

Linda Olson, Mayor

ATTEST:

Stephanie Carlile, City Clerk

I, Stephanie Carlile, 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 2018.

Stephanie Carlile