



COUNCIL COMMUNICATION

TO:	Mayor and Council
FROM:	John Voboril
DEPARTMENT:	Community Development
DATE:	January 7, 2019
SUBJECT:	CB 2 - Amended Accessory Dwelling Unit (ADU) Ordinance Second Reading

DESCRIPTION:

CB 2 - Amended Accessory Dwelling Unit (ADU) Ordinance Second Reading

RECOMMENDATION:

Community Development Staff recommends an affirmative vote on the Council amended Planning and Zoning Commission Recommended ADU Ordinance with City Attorney Enforcement Revisions. The City Attorney's Office has amended the original Planning and Zoning Commission's Recommended ADU Ordinance to reflect the Council amendments which were approved on December 17, 2018. Because amendments were made to the Council Bill on December 17, 2018, this Bill for an Ordinance is being presented for second reading.

PREVIOUS COUNCIL ACTION:

Council was given a project status briefing on ADU's at the October 10, 2016 Council study session. Council was briefed on the June 13, 2017 ADU Open House and was presented with the proposed ADU zoning text amendments at the September 18, 2017 Council study session. A second ADU Open House was requested by Council and held on November 14, 2017. Council was briefed on the second ADU Open House at the February 5, 2018 Council study session. Council held an ADU Town Hall Meeting on May 24, 2018. Council was briefed on various zoning district options for ADU's at the May 29, 2018 Council study session. Council requested additional information regarding how the ADU owner occupancy requirements would be enforced, before moving forward with consideration of the Planning and Zoning Commission Recommended ADU Ordinance. Community Development staff addressed Council's requests for additional information and presented Council with a revised ordinance that incorporates the City Attorney's Recommended Enforcement Revisions at the September 4, 2018 City Council study session. Council held a public hearing on the recommended ADU ordinance at the October 1, 2018 regular City Council meeting. Council elected to table the recommended ADU ordinance on First Reading at the October 15, 2018 regular Council meeting, rescheduling the First Reading vote for November 19, 2018.

At First Reading, City Council approved the following amendments to the Planning and Zoning Commission Recommended ADU Ordinance with City Attorney Enforcement Revisions:

Amend Section 2, paragraph 7, letter g, through the addition of line 5, reading as follows:

Corporation and for profit Business Partnership prohibitions. 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.

Amend Section 1, paragraph C, Table 16-5-1.1 "Table of Allowed Uses", Accessory Uses section, Household Living, Accessory Dwelling Unit, striking the letter "A" from the R-2-B, R-2-A, and R-1-C columns.

The amended ADU ordinance was placed on the December 17, 2018 regular City Council meeting agenda under Approval of Ordinances on Second Reading. At Second Reading of CB 2 an amendment was made to reinclude the R-2-B, R-2-A, and R-1-C zone districts. A second amendment was approved establishing a six-month moratorium within that portion of the MU-R-3-B zone district covered by the Neighborhood Preservation Overlay (NPO). At second reading of CB 2 on January 7, 2019 the amended Ordinance includes permitting ADU's within the R-2-B, R-2-A, R-1-C, MU-R-3-B and MU-R-3-A zone districts with a six month moratorium on permits for ADU's within the NPO area of the MU-R-3-B zone district established within Ordinance 26-2012. Please note that the NPO does not cover the entire MU-R-3-B zone district, only a portion thereof and is not located in any other base zone district.

SUMMARY:

Accessory Dwelling Units, known as ADU's, are small secondary residential structures located behind a primary house or on top of a garage. ADU's were historically built in Englewood during the 1920's, 30's, and 40's in response to housing shortages. There are over 180 existing ADU's scattered throughout the older portions of the City of Englewood.

ADU's began falling out of favor in the United States in the 1950's as the post war suburbs developed to meet housing needs. Englewood, like communities all across the country, began removing ADU's from the zoning code at this time.

ADU's have slowly made a comeback since the 1990's, particularly in the northwestern United States, in response to tight and expensive housing markets. The City of Denver, as well as a number of Denver suburbs, has reinstated ADU's as allowed uses in certain zone districts.

Many cities allow ADU's in established neighborhoods as a way to provide additional value to property owners, increase housing options, and provide infill development opportunities without additional public infrastructure costs. These small residential units are used to provide additional living space for a guest or relative, or are sometimes rented for additional income. Amending the code to allow these smaller residential units on the same property as a single family home can provide additional housing options and promote investment in the City.

The City of Englewood Comprehensive Plan has included a housing objective in support of adopting an ADU Ordinance since 2003. In recent years, Englewood citizens have increasingly inquired about the possibility of constructing ADU's. The Englewood Planning and Zoning Commission elected to place ADU's on the Commission's work program in 2014. The Commission was able to form a complete preliminary ADU recommendation that was then presented to the community through two open house meetings. Using feedback from the open house meetings, the Planning and Zoning Commission formulated a final ADU Ordinance recommendation. The Planning and Zoning Commission held a public hearing on the proposed ADU Ordinance at the September 6, 2017 Planning and Zoning Commission meeting. The

Planning and Zoning Commission voted to recommend adoption of the Recommended ADU Ordinance by City Council.

ANALYSIS:

The Englewood Planning and Zoning Commission began preliminary work on ADU's began in 2015 with seven study sessions. ADU's were then put on hold in favor of Englewood Forward plans and development cases. ADU study sessions (six) resumed in the fall of 2016. An open house community meeting (Back to the Future: Accessory Dwelling Units) was held on June 13, 2017, featuring ten informational stations, and a corresponding survey. Fifty-one surveys were collected and analyzed by the Commission on July 18, 2017, with minor adjustments made to the ADU final proposals.

A detailed summary of the Englewood Planning and Zoning Commission's recommended ADU regulatory amendments is provided here for the benefit of Council members:

Five Officially Declared Purposes of ADU's

1. Provide options for varied and flexible lifestyle arrangements;
2. Provide options for alternative building structures/living space;
3. Provide potential supplemental source of income;
4. Increase property values and encourage higher levels of property maintenance;
5. Provide options for building structure/living space expansion while simultaneously encouraging preservation of existing structures.

ADU Format

ADU's can take many different forms. The proposed code amendment includes the following ADU formats:

- Garden Cottage – a free standing structure located in the rear yard
- Carriage House - above or attached to a detached garage

ADU Eligibility

Types and sizes of lots eligible for specific types of ADU's include the following:

One Unit Detached Dwelling Standard Lot (50 Foot Minimum Width)

- Garden Cottage (1 Unit) or Carriage House (1 Unit)

One Unit Detached Dwelling Small Lot (40 Foot Minimum Width)

- Carriage House (1 Unit)

ADU Creation

ADU's may be created in three different ways:

- New construction
- Conversion of a qualifying alley house located in the rear yard to a Garden Cottage while simultaneously constructing a new principal dwelling in the front yard.

ADU Occupancy Requirements

1. The owner of record with a fifty-one percent (50%) minimum ownership interest in the property must occupy either the Principal Dwelling Unit or the Accessory Dwelling Unit (ADU) as their legal permanent address as demonstrated by voter and vehicle registration.
2. Owner shall verify on an annual basis that the owner continues to occupy either the Principal Dwelling Unit or the Accessory Dwelling Unit (ADU) as their legal permanent address through the City's Annual Conforming ADU Registered Use Mailing.
3. Owner must reside on the property for a minimum of nine (9) months of the year. The owner may not rent the owner's legal residence without applying for a leave of absence.
4. If owned by a corporation or similar entity, the property must be occupied by a person authorized to bind such entity in real estate matters.
5. Corporation and for profit Business Partnership prohibitions. 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.

As amended by Council at First Reading

ADU Leave of Absence Requirements

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 Accessory Dwelling Unit (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, and which may be reapplied for dependent on a clean record with no code violations.
3. During approved Leave of Absence, owner may rent both the Principal Dwelling Unit and the Accessory Dwelling Unit at the same time.

ADU Design Requirements

1. An ADU shall not exceed 650 square feet of gross floor area.
2. 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. An ADU shall not exceed a maximum height of 26 feet.
4. The lot coverage for a garden cottage ADU shall be counted toward the maximum allowed lot coverage.
5. ADU placement is restricted to the rear 35% of the lot.
6. ADU must conform to all existing accessory structure setbacks.\
7. A maximum bulk plane height of 12 feet will be established at side property lines.
8. One off-street parking space shall be provided for each ADU.
9. ADU must connect to principal dwelling unit water and sewer lines. Separate lines are not allowed.
10. ADU's may not be subdivided or sold separately.

ADU Allowed Zoning Districts

ADU's will be allowed in the following zone districts:

- MU-R-3-B: Mixed Use Medium to High Density Residential and Limited Office
- MU-R-3-A: Mixed Use Low Density Residential and Limited Office
- R-2-B: Medium Density Single and Multi Dwelling Unit Residential
- R-2-A: Low Density Single and Multi Dwelling Unit Residential
- R-1-C: Single Unit Residential

A moratorium will be placed on permitting ADU's within the Neighborhood Preservation Overlay (NPO) area for six months. Please note that the NPO exists only within a portion of the MU-R-3-B base zone district and not within any other zone district.

As amended by Council at Second Reading

Conformance with Englewood Forward Goals and Objectives

The ADU code amendment is in conformance with goals and objectives found in *Englewood Forward: The 2016 Englewood Comprehensive Plan*.

Goal Live-1:

Promote a balanced mix of housing opportunities serving the needs of current and future Englewood citizens.

Obj. Live-1.1: *Allow for housing that meets the needs of all income groups, including appropriate type and location of housing.*

Obj. Live-1.2: *Allow for housing investments that improve the housing mix and serve different life cycle stages and groups with special needs in appropriate locations, including both smaller and larger unit sizes and a wider range of housing types, including single-family, duplex, townhome, condominium, multi-family, and **accessory dwelling units**.* (Emphasis added)

FINANCIAL IMPLICATIONS:

There are no significant financial impacts to the City associated with the adoption of the ADU Ordinance. Local street and utility infrastructure are already in place. Utilities have been designed to accommodate a population of 60,000, based on population projections at the time of the adoption of the City of Englewood, Colorado: Comprehensive Investigation of the Municipal Water System (1975). This document served as the blueprint for the planning and development of the City's modern water system. The City's water treatment plant has a capacity of 28 million gallons per day, while the current maximum usage is 12 million gallons per day. The wastewater treatment plant has a capacity of 50 million gallons per day, while the current maximum usage is 23 million gallons per day. The water and wastewater figures were provided by Tom Brennan, Director of Utilities. Mr. Brennan confirmed that new ADU development will not have a significant impact on the water and wastewater delivery systems.

BY AUTHORITY

ORDINANCE NO. _____
SERIES OF 2018

COUNCIL BILL NO. 2
INTRODUCED BY COUNCIL
MEMBER WINK

**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	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	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	C						16-5-2.A.7
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	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	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	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	A	A	16-5-4.C.3

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	
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	T
	Food vendor carts									T	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	T
	Real estate sales or leasing office (also model homes)	T	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	T
	Special event (e.g., carnival, bazaar, fair)	T	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	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 that portion of the MUR3B zoning district defined as a NPO within Ord. 26-2012. 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 that portion of the MUR3B zoning district described in Ordinance 26-2012 pertaining to the establishment of a neighborhood preservation overlay zone 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 Regulati
				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	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

CITY OF ENGLEWOOD PLANNING AND ZONING COMMISSION

IN THE MATTER OF CASE #2014-01)	
ACCESSORY DWELLING UNITS)	
FINDINGS OF FACT,)	
CONCLUSIONS AND)	
RECOMMENDATIONS RELATING)	FINDINGS OF FACT AND
TO AMENDMENTS TO THE UNIFIED)	CONCLUSIONS OF THE
DEVELOPMENT CODE)	PLANNING AND
)	ZONING COMMISSION
INITIATED BY:)	
Community Development Department)	
1000 Englewood Parkway)	
Englewood, CO 80110)	

Commission Members Present: Townley, Kinton, Pittinos, Brick, Freemire, Madrid, Fish, Austin, Coleman

Commission Members Absent: None

This matter was heard before the City Planning and Zoning Commission on September 6, 2017, in the Community Room of the Englewood Civic Center.

Testimony was received from staff and members of the public. The Commission received notice of Public Hearing, the Staff Report, and a copy of the proposed amendments to Title 16 Unified Development Code which were incorporated into and made a part of the record of the Public Hearing.

After considering the statements of the witnesses and reviewing the pertinent documents, the members of the City Planning and Zoning Commission made the following Findings and Conclusions.

FINDINGS OF FACT

1. **THAT** the Public Hearing on the proposed amendments to the Unified Development Code, Title 16, relating to Accessory Dwelling Units, was brought before the Planning Commission by the Department of Community Development, a department of the City of Englewood.
2. **THAT** notice of the Public Hearing was published in the Englewood Herald on August 24, 2017 and was posted on the City’s website August 17, 2017 through September 6, 2017.
3. **THAT** the Community Development Department held 13 study sessions on Accessory Dwelling Units and held an open house on June 13, 2017, at which 51 surveys were collected and analyzed.

4. **THAT** ten members of the public spoke in favor of permitting accessory dwelling units.

CONCLUSIONS

1. **THAT** the proposed accessory dwelling unit regulatory text amendments conform to the vision, goals, and objectives outlined in *Englewood Forward: The 2016 Englewood Comprehensive Plan*.
2. **THAT** the proposed accessory dwelling unit regulatory text amendments establish purpose, format, eligibility, creation, occupancy, and design parameters for accessory dwelling units, and identifies the MU-R-3-B, MU-R-3-A, R-2-B, R-2-A, and R-1-C zone districts as suitable for new accessory dwelling unit development.

DECISION

THEREFORE, it is the decision of the City Planning and Zoning Commission that Case #2014-01 Accessory Dwelling Units be referred to the City Council with a favorable recommendation.

The decision was reached upon a vote on a motion made at the meeting of the City Planning and Zoning Commission on September 6, 2017, by Fish, seconded by Madrid, which motion states:

CASE #2014-01 ACCESSORY DWELLING UNITS BE APPROVED AND FORWARDED TO CITY COUNCIL WITH A FAVORABLE RECOMMENDATION.

AYES: Townley, Kinton, Pittinos, Brick, Madrid, Austin, Coleman
NAYS: Fish, Freemire
ABSTAIN: None
ABSENT: None

Motion carried.

These Findings and Conclusions are effective as of the meeting on September 6, 2017.

BY ORDER OF THE CITY PLANNING & ZONING COMMISSION

Daryl Kinton, Chair



MINUTES
Planning and Zoning Commission Meeting
Wednesday, September 6, 2017
1000 Englewood Pkwy – Community Room 7:00 PM

COMMISSIONERS PRESENT: Cate Townley
Daryl Kinton
Merc Pittinos
John Brick
Mike Freemire
Patrick Madrid
Ron Fish
Michele Austin
Randall Coleman

COMMISSIONERS ABSENT:

STAFF PRESENT: Audra Kirk, Planner II
John Voboril, Planner II
Harold Stitt, Senior Planner

1. Call to Order

The meeting was called to order at 7:00 pm in the Community Room by Chair Kinton.

2. Public Hearing

Case ZON2017-002, 3333 South Pearl Street

Moved by Member Michele Austin
Seconded by Member Mike Freemire

TO OPEN THE PUBLIC HEARING FOR CASE ZONE2017-002, 3333 SOUTH PEARL STREET.

	For	Against	Abstained
Cate Townley	x		
Daryl Kinton	x		
Merc Pittinos	x		
John Brick	x		
Mike Freemire (Seconded By)	x		
Patrick Madrid	x		
Ron Fish	x		
Michele Austin (Moved By)	x		

Randall Coleman	x		
	9	0	0

Motion CARRIED.

Audra Kirk, Planner II was sworn in. The public hearing is for an application to rezone 3317, 3323 and 3333 South Pearl Street from R-1-C Single-Unit Residential to a Planned Unit Development. Proof of posting and publication were submitted for the record, along with three emails from residents that were received after materials were sent to Commissioners. Ms. Kirk provided an overview of the project and surrounding properties; she answered questions from the Commission.

John Voboril, Planner II was sworn in. Mr. Voboril answered questions from Commissioners regarding the Comprehensive Plan and exploring transitional areas.

Casey Adragna, 2192 West Caley Avenue, was sworn in. Mr. Adragna stated he was the owner of 3333 South Pearl Street. Mr. Adragna reviewed the project and how it meets various goals within the Comprehensive Plan. Parking is a concern in the neighborhood; therefore, each townhome would have a 2-car garage. He is researching a public-private partnership with the City to pave the entire alley.

Scott Brann, 8474 South Brentwood Street, was sworn in. Mr. Brann and his wife are the property owners of 3323 South Pearl Street. Their plan is to redevelop the property in order to lease out one unit and live in the other while they travel.

Kelley Rhodes, 3317 South Pearl Street, was sworn in. Her plan is to upgrade her home and keep it in her family.

Mr. Adragna answered questions from the Commission.

Ian Wisekal, 3301 South Pearl Street, was sworn. He testified in favor of the application.

Britt Fuiks, 3151 South Clarkson Street, was sworn. She spoke in favor of paving the alleys.

Ms. Kirk stated the properties cannot be rezoned to R-2-B or MU-R-3-C because the applicant does not have 37,500 square feet of property; however, he has enough property for a PUD which only requires 21,280 square feet. Ms. Kirk answered questions regarding rezoning the entire block, the rezoning process and the PUD criteria.

Moved by Member John Brick
Seconded by Member Mike Freemire

TO CLOSE THE PUBLIC HEARING FOR CASE ZON2017-002.

	For	Against	Abstained
Cate Townley	x		
Daryl Kinton	x		
Merc Pittinos	x		
John Brick (Moved By)	x		
Mike Freemire (Seconded By)	x		
Patrick Madrid	x		
Ron Fish	x		
Michele Austin	x		
Randall Coleman	x		
	9	0	0

Motion CARRIED.

Commissioners discussed the case and the criteria. Commissioners then voted and stated their findings.

Moved by Member Ron Fish
Seconded by Member Mike Freemire

APPROVE CASE ZON2017-002, 3317, 3323, AND 3333 SOUTH PEARL STREET PLANNED UNIT DEVELOPMENT AND FORWARD TO CITY COUNCIL WITH A FAVORABLE RECOMMENDATION.

	For	Against	Abstained
Mike Freemire (Seconded By)	x		
Ron Fish (Moved By)		x	
Cate Townley		x	
Daryl Kinton	x		
Merc Pittinos		x	
John Brick	x		
Patrick Madrid		x	
Michele Austin	x		
Randall Coleman		x	
	4	5	0

Motion DEFEATED.

3. Public Hearing

Case 2014-01 Accessory Dwelling Units

Moved by Member Ron Fish
Seconded by Member Randall Coleman

TO OPEN THE PUBLIC HEARING FOR CASE 2014-01 ACCESSORY DWELLING UNITS.

	For	Against	Abstained
Cate Townley	x		
Daryl Kinton	x		
Merc Pittinos	x		
John Brick	x		
Mike Freemire	x		
Patrick Madrid	x		
Ron Fish (Moved By)	x		
Michele Austin	x		
Randall Coleman (Seconded By)	x		
	9	0	0

Motion CARRIED.

John Voboril, Planner II, was sworn in. Notice of the public hearing was published in the Englewood Herald on August 24, 2017 and was published on the City's website on August 17. Further, the public was notified of the public hearing through the City's website and the June 13, 2017 open house. Mr. Voboril introduced the case by stating the public hearing is regarding accessory dwelling unit regulatory amendments to Title 16 of the Unified Development Code.

Mr. Voboril reviewed the Commission's previous action on accessory dwelling units, provided the background and analysis of the case, and the various requirements. Mr. Voboril answered questions from the Commission.

Rebecca Alexis, 1982 South Pennsylvania, Denver, was sworn in. Ms. Alexis spoke in favor of accessory dwelling units.

Brian Pearson, 2962 Montclair Ct. Highlands Ranch, was sworn in. Mr. Pearson spoke in favor of accessory dwelling units.

Jeff Stillwell, 2935 South Marion, was sworn in. Mr. Stillwell questioned why the R-1-A and R-1-B zone districts were excluded from having accessory dwelling units.

Cynthia Searfos, 3297 South Downing St, was sworn in. Ms. Searfos spoke in opposition of accessory dwelling units. She does not want the increased traffic, crime, and density.

Randal Friesen, 4581 South Cherokee St., was sworn in. Mr. Friesen spoke in favor of accessory dwelling units.

Tiffany Madrid, 3396 South Grant St., was sworn in. Ms. Madrid spoke in favor

of accessory dwelling units; however, she would like the size requirements larger.

Jacob Bettis, 2961 South Bannock St., was sworn in. Mr. Bettis spoke in favor of accessory dwelling units.

Judy Brown, 1033 West Stanford Pl., was sworn in. Ms. Brown spoke in favor of accessory dwelling units and the residency restriction.

Laura Jones, 3106 South Sherman Street, was sworn in. Ms. Jones spoke in favor of accessory dwelling units.

Barbara Peterson, 3371 South Corona Street, was sworn in. Ms. Peterson spoke in favor of keeping the restricted zone districts and the residency requirements.

Britt Fuiks, 3151 South Clarkson Street, was sworn in. Ms. Fuiks encouraged those with strong feelings about the regulations to attend the City Council study session.

Moved by Member John Brick
Seconded by Member Mike Freemire

TO CLOSE THE PUBLIC HEARING FOR CASE 2014-01 ACCESSORY DWELLING UNITS.

	For	Against	Abstained
Cate Townley	x		
Daryl Kinton	x		
Merc Pittinos	x		
John Brick (Moved By)	x		
Mike Freemire (Seconded By)	x		
Patrick Madrid	x		
Ron Fish	x		
Michele Austin	x		
Randall Coleman	x		
	9	0	0

Motion CARRIED.

The Commission took a 5 minute recess. The Commission asked Mr. Voboril additional questions and discussed the case. The Commissioners then voted and stated their findings.

Moved by Member Ron Fish
Seconded by Member Patrick Madrid

THAT CASE 2014-01 ACCESSORY DWELLING UNITS BE APPROVED AND FORWARDED TO CITY COUNCIL WITH A FAVORABLE RECOMMENDATION.

	For	Against	Abstained
Cate Townley	x		
Daryl Kinton	x		
Merc Pittinos	x		
John Brick	x		
Mike Freemire		x	
Patrick Madrid (Seconded By)	x		
Ron Fish (Moved By)		x	
Michele Austin	x		
Randall Coleman	x		
	7	2	0

Motion CARRIED.

**Moved by Member Mike Freemire
Seconded by Member Patrick Madrid**

THAT THE REMAINDER OF THE AGENDA BE SUSPENDED DUE TO TIME.

	For	Against	Abstained
Cate Townley	x		
Daryl Kinton	x		
Merc Pittinos	x		
John Brick	x		
Mike Freemire (Moved By)	x		
Patrick Madrid (Seconded By)	x		
Ron Fish	x		
Michele Austin	x		
Randall Coleman	x		
	9	0	0

Motion CARRIED.

4. Adjourn

The meeting adjourned at 10:00 pm.