



Council Request Update

July 2, 2019

Council Request: 19-097

Requested by: Mayor Pro Tem Rita Russell, Council Member Cuesta and Council Member Barrentine

Request: Detailed information on requirements for public notifications.

Assigned to: Community Development

Response: Please see the response provided by Community Development Planning Manager Wade Burkholder.

Council Request: 19-098

Requested by: Mayor Pro Tem Rita Russell

Request: Request for all calls for service at 3398 West Grand Avenue

Assigned to: Police Department

Response: Please see the response provided by Commander Tim Englert.

Council Request: 19-099

Requested by: Council Member Cuesta and Council Member Barrentine

Request: Request for additional information regarding licensing for a childcare in-home business.

Assigned to: Community Development

Response: Please see the response provided by Community Development Planning Manager Wade Burkholder, Revenue and Tax Audit Supervisor Heather Driscoll and Assistant Chief Building Official Kerry Babin.

Council Request: 19-101

Requested by: Council Member Barrentine

Request: Request for the notification process to Council regarding arrest of former Englewood Police Officer.

Assigned to: City Manager's Office

Response: Please see the response provided by Interim City Manager Dorothy Hargrove.



TO: Mayor Olson and Council Members

THRU: Dorothy Hargrove
Interim City Manager

Brad Power
Community Development Director

FROM: Wade Burkholder
Planning Manager

DATE: July 2, 2019

SUBJECT: **CR 19-097** Mayor Pro Tem Russell, CM Cuesta and CM Barrentine asked for detailed information on requirements for public notifications.

The following table summarizes the review and decision-making responsibilities of the entities that have specific roles in the administration of the procedures set forth in this Chapter. For purposes of this table, an "(Approval) Lapsing Period" refers to the total time from the application's approval that an applicant has to proceed, and often complete, the approved action. Failure to take the required action within the specified "lapsing period" will automatically void the approval. See Section 16-2-3.L EMC, "Lapse of Approval," below.

TABLE 16-2-2.1: SUMMARY OF DEVELOPMENT REVIEW AND DECISION-MAKING PROCEDURES										
Procedure	Section Ref.	Pre-App. Mtg. Req'd	Review (R) Decision-Making (D) or Appeal (A) Bodies				Notice Required ¹			Lapsing Period
			CM/D	PC	CC	BAA	Pub	Mail	Post	
Adaptive Reuse of Designated Historical Buildings	16-5-3	✓	R	R	D		✓		✓	None
Administrative Adjustments	16-2-17	✓	D			A				None
Administrative Land Review Permit	16-2-11	✓	D	A						60 days to record

Amendments to the Text of this Title	16-2-6		R	R	D		✓			None
Annexation Petitions	16-2-5	✓	R	R	D		✓		✓	None
Appeals to Board	16-2-18	✓				D	✓			None
Comprehensive Plan Amendments	16-2-4		R	R	D		✓			None
Conditional Use Permits	16-2-12	✓	R	D	A		✓		✓	1 year
Conditional Use - Telecommunication	16-7	✓	R	D	A		✓	✓	✓	None
Development Agreements	16-2-15		R		D					As stated in Agreement
Floodplain Dev't. Permit and Floodplain Variances	See Chapter 16-4 for applicable procedures and standards									
Historic Preservation	16-6-11	✓	R	R	D		✓		✓	None
Landmark Sign	16-6-13	✓		D	A		✓		✓	
Limited Review Use Permits	16-2-13	✓	D	A						1 year
Major Subdivisions	16-2-10									
Preliminary Plat		✓	R	R	D		✓	✓	✓	6 months to submit Final Plat
Final Plat			R	R	D		✓	✓	✓	60 days to record
Simultaneous Review Preliminary Plat/Final Plat		✓	R	R	D		✓	✓	✓	60 days to record
Recorded Final Plat										None
Minor Subdivision	16-2-11									
Preliminary Plat		✓	D	A						6 months to submit Final Plat
Final Plat			D	A						60 days to record
Recorded Final Plat										None
Nonconforming Lots	16-9-4	✓	R	D	A		✓		✓	None

Nonconforming Structures	16-9-3	✓	D			A				
Official Zoning Map Amendments (Rezoning)	16-2-7	✓	R	R	D		✓	✓	✓	None
PUD and TSA Rezoning	16-2-7	✓	R	R	D		✓	✓	✓	None
Temporary Use Permits	16-2-14	✓	D	A						As stated in Permit
Unlisted Use Classifications	16-5-1.B	✓	D	A						None
Site Improvement Plan	16-2-9		D	A						180 days
Zoning Variances	16-2-16	✓	R			D	✓		✓	180 days
¹ Notice Required: See Table 16-2-3.1 Summary of Mailed Notice Requirements										

Prior to any change in use and/or development activity on any real property within the City of Englewood, a permit must be obtained from the City for such action according to Chapter 16-2 EMC. The appropriate type of permit will be decided upon the filing of an application, and may be subject to an application processing fee.

- A. *Authority to File Applications.* An application for review or approval under this Title shall be filed by a person having legal authority to take action in accordance with the approval sought. Those persons include:
1. The record owner of the property, and
 2. A purchaser under a sale authorized in writing to do so,
 3. An agent of the record owner authorized in writing to do so, or
 4. Any other party specifically identified as being eligible to file a particular type of application in this Title.

The Council or Commission may also initiate amendments to the text of this Title or to the Official Zoning Map with or without an application from affected property owners.

- B. *Application Form with Required Submittal Materials.* Applications required under this Title shall be submitted on forms provided by the City in such numbers as required by the City, and shall be accompanied by such submittal documents as required by each type of permit requested, in addition to any other requirements the City Manager or designee may from time to time designate through administrative action.

G. *Notice Requirements.*

1. *Published Notice.* Notice shall be by one (1) publication on the City's official website or in the newspaper designated by City Council as the City's official newspaper at least ten (10) days before any hearing before the Council, the Commission, or the Board. The City shall be responsible for all required published notices, and for providing evidence of timely published notice at the time of the hearing or consideration.
2. *Posted Notice.* The property shall be advertised by posting for not less than ten (10) consecutive days prior to a hearing before the Council, the Commission, or the Board; provided, however, that where the case does not involve a specific property, no posted notice shall be required. A posted notice shall consist of a sign not less than twenty-two inches (22") by twenty-eight inches (28") in size, located not less than four feet (4') above ground level in a conspicuous place, with letters not less than one inch (1") in height in black paint, which letters can be read from the adjoining street right-of-way. The applicant shall be responsible for complying with posted notice provisions and for providing evidence of timely posted notice at the time of the hearing or consideration. All required posted notices shall remain in place until after the date of the hearing or consideration, and shall be removed by the applicant within seven (7) days after the hearing or consideration.
3. *Mailed Notice.*
 - a. *Mailed Notice to Applicant.* The City shall give written notice of the date, time, and place of any scheduled hearing to the applicant in person or by first class mail.
 - b. *Summary of Mailed Notice Requirements.* Table 16-2-3.1 below summarizes the mailed notice requirements of this subsection, and includes requirements for: Responsible party for mailing notice, the minimum deadline by which notice must be mailed, the intended recipients and the geographic scope of mailed notice, whether the applicant must provide a mailing list and receipt, and the type of mail service required.
 - c. *Mailed Notice of Neighborhood Meeting and Certain Public Hearings.* Whenever a mailed notice is required by Table 16-2-3.1, the applicant shall mail written notification of the neighborhood meeting or hearing at least ten (10) days prior to the meeting or hearing to occupants and property owners within one thousand feet (1,000') of the perimeter of the proposed development. Notification shall be sent to property owners of record from data available within thirty (30) days before the required mailing date from the Arapahoe County Assessor's office.
 - d. *Mailed Notice for Conditional Use Telecommunications Towers and Antenna(s).* At least ten (10) days prior to the first public hearing on any request for a conditional use permit for a telecommunications tower or antenna(s), the applicant shall provide written notice to all occupants and property owners within one thousand feet (1,000') of the property boundary of the site upon which the tower or antenna(s) are proposed to be located. Notification shall be sent to property owners of record from data available within thirty (30) days before the required mailing date from the Arapahoe County Assessor's office.
 - e. *Proof of Mailing Required.* Whenever mailed notice is required according to this subsection, the applicant shall provide a mailing list to staff and certify that letters

were mailed via the U.S. Postal Service to the listed addresses within the time frame specified in Table 16-2-3.1 below prior to the meeting or hearing. A USPS receipt shall be attached to the certification.

TABLE 16-2-3.1: SUMMARY OF MAILED NOTICE REQUIREMENTS						
Type of Application	Notice Mailed by	When Mailing Must Occur - # of Calendar Days Prior to Meeting or Hearing:	Notice Shall be Mailed to:	Notification Area for Receipt of Mailed Notice	Mailing List and Mailing Receipt Required?	Type of Mailing
PUD, TSA, other Rezoning Neighborhood Meeting	Applicant	10 (prior to neighborhood meeting and Planning and Zoning Commission hearing)	Property owners of record [1] and Occupants	1,000 feet radius measured from boundary lines of subject parcel	Yes	1st Class Mail
Major Subdivision	Applicant	10 (prior to neighborhood meeting and Planning and Zoning Commission hearing)	Property owners of record [1] and Occupants	1,000 feet radius measured from boundary lines of subject parcel	Yes	1st Class Mail
Conditional Use for Telecommunication Facility	Applicant	10 prior to Planning and Zoning Commission hearing	Property owners of record [1] and Occupants	1,000 feet radius measured from boundary lines of subject parcel	Yes	1st Class Mail

Notes to Table:

[1] Property owners of record at the Arapahoe County Assessor's office from data available within thirty days (30) before the required mailing date.

4. *Contents.* Unless otherwise stated above, each required published, posted, or mailed notice shall contain:

- a. The name of the applicant;
 - b. The date, time and location of the public hearing or consideration; or alternately, the date of the proposed decision by the City Manager or designee;
 - c. A brief summary of the proposed action;
 - d. A statement as to where the application and accompanying material may be reviewed;
 - e. Any other information required pursuant to this Title for a specific type of application; and
 - f. To assist in reaching any non-literate or non-English speaking populations, all posted and mailed notices shall include a prominent question mark symbol followed by the telephone number of the City.
5. *Errors in Notice.* If there has been a failure to comply with any applicable notice requirement, the public hearing or consideration may be continued and/or action on the application may be postponed until such time as the notice requirements are fulfilled.

H. *Public Hearings.*

1. *Hearings Required.* A public hearing shall be required for those types of applications for which a decision is to be made by the Commission, the Board, or the Council.
2. *Representation at Any Hearing.* At any hearing, any party-in-interest may appear in person, or may be represented by a duly authorized person, or by an attorney.
3. *Scheduling a Hearing.* Following the acceptance of a completed application, the City shall set a tentative date for a public hearing before the first body required to hold a hearing on the matter. The tentative hearing date may be changed by the City Manager or designee at any time prior to the publication or posting of notices if the City Manager or designee determines that more time is needed for a more thorough review of the application, but no such change shall result in the delay of the tentative hearing date by more than thirty (30) days.
4. *Conduct of Public Hearings.*
 - a. During the public hearing, the review- or decision-making body shall hear any relevant evidence or statement provided by the applicant or its representative, by the City Manager or designee or any member of the staff, and by any person in attendance at the hearing. The review- or decision-making body may, in its sole discretion, hear and consider any other relevant statement or evidence, written or oral.
 - b. The review or decision-making body shall cause its public hearing to be recorded. When a transcript of a public hearing is required, the person or entity requesting the transcription shall pay the cost of the transcript. If the Council acquires a copy of the transcription of the proceedings, its copy of the transcription shall be made available to any person at reasonable times for inspection and study. A written summary of the relevant testimony and evidence presented at the review- or decision-making body hearing may be utilized in place of the transcript if a transcript is not required.

- c. Within thirty-five (35) days after the hearing, the review- or decision-making body shall adopt written findings of fact, and shall make a recommendation or take action on the application. Before adoption of the findings of fact, members of the review- or decision-making body may elaborate on their reason for the vote. The written findings and recommendations shall include a statement of the body's findings and conclusions upon all relevant issues of fact or law raised by the application, and a recommendation or decision for approval or denial thereof. A copy of the written findings of fact and recommendation shall be mailed to the applicant and to any other person who requested a copy thereof.
5. Continuing a Hearing. Once a hearing before the Council, Commission, or Board has commenced, it may be continued to a later date for purposes of accepting additional testimony, or for preparation or submission of additional requested materials, or at the request of the applicant. A hearing for which proper notice was given may be continued to a later date without again complying with the notice requirements of this Chapter, provided that the continued hearing is set for a date certain and the date and time of the continued hearing is announced at the time of continuance.
- I. *Limitations on Conditions of Approval.* The decision-making body shall be authorized to impose such conditions upon any site-specific development application as may be necessary to carry out the general purpose and intent of this Title or the Comprehensive Plan, provided that any requirements for the payment of money, the dedication of land, or the provision of services attached to a specific development application on a discretionary (non-formula) basis may only be imposed following an individualized determination that such requirements are directly related to the anticipated impacts of the proposed development and are roughly proportional in both extent and amount to the anticipated impacts of the proposed development.
- J. *Simultaneous Processing of Development Applications.*
 1. At the applicant's request and with the City's approval, applications for different types of reviews and approvals may be processed simultaneously to shorten the total review and processing time for a proposed development.
 2. When a final plat is submitted for simultaneous review with the preliminary plat, both shall be reviewed according to the preliminary plat approval process as outlined in this Chapter. Unless simultaneous review is approved, the City shall not accept applications for final plat approval before preliminary plat application approval.
 3. The expected time frame and approval process for a consolidated application shall follow the longest time frame and approval process required from among the joined application types.
- K. *Times for City Review.* Maximum times for City review are recommended in various subsections of this Chapter. All times for review stated in this Chapter are estimated and advisory only. Unless otherwise expressly allowed, failure to keep within the recommended time for review shall not be deemed an approval or recommendation of approval on behalf of the review body, decision-making body, or appeal body.

L. *Lapse of Approval.*

1. *Lapse of Approval—General.* Many City decisions to approve applications covered by this Title are based on an expectation that the applicant intends to proceed with the proposed action as described within a reasonable amount of time, and many approvals are therefore time-limited. The table in Section 16-2-2 EMC above summarizes those lapsing time frames or periods. City approvals of these types must be followed by action by the applicant to develop or alter the property as described in the approved application before the end of the lapsing period—or the approval shall be of no further force and effect.
2. *Extension of Approval Periods.* An applicant may request, and the decision-making body that granted the original approval may grant one (1) extension of the approval for a period equal to the original lapsing period. Extension requests shall be evaluated on the basis of compliance with regulations and policies in effect at the time of the extension request, and will be allowed only when the following conditions exist:
 - a. The provisions of this Title or this Chapter must not expressly prohibit the extension; and
 - b. The extension request must be filed in a form established by the City and include all exhibits and fees; and
 - c. The applicant evidences that the delay in taking action under the approval was caused by circumstances beyond the applicant's control.

An appeal from a determination to extend an approval time frame shall be made to the appeal body who would have heard an appeal of the original approval.

3. *Termination of Postponed Application.* Any application made pursuant to this Title which has been postponed or continued for a period of one hundred eighty (180) days shall lapse.



To: Chief John Collins
From: Commander Tim Englert
Date: June 28, 2019
Subject: Council Request 19-098

Request for all calls for service (Police and Code) at 3398 West Grand Ave

Requested by: Mayor Pro Tem Russell

Mayor Pro Tem Russell requested all calls for service, both Police and Code Enforcement, for the last calendar year.

Per the custodian of records, there have been no calls for service at that address in the last year.

On June 27, 2019 the Parking Enforcement Officer was requested to check 3398 West Grand Ave and the surrounding area for parking violations. No violations were found in the area, or in front of 3398. No vehicles with expired plates were found. He will continue to monitor the area.

On June 28, 2019 information was received from the software system that archives Code Enforcement activity. A spreadsheet of Code Enforcement actions at 3398 West Grand Ave is included. One of the entries is related to a parking issue and two are for inoperable vehicles. At the time of the inspection on June 27 there were no active cases and no violations were noted.

Case No	Address	STATUS	CASETYPE	CLOSED	CASE_NAME
COD0602-0292	3398 W GRAND AVE	IN COMPLIANCE	SNOW REMOVAL	02/23/2006	
COD0609-0430	3398 W GRAND AVE	POSTING NOTICE	INOPERABLE VEHICLE	10/02/2006	red 2 door Chevy Lumina-794jzb ex 05
COD0609-0433	3398 W GRAND AVE	IN COMPLIANCE	MISC CODE	10/02/2006	parking on hard surface in front set back required
COD0712-0378	3398 W GRAND AVE	IN COMPLIANCE	SNOW REMOVAL	01/08/2008	SIDEWALK
COD0803-0359	3398 W GRAND AVE	PUBLIC RELATIONS	ANIMAL CONTROL	03/19/2008	stray cat- possibly sick or injured
COD0901-0577	3398 W GRAND AVE	IN COMPLIANCE	TRASH AND LITTER	02/12/2009	FU 2/23 --- *** NO SERVICE
COD0905-0234	3398 W GRAND AVE	IN COMPLIANCE	MISC CODE	05/07/2009	MC
COD0906-0063	3398 W GRAND AVE	IN COMPLIANCE	WEEDS	06/10/2009	FU 6/10 ---WDWASHER, BLK COUCH, CUSHION, N DRWY/LOOK @ ROW
COD0906-0069	3398 W GRAND AVE	IN COMPLIANCE	PARKING	06/02/2009	OVER SIDEWALK
COD0909-0094	3398 W GRAND AVE	IN COMPLIANCE	ANIMAL CONTROL	09/03/2009	4 DOGS/CB
COD0910-0320	3398 W GRAND AVE	IN COMPLIANCE	ROW OBSTRUCTION	10/26/2009	FU 10/23 --- HEDGE AT CORNER BLOCKING VIEW OF NORTHBOUND
COD0912-0135	3398 W GRAND AVE	IN COMPLIANCE	TRASH AND LITTER	12/22/2009	FU 12/17 --- TRASH DISPOSED IN FRONT OF 3395 W GRAND
COD1101-0448	3398 W GRAND AVE	IN COMPLIANCE	OUTDOOR STORAGE	03/28/2011	FU 2/4 --- OTTOMAN OR FURNITURE PIECE WEST SIDE DRIVEWAY BUSH
COD1106-0165	3398 W GRAND AVE	IN COMPLIANCE	ROW OBSTRUCTION	06/28/2011	FU 6/23 --- BUSHES AT SE CORNER OBSTRUCTIN NBOUND TRAFFIC
COD1301-0102	3398 W GRAND AVE	SUMMONS ISSUED	ANIMAL CONTROL	01/15/2013	Dog-on-Dog Attack
COD1405-0025	3398 W GRAND AVE	NOTICE OF VIOLATION	ANIMAL CONTROL	05/02/2014	Cats at large
COD1505-0309	3398 W GRAND AVE	IN COMPLIANCE	WEEDS	06/16/2015	GW f/u
COD1512-0291	3398 W GRAND AVE	IN COMPLIANCE	SNOW REMOVAL	01/20/2016	Snow removal
COD1607-0215	3398 W GRAND AVE	IN COMPLIANCE	ROW OBSTRUCTION	09/08/2016	ROW obst, sight dist. f/u 7-28
COD1701-0143	3398 W GRAND AVE	NOTICE OF VIOLATION	TRASH AND LITTER		T/L, IV f/u 2-1
COD1701-0144	3398 W GRAND AVE	NOTICE OF VIOLATION	INOPERABLE VEHICLE		T/L, IV f/u 2-1
COD1709-0003	3398 W GRAND AVE	PUBLIC RELATIONS	WEEDS	09/01/2017	G/W
COD1808-0185	3398 W GRAND AVE	IN COMPLIANCE	ROW OBSTRUCTION	08/21/2018	r-o-w obs. (sight distance), f/u 8/20



TO: Mayor Olson and Council Members

THRU: Dorothy Hargrove
Interim City Manager

Brad Power
Community Development Director

FROM: Wade Burkholder
Planning Manager

Heather Driscoll
Revenue and Tax Audit Supervisor

Kerry Babin
Assistant Chief Building Official

DATE: July 2, 2019

SUBJECT: **CR 19-099** Councilmembers Cuesta and Barrentine asked for additional information regarding licensing for a childcare in-home business.

This question involved both the Finance Department and Community Development Department, both Building and Planning Divisions.

Finance Department Response:

Currently, within Title 5 (Business and License Regulations), no City licenses are required for in-home childcare providers. Licensing is required by State Law only, unless it is fewer than four children, the children are all from one family, or the children are related directly to the caregiver.

For reference, below is a list of businesses requiring Business Licenses (or Regulation) under Title 5 in the City of Englewood:

- Adult Entertainment Establishments
- Alcoholic Beverages
- Amusements
- Arborist
- Auctioneer
- Automobile Pawnbrokers
- Auto Salvage & Recycled Material Yards
- Body Piercing Establishments
- Breeder
- Canine & Feline Breeder
- Christmas Tree Dealers
- Contractor Licensing
- Direct Sellers
- Food Dealers
- Guard or Attack Dog



- Hotel & Motel Services
- Medical Marijuana
- Pawnbroker Dealers
- Police & Fire Alarm System
- Purchaser of Valuable Articles
- Reflexology
- Retail Marijuana
- Retail Marijuana Cultivation
- Special Events
- Tattoo Establishments
- Telecommunication Facilities & Towers
- Temporary Employment Services
- Trash Hauling
- Vehicle Wrecker & Towing Services (at the request of the City Police Department)

Staff fielded a call related to this matter and informed the interested party a City Business License was not required for in-home childcare services and referred them to Community Development to answer additional questions.

Building Response:

The City of Englewood adopted Appendix M of the 2015 International Residential Code (IRC) which addresses the minimal requirements for an in-home day care in a single family residence. Appendix M is attached for review and/or reference. The only fees assessed by the Building Division would be those related to any permits required for modifications made to the home to meet the requirements of Appendix M and the IRC. Prior to the business becoming operational, inspections would be required from Building Division representatives to ensure all provisions of the Code are met.

Planning Response:

Home Care Accessory Uses within the Unified Development Code (UDC) include adult dependent care; family child care home; infant/toddler home; and large child care home. Below are the definitions for each.

It is important to note that the property at the focus of this Council Request is zoned R-1-A. Consulting Table 16-5-1.1 (page CD16:82-6 is attached), large child care homes are not permitted within the R-1-A Zone District, while the other classifications of in-home adult/child care are permitted via approved Conditional Use Permits.

Home Care.

- a. *Characteristics.* Home care is an accessory use, categorized by facilities for child or adult care in the permanent residence of the provider for the purpose of providing day care and training for a child or children away from their primary residence for less than twenty-four (24) hours per day. Home care uses are distinct from and are not classified as "home occupations" under this Title.
- b. *Specific Use Types.* This category includes the following use types:
 - (1) Adult Dependent Care. An adult care facility that provides less than twenty-four (24) hours care, in the permanent residence of the provider, for individuals older than eighteen (18) years old up to a maximum of four (4) adults.

- (2) Family Child Care Home. Family child care home shall mean a facility for child care in the permanent residence of the provider for the purpose of providing day care and training for a child or children away from their primary residence for less than twenty-four (24) hours per day. Children being cared for in a family child care home are under the age of twelve (12) years and are not related to the care provider. A day care home shall provide care, protection, and supervision to no more than six (6) children at one time, including the children of the provider, and for no more than three (3) children under two (2) years of age including the children of the provider. Operation of a "family child care home" is considered, for purposes of this Title, to be an accessory use to a principal residential use.
- (3) Infant/Toddler Home. A child care facility that provides less than twenty-four (24) hours care only for children who are between birth and three (3) years old, located in the permanent residence of the provider. The caregiver may have no more than one (1) child or foster child between three (3) and six (6) years of age. If there is one (1) caregiver, there may be a maximum of four (4) children, with no more than two (2) children under twelve (12) months, including the caregiver's own children. If there are two (2) caregivers caring for the children at all times when children are present, there may be a maximum of six (6) children between birth and three (3) years old, and no more than three (3) of those children can be between birth and one (1) year old, including the caregiver's own children.
- (4) Large Child Care Home. A child care facility, located in the permanent residence of the provider that provides care for seven (7) to twelve (12) children who are not related to the caregiver. Child care may be provided to children from twenty-four (24) months to sixteen (16) years of age. Care may be provided to no more than two (2) children under two (2) if older siblings are in care. Residents of the home under twelve (12) years of age who are on the premises and all children on the premises for supervision are counted against the approved capacity.

Again, adult dependent care, family child care home, and infant/toddler home in the R-1-A Zone District require approval via a Conditional Use Permit. A large child care home is not a permitted use within the R-1-A Zone District.

One of the goals of the City is to encourage a variety of housing types to meet the needs of differing income levels and varying household structures. The regulations for these districts are designed to stabilize and protect the essential characteristics of the districts, to allow for certain conditional and limited uses that are controlled by specific limitations governing the impact for such uses, and to promote a compatible neighborhood environment. The R-1-A Zone District is the most restrictive District within the City zoning classification system; a one dwelling unit residential district with a minimum lot area of 9,000 square feet.

Home Care Accessory Uses, as defined above, raise issues of compatibility with their surrounding neighborhoods, but which could be compatible if subject to certain conditions and safeguards through the conditional use permit process, which includes a public hearing before the Planning and Zoning Commission. Taking into consideration any proposed mitigation measures, a conditional use shall not create significant adverse impacts on the surrounding neighborhood. Significant adverse impacts include, but are not limited to:

- Significant increases in traffic generation and parking
- Loading and unloading of children
- Traffic circulation
- Outdoor activities
- Storage
- Significant intrusions of noise
- Hours of operation for the home day care
- The building safety for use of children per the adopted Appendix M of the 2015 International Residential Code.

Fees:

Consulting the attached 2008 Development Review Fee Schedule, the fee to process a Conditional Use Permit application in 2008 was \$475 with a \$25 annual inspection fee. In 2011, this fee increased to \$500 with a \$25 annual inspection fee. According to the 2019 Fee and Rate Schedule, Resolution No. 36 Series of 2019 adopted and approved February 19, 2019, the fee for processing a Conditional Use Permit application and the annual inspection remained at \$500 and \$25 respectively.

APPENDIX M

HOME DAY CARE—R-3 OCCUPANCY

(The provisions contained in this appendix are not mandatory unless specifically referenced in the adopting ordinance.)

SECTION AM101 GENERAL

AM101.1 General. This appendix shall apply to a home day care operated within a *dwelling*. It is to include buildings and structures occupied by persons of any age who receive custodial care for less than 24 hours by individuals other than parents or guardians or relatives by blood, marriage, or adoption, and in a place other than the home of the person cared for.

SECTION AM102 DEFINITION

EXIT ACCESS. That portion of a means-of-egress system that leads from any occupied point in a building or structure to an exit.

SECTION AM103 MEANS OF EGRESS

AM103.1 Exits required. If the occupant load of the residence is more than nine, including those who are residents, during the time of operation of the day care, two exits are required from the ground-level *story*. Two exits are required from a home day care operated in a *manufactured home* regardless of the occupant load. Exits shall comply with Section R311.

AM103.1.1 Exit access prohibited. An exit access from the area of day care operation shall not pass through bathrooms, bedrooms, closets, garages, fenced rear *yards* or similar areas.

Exception: An exit may discharge into a fenced *yard* if the gate or gates remain unlocked during day care hours. The gates may be locked if there is an area of refuge located within the fenced *yard* and more than 50 feet (15 240 mm) from the *dwelling*. The area of refuge shall be large enough to allow 5 square feet (0.5 m²) per occupant.

AM103.1.2 Basements. If the *basement* of a *dwelling* is to be used in the day care operation, two exits are required from the *basement* regardless of the occupant load. One of the exits may pass through the *dwelling* and the other must lead directly to the exterior of the *dwelling*.

Exception: An emergency and escape window complying with Section R310 and which does not conflict with Section AM103.1.1 may be used as the second means of egress from a *basement*.

AM103.1.3 Yards. If the *yard* is to be used as part of the day care operation it shall be fenced.

AM103.1.3.1 Type of fence and hardware. The fence shall be of durable materials and be at least 6 feet (1529 mm) tall, completely enclosing the area used for the day care operations. Each opening shall be a gate or door equipped with a self-closing and self-latching device to be installed at a minimum of 5 feet (1528 mm) above the ground.

Exception: The door of any *dwelling* which forms part of the enclosure need not be equipped with self-closing and self-latching devices.

AM103.1.3.2 Construction of fence. Openings in the fence, wall or enclosure required by this section shall have intermediate rails or an ornamental pattern that do not allow a sphere 4 inches (102 mm) in diameter to pass through. In addition, the following criteria must be met:

1. The maximum vertical clearance between *grade* and the bottom of the fence, wall or enclosure shall be 2 inches (51 mm).
2. Solid walls or enclosures that do not have openings, such as masonry or stone walls, shall not contain indentations or protrusions, except for tooled masonry joints.
3. Maximum mesh size for chain link fences shall be 1¹/₄ inches (32 mm) square, unless the fence has slats at the top or bottom which reduce the opening to no more than 1³/₄ inches (44 mm). The wire shall be not less than 9 gage [0.148 inch (3.8 mm)].

AM103.1.3.3 Decks. Decks that are more than 12 inches (305 mm) above *grade* shall have a guard in compliance with Section R312.

AM103.2 Width and height of an exit. The minimum width of a required exit is 36 inches (914 mm) with a net clear width of 32 inches (813 mm). The minimum height of a required exit is 6 feet, 8 inches (2032 mm).

AM103.3 Type of lock and latches for exits. Regardless of the occupant load served, exit doors shall be openable from the inside without the use of a key or any special knowledge or effort. When the occupant load is 10 or less, a night latch, dead bolt or security chain may be used, provided such devices are openable from the inside without the use of a key or tool, and mounted at a height not to exceed 48 inches (1219 mm) above the finished floor.

AM103.4 Landings. Landings for stairways and doors shall comply with Section R311, except that landings shall be required for the exterior side of a sliding door when a home day care is being operated in a Group R-3 occupancy.

**SECTION AM104
SMOKE DETECTION**

AM104.1 General. Smoke detectors shall be installed in *dwelling* units used for home day care operations. Detectors shall be installed in accordance with the approved manufacturer's instructions. If the current smoke detection system in the *dwelling* is not in compliance with the currently adopted code for smoke detection, it shall be upgraded to meet the currently adopted code requirements and Section AM103 before day care operations commence.

AM104.2 Power source. Required smoke detectors shall receive their primary power from the building wiring when that wiring is served from a commercial source and shall be equipped with a battery backup. The detector shall emit a signal when the batteries are low. Wiring shall be permanent and without a disconnecting switch other than those required for overcurrent protection. Required smoke detectors shall be interconnected so if one detector is activated, all detectors are activated.

AM104.3 Location. A detector shall be located in each bedroom and any room that is to be used as a sleeping room, and centrally located in the corridor, hallway or area giving access to each separate sleeping area. When the *dwelling* unit has more than one *story*, and in *dwelling*s with *basements*, a detector shall be installed on each *story* and in the *basement*. In *dwelling* units where a *story* or *basement* is split into two or more levels, the smoke detector shall be installed on the upper level, except that when the lower level contains a sleeping area, a detector shall be installed on each level. When sleeping rooms are on the upper level, the detector shall be placed at the ceiling of the upper level in close proximity to the stairway. In *dwelling* units where the ceiling height of a room open to the hallway serving the bedrooms or sleeping areas exceeds that of the hallway by 24 inches (610 mm) or more, smoke detectors shall be installed in the hallway and the adjacent room. Detectors shall sound an alarm audible in all sleeping areas of the *dwelling* unit in which they are located.

TABLE 16-5-1: 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
		R1A	R1B	R1C	R2A	R2B	MUR3A	MUR3B	MUR3C	M1	M3MO2	MUB1	MUB2	TBA	I1	I2	
MANUFACTURING/INDUSTRIAL USES																	
Industrial Service	Industrial service, light																
	Industrial service, heavy													C	P	P	16-5-2.D.3 (TSA only)
Manufacturing, including Processing, Fabrication, or Assembly	Brewery															P	
	Distillery												C	C	C	P	16-5-2.C.14
	Winery												C	C	C	P	16-5-2.C.14
	Manufacturing, light															P	16-5-2.C.14
Warehouse/Storage	Manufacturing, heavy													C	P	P	16-5-2.D.4 (TSA only)
	Fuel storage (principal use)																
	Mini-storage facility															P	L
	Moving and storage															P	P
	Outdoor storage															P	P
	Storage yard for vehicles, equipment, material, and/or supplies															P	P
Waste/Salvage	Warehousing and/or storage															P	P
	Automobile wrecking/salvage yard															C	P
	Commercial incinerator																C
	Hazardous waste handling															C	C
	Recycling operation, all processing occurs within enclosed structure															P	P
	Recycling operation, some or all processing occurs outside an enclosed structure															C	C
	Sanitary service																C
	Waste transfer station (not including hazardous waste)															C	C
ACCESSORY USES - See Section 16-5-1 for additional regulations																	
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	A	A	A	A	A	A
	Family child care home	C-A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
	Infant/toddler home	C-A	A	A	A	A	A	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																
	Dormitory									A	A	A	A		A	A	
	Home occupation									A	A	A	A		A	A	
	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	16-5-4.C.1
	Parking area (surface)									A	A	A	A	A	A	A	
	Parking garage (structure)									A	A	A	A	A	A	A	
	Satellite dish antenna	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	
	Service units or facility									A	A	A	A	A	A	A	
	Swimming pool	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	
	Wholesale sales and distribution									A	A	A	A	A	A	A	
										A	A	A	A	A	A	A	16-5-4.C.6

**City of Englewood
Development Review Fee Schedule**

Zoning Variance and Adjustments and Appeals

Application Type	Application Fee	Proposed Fee
Administrative Adjustment	\$125	\$150
Appeal	\$125	\$150
Variance	\$125	\$150

Zoning/Rezoning

Application Type	Application Fee	Proposed Fee
Amendment to an Approved PUD or TSA Expansion or PD	\$600 + \$300/acre	\$1000
Base District Rezone	\$600 + \$300/acre	\$1000
Planned Unit Development	\$1450	\$1500
Transit Station Area	\$1450	\$1500

Land Subdivision and Development

Application Type	Application Fee	Proposed Fee
Administrative Property Combination	\$175	\$100
Administrative Subdivision	\$200	\$100
Annexation	\$650 + \$300/acre	\$1000
Boundary Line Adjustment	\$240	\$100
Major Subdivision	\$1000	\$1000
Minor Subdivision	\$600	\$600
Vacation of Easement	\$125	\$250
Vacation of Right of Way	\$450	\$500

Use Permits

Application Type	Application Fee	Proposed Fee
Conditional Use Permit	\$475	\$500
Conditional Use Annual Inspection	\$25	\$25
Historic Designation Application	\$125	\$250
Adaptive Re-use of Historic Structure		\$250
Landscape Fee - in - Lieu	\$1.50 per square foot of required landscaped area	\$1.50 per square foot of required landscaped area
Limited Use Permit	\$150	\$150
Temporary Use Permit	\$75	\$75

Written Requests

Application Type	Application Fee	Proposed Fee
Address Assignment Request	\$50	\$50
Change of Address Request	\$50	\$50
Encroachment Agreement - Administrative	\$50	\$50
Encroachment Agreement - City Council	\$150	\$150
Flood Plain Certificate of Compliance	\$200	\$200
Group Living Facility Registration		\$50
Nonconforming Use Registration	\$50	\$50
Written Zoning Verification	\$50	\$50

12/2008



TO: Mayor Olson and Members of City Council
FROM: Dorothy Hargrove, Interim City Manager
DATE: July 3, 2019
SUBJECT: Council Request - CR 19-101

Councilmember Barrentine raised a concern in her July 1, 2019 email to Council and the City Manager's Office as follows:

Concern:

An Englewood Officer was fired in June **after** they were arrested May 29th from an incident in March which involved another Englewood employee.

7-1-2019 question raised:

Why was the City Council not notified or consulted the time of the incident, or arrest, or the decision to terminate , or at the June 24th Executive Session nor prior to discussions with the press?

Response:

The employee in question was terminated on May 14, 2019. All steps taken in regard to this personnel action were done in accordance with established personnel policies.

It has not been the policy of City Council to request information on personnel matters from the City Manager's Office with the exception of changes at the director level. The City Manager's Office was not contacted by the media but forwarded information and alerted Council immediately when the coverage was brought to our attention.