

PLANNING AND DEVELOPMENT MEMORANDUM
#09-22

June 25, 2009

TO: Honorable Mayor Kathleen M. Novak and City Council Members

FROM: William Simmons, City Manager *WAS*
James Hayes, Director, Planning and Development *JH*
Travis Reynolds, Senior Planner, Planning and Development *TRR*

SUBJECT: CB-1692 / Zoning Amendment, Trash Containers

BACKGROUND INFORMATION

Attached to this memorandum is a proposed Council Bill, which, if approved, would amend multiple sections of Articles 6, 7 and 13 of the Northglenn Zoning Ordinance (ATTACHMENT A). The proposed amendments affect the procedures by which trash containers are stored onsite in residential zones. The proposed amendments also establish several definitions and language not in the current zoning ordinance. Also, hereto attached are diagrams that depict the typical permissible storage locations for a single-family residential structure on a mid-block parcel and a corner parcel (ATTACHMENT B & C).

On June 1, 2009, the recently implemented citywide automated trash collection system began with delivery of the new trash receptacles within residential zones. Use of the new containers is now required for disposal of household waste. With the adoption of the new trash collection system, Chapter 16, Article 7 – Trash Collection of the Northglenn Municipal Code has undergone numerous changes that reflect updated procedures and regulations surrounding the new collection system. Part of the update of Chapter 16, Article 7 – Trash Collection includes the removal of any language discussing storage of trash containers. All reference to the storage of trash containers will be communicated in and enforced by Chapter 11 of the Municipal Code – the Zoning Ordinance.

The changes reflected in the attached Council Bill amend the current zoning ordinance, Chapter 11, to remove redundancy and clarify the location requirements for storage of the new trash containers. Previous language used within the ordinance required all containers be stored behind the front line of the principle building and set back a minimum of five (5) feet from all property lines. An exception to the five-foot setback was allowed when an opaque screen covered the containers. In that circumstance, no setback was required.

The amended ordinance will allow for storage in the following locations:

- Behind the primary structure
- Storage in a carport or garage
- Storage in the side yard adjacent to an exterior wall.

In accordance with the residential side setback portions of the ordinance, all zones that allow single family detached or single family attached structures require a minimum of a five (5) foot side setback. Therefore, in the event that the principal building was built directly to the side setback line, the amendment would only allow the receptacles to slightly encroach on the area that acted as the previous setback for trash containers.

PROCEDURE

The City of Northglenn Zoning Ordinance requires that “all proposed amendments to the ordinance be referred to the Planning Commission for study, consideration, and recommendation prior to final action by Council.”

A staff memo was prepared and forwarded to the Commissioners as part of their meeting packet (ATTACHMENT D).

At the regularly scheduled Planning Commission meeting held June 9, 2009, the proposed Council Bill 1692, to amend Articles 6, 7 and 13 of Chapter 11 of the City Zoning Ordinance, was presented. The Commission discussed the proposed amendments in relation to neighborhoods where significant elevation changes exist between the primary structure and detached garages/carports. Several Commissioners expressed concern regarding transport of containers between the primary structure and the driveway, indicating that storage adjacent to a detached garage may be acceptable as well. In the end, the Planning Commission unanimously recommended approval of the proposed amendments, as written, based on three findings of fact:

1. The proposed amendment provides significant flexibility for homeowners with regard to the storage of trash containers.
2. The proposed amendment provides for ease of enforcement by City officers.
3. The proposed amendment provides consistency for administration of these types of structures

BUDGET/TIME IMPLICATIONS:

City Staff is not aware of any budget or time implications.

STAFF REFERENCE:

If Council members have any comments or questions, they may contact James Hayes, jhayes@northglenn.org or Travis Reynolds, treynolds@northglenn.org.

SPONSORED BY: MAYOR NOVAK

COUNCILMAN'S BILL

ORDINANCE NO.

No. CB-1692
Series of 2009

Series of 2009

A BILL FOR AN ORDINANCE AMENDING THE NORTHGLENN ZONING ORDINANCE REGARDING THE PLACEMENT OF TRASH CONTAINERS

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NORTHGLENN, COLORADO, THAT:

Section 1. Section 11-7-2, subsection (b) of the Northglenn Municipal Code is amended to read as follows:

(b) EXCEPT AS PROVIDED IN SECTION 11-13-13 OF THE NORTHGLENN MUNICIPAL CODE, STORAGE OF all trash containers, WHEN NOT SET OUT FOR COLLECTION shall MEET ONE OR MORE OF THE FOLLOWING REQUIREMENTS:

(1) ~~Covered~~ STORED IN THE YARD AREA BEHIND THE PRIMARY RESIDENTIAL STRUCTURE.

(2) ~~Stored within a building or behind the front line of the principal building~~ STORED IN A CARPORT OR GARAGE

(3) ~~Set back a minimum of five (5) feet from all property lines, except that when such containers are with an opaque screen, no setback shall be required. Under no circumstances shall any such container be placed on a public sidewalk or street. However, City issued trash carts shall be placed in the gutters adjacent to the traveled portion of City streets and in other locations in City right of way as approved by the City Manager or his designee~~ STORED IN THE SIDE YARD OF THE PRIMARY RESIDENTIAL STRUCTURE ADJACENT TO AN EXTERIOR WALL.

THE CITY MANAGER OR THE CITY MANAGER'S DESIGNEE MAY GRANT EXCEPTIONS IN NEIGHBORHOODS WHERE CERTAIN HOUSING TYPES PROHIBIT COMPLIANCE WITH STORAGE REQUIREMENTS.

Section 2. Section 11-6-11(b) of the Northglenn Municipal Code is deleted in its entirety.

Section 3. Section 11-13-13 of the Northglenn Municipal Code is amended to read as follows:

Section 11-13-13. Trash Containers. The provisions of Sections ~~11-6-11(b) and~~ 11-7-2(b) of this Zoning Ordinance notwithstanding, trash may be stored in R-3 zones in front of the front line of the principal building and within five (5) feet of the property line, subject of the following requirements:

(a) Trash shall be stored only in trash containers acquired from, or approved in writing by, the City.

(b) No more than two (2) such trash container(s) shall be located in front of the front line of the principal building or within five (5) feet of a property line.

(c) The lids of all such trash containers shall be closed at all times, other than when trash is being placed in or removed from the container, with no trash visible or overflowing.

(d) The exception to the requirements of Section ~~11-6-11(b) and~~ 11-7-2(b) contained herein shall apply only to properties located in the R-3 zone developed as townhomes, and which are designated by geographic area by the City Manager or his designee, where storage of trash in accordance with the requirements of Section ~~11-6-11(b) and~~ 11-7-2(b) is impractical.

INTRODUCED, READ AND ORDERED POSTED this ____ day of _____, 2009.

KATHLEEN M. NOVAK
Mayor

ATTEST:

JOHANNA SMALL, CMC
City Clerk

PASSED ON SECOND AND FINAL READING this ____ day of _____,
2009.

KATHLEEN M. NOVAK
Mayor


ATTEST:

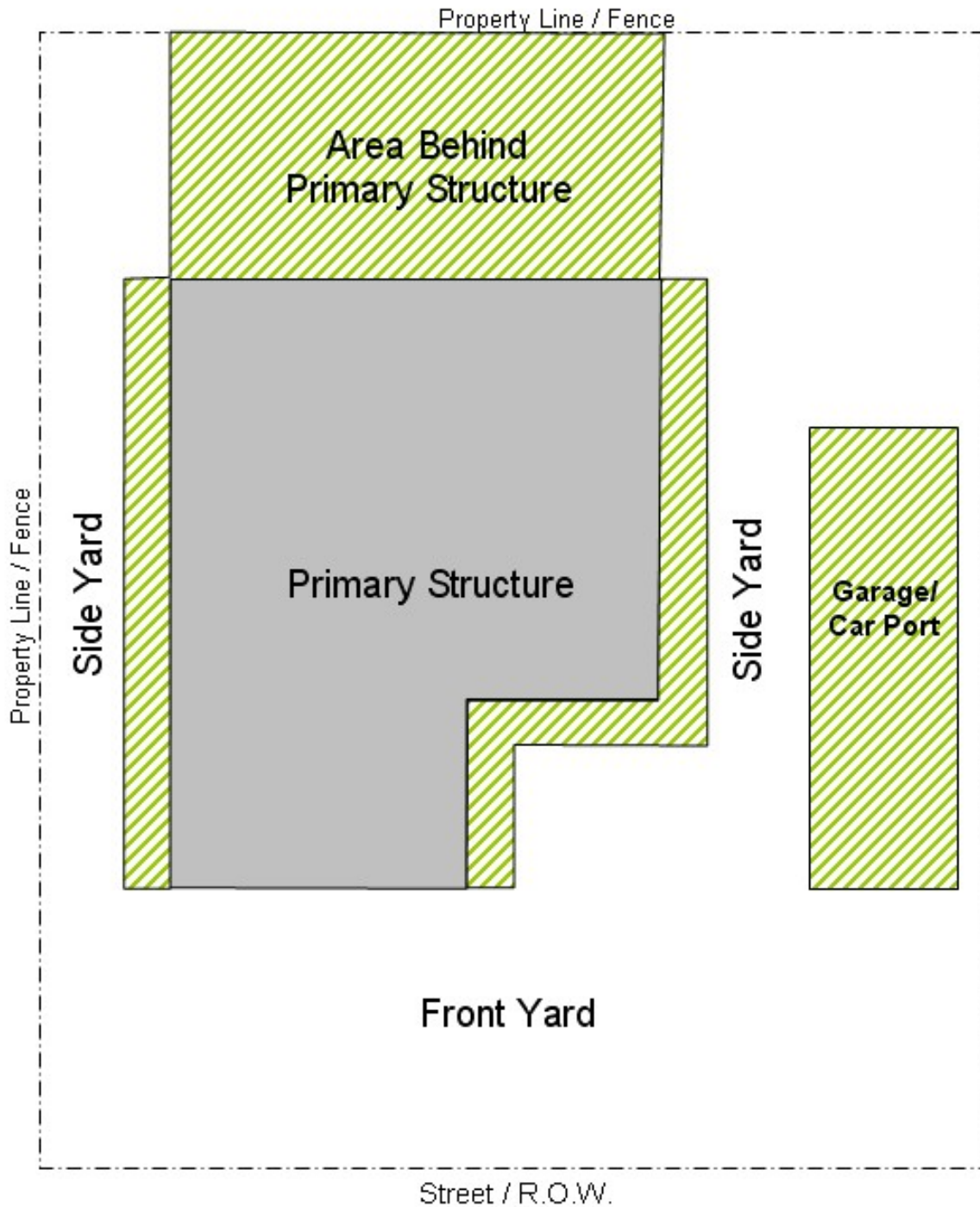
JOHANNA SMALL, CMC
City Clerk

APPROVED AS TO FORM:


COREY Y. HOFFMANN
City Attorney

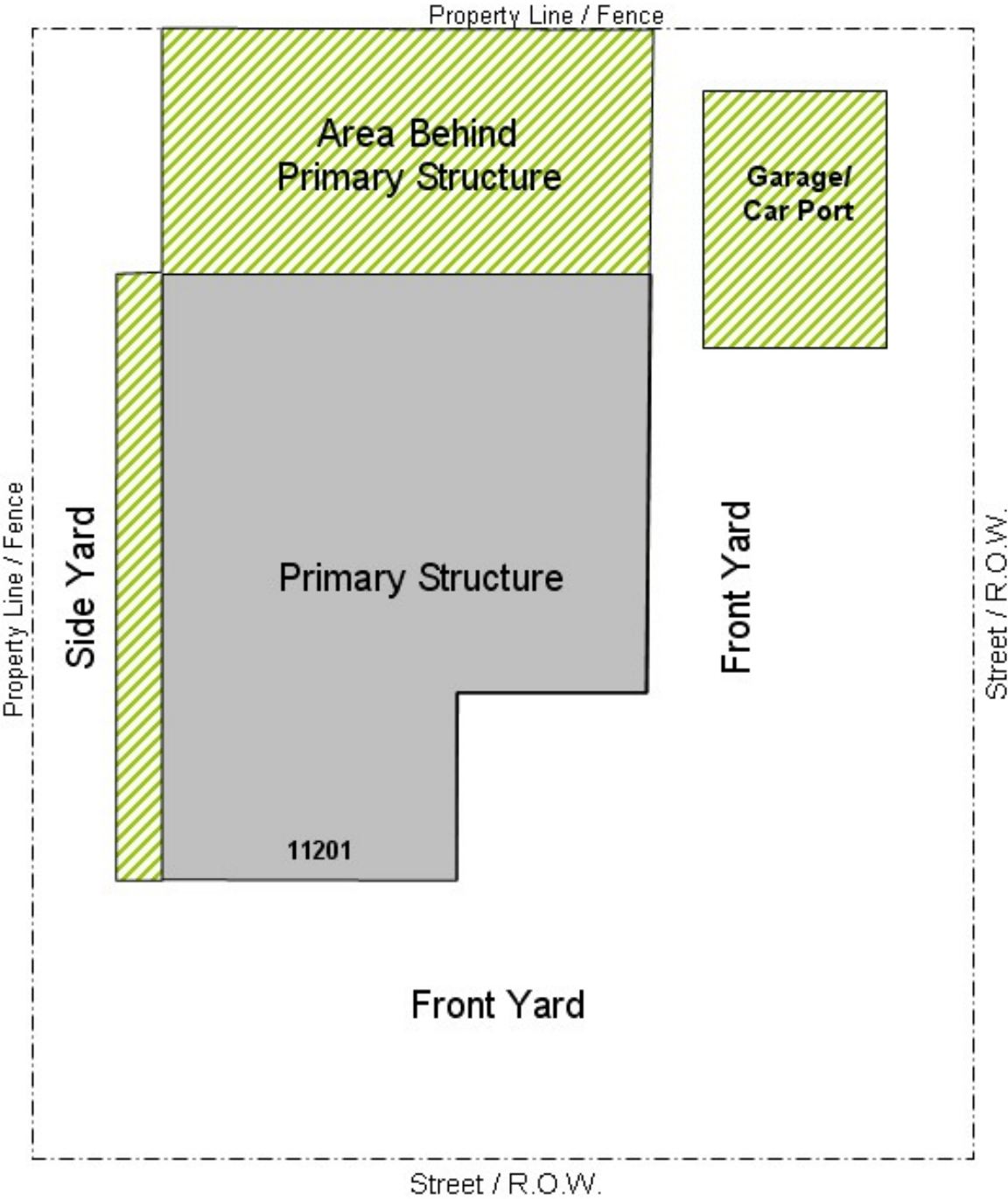
Acceptable trash container location for typical residential lot

 - Acceptable area of placement



Acceptable trash container location for typical residential lot (corner lot)

 - Acceptable area of placement



Applicant: City of Northglenn
Location: Citywide Ordinance Adoption
Ordinance: 11-6, 11-7 and 11-13 of the
Zoning Ordinance

STAFF REPORT AND RECOMMENDATION

REQUEST:

Proposed Council Bill CB-1692 proposes to amend article 11-6 GENERAL REGULATIONS, ALL ZONES, Article 11-7 RESIDENTIAL ZONES, and Article 11-13 MULTIPLE DWELLING ZONE, R-3 of the Northglenn Zoning Ordinance to change the regulations regarding the placement of trash containers.

The proposed amended zoning ordinance is attached (Attachment A).

REASON FOR REQUEST:

The recent adoption of a citywide automated trash collection system requires new trash containers to be used by residents served by the City's trash collection service. The City Council wishes to clarify the on-site storage of these containers through Chapter 11 of the Municipal Code – Zoning Ordinance.

BACKGROUND:

The City Council recently implemented a citywide automated trash collection system. Delivery of the new trash containers began on June 1st. Homes in residential zones are now required to use the containers for disposal of their household waste. With the adoption of the new trash collection system, Chapter 16, Article 7 – Trash Collection of the Northglenn Municipal Code will undergo numerous changes that will reflect updated procedures and regulations surrounding the new trash collection system. Part of that update will include the removal of any language discussing storage of trash containers. All reference to the storage of trash containers will be communicated in and enforced by Chapter 11 of the Municipal Code – the Zoning Ordinance.

AFFECTED ZONE DISTRICTS:

All residential zones of the City are affected either by direct or indirect reference included in the proposed ordinance.

ANALYSIS:

The changes reflected in Attachment A amend the current zoning ordinance to remove redundancy and clarify the location requirements for storage of the new trash containers. The aim of the amended ordinance is to provide for a balance of the

maximum homeowner flexibility, management of community aesthetics, and clarity of enforcement for staff of the City.

Previous wording of the ordinance that referred to trash container storage required all containers to be stored behind the front line of the principle building and set back a minimum of five (5) feet from all property lines. An exception to the five foot setback was allowed when the containers were covered by an opaque screen. In that circumstance, no setback was required.

The amended ordinance will allow for storage behind the primary structure, storage in a carport or garage, or storage in the side yard adjacent to an exterior wall. In accordance with the residential side setback portions of the ordinance, all zones that allow single family detached or single family attached structures require a minimum of a five (5) foot side setback. Therefore, in the event that the principle building was built directly to the side setback line, the amendment would only allow the trash cans to slightly encroach on the area that acted as the previous setback for trash containers.

Please see the attached diagram that depicts the typical allowed storage locations for a single family residential structure.

APPROVAL CRITERIA:

Section 11-37-1 of the Northglenn Zoning Ordinance states that,

“All proposed amendments shall be referred to the Planning Commission for study, consideration, and recommendation prior to final action by Council.”

This is simply a consideration for recommendation to City Council for adoption of language to amend the zoning ordinance. This bill will be considered by City Council on first reading on June 25, 2009 and for second reading on July 09, 2009. A public hearing will be held at that time.

COMMISSION OPTIONS:

The Commission's options in this case are as follows:

- 1) Recommend approval of the proposed amendment to the City Council as written based on the recommended findings of fact; or
- 2) Recommend denial of the proposed amendment to the City Council based on alternative Findings of Fact;
or
- 3) Table any recommendation for further consideration

STAFF RECOMMENDATION:

Staff recommends approval of the proposed zoning amendment as it is written based on the following findings of fact;

RECOMMENDED FINDINGS OF FACT:

1. The proposed amendment provides significant flexibility for homeowners with regard to the storage of trash containers.
2. The proposed amendment provides for ease of enforcement by City officers.
3. The proposed amendment provides consistency for administration of these types of structures.

RESPECTFULLY SUBMITTED:

Travis Reynolds,
Senior Planner

WHAT'S NEXT: In this case, the Planning Commission's recommendation will go to Council as part of a staff memo. Council will hear the first reading of the bill at the June 25, 2009 meeting.