

**EXPLANATORY COVER SHEET**

COUNCILMAN'S BILL NO. CB-1606

SPONSOR: MAYOR NOVAK & COUNCIL MEMBER MONROE

TITLE: AMENDING SECTIONS 11-7-3(j) AND 11-35-11(c) OF THE NORTHGLENN MUNICIPAL CODE AND REPEALING SECTION 11-36-6 OF THE NORTHGLENN MUNICIPAL CODE REGARDING TERMINATION OF NONCONFORMING PROPERTY USES

PURPOSE: TO ENSURE THE NORTHGLENN MUNICIPAL CODE COMPLIES WITH THE RECENT DECISION OF THE COLORADO COURT OF APPEALS IN *JAM RESTAURANT, INC. V. CITY OF LONGMONT*

ADDITIONAL EXPLANATORY REMARKS:

SPONSORED BY: MAYOR NOVAK & COUNCIL MEMBER MONROE

COUNCILMAN'S BILL

ORDINANCE NO.

No. CB-1606  
Series of 2007

\_\_\_\_\_  
Series of 2007

A BILL FOR AN ORDINANCE AMENDING SECTIONS 11-7-3(j) AND 11-35-11(c) OF THE NORTHGLENN MUNICIPAL CODE AND REPEALING SECTION 11-36-6 OF THE NORTHGLENN MUNICIPAL CODE REGARDING TERMINATION OF NONCONFORMING PROPERTY USES

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

Section 1. Section 11-7-3(j) of the Northglenn Municipal Code is hereby amended to read as follows:

**Section 11-7-3. Restrictions – Vehicles**

(j) The prohibition contained in subsection 11-7-3(c)(2) shall not apply to vehicles parking on driveways existing on May 1, 2003 ~~until May 1, 2008~~. However, anyone replacing an existing driveway or hard surfaced area must comply with the definition of hard surfaced in section 11-5-2(b)(67) and as to driveways the requirements of Section 11-7-2(h). ~~All driveways and hard surfaced areas in existence after May 1, 2008 must conform with the definition of hard surfaced in section 11-5-2(b)(67).~~

**Section 11-35-11. Non-Conforming Signs.**

(c) ~~Termination of non-conforming signs listed in Section 11-35-6 of this Code as a prohibited sign shall be brought into conformance within 60 days of the effective date of this Code.~~ If this provision would require the complete removal or replacement of such a sign, the sign shall be terminated according to the following provisions:

(1) The purpose of amortization is that a reasonable time limit shall be placed upon the continuation of non-conforming signs. An amortization program provides a grace period during which the owner is permitted to continue a non-conforming sign, but also assures that the district in which the non-conforming sign exists will eventually benefit from a substantial uniformity of permanent signs. The following amortization schedule shall apply to all permanent, non-conforming signs.

(2) Any existing individual sign which violates the area, height, or setback limitations of this Code by 10 percent or

less shall be considered to be a conforming sign and need not be removed or altered. However, at the time such sign is to be replaced or renovated, that sign shall be made to conform to all provisions of this Code.

~~(3) Any use which has signs which are non-conforming because of the number of signs on the premise shall bring the number of signs into conformity within one year of the effective date of this Code.~~

~~(4) Any sign which is non-conforming for any reason other than the number of signs which would necessitate the complete removal and/or replacement of the sign may be maintained for the longer of the following two periods:~~

~~(a) Three years from the effective date of this Code; or~~

~~(b) Five years from date of initial installation of the sign or from the date of the most recent renovation of the sign, provided that the cost of renovation exceeded 50 percent of the initial cost of the sign. Business records indicating the date and cost of initial installation or subsequent renovation shall be acceptable proof.~~

#### **Section 11-36-6. Termination.**

~~(a) Nonconforming uses shall be come conforming or be discontinued within the following specified time periods:~~

~~(1) Nonconforming uses in all residential zones shall be terminated within two years.~~

~~(2) The nonconforming use of land in any zone for a junkyard shall be discontinued within two years.~~

~~(3) Nonconforming uses in all commercial zones shall be terminated within five years.~~

~~(4) Nonconforming uses in agricultural zones shall be terminated within seven years.~~

~~(5) Nonconforming uses in all industrial zones shall be terminated with ten years, unless a shorter period of time has been provided herein.~~

~~(b) This Section 11-36-6 does not apply to property being used for residential purposes.~~

INTRODUCED, READ AND ORDERED POSTED this \_\_\_\_ day of \_\_\_\_\_,  
2007.

\_\_\_\_\_  
KATHLEEN M. NOVAK  
Mayor

ATTEST:

\_\_\_\_\_  
DIANA L. LENTZ, CMC  
City Clerk

PASSED ON SECOND AND FINAL READING this \_\_\_\_ day of \_\_\_\_\_,  
2007.

\_\_\_\_\_  
KATHLEEN M. NOVAK  
Mayor

ATTEST:

\_\_\_\_\_  
DIANA L. LENTZ, CMC  
City Clerk

APPROVED AS TO FORM:

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COREY Y. HOFFMANN  
City Attorney