

PLANNING & DEVELOPMENT MEMORANDUM
#30-2023

DATE: June 12, 2023

TO: Honorable Mayor Meredith Leighty and City Council Members

THROUGH: Heather Geyer, City Manager *hmg*
Jason Loveland, Interim Deputy City Manager *JL*

FROM: Brook Svoboda, Director of Planning & Development *BS*
Sara Dusenberry, Senior Planner

SUBJECT: CB-2004 – Unified Development Ordinance Amendments

PURPOSE

To consider CB-2004, an ordinance on first reading amending various sections of the Unified Development Ordinance (UDO) in Chapter 11 of the Municipal Code.

BACKGROUND

In February 2019, the City adopted the UDO, which replaced Chapters 11 (Zoning), 12 (Subdivision Regulations), and 21 (Signs) of the Municipal Code with a single development ordinance and concurrently adopted a correlating Zoning District Map. At that time, staff communicated that any clerical or policy revisions to the UDO would be brought forward as needed.

The first set of modifications was discussed by the Planning Commission and City Council in 2019. Following policy discussions with both bodies, the amendments to the UDO were adopted by ordinance in October 2019. A second set of UDO amendments was presented to both bodies and adopted by ordinance in 2021. A third set of amendments was adopted on April 24, 2023.

Staff continues to identify items as the Municipal Code is administered. Staff compiled and presented additional modifications to the Planning Commission at its May 16, 2023 meeting. The Planning Commission found consensus regarding those amendments and recommends adoption. This set of modifications is considered UDO Amendment #4.

The following provides a brief overview of the proposed amendments to the UDO.

- **Electric Vehicle Charging:** *[Sections 11-4-6(e)(5) and 11-4-6(g)(5)]*
 - On April 10, 2023, City Council approved Ordinance No. 1847, adopting the 2021 International Building Codes (IBCs). The 2021 IBCs provide building standards and regulations for the building environment, including electric vehicle (EV) minimum parking requirements for all new development. The UDO currently does not require EV parking, and thus is now in conflict with the approved building regulations. The UDO currently includes EV parking reduction incentives that would be deleted. A new subsection entitled Electric Vehicle Parking Regulations would be added to the Minimum and Maximum Off-Street Parking section of the UDO to reference the adopted building regulations outlined in Chapter 10 of the Municipal Code.

- **Planning Commission Membership:** *[Section 11-6-8(c)(2)]*
 - The first modification proposes increasing the number of Planning Commission members from eight to nine. The ninth member would be an alternate who would fill in for an absent member on an as-needed basis.
 - The second modification would remove “citizen” from the Planning Commission Review and Decision-Making section of the UDO. The intent of the amendment is to be more inclusive by using “resident” instead of “citizen.”

- **Comprehensive Plan Language:** *[Section 11-6-8(c)(3)]*
 - This modification proposes language to address an unintentional omission from the UDO. The language provides clarity and consistency with State regulations and the required adoption process for comprehensive plans.

BUDGET/TIME IMPLICATIONS

There are no financial impacts to the City. If CB-2004 is approved on first reading, a public hearing and second reading of the proposed ordinance will be scheduled for July 10, 2023.

STAFF RECOMMENDATION

Staff recommends approval of CB-2004 on first reading.

STAFF REFERENCE

If Council Members have any questions, please contact Brook Svoboda, Director of Planning & Development, at bsvoboda@northglenn.org or 303.450.8937.

SPONSORED BY: MAYOR LEIGHTY

COUNCIL MEMBER'S BILL

ORDINANCE NO.

No. CB-2004
Series of 2023

Series of 2023

A BILL FOR AN ORDINANCE AMENDING SECTION 11-4-6, SUBSECTIONS (e) AND (g) AND SECTION 11-6-8, SUBSECTION (c) OF THE NORTHGLENN MUNICIPAL CODE

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

Section 1. Section 11-4-6, subsection (e) of the Northglenn Municipal Code is amended to read as follows:

Section 11-4-6. Off-Street Parking and Loading.

* * *

(e) Minimum and Maximum Off-Street Parking.

(1) Minimum Required Parking. Each development or land use shall provide at least the minimum number of off-street parking spaces required by Table 4-6 A: Minimum Off-Street Parking, unless otherwise provided in this UDO.

(2) Maximum Parking Allowed.

(A) Except for single-family, duplex, manufactured homes, multifamily, and accessory dwelling units, no more than 125 percent of the minimum number of off-street parking spaces required by Table 4-6-A: Minimum Off-Street Parking, shall be allowed unless additional parking demand is demonstrated pursuant to Subsection 11-4-6(e)(6).

(B) If a use in Table 4-6-A: Minimum Off-Street Parking does not require a minimum parking amount, then the maximum amount of parking provided shall be determined by a demand study pursuant to Subsection 11-4-6(e)(6).

(3) Unlisted Uses. For uses not listed in Table 4-6-A: *Minimum Off-Street Parking*, the Director shall have the authority to establish minimum and maximum parking standards based on similar uses to the proposed use.

(4) Vehicle Stacking Space Requirements. All uses with drive-through facilities and those requiring stacking spaces shall comply with the requirements in Subsection 11-4-6(i), Drive Through Facilities.

(5) ELECTRIC VEHICLE PARKING REGULATIONS. FOR ELECTRONIC VEHICLE PARKING REGULATIONS, SEE THE ADOPTED BUILDING REGULATIONS OUTLINED IN CHAPTER 10 OF THE CITY OF NORTHGLENN MUNICIPAL CODE.

~~(5)~~(6) Outdoor Sales, Display, Leasing, and Auction Areas. All uses with outdoor sales, display, leasing, and/or auction facilities shall provide one parking space per 1,000 square feet of outdoor sales, display, leasing, or auction area in addition to the minimum parking requirement prescribed in Table 4-6-A: Minimum Off-Street Parking.

* * *

~~(6)~~(7) Director Determination Based on Demand Study. Uses in Error! Reference source not found. that reference this paragraph have varied parking and loading demands, making it difficult to specify a single standard for off-street parking or loading requirements. With an application for a use that is subject to this paragraph, the Director shall apply the off-street parking and loading standards on the basis of a demand study prepared by the applicant. Such study shall estimate the parking and loading demand based on recommendations of the Institute of Traffic Engineers, Urban Land Institute, the International Council of Shopping Centers, the American Association of State Highway and Transportation Officials, the American Planning Association, or other acceptable source of parking demand data for uses and/or combinations of uses of comparable activities, scale, bulk, area, and location.

~~(7)~~(8) Unlisted Uses. For uses not listed in Table 4-6-A: Minimum Off-Street Parking, the Director is authorized to:

(A) Apply the minimum off-street parking space requirement specified in Table 4-6-A: Minimum Off-Street Parking, for the listed use that is deemed most similar to the proposed use; or

(B) Establish the minimum off-street parking space requirement by reference to standards in parking resources published by the National Parking Association, American Planning Association, Institute of Traffic Engineers (ITE) or other acceptable sources of parking data; or

(C) Establish the minimum off-street parking space requirement based on local or national best practices; or

(D) Establish the minimum off-street parking space requirement based on a demand study prepared by the applicant. Such a study shall be prepared according to Subsection 11-4-6(e)(6).

~~(8)~~(9) Accessible Parking. The number and design of accessible parking spaces shall be pursuant to the International Building Code (IBC) as adopted in the City of Northglenn Municipal Code and the American Disabilities Act (ADA), as amended.

Section 2. Section 11-4-6, subsection (g) of the Northglenn Municipal Code is amended to read as follows:

Section 11-4-6. Off-Street Parking and Loading.

* * *

(g) **Parking Alternatives.** The Director may approve parking alternatives that result in a cumulative reduction not to exceed 25 percent of the minimum off-street parking spaces required by Table 4-6-A: Minimum Off-Street Parking, in accordance with the following standards.

(1) **Shared and/or Off-Site Parking.** The Director may approve shared parking and/or off-site parking subject to a demand study pursuant to Subsection 11-4-6(e)(7), Director Determination Based on Demand Study, and pursuant to the following standards:

(A) **Location of Shared and/or Off-Site Parking.**

(i) For nonresidential uses, every shared and/or off-site parking space shall be located within 500 feet (measured along a legal pedestrian route) of the entrance to each building for which the shared and/or off-site parking is provided.

(ii) For multifamily uses, every shared and/or off-site parking space shall be located within 300 feet (measured along a legal pedestrian route) of the entrance to each building for which the shared and/or off-site parking is provided.

(iii) Shared and/or off-site parking is not permitted for single-family detached, single-family attached, and duplex dwelling uses.

(B) **Ineligible Activities.** Accessible parking (ADA parking) shall not be permitted off-site.

(C) **Shared Parking Agreement Required.**

(i) The owners of record involved in the joint use of shared parking facilities shall submit written documentation of the continued availability of the shared parking agreement to the Director for review.

(ii) The Director may approve the shared parking agreement if the Director determines that the documentation demonstrates the continued availability of the shared parking facility for a reasonable period of time. No zoning or use approval shall be issued until the Director has approved the shared parking documentation.

(iii) If the shared parking agreement is later terminated or modified and the Director determines that the termination or modification has resulted in traffic congestion, overflow parking in residential neighborhoods, or threats to pedestrian, bicycle, or motor vehicle safety, the property owners involved in the shared parking agreement may be held in violation of this UDO.

(2) **On-Street Parking.** On-street parking may be counted toward the minimum number of required off-street parking spaces on a one-to-one basis, subject to the following standards:

(A) On-street parking may not be used to meet the minimum off-street parking requirements for single-family detached, single-family attached, and duplex dwelling uses;

(B) On-street parking that is subject to residential parking permit restrictions or other time restrictions shall not be used to meet any off-street minimum parking requirements for any use;

(C) Only those street parking spaces abutting any lot line of the subject property, and with over one-half the length of a parking space located between the imaginary extension of the side property lines into the street right-of-way, may be counted.

(D) Areas within the vision triangle requirements pursuant to Section 11-2-19(d), or within five feet of a fire hydrant, shall not be counted toward required parking. Allowable configurations for on-street parking are provided in the Public Works Standards and Specifications.

(E) Each on-street parking space may only be counted once toward the parking requirements of the abutting lot, regardless of the number of individual buildings or tenants on the lot.

(F) No development or use approved with an on-street parking credit shall be considered nonconforming if the on-street parking is later removed by City action and the remaining off-street parking does not meet the minimum off-street parking requirements of this section.

(G) On-street parking spaces shall be available for general public use at all times. No signage or actions limiting general public use of on-street spaces shall be permitted.

(3) Proximity to Transit. Except for single-family detached, single-family attached, and duplex dwelling uses, the minimum number of required off-street parking spaces required in Table 4-6 A: Minimum Off-Street Parking for uses on any portion of a site that is within one-half mile of a fixed transit station or served by frequent bus service, may be reduced by up to 25 percent.

(4) Affordable and Senior Housing. The minimum number of off-street parking spaces required in Table 4-6 A: Minimum Off-Street Parking shall be reduced by 25 percent for multifamily residential structures that satisfy the following:

(A) Have a minimum of 10 dwelling units; and

(B) At least 25 percent of the dwelling units are restricted for purchase or occupancy at below-market rate levels approved by the Director; or

(C) At least 75 percent of the dwelling units are restricted for purchase or occupancy by persons 65 years of age or older.

~~(5) Electric Vehicle Charging Stations.~~

~~(A) Eligible Parking Reductions. The minimum number of off-street parking spaces required in Table 4-6 A: Minimum Off-Street Parking may be reduced at the following rates for electric vehicle charging stations:~~

Table 4-6 A: Parking Reduction Maximums for Electric Vehicle Charging

Electric Vehicle (EV) Charging Infrastructure	EV Charging Spaces Provided (min)	Parking Reduction (max)
EV ready spaces (basic infrastructure installed that would allow for future wiring)	5 to 9.99 percent of required parking spaces	5 percent
	10 percent or more of required parking spaces	10 percent
EV charging spaces (fully functional)	5 to 9.99 percent of required parking spaces	10 percent
	10 percent or more of required parking spaces	20 percent

(B) — Calculation. The EV charging spaces provided and the parking reduction maximum shall be calculated as the percentage of the required parking pursuant to Table 4-6 A: Minimum Off-Street Parking.

Example: A 20,000 square foot office building is required to provide 67 parking spaces (1 space per 300 sf). If the applicant provides 4 EV ready spaces (5 percent of 67 is 3.35 spaces), the required parking spaces may be reduced by 4 spaces. With such authorization, the developer could provide 63 total parking spaces (59 regular spaces plus 4 EV ready spaces).

(6)(5) Low-Impact Development Parking Reductions. Applicants proposing Low-Impact Development (LID) options as part of a development application may be eligible for a reduction in the number of parking spaces required, pursuant to 11-4-4(e).

(7)(6) Modification of Parking Requirements by Director.

(A) If an applicant submits a parking demand study pursuant to Subsection 11-4-6(e)(7) demonstrating that anticipated off-street parking demand for the proposed development, use, or combination of uses will be less than that calculated from Table 4-6 A: Minimum Off-Street Parking, and the Director determines that the information and assumptions used in the study are reasonable and that the study accurately reflects anticipated off-street parking demand for the proposed development, use, or combination of uses, the Director may authorize a reduction in required off-street parking spaces based on that study.

(B) The Director may also authorize an increase in the maximum amount of off-street parking allowed based on a parking demand study pursuant to Subsection 11-4-6(e)(7), provided that:

(i) The proposed development has unique or unusual characteristics that typically does not apply to comparable uses, such as high sales volume per floor area, multifamily parking challenges, or low parking turnover, that create a parking demand that exceeds the maximum ratio;

(ii) The site is being redeveloped and strict compliance would require removal of parking; and/or

(iii) Any parking provided above the maximum allowed is constructed with approved pervious surfaces.

Section 3. Section 11-6-8, subsection (c) of the Northglenn Municipal Code is amended to read as follows:

Section 11-6-8. Review and Decision-Making Bodies.

* * *

(c) Planning Commission.

(1) Powers and Duties. The Planning Commission shall have the review and decision authority as shown in Table 6.A, Summary of Development Review Procedures, pursuant to the application-specific procedures outlined in this article and according to the Rules of Order and Procedure of the Northglenn Planning Commission, as amended. The Planning Commission also has the powers and duties permitted under Colorado law, C.R.S. §31-23-201 *et seq.*

(2) Membership.

(A) Generally.

(i) The Planning Commission shall consist of ~~eight~~ NINE TOTAL members, seven of whom shall be ~~citizen~~ VOTING members, ONE OF WHOM SHALL BE AN ALTERNATE MEMBER THAT WILL FILL-IN FOR AN ABSENT MEMBER, and one of whom shall be a non-voting ex-officio member. EACH MEMBER SHALL BE A RESIDENT OF THE CITY OF NORTHGLENN.

(ii) ~~Citizen members~~ MEMBERS of the Planning Commission shall be appointed by resolution of the City Council. The term of each ~~citizen~~-member shall be three years or until THE MEMBER'S successor takes office.

(iii) The ex-officio member of the Planning Commission shall be appointed by the City Council, by resolution, from among the membership of the Council, including the Mayor. The term of the ex-officio member shall be provided in the appointing resolution and shall continue for such period and until THE EX-OFFICIO MEMBER'S successor takes office, or until the termination of THE EX-OFFICIO MEMBER'S official tenure as such Councilmember or Mayor. The ex-officio member will have no vote on matters before the Planning Commission.

(iv) The Commission shall elect a Chair from among its voting members, for a term of one year, with eligibility for re-election.

(v) The Commission shall choose one of its voting members as a Vice-Chair to perform the same functions as the Chair during the disqualification, absence, or disability of the Chair.

~~(vi) All members of the Planning Commission shall be bona fide residents of the City.~~

~~(vii)~~(vi) No elected officer of the City or member of the Northglenn Urban Renewal Authority shall be a member of the Planning Commission during THE ELECTED OFFICER OR NORTHGLENN URBAN RENEWAL AUTHORITY MEMBER'S term of office.

~~(viii)~~(vii) No employee of the City shall be a member of the Planning Commission during the term of employment.

~~(ix)~~(viii) Any member of the Planning Commission shall be eligible for reappointment or for appointment to a different term.

~~(x)~~(ix) The Planning Commission shall be a continuing body. Planning Commission proceedings shall be unaffected by the expiration of the term of any one or more of the members.

(B) Investigation and Recommendation. The Planning Commission may interview and investigate the qualifications of applicants for appointment as ~~citizen~~ members of the Planning Commission and make reports and recommendations to the Council.

(C) Termination.

(i) Members of the Planning Commission may be removed by the City Council, after public hearing, for neglect of duty or misconduct in office. Such public hearing shall be held only after the filing by the Mayor or any COUNCIL MEMBER of written charges and upon proper notice.

(ii) The election of any member of the Planning Commission to municipal office of the City shall terminate the term of such member as of the date of commencement of the term of elected office.

(iii) The term of any member of the Planning Commission shall terminate in the event such member shall cease to be a bona fide resident of the City.

(D) Vacancies.

(i) A vacancy on the Planning Commission shall exist upon the resignation, death, or removal of any member, or upon the termination of the term of any member otherwise than by expiration of ~~his~~ THE MEMBER'S term.

(ii) Any vacancy on the Planning Commission shall be filled, for the balance of the unexpired term, in the manner provided by this section.

(3) COMPREHENSIVE PLAN. IN ACCORDANCE WITH THE PROVISIONS CONTAINED IN COLORADO REVISED STATUTES § 31-23-206 *ET SEQ.*, THE PLANNING COMMISSION IS DIRECTED TO MAKE AND ADOPT A COMPREHENSIVE PLAN FOR THE PHYSICAL DEVELOPMENT OF THE CITY OF NORTHGLENN. THE PLANNING COMMISSION MAY ADOPT THE PLAN AS A WHOLE BY A SINGLE RESOLUTION OR BY SUCCESSIVE RESOLUTIONS, ADOPT SUCCESSIVE PARTS OF THE PLAN, SAID PARTS CORRESPONDING WITH MAJOR GEOGRAPHICAL SECTIONS OR DIVISION OF THE SUBJECT MATTER OF THE PLAN, AND MAY ADOPT ANY AMENDMENTS OR EXTENSIONS THEREOF OR ADDITION THERETO. ALL PROPOSED COMPREHENSIVE PLANS SHALL BE REFERRED TO THE PLANNING COMMISSION FOR STUDY, CONSIDERATION, AND ADOPTION. THE PLANNING COMMISSION'S ADOPTION OF

THE PLAN, IN WHOLE OR PART, SHALL THEN BE RATIFIED BY THE NORTHGLENN CITY COUNCIL.

INTRODUCED, READ AND ORDERED POSTED this ____ day of _____, 2023.

SHANNON LUKEMAN-HIROMASA
Mayor Pro Tem

ATTEST:

JOHANNA SMALL, CMC
City Clerk

PASSED ON SECOND AND FINAL READING this ____ day of _____, 2023.

MEREDITH LEIGHTY
Mayor

ATTEST:

JOHANNA SMALL, CMC
City Clerk

APPROVED AS TO FORM:

COREY Y. HOFFMANN
City Attorney