



# City of Centennial

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## Staff Report

TO: Honorable Mayor Pye and Members of City Council

THROUGH: Jacque Wedding-Scott, City Manager  
Wayne Reed, AICP, Director of Planning and Development  
Rita McConnell, AICP, Deputy Director of Planning and Development

FROM: Susie Ellis, Manager of Code Enforcement

DATE: September 14, 2009

SUBJECT: Priority Code Revisions/Survey Results

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### **1. Statement of Issue:**

In April 2009, Code Enforcement staff provided City Council with a staff report identifying a variety of code issues related to property maintenance, nuisance and zoning matters. Staff prioritized these issues and recommended moving forward with the six code revisions listed below

- Surfaced parking
- Stockpiling
- Firewood
- Right-of-way obstruction
- Sight triangle obstruction
- Violations observed from private property

City Council directed staff to enhance public outreach efforts in an effort to obtain citizen opinions and comments on the potential priority code revisions and bring back to City Council feedback and data that would assist them in their decision making. Staff is seeking direction from City Council to move forward with amendments to the Land Development Code (LDC and the Municipal Code (MC).

### **2. Discussion:**

Upon conclusion of the staff presentation in April 2009, City Council determined that it would be important to hear from the citizens of the community prior to their decision. City Council directed staff to develop a survey identifying the six priority issues and the suggested recommendations. The objective of the survey was to involve the community and gather opinions, comments and feedback from the residents. This feedback would in turn give City Council valuable insight into the opinions of the general public. The survey was provided online via the City's website as well as in hard copy form for those residents who did not have access to the internet. The survey was available for approximately two months and resulted in 337 submittals. In addition, staff attended numerous District meetings, neighborhood meetings and

a CenCON meeting all in an effort to inform citizens of the process and City Council's desire to involve them.

Staff closed the survey on September 1, 2009, and began to compile the data. The results indicate an overall support for five of the six revisions; however, comments from participants not in favor of the revisions are very strong. The sixth suggested revision, visibility from private property, received a very split opinion; and again, citizens offer very strong comments related to private property rights and expectations. Please find below the detailed summary of 337 surveys addressing the six code issues. You will also find attached to the report a packet of verbatim comments submitted for each issue for your review.

**Surfaced Parking** Surfaced parking was placed on the priority list in response to concerns from citizens that motor vehicles and trailers parked on lawns degrades neighborhood appearance, contributes to neighborhood blight, lowers property values, and contributes to soil erosion and vegetation damage.

**Recommendation:** Staff recommends drafting an ordinance prohibiting the parking of vehicles including recreational vehicles and trailers on lawns.

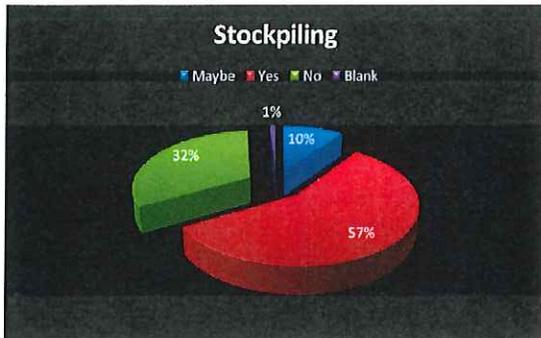
**Survey Results:** The charts below illustrate the majority (55%) of survey participants support an ordinance prohibiting the parking of vehicles on unpaved surfaces. Based on comments received by staff and submitted with the survey, those participants who selected the "maybe" option could be swayed in favor of the regulation if the City were to allow gravel as an optional approved surface.



**Stockpiling** The MC code prohibits the stockpiling of obvious items such as wood, dirt, scrap metal and appliances. It does not address a common problem related to the large number of items not *customarily* found in a residential setting such as "eight lawn mowers" or "six ladders".

**Recommendation:** Staff recommends expanding the definition of stockpiling to include the accumulation of items in a quantity not customarily associated with residential properties.

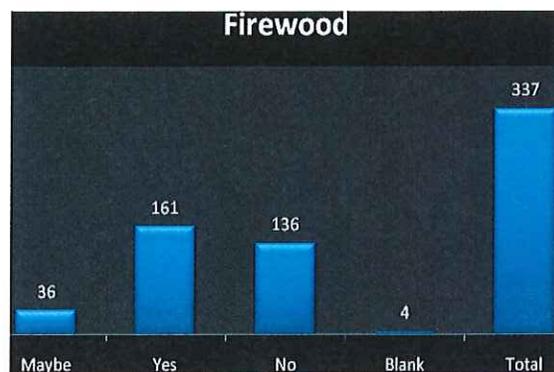
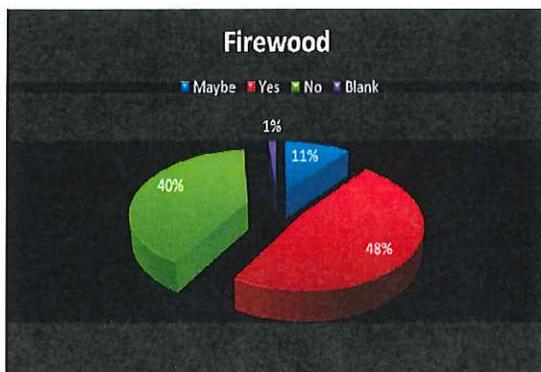
**Survey Results:** The charts below illustrate the majority (57%) of survey participants would support an ordinance addressing the accumulation of goods not customarily associated with residential properties.



**Firewood** The MC allows property owners to stack two cords of firewood anywhere on the property. Although two cords of firewood may be appropriate for the rural settings (large lots), two cords is not typical of the residential character of most neighborhoods in the City. Staff receives concerns regarding large amounts of firewood stacked in the front yards of homes and the negative visual impact it has in their community.

**Recommendation:** Staff recommends a revision to the MC limiting stockpiling of firewood to one cord in more densely populated neighborhoods with smaller lots and requiring property owners to place the wood in the rear or side yard screened from public view.

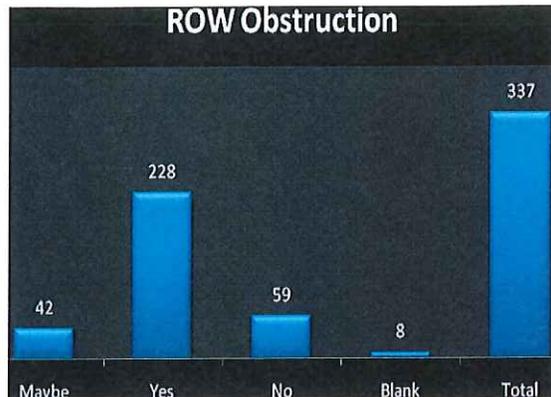
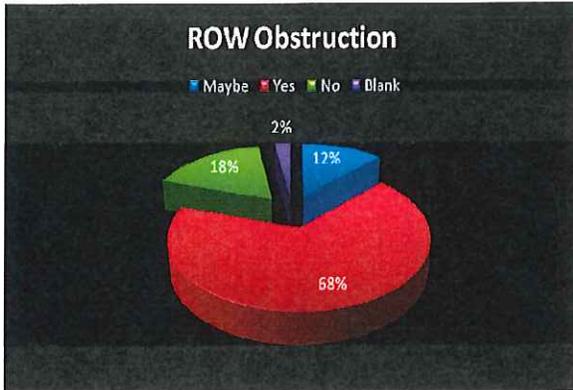
**Survey Results:** The charts below illustrate a slight majority (48%) of survey participants would support and ordinance reducing the number of cords of firewood and restricting visibility on a lot.



**Right-of-Way Obstruction** The MC does not address obstructions on public sidewalks and streets. Pedestrians are often forced to avoid obstructions, such as overgrown vegetation and basketball hoops, by walking out into the street.

**Recommendation:** Staff recommends drafting an ordinance within the MC requiring property owners to remove and prevent obstructions (excluding snow and ice) on streets and sidewalks allowing for safe and convenient use of public right-of-ways.

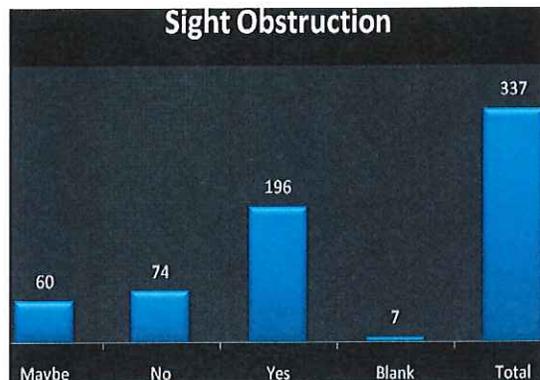
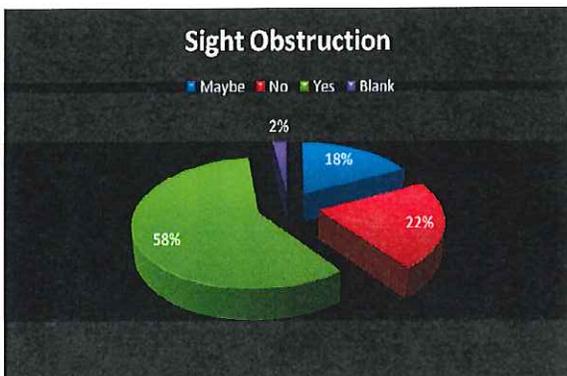
**Survey Results:** The charts below illustrate the majority (68%) of survey participants would support an ordinance requiring property owners to remove and prevent obstructions within the rights-of-way.



**Sight Triangle Obstruction** The LDC contains an overly restrictive regulation requiring property owners to remove more vegetation within a sight triangle than is needed for safety reasons.

**Recommendation:** Staff recommends incorporating within the LDC a 2005 “Administrative Interpretation” that provides a visibility window to protect the line of sight between 3’ and 8’ thus preventing the complete removal of beneficial vegetation such as deciduous and evergreen trees.

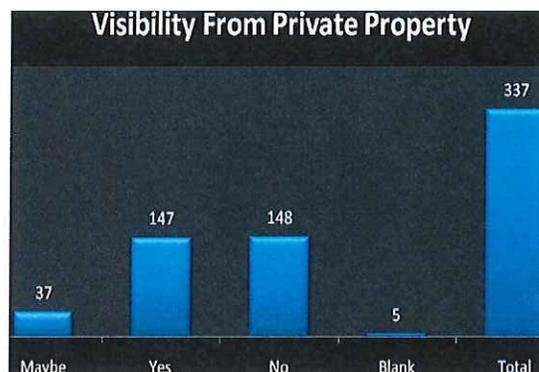
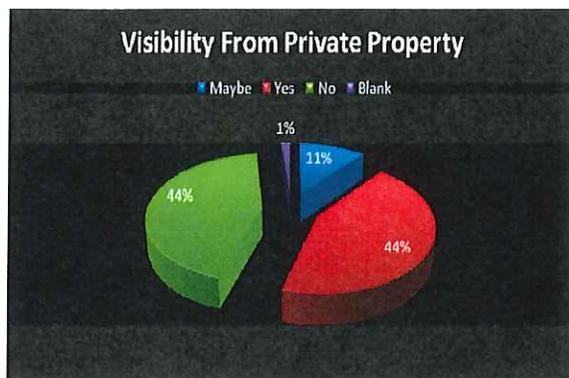
**Survey Results:** The charts below illustrate the majority (58%) of survey participants would support a provision providing a visibility window to protect the line of sight around intersections.



**Violations Observed from Private Property** The current LDC and MC do not allow for the observation of potential violations from a private property. Code Enforcement is restricted to observing violations located on private property from the public right-of-way. Staff has received calls from residents who are concerned about the condition of a rear yard or back yard and the negative impact it may have on their property.

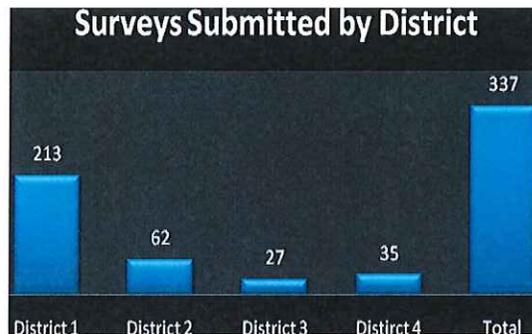
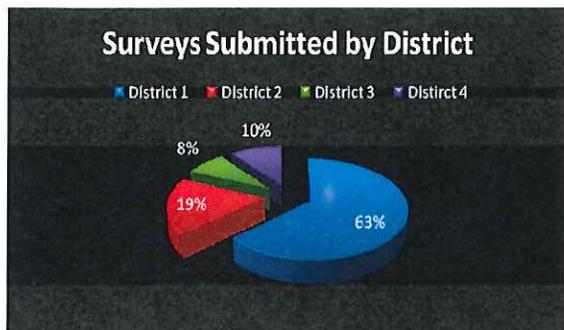
**Recommendation:** Staff recommends an amendment allowing Code Enforcement Officers to enter upon private property on a limited basis, only when invited and after obtaining a signed complaint, to investigate and determine alleged violations. Obtaining probable cause would still be a requirement. The limitations requiring visibility from public right-of-way would be amended.

**Survey Results:** The charts below illustrate a difference of opinion of between survey participants that would support an amendment allowing officers to view violations from private property.

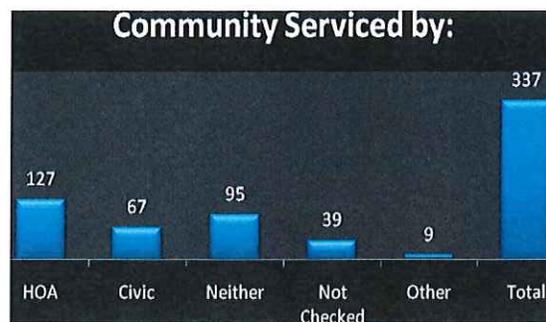
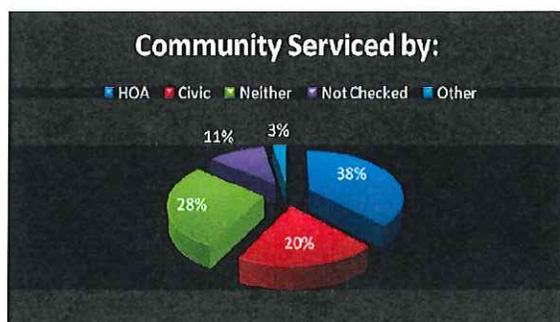


Staff compiled a variety of additional data to assist City Council in the discussions involving the six priority issues discussed above.

**Number of Participants by District:** The charts below illustrate that the majority (63%) of the survey participants reside in District I.



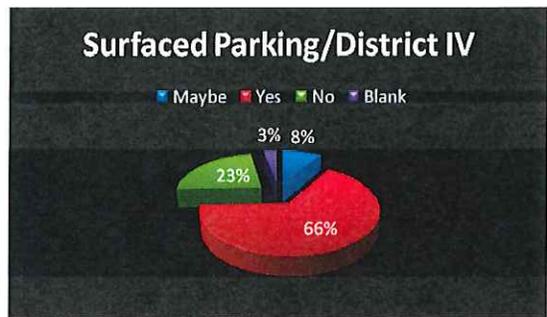
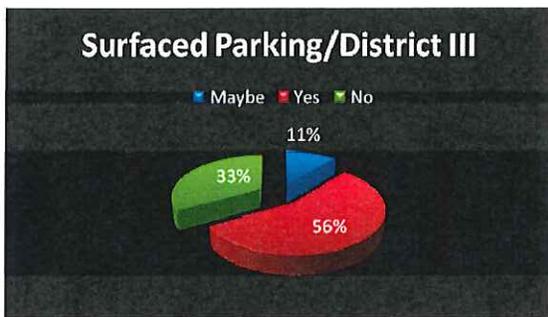
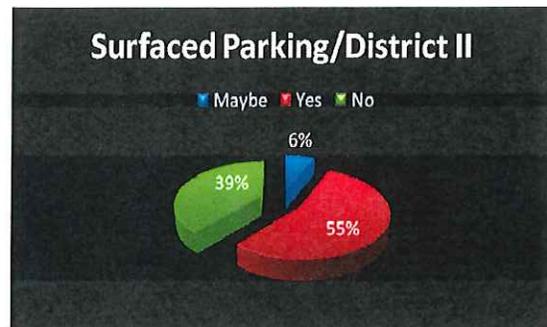
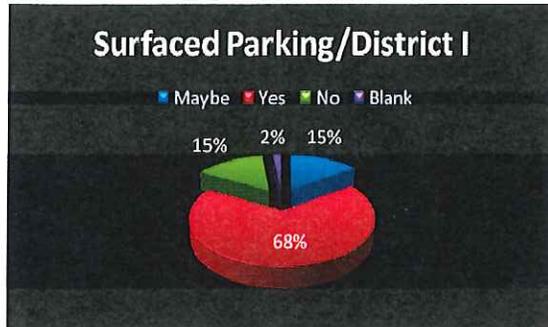
**Community Supported by:** The charts below illustrate that the majority (58%) of the survey participants live in a community supported by a Home Owners Association or a Civic Association.



**District Details:** The following chart illustrate how survey participants from each District voted on each priority issue.

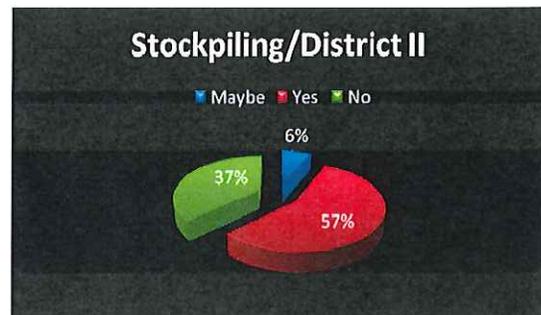
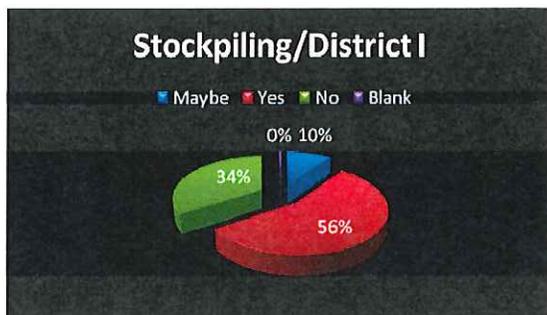
**Surfaced Parking Results by District:**

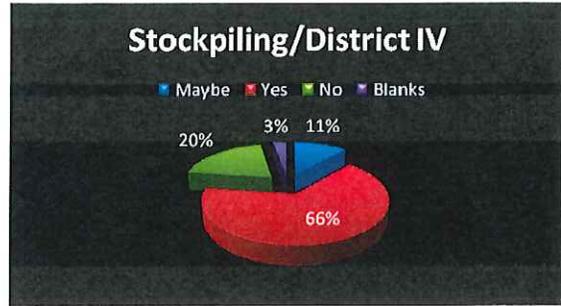
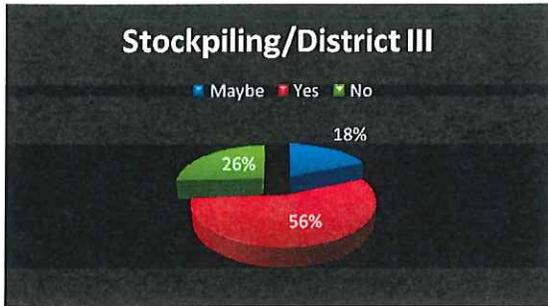
The charts below illustrate that survey participants from all four Districts approve of the surfaced parking recommendation.



**Stockpiling Results by District:**

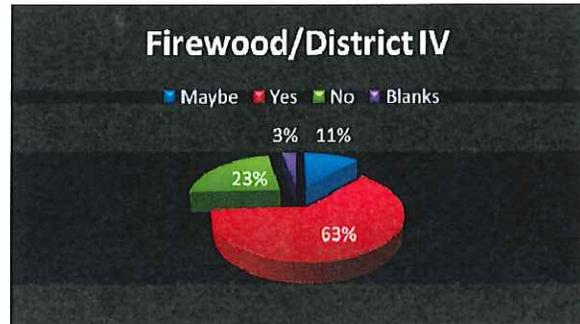
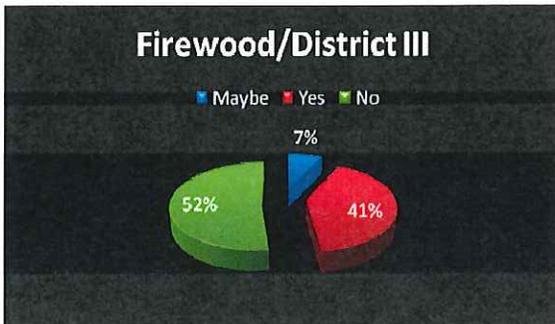
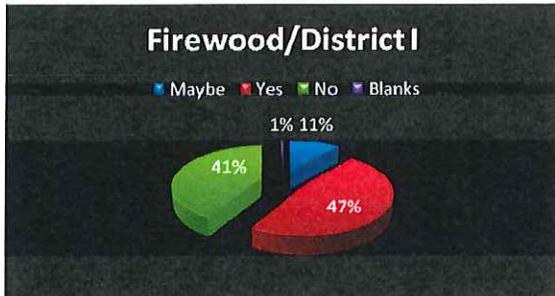
The charts below illustrate that survey participants from all four Districts approve of the stockpiling recommendation.





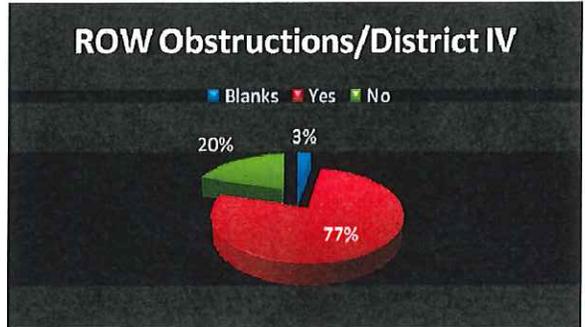
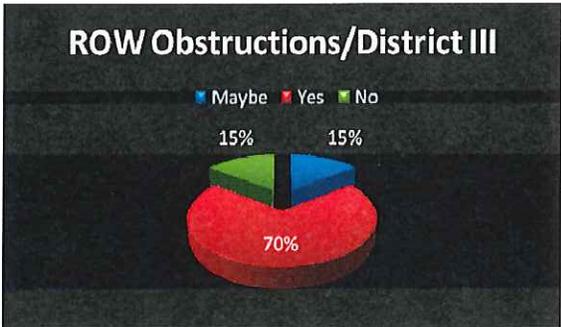
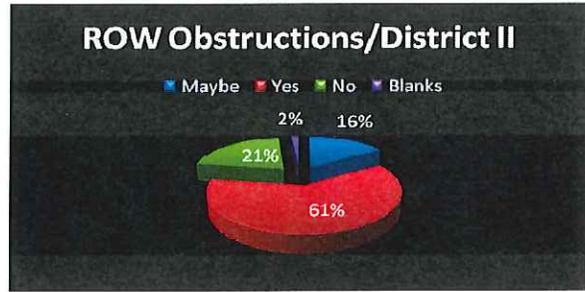
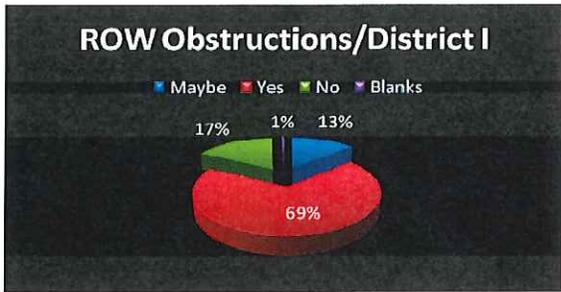
**Firewood Results by District:**

The charts below illustrate that the majority of District I, District II and District III do not agree with the proposed regulation while the majority (63%) of District IV's participants would like to see restrictions on firewood.



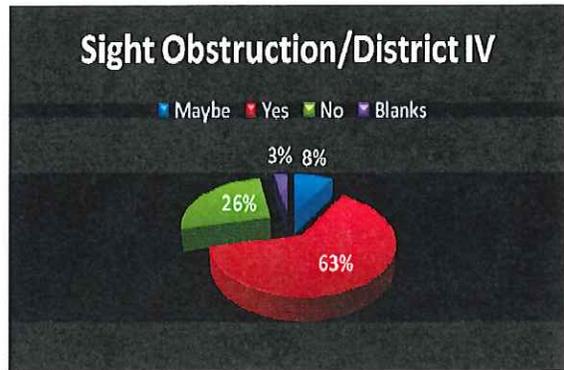
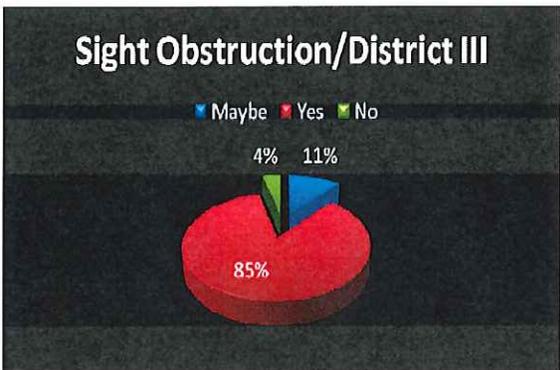
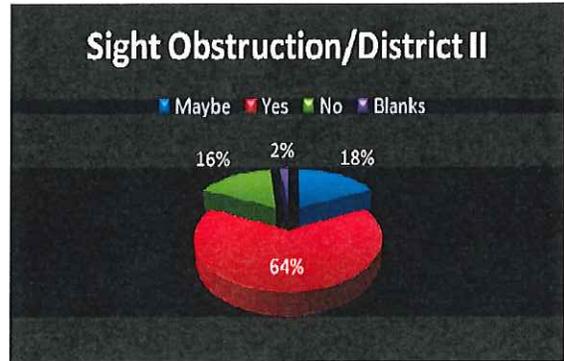
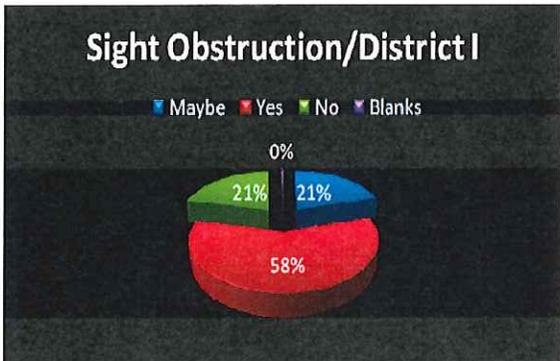
**ROW Obstruction Results by District:**

The charts below illustrate that survey participants from all four Districts approve of the ROW Obstruction recommendation.



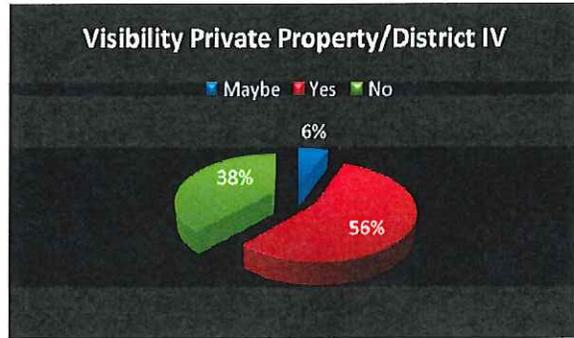
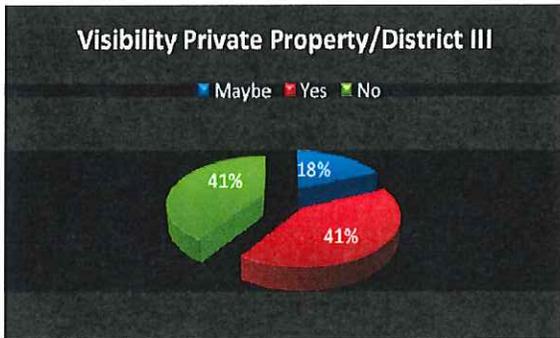
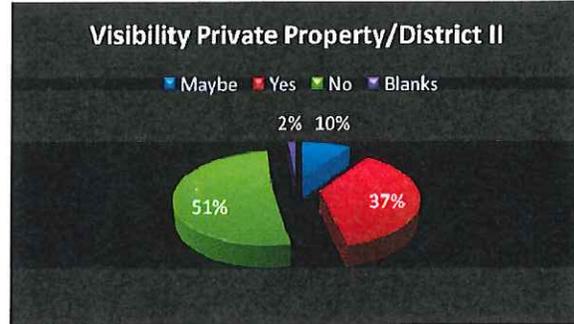
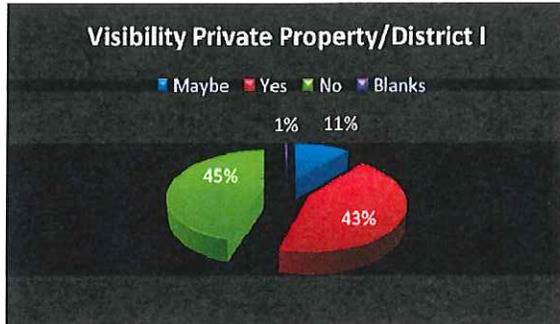
Sight Triangle Obstruction Results by District:

The charts below illustrate that survey participants from all four Districts approve of the Sight Triangle Obstruction recommendation.



**Visibility from Private Property Results by District:**

The charts below illustrate that the majority of respondents from District I (45%) and District II (51%) do not agree with the proposed regulation. The majority of respondents in District IV (56%) would like to see an allowance for officers to view violations from private property. In District III, the chart displays a clear split between those in favor and those not in favor of a change.

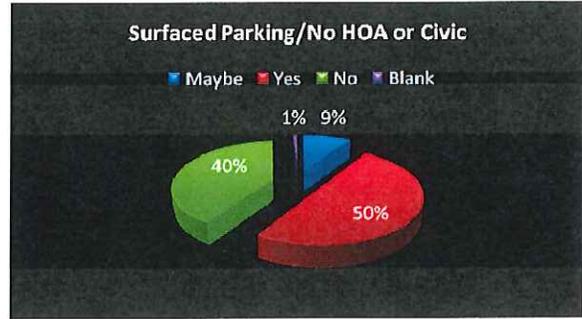


**Covenant Communities vs. Non-Covenant Communities:**

Several community members and elected officials expressed an interest in results that were based on residents living within a Home Owners Association or Civic Association and those who did not. The following charts display how participants voted based on their neighborhood organizational structure.

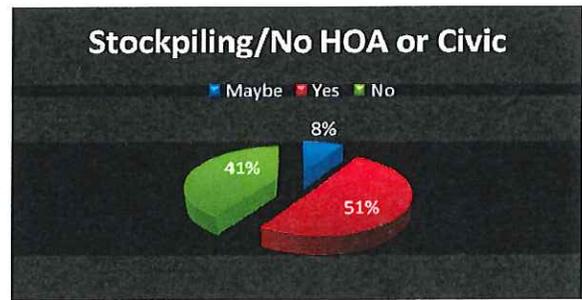
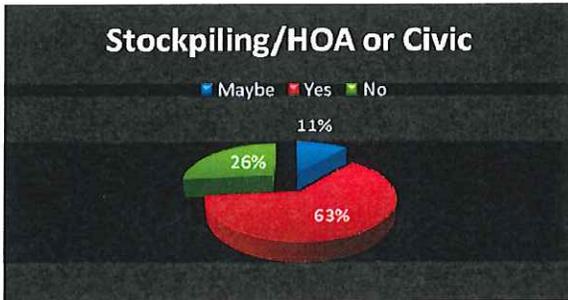
**Surfaced Parking:**

The charts below illustrate that survey participants from both types of communities approve of the surfaced parking recommendation.



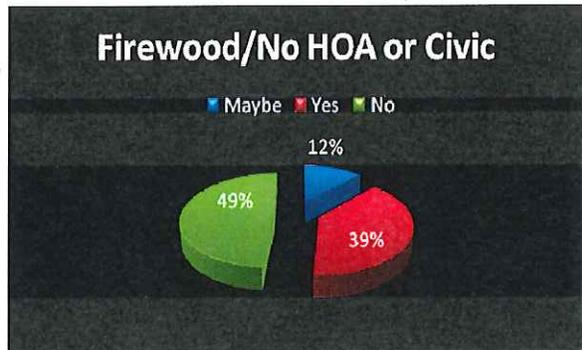
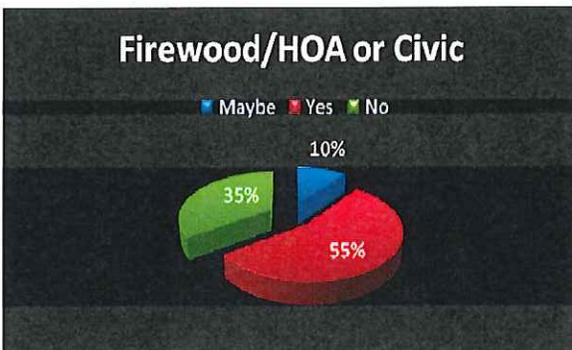
**Stockpiling:**

The charts below illustrate that survey participants from both types of communities approve of the stockpiling recommendation.



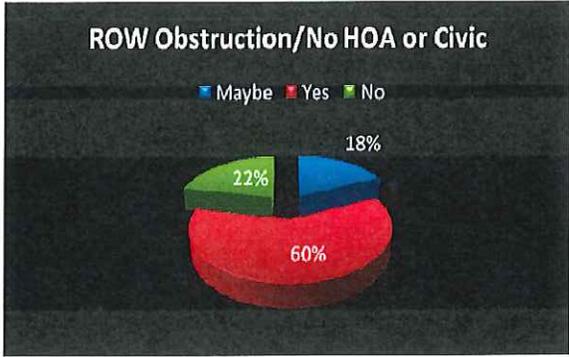
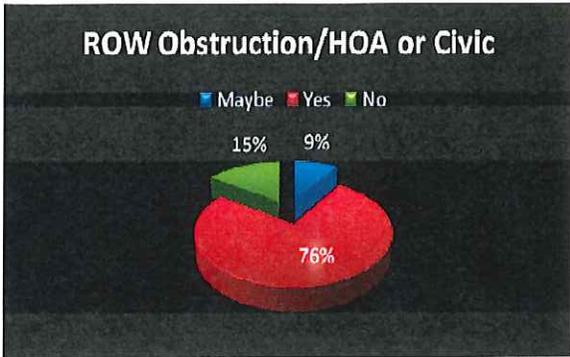
**Firewood:**

The charts below illustrate that survey participants from the covenant communities would approve of the firewood recommendation however, the non-covenant communities voted not to approve the recommendation.



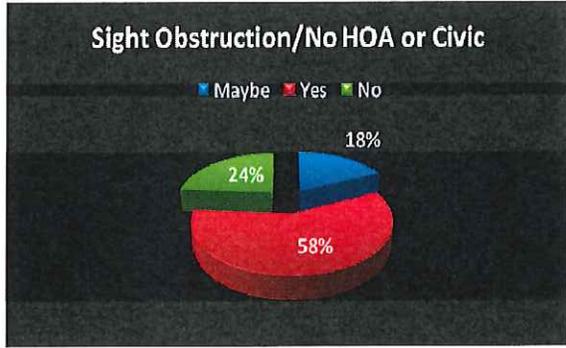
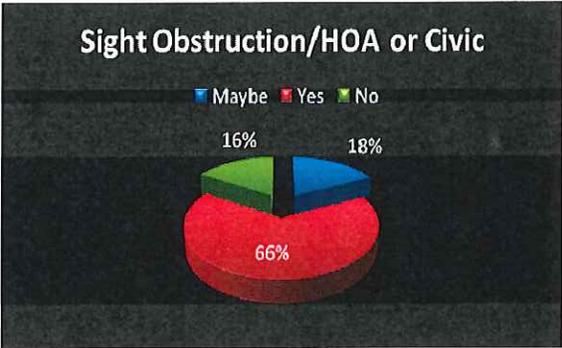
**ROW Obstruction:**

The charts below illustrate that survey participants from both types of communities approve of the ROW Obstruction recommendation.



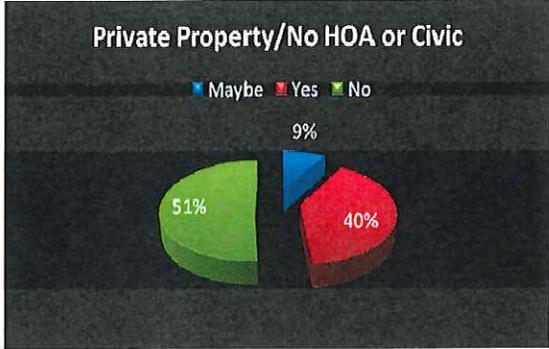
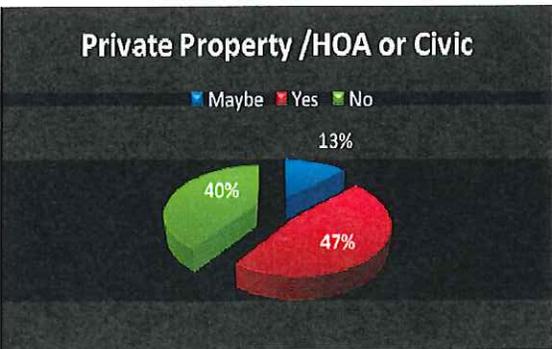
**Sight Obstruction:**

The charts below illustrate that survey participants from both types of communities approve of the Sight Obstruction recommendation.



**Visibility from Private Property:**

The charts below illustrate that, more, but not a majority of survey participants from the covenant communities favor some form of control of private property; however, the non-covenant communities voted not to approve the recommendation.



**3. Recommendation:**

The analysis of first five priority issues, Surfaced Parking, Stockpiling, Firewood, ROW Obstructions and Sight Obstructions garnered support from the majority of participants.

However, the sixth priority issue, visibility from private property, has not garnered clear support from citizens, many of whom have expressed their opinion very clearly through comments made to staff as well as comments provided with the survey. Based on the information gathered, staff recommends moving forward with the first five issues through the LDC re-write process and the MC and tabling the sixth property issue due to lack of citizen support.

Staff recommends incorporating approved priority issues either in the LDC re-write or within the MC whichever would be deemed appropriate as identified in the report.

#### **4. Alternatives:**

For the purpose of this report, staff proposes two alternatives for each priority issue.

##### Surfaced Parking

- Alternative One: Proceed with surfaced parking issue through the LDC rewrite process.
- Alternative Two: Do not proceed with the surfaced parking issue.

##### Stockpiling

- Alternative One: Proceed with stockpiling issue through the MC.
- Alternative Two: Do not proceed with the stockpiling issue.

##### Firewood

- Alternative One: Proceed with the firewood issue through the MC identifying a minimum lot size above which there would be no change in the ordinance and below which there would be a limit on the number of cords as well as restrictions related to screening.
- Alternative Two: Do not proceed with the firewood issue.

##### ROW Obstruction

- Alternative One: Proceed with ROW obstruction issue through the MC.
- Alternative Two: Do not proceed with the ROW obstruction issue.

##### Sight Triangle Obstruction

- Alternative One: Proceed with sight obstruction issue through the LDC rewrite process.
- Alternative Two: Do not proceed with the sight obstruction issue.

##### Visibility from Private Property

- Alternative One: Proceed with visibility from private property issue through the LDC rewrite process and the MC.
- Alternative Two: Do not proceed with the visibility from private property issue.

#### **5. Fiscal Impact:**

The City could incur legal expenses related to the drafting of new ordinance related to the Municipal Code. No potential expenses for issues related to the Land Development Code as those items will be absorbed into the cost of the LDC rewrite.

#### **6. Next Steps:**

Staff has identified the following next steps to occur within the next few months.

- Address selected priority issues relative to the Land Development Code through the LDC rewrite process.
- Draft recommended codes for selected priority issues pertaining to the Municipal Code.
- Initiate Public Hearings on selected Code Amendments pertaining to the Municipal Code.

**7. Previous Actions:**

- April 15, 2009 – LDC Advisory Team Meeting to gather feedback on potential code changes
- April 20, 2009 – City Council Study Session for discussion and direction regarding potential code revisions
- June 16, 2009 – Survey made available to citizens via City website and through hard copy
- June 2009 – Knob Hill HOA meeting to inform citizens of potential code changes and gather feedback
- July 2009 – District II Meeting to inform citizens of potential code changes and gather feedback
- August 2009 – Willow Creek Civic Association to inform citizens of potential code changes and gather feedback
- August 2009 – District IV Meeting to inform citizens of potential code changes and gather feedback
- August 2009 – District I Meeting to inform citizens of potential code changes and gather feedback
- August 2009 - CenCON Meeting to inform citizens of potential code changes and gather feedback

**8. Suggested Motion:**

N/A

**9. Attachments**

Survey Comments for all six priority issues.