

Established Neighborhood Alternative Compliance

General Information

There are five (5) Established Neighborhood zoning districts in the City of Durango: EN-1 Old Durango (downtown residential); EN-2 the Avenues (West 2nd, 3rd, etc.); EN-3 East Animas City; EN-4 Crestview and Needham; and EN-5 Riverview. Instead of having to prove hardship for variances in front of the City's Board of Appeals, the Alternative Compliance program was created for the EN zones to allow for changes in dimensional standards through performance standards that can be based on neighborhood character and not hardship. Alternative Compliance request can be reviewed administratively by Planning staff, by the Established Neighborhood Design Review Board (ENDRB), or by the Historic Preservation Board (HPB) for the East Third Avenue Historic District. Height Alternative Compliance requests ultimately have to be approved by City Council. The standards for the EN zones are spelled out in Section 4-3-4.5 of the Land Use and Development Code (LUDC) and all EN projects are also reviewed based on the Design Guidelines for Established Residential Neighborhoods.

Fees (Non-Refundable)

Alternative Compliance Application Fee: \$50

Submittal Requirements

- a. A completed Land Use application
- b. Two (2) complete sets of full-size scaled drawings and all written documentation, unless otherwise determined by staff
- c. All elevations (existing and proposed), floor plans and a site plan showing the existing structures and proposed additions or renovation areas
- d. List of names and addresses of all adjacent property owners within 150 feet of all boundaries of the subject property
- e. Any additional materials necessary to adequately review the application as determined by the staff

Procedure

1. **Pre-Application Meeting:** A pre-application meeting with the applicant and appropriate staff to discuss the project and to review application requirements is required.
2. **Application and Determination of Completeness:** An application will be considered complete if it is submitted in the required number and form, includes all mandatory information, and is accompanied by the applicable fee (refer to the submittal requirements above). If an application is determined to be complete, the application shall be processed. If an application is determined to be incomplete, the department shall notify the applicant of the application's deficiencies in writing. No further processing of the application shall occur until the deficiencies are corrected.
3. **Property Posting and Neighbor Notification:** The property for which the alternative compliance review is being requested shall be posted with a notice sent to all adjacent property owners within 150 feet, noting the alternative compliance requests being asked for and the date ending the review period. If the alternative compliance request need to go before the ENDRB or HPB, then the date of that meeting is also included in the posting and notice. The posting shall be for seven (10) days, and public input about the proposal may be directed to Planning staff or the public may show up at the associated Board meeting to discuss their concerns with the Board.
4. **Staff Review, Report and Decision:** The Planning department shall refer copies of the application and submittal materials to the appropriate City departments and other appropriate agencies for review. The City staff shall report its findings and recommendations to the Planning Director, the ENDRB the HPB, or City Council depending on the type of alternative compliance requests being asked for. If the alternative compliance request is covered under administrative review, then the Planning

staff shall review and take action on applications in accordance with the appropriate EN Standards (refer to the EN Standards below) and the Design Guidelines for Established Residential Neighborhoods. The Planning staff may approve, approve with conditions, defer, or deny with reason any administrative applications.

5. **Public Meetings before the Established Neighborhood Design Review Board (ENDRB), the Historic Preservation Board (HPB), or City Council:** The ENDRB, HPB or City Council shall hold public meetings on the applications based on which review entity has jurisdiction over the alternative compliance requests being asked for. The ENDRB, HPB or City Council shall review and take action on applications in accordance with the appropriate EN Standards (refer to the EN Standards below) and the Design Guidelines for Established Residential Neighborhoods. The ENDRB, HPB or City Council may approve, approve with conditions, defer, table, or deny with reason any applications.
6. **Appeal of Staff or Board Decision:** The applicant may appeal a Staff or Board (ENDRB or HPB) decision to the City Council. The appeal must be submitted to the Planning department in writing within seven (7) working days of the decision. Notice of the public meeting shall be posted and notice of such meeting shall be mailed to all owners of land within 150 feet. The City Council shall review and take action on the appeal in accordance with the LUDC Section 12-3.5. The Council may approve, approve with conditions, defer, table, or deny with reason any appeal.

Review Criteria

4-1-3 Single-/two-family residential zones.

- (a) Only one (1) principal structure shall be allowed per parcel of land, except in EN-1 and EN-2 districts that allow a duplex, where two separate principal structures (each with a single residential unit) shall be allowed. Where separate principal structures or duplexes are proposed, they shall be reviewed through the special use process (see Section 4-5) and meet the adopted design guidelines.

Sec. 4-3-4.5. Established Neighborhood (EN) Residential Districts.

- (a) EN- District Purpose and Intent.

These zones are intended to provide for neighborhood stability while allowing continued expansion and new construction in established residential neighborhoods. These zones are intended to provide for medium and higher density single-family development within urban areas, as further defined by the dimensional standards below. Developments of this density should be provided with complete urban services and facilities.

- (b) Permitted Uses.

- (1) The permitted use of each lot shall be determined based upon the applicable zoning district immediately prior to February 1, 2006. Those uses permitted on the lot in the district in place prior to adoption shall continue to be permitted on that lot in the adopted EN- District.

- (2) All uses allowed by right and meeting the standards for the applicable EN- District shall be reviewed by the Planning Department. For special uses, see section 4-5. For conditional uses, see section 4-6.

- (c) Dimensional Requirements.

The dimensional requirements for the EN- Districts are set forth in Figure 4-3-4.5A.

- (1) Dimensional standards vary based on the lot area of the underlying parcel proposed for development. Alternative compliance review by City staff, the Historic Preservation Board or the Established Neighborhood Design Review Board may allow increases in listed standards (see (e) below).

FIGURE 4-3-4.5A EN-1, EN-2 and EN-3	EN-1 Old Durango, EN-2 Avenues	EN-3 East Animas City
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	Lot Area			Lot Area		
	Up to 3,999 sq.ft.	4,000 to 7,499 sq.ft.	7,500 sq.ft. and over	Up to 8,499 sq.ft.	8,500 to 11,999 sq.ft.	12,000 sq.ft. and over
DIMENSIONAL REQUIREMENTS						
Height of Principal Structure (max. feet)						
Wall Plate, Sloping Roof	16	16	16	20	20	20
Ridge, Sloping Roof	26	26	28	29	29	29
Parapet, Flat Roof	16	16	16	22	22	22
Height of Accessory Structure (max. feet)						
Wall Plate	12	12	12	12	12	12
Ridge	20	20	20	20	20	20
Front setback (min. feet)*	20	20	20	25	25	25
Corner Lot Side Yard*	15	15	15	15	15	15
Side setback (min. feet)						
Principal: One Side	5	5	5	5	7	7
Principal: Both Sides	10	10	15	10	15	20
Accessory	3	3	5	3	5	5
Rear setback (min. feet)						
Principal, parcel up to 120 feet deep	20	20	20	20	20	20
Principal, parcel 120 feet or deeper	40	40	40**	40	40	40
Accessory, minimum	3	3	3	3	3	3
Accessory, maximum	20	20	20	20	20	20
Lot Coverage (max. %)						
Principal and Accessory Structures	35%	35%	35%	35%	30%	25%
Floor Area Ratio						
All Structures (max.)	.50	.45	.45	.45	.45	.45
One-Story Element Area (min. sq.ft. for new construction)	60	60	80	80	80	80
Landscape Area, Front Yard Setback Only (minimum)						
Lot Access from Front	60%	60%	60%	60%	60%	60%
Lot Access from Alley	70%	70%	70%	70%	70%	70%

* Reduced contextual setback may be allowed, see Section 10-1-2(d)(2).

** Flexibility for second unit on a single lot may be allowed through design review.

Also see use/zone matrix (section 4-2), building permits (Article 8), general regulations (Article 10) for regulations applicable in all zone districts, and definitions (Article 15). It is recommended that specific application of these regulations be discussed with the staff.

FIGURE 4-3-4.5B EN-4 and EN-5	EN-4 Crestview and Needham, EN-5 Riverview		
	Subarea		
DIMENSIONAL REQUIREMENTS	A	B	C
Units per Gross Acre (min)	8	5	4
Parcel Area per Single Family Unit (min sq.ft.)	4,000	6,000	8,500
Parcel Area per Two-Family Structure (min sq.ft.)	7,500	---	---
Parcel Width at Front Setback (min)	35	50	75
Parcel Street Frontage (min)	35	50	50
Height of Principal Structure (max. feet)			
Wall Plate, Sloping Roof	22	22	22
Ridge, Sloping Roof	29	29	29
Parapet, Flat Roof	22	22	22
Height of Accessory Structure (max. feet)			
Wall Plate	12	12	12
Ridge	20	20	20
Front setback (min. feet)*	20	25	25
Corner Lot Side Yard*	15	15	15
Side setback (min. feet)			
Principal: One Side	5	5	7
Principal: Both Sides	10	10	14
Accessory	3	3	3
Rear setback (min. feet)			
Principal,	15	25	30
Accessory, minimum	3	3	3
Lot Coverage (max. %)			
Principal and Accessory Structures	45%	35%	35%
Floor Area Ratio			
All Structures (max.)	--	--	--
One-Story Element Area (min. sq.ft. for new construction)	--	--	--
Landscape Area, Front Yard Setback Only (minimum)			
Lot Access from Front	60%	60%	60%
Lot Access from Alley	70%	70%	70%

* Reduced contextual setback may be allowed, see Section 10-1-2(d)(2).

Also see use/zone matrix (section 4-2), building permits (Article 8), general regulations (Article 10) for regulations applicable in all zone districts, and definitions (Article 15). It is recommended that specific application of these regulations be discussed with the staff.

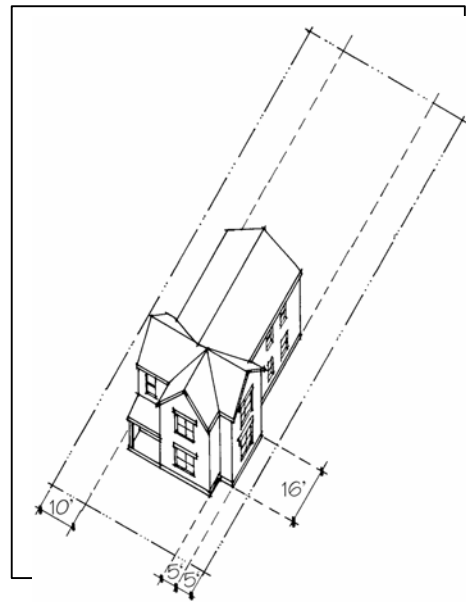
- (2) Alternative Height and Setback Standard.
- (i) In the EN-1 and EN-2 districts on lots 7,500 square feet or greater in area, additional height may be allowed, subject to the alternative standards in Figure 4-3-4.5C below.

FIGURE 4-3-4.5C

DIMENSIONAL STANDARDS	EN-1, EN-2 Lots 7,500 SF and Over
Height of Principal Structure (max. feet)	
Wall Plate, Sloping Roof	20
Ridge, Sloping Roof	31
Lot Coverage (max. %)	
Principal and Accessory Structures	30%
Floor Area Ratio	
Principal Structure (max.)	.42
Wall Plane	
Front Width, max. without offset	16 feet
Side Length, max. without offset for any building	30 feet
Separation or Offset, min. (horizontal only)	6 feet

(ii) Where additional height is granted, the side yard setbacks shall be a minimum of 20 feet for both sides combined, and each side yard shall be no less than seven feet, except as set forth in paragraph (iii) below.

(iii) A one-story element may extend to within five feet of the side property line. All two story elements shall be set back ten feet from the side property line, except that one 16-foot wide two-story element may extend to within five feet of the side property line.



(d) Additional EN- District Development Standards.

The following additional development standards shall be in accordance with the following table. Alternative compliance may allow increases in some of the listed standards (see paragraph (f) below).

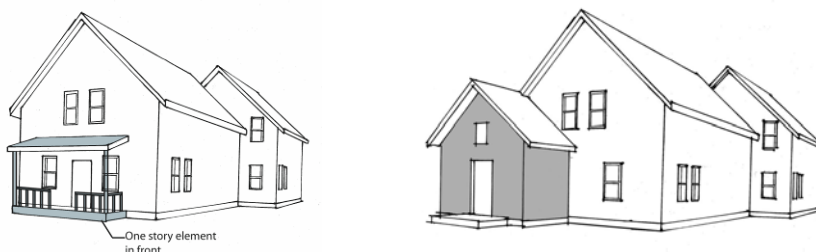
FIGURE 4-3-4.5D
EN-1, EN-2 and EN-3

Standard	New Construction	New Addition to Rear	New Addition Adding Floor Area and Affecting Front Wall	New Garage	Site Work
One-story element	X		X		
Wall Plane, Roof Ridge	X	X	X	X	
Dormers	X	X	X	X	
Garages	X			X	
Parking in front yard	X			X	
Curb cut width	X			X	X
Front Yard Shade tree	X				
Cut and fill	X	X	X		X

FIGURE 4-3-4.5E
EN-4 and EN-5

	New Construction	New Addition to Rear	New Addition Adding Floor Area and Affecting Front Wall	New Garage	Site Work
Standard					
One-story element					
Wall Plane, Roof Ridge					
Dormers					
Garages					
Parking in front yard	X			X	
Curb cut width	X			X	X
Front Yard Shade tree	X				
Cut and fill	X	X	X		X

(1) *One Story Element.* In order to reduce the perceived mass of a building from the street, a one-story porch or other single-story element shall be provided along the street front of any new single-family dwelling or new addition adding floor area and affecting front walls in the EN-1, EN-2 and EN-3 Districts. It may be subordinate to the wall plane, or it may constitute the wall plane itself. A garage shall be used to meet this standard only where the garage doors do not face a public street.



(2) *Wall Plane and Roof Ridge.* In the EN-1, EN-2 and EN-3 Districts. In order to assure that new buildings appear in scale with those seen traditionally, and to visually break up the mass of larger buildings, the following standards shall apply to the length of any wall plane, side wall plane and roof ridge.

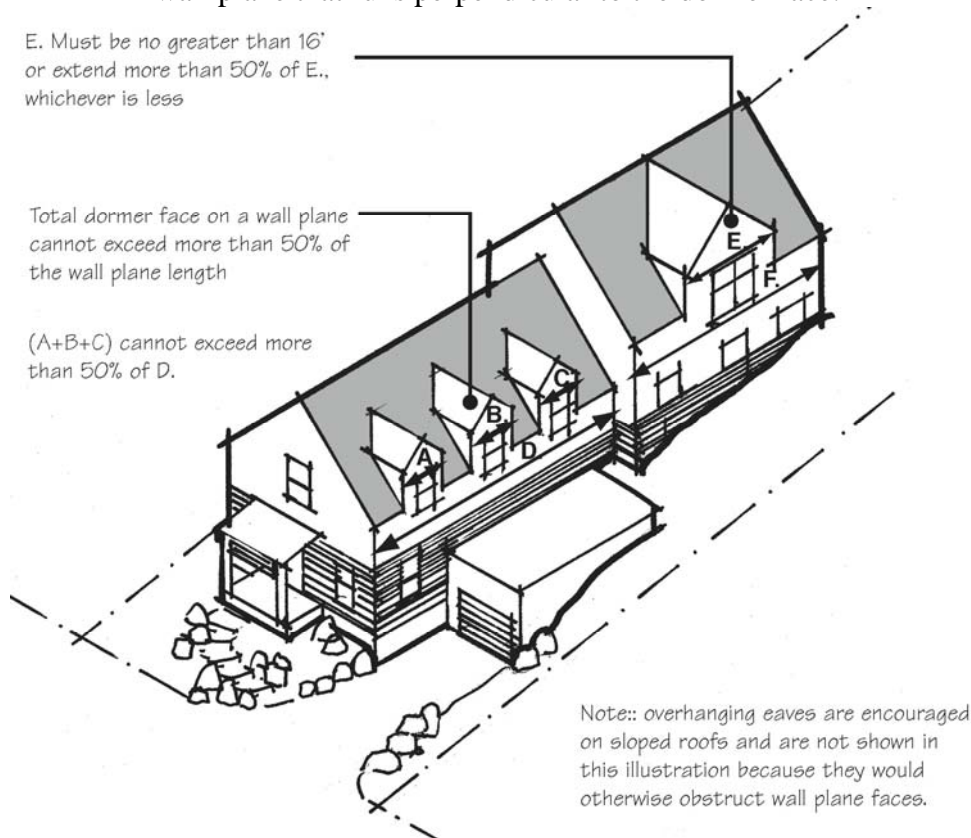
FIGURE 4-3-4.5F

Standard	EN-1, EN-2	EN-3	EN-4	EN-5
Wall Plane				
Front Width, max. without offset for 1 story or 1½-story building	24 feet	40 feet	----	----
Front Width, max. without offset for two-story building	16 feet	24 feet	----	----
Front Width, max. without offset for two-story with hip roof	30 feet	30 feet	----	----
Side Length, max. without offset for any building	30 feet	30 feet	-----	-----
Separation or Offset, min. (horizontal direction)	4 feet	4 feet	-----	----
Separation or Offset, min. (on lot 25 feet or less in width)	2 feet	--	--	--
Roof Ridge				
Ridge Length, max. (1-story or 1½-story building)	30 feet	40 feet	----	----
Ridge Length, max. (2-story building)	30 feet	30 feet	----	----
Separation or Offset, min. (horizontal or vertical)	4 feet	4 feet	----	----



(3) *Dormers.* Dormers may be placed on either principal or accessory structures. In the EN-1, EN-2 and EN-3 Districts, in order to minimize the impact of larger buildings on neighboring properties, the following standards shall apply:

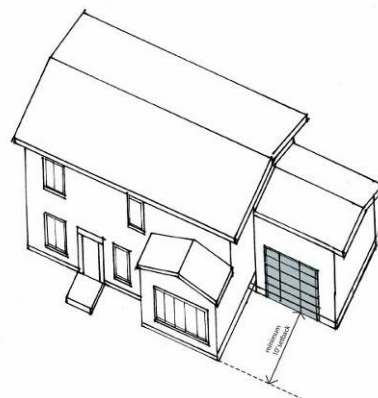
- (i) A dormer ridge or roof line shall not extend above the primary roof ridge.
- (ii) A dormer face shall not exceed 16 feet or more than 50 percent of the wall plane length, whichever is less.
- (iii) More than one dormer is acceptable on a wall plane, but the total combined dormer face width shall not exceed 50 percent of the wall plane length.
- (iv) The space between dormers shall not be less than one-half the width of the adjoining dormer or the average of the two if they are different sizes, whichever is greater.
- (v) A dormer shall be located a minimum of 3 feet from the wall plane that runs perpendicular to the dormer face.



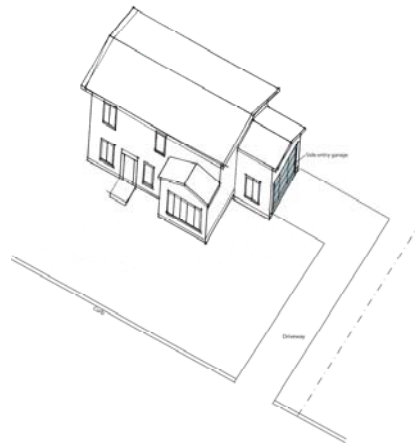
(4) **Garages and Parking Access.** To assure that new buildings relate to the street in a manner that is similar to that seen traditionally in a neighborhood, the following standards shall apply:

- (i) EN-1 and EN-2 Districts. Where an alley is available, it shall be used for parking access and no parking area shall be allowed in the required front yard setback area. Where an alley does not abut the side or rear of the lot, the standards below shall be applied to any garage.
- (ii) In the EN-1, EN-2 and EN-3 Districts. All attached and detached garages shall remain subordinate to the primary wall plane. The following standards for garages shall apply:

(a) Position a garage or other accessory building a minimum of 10 feet behind the front wall plane of the principal building; or



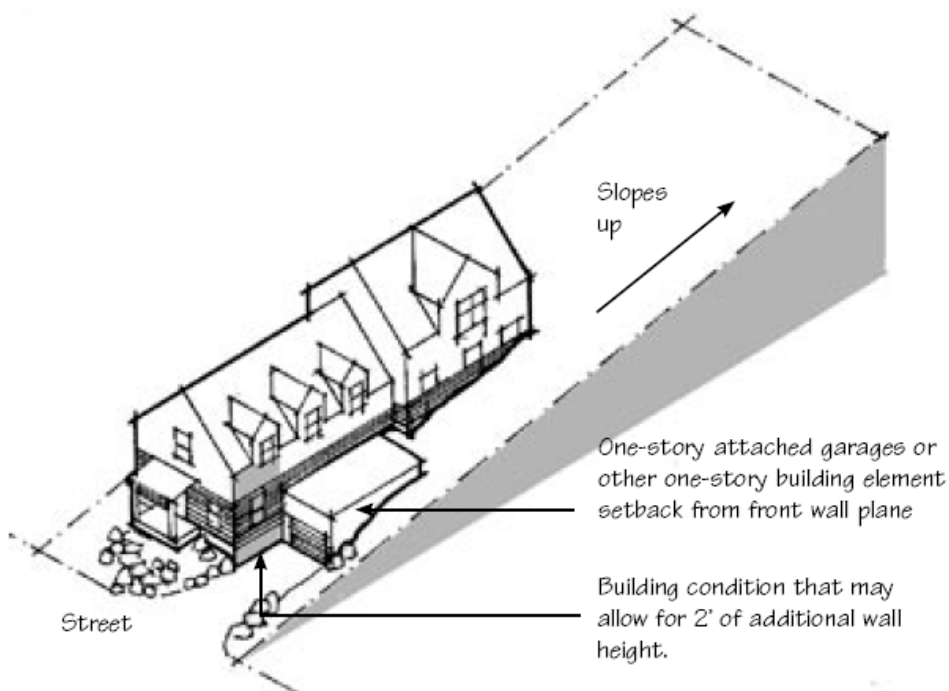
(b) Orient the garage door perpendicular to the street; or



(c) In the EN-3 District, position an attached garage door flush with the front of the building, extending a maximum of 30 percent of width of the front wall plane. This option is not permitted in the EN-1 and EN-2 Districts.



(iii) To allow for a one-story attached garage or other one-story element to be set back from the wall plane on a sloping site in the EN-1, EN-2 or EN-3 Districts, building height may be exceeded a maximum of 2 feet where the building is proposed on a site that slopes 12 percent or greater, and the slope is in an upward direction from the front property line to the rear lot line. No more than 30 percent of the affected wall plane shall exceed the height limit.



(5) *Parking in Front Yard.* No surface parking spaces shall be allowed in the front yard setback area in the EN-1 or EN-2 Districts, except where no alley access is possible. In the EN-3, EN-4 or EN-5 Districts (and in EN-1 and EN-2 Districts where no alley access is possible), no more than two surface parking spaces shall be allowed in a required front yard setback area.

(6) *Curb Cut Width.* No curb cut for driveway access shall be greater than 16 feet in width on lots with a width of 50 feet or more. No curb cut for driveway access shall be greater than 12 feet in width on lots with a width less than 50 feet.

(7) *Front Yard Shade Tree.* One shade tree shall be provided in the required front yard setback area. The tree shall have a minimum size of 2½-inch caliper at time of planting. A list of recommended tree species is available in the City planning office. Credit shall be provided for:

- (i) Existing shade trees in the required front setback that are listed on the recommended species list and are at least 2½-inch caliper;
- (ii) Existing evergreen trees in the required front setback that are at least six feet tall; and
- (iii) Existing street trees in the adjacent right-of-way.

(8) *Fences.* In order to assure that new fences maintain views through private property to vistas beyond from the public roadway, the following regulations shall apply:

(i) Fences that are located within the front yard setback area shall not exceed four feet tall and shall have a minimum of 50 percent open surface area.

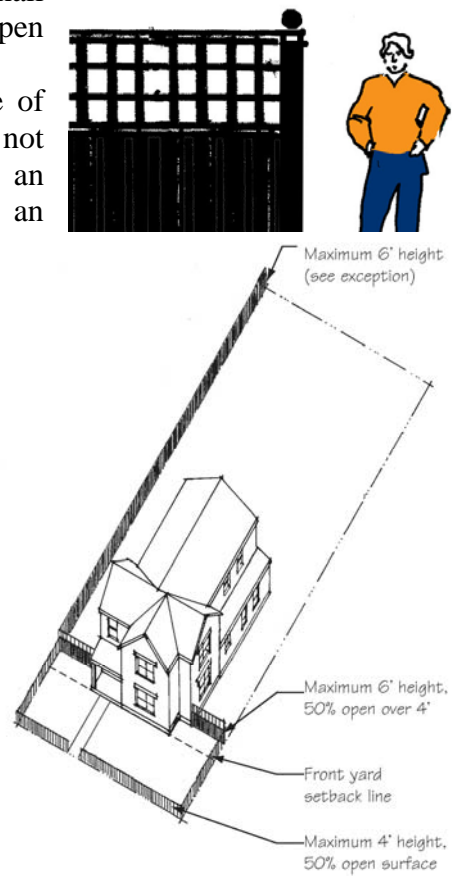
(ii) Fences that are located outside of the front yard setback area shall not exceed six feet in height, except that an eight-foot fence may be allowed on an interior lot line (not along a street right-of-way). An eight-foot fence shall require a building permit.

(iii) Fences that reach from the side wall plane to the side property line shall not exceed six feet tall and shall have a minimum of fifty percent open total surface area above four feet in height.

(iv) Fences in a side yard that abuts a street right-of-way shall not exceed six feet tall and shall have a minimum of fifty percent open total surface area above four feet in height.

(v) An open arch or pergola may exceed the height limits above by a maximum of two additional feet for a length not to exceed four feet. No more than one such element shall be provided for every twenty feet of fence length.

(vi) All fences shall meet the additional standards set forth in Section 10-1-5.



(9) *Cut and Fill.* In order to minimize the impact of cut and fill on sloped sites the following regulations shall apply:

- (i) Limit cut and fill on a site. Divide large grade changes into a series of benches and terraces.
- (ii) A road or driveway shall follow existing contours. Screen a road cut with a rock wall, plant materials or a building.
- (iii) Design a building foundation to conform to existing topography rather than creating extensive cut and fill. Step the foundation of a building to follow site contours. If stepping the foundation is not possible, disguise the cut with building placement or building walls, and provide a landscape buffer at the bottom of the cut.
- (iv) Limit the visual impacts of cut and fill on a site. Re-grade the site as a stable, “natural” slope. Terrace parking areas on steep slopes, following site contours. When creating site benches, using the sloped “transitional area” as a part of the required landscape area is appropriate.

(v) Where one must be used, a retaining wall shall blend with the natural features of the setting. Use native rock, or use other masonry that conveys a scale and texture similar to that of traditional rock or traditional materials found within the neighborhood. Limit the height of a retaining wall to less than five feet. Where greater heights in a retaining wall must occur, use a series of terraced or stepped walls. The width of a retaining terrace shall not be less than three feet. The City staff may vary the retaining wall height and width requirements depending on site conditions (see paragraph (e)(3) below).

(10) *River Corridor Overlay Zone.* Some portions of the EN- Districts may lie within the River Corridor Overlay Zone (RCOZ), where additional standards apply (see section 5-1).

(e) **Alternative Compliance.**

(1) *Authority.* Some of the standards of this Section may be met in alternative ways through consideration of design issues by the City. There are several levels of alternative compliance review, as set forth below. Optional review shall occur only where the applicant requests a modification or exception to the district standards.

	Staff	HPB	ENDRB
Small Lots	Mandatory	---	---
Steep Slopes	Mandatory	---	---
Duplex, Two Units on a Single Lot	Mandatory	---	---
Building Massing Modification	Optional	---	---
Tower or Cupola Exception	Optional	---	---
Bonus for Detached Garage	Optional	Optional	---
Cut and Fill Modification	Optional	---	---
Additional Lot Coverage or Floor Area	---	Optional	Optional
Modification of Other Standard	---	---	Optional

(2) *Applications and Notice.* Application requirements and notice for any application for alternative compliance are set out below.

(i) The applicant shall provide all of the information required for making a decision whether or not the proposed project meets the City's adopted design guidelines, including a site plan or plot plan, elevations, photographs, and other materials as necessary. The applicant shall also provide the names and mailing addresses for all property owners within 150 feet of the subject property.

(ii) A mailed notice shall be provided to all property owners within 150 feet of the subject property. Such notice shall provide contact information for the City, an opportunity to review the proposed application, and the deadline for any comments on the application. Such deadline shall be no less than 10 days following mailing of the notice.

(iii) A sign shall be placed on the subject site providing contact information for the City, an opportunity to review the proposed application, and the deadline for any comments on the application. Such deadline shall be no less than 10 days following posting of the sign.

(3) *Alternative Compliance Review by City Staff.* In order to encourage design diversity in the EN- districts, alternatives to the application of selected design standards set forth above may be achieved through design review by City staff, as follows.

(i) *Review Procedure.*

(a) City staff shall review the application in light of any comments received from the public, the intent and standards of this ordinance and the applicable design guidelines.

(b) Where additional assistance is required, the City staff may consult with the Established Neighborhood

Design Review Board for assistance in interpreting the adopted design guidelines.

(ii) *Small Lots.* Staff shall apply the adopted design guidelines in determining the appropriateness of improvements to lots less than 3,000 square feet in area or less than 25 feet in width at the front yard setback line.

(iii) *Steep Slopes.* Staff shall apply the adopted design guidelines in determining the appropriateness of improvements to properties with a slope of 30 percent or more.

(iv) *Duplex or Two Units on a Single Lot.* Staff shall apply the adopted design guidelines in determining the appropriateness of improvements for a duplex unit or two separate single-family units on a single lot.

(v) *Building Massing Modification.* Alternative measures of compliance may be allowed by City staff for the following massing standards where staff determines that the measures are in compliance with the adopted guidelines and that they meet the intent statements in the design guidelines. Alternatives to the following building massing standards may be considered at the staff level:

- (a) Maximum side wall plane;
- (b) Maximum front wall plane;
- (c) Depth of wall plane offset;
- (d) Front, side or rear yard setbacks;
- (e) Roof ridge;
- (f) Dormer standards; and
- (g) Garage placement and design.

(vi) *Tower or Cupola Exception.* A tower, turret or cupola element may be allowed by City staff where staff determines that the project is in compliance with the adopted design guidelines and meets the following standards. Tower, turret or cupola element may be allowed a maximum roof area of 100 square feet measured in plan section (horizontally). Ridge height of this element may not exceed 30 feet on a lot where a 26-foot ridge height is allowed; and may not exceed 32 feet where a 28-foot or greater ridge height is allowed.

(vii) *Bonus for Detached Garage.* In the EN-1 and EN-2 districts, floor area for a detached garage may be exempted from the calculation of the FAR (floor area ratio) following staff review according to the adopted design guidelines, up to a maximum of 450 square feet of garage floor area. The floor area will not be exempted from lot coverage.

(viii) *Cut and Fill Modification.* Staff shall apply the adopted design guidelines in determining the appropriateness of proposals for cut and fill where the applicant believes it is not feasible to meet the standards in paragraph (9) above.

(4) *Alternative Compliance Review by the Historic Preservation Board.* Any addition to an existing structure designated by the City as a Historic Landmark or Structure of Merit shall be reviewed by the Historic Preservation Board. A project that exemplifies compatible design by respecting the privacy of neighboring properties and ensuring light and air for neighbors, as well as enhancing the existing context of the neighborhood by providing for preservation of a City-designated Historic Landmark or Structure of Merit, may be allowed additional lot coverage or floor area through the following alternative compliance measures.

(i) *Review Procedure.* The Historic Preservation Board shall review the application in light of any comments received from the public or City staff, the standards of this Section and the applicable design guidelines.

(ii) *Additional Lot Coverage or Floor Area.* In the EN-1, EN-2 and EN-3 districts, the following additional lot coverage and floor area may be allowed by the Historic Preservation Board as a part of alteration to an existing structure, as set forth in Figure 4-3-4.5G below. In order to be considered for additional lot coverage or floor area, a structure must be designated and retained as a local landmark or a local Structure of Merit (see Sec. 5.4). Following designation, modifications to the structure shall meet the adopted design guidelines and be reviewed through the historic review process (see Sec. 5.4).

FIGURE 4-3-4.5G	EN-1 Old Durango; EN-2 Avenues		
	0 to 3,999 SF	4,000 to 7,499 SF	7,500 SF and Over
DIMENSIONAL STANDARDS			
Lot Coverage (maximum %)			
Principal and Accessory Structures	40%	40%	40%
Floor Area Ratio			
Principal Structure (maximum)	.55	.50	.50
	EN-3 East Animas City		
DIMENSIONAL STANDARDS	0 to 8,499 SF	8,500 to 11,999 SF	12,000 and Over
Lot Coverage (maximum %)			
Principal and Accessory Structures	40%	35%	30%
Floor Area Ratio			
Principal Structure (maximum)	.50	.50	.50

(5) *Alternative Compliance Review by Established Neighborhood Design Review Board.* The Established Neighborhood Design Review Board (ENDRB) shall have the authority to review alternatives to the standards of this section that exceed the authority of the City staff in paragraph (3) above. Such alternatives shall be required to meet the intent of the adopted design guidelines, in the opinion of the ENDRB.

(i) The ENDRB shall not approve projects that exceed the maximum alternative standards set forth in the table below.

Standard	Standard as Specified in Figure 4-3-4.5	Maximum Allowed Following ENDRB Approval
Height of Principal Structure		
Wall Plate (feet)	16	20
Wall Plate (feet)	20	24
Wall Plate (feet)	22	24
Roof Ridge (feet)	26	30
Roof Ridge (feet)	28	31
Roof Ridge (feet)	29	32
Lot Coverage (max %)		
Principal and Accessory Structures	25	30
Principal and Accessory Structures	30	35
Principal and Accessory Structures	35	40
Principal and Accessory Structures	40	45
Floor Area Ratio		
All Structures (max.)	.45	.50
	.50	.55

(ii) The ENDRB shall not be constrained by the table of maximum standards above in the following cases:

- (a) Non-residential uses; and
- (b) Lots less than 4,000 square feet in area.

(iii) In unusual or unique circumstances where development within the standards set for the EN-Districts would constitute a significant hardship on the applicant, the ENDRB shall forward their recommendation regarding approval of a variance to the City Council, where such variance affects the height of the structure, and to the Board of Appeals, where such variance affects any of the other standards applicable in the EN- Districts.

(f) *Variances and Appeals.*

(1) *Appeal of Staff Decisions.* The ENDRB shall hear all appeals related to staff alternative compliance review and staff interpretation of this section 4-3-4.5. An appeal shall be brought within seven calendar days of the staff decision. Such an appeal shall be brought only by the property owner or applicant.

(2) *Appeal of ENDRB Decisions.* A final decision by the ENDRB may be appealed to the City Council within seven calendar days of the ENDRB action. Such an appeal shall be brought only by the property owner or applicant. The City Council shall consider the decision of the ENDRB and determine whether or not to hear the appeal.

(3) *Other Variances Prohibited.* No other variance to the standards of this section 4-3-4.5 shall be allowed, except following review and recommendation by the ENDRB to the Board of Appeals.

(g) *Subdivision in the EN-Districts.*

The minimum dimensions for each newly subdivided lot shall be determined based upon the applicable zoning district immediately prior to February 1, 2006. Those dimensions permitted in the district in place prior to adoption shall continue to serve as the minimum dimensions for a newly subdivided lot in the adopted EN- District, except that the minimum parcel street frontage in the EN-1 and EN-2 Districts shall be 35 feet, and the minimum parcel street frontage in the EN-3, EN-4 and EN-5 Districts shall be 50 feet.

Section 4. That Chapter 27 of the Code of Ordinances of the City of Durango is amended through the adoption of a new §4-3-9.5, which reads, in its entirety, as follows:

Sec. 4-3-9.5. Design Standards for RM Districts Within Established Neighborhood Boundaries.

The following design standards shall apply to all RM- districts located within established neighborhood boundaries, as shown in the adopted Established Neighborhood Design Guidelines. Staff shall review all development within these areas and apply the adopted design guidelines, in addition to the standards below, in determining the appropriateness of improvements.

(a) *Cut and Fill.* The cut and fill standards in Section 4-3-4.5(c)(9) shall apply.

(b) *Site Drainage.*

(1) *Intent.* Enhance drainage and detention areas within a neighborhood setting. Use and enhance natural drainage ways and detention ponds. Incorporate drainage systems as a part of landscape design.

(2) Incorporate a natural drainage way and detention pond as an amenity into the site plan.

(3) Avoid altering or obscuring natural drainage ways.

(4) Use open drainage swales with natural linings. For example, use native grasses and rock.

(c) *Building Placement.*

(1) *Intent.* Multifamily structures should respect established development patterns in the neighborhood, such as the orientation of the building to the street and the alignment of building fronts. A building's primary entrance should be oriented toward the street. Respect the established setback patterns of the neighborhood.

(2) Provide a hierarchy of public and private space. One that begins at the street or sidewalk edge, which is most "public" space, proceeds through the front yard, by way of a pedestrian path, which appears as "semi-private" space, and ends at the front door, which is "private" space.

(3) Where building fronts align, maintain the alignment.

(4) Where setbacks vary, a staggered front setback pattern is appropriate.

(d) *Parking.*

- (1) *Intent.* Minimize the visual impacts of parking areas within established residential neighborhoods. Minimize the negative visual impacts of cars parked on site.
- (2) Where more than 4 spaces are required on site the remainder shall be covered.
- (e) *Building Mass and Scale.*
 - (1) *Intent.* A building should appear to have a mass, scale and form that is similar to that of the established buildings in the neighborhood. Multifamily housing should appear similar in mass and scale to larger, single family houses in the neighborhood.
 - (2) For larger buildings, divide the facade into modules that reflect these traditional dimensions in the neighborhood. Front wall plane shall not exceed 24 feet. Side wall plane shall not exceed 40 feet.
 - (3) In order to minimize the perceived scale of a building, one method is to step down its height toward the street, neighboring structures and the rear of the lot.
 - (4) Consider these techniques:
 - (i) The ratio of wall to window, as seen from the street, should appear similar to that of single-family structures. Large expanses of glass are inappropriate.
 - (ii) Provide a one-story porch, or similar element, which will help define a front door or entrance and be oriented to the street.
 - (5) The primary building form shall be a simple rectangular form.
 - (i) Domes and A-frames are inappropriate building forms.
 - (ii) If a building must be larger, divide it into modules that reflect the scale of traditional building forms in the neighborhood.
 - (iii) Additions to the primary building form shall be subordinate, such as a one-story form attached to a two-story building form and covering a lesser footprint.
- (f) *Building Height.*
 - (1) *Intent.* Build to a height that appears similar to that of houses found traditionally on the block and in the neighborhood. A new building shall be within the range of heights seen traditionally in the neighborhood.
 - (2) A multifamily structure shall not overwhelm existing single-family structures, in terms of height. Building height shall not exceed a 20-foot wall plate or a 31-foot top of ridge.
- (g) *Accessory Structures.*
 - (1) *Intent.* Accessory structures such as detached sheds, garages and carports should be subordinate in scale and character to the primary structure. A secondary structure shall remain subordinate, in terms of mass scale and height of the primary structure.
 - (2) Height of a secondary structure shall not exceed a 12-foot wall plate or a 20-foot top of ridge.
 - (3) Secondary structures shall be located to the rear of the lot.
- (h) *Utilities and Service Areas*
 - (1) *Intent.* Service areas should be visually unobtrusive and should be integrated with the design of the site and the building and screened with walls or plantings.
 - (2) Orient service entrances, waste disposal areas and other similar uses toward service lanes and away from major streets.
 - (3) Where alley systems exist, locate service areas there.
 - (4) Trash areas, including large waste containers (dumpsters) shall be screened from view of major pedestrian routes, using a fence or hedge. Screen views of containers from the street with material that complement those used on the site. For a larger storage facility, consider using a shed to enclose it.

Section 5. That Article 15 of Chapter 27 of the Code of Ordinances of the City of Durango is amended through the addition of the following definitions, to be added in appropriate alphabetical order:

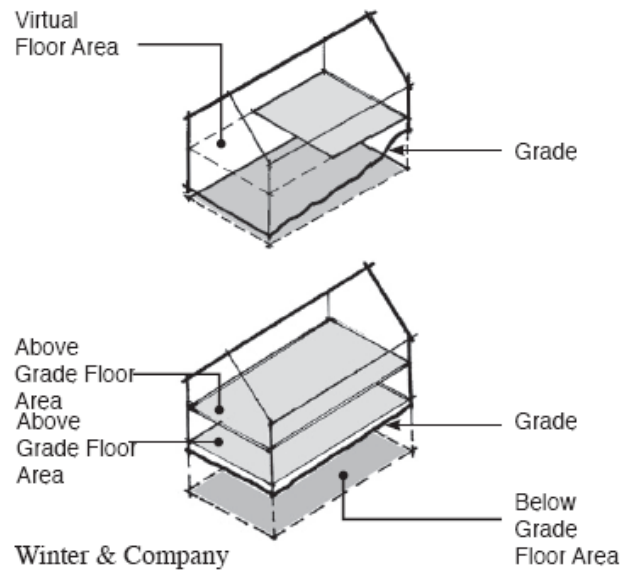
Accessory Dwelling Unit. A second dwelling unit established in conjunction with and clearly subordinate to a principal dwelling.

Addition. A modification to an existing building that expands the square footage of the building.

Dormer. A projection from a sloping roof that contains a window.

Floor Area Ratio (FAR). The ratio of the total above-grade gross floor area of all structures on a site to the area of the lot. (See also “Gross Floor Area.”) The following areas are to be included in gross floor area for the purpose of computing floor area ratio:

- Above grade floor area: Any room that has a wall surface that extends more than three feet above grade (these floor areas shall be counted at 100%).
- Walkout basement floor area: calculated as a percent of total basement floor area. (See walkout basement definition for floor area calculation)
- Virtual floor area: This area shall be counted at 100%.
- Exterior walls (that is, the thickness is included).
- Laundry rooms, mechanical rooms, closets, storage rooms, built-in cabinets and media niches.
- Mezzanines and lofts.
- Floor areas used by interior and exterior stairways, elevators, escalators and similar features. The floor area of each run of stairs shall be counted once (not twice by counting on two floor levels). Usable spaces (generally defined as having a 5-foot minimum height) such as rooms, closets and cabinets under a run of stairs shall also be counted.
- Porches, balconies, patios, and breezeways with a “solid” cover and enclosed by “solid” walls on more than two sides.
- In single family and duplex residential uses, attached or detached garages and carports.
- Accessory buildings such as sheds, guest houses and second units, whether or not they include habitable space.

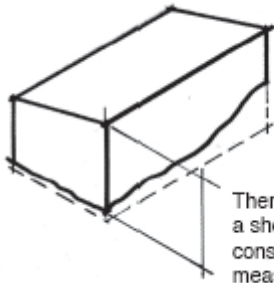


The following areas are to be excluded from gross floor area for the purpose of computing floor area ratio:

- Attic spaces.
- Below grade floor area: Any area that has a wall surface that extends no more than 3 feet above grade.
- Porches, balconies, patios, breezeways, and decks (as well as overhangs, eaves, cantilevers, awnings and similar features) with a solid cover, but not enclosed by solid walls on more than two sides.
- Porches, balconies, patios, breezeways, and decks that do not have a solid cover.

- Parking structures and garages that are incidental to a primary use on the same site in multi-family, commercial, office, industrial and public/semi-public uses.

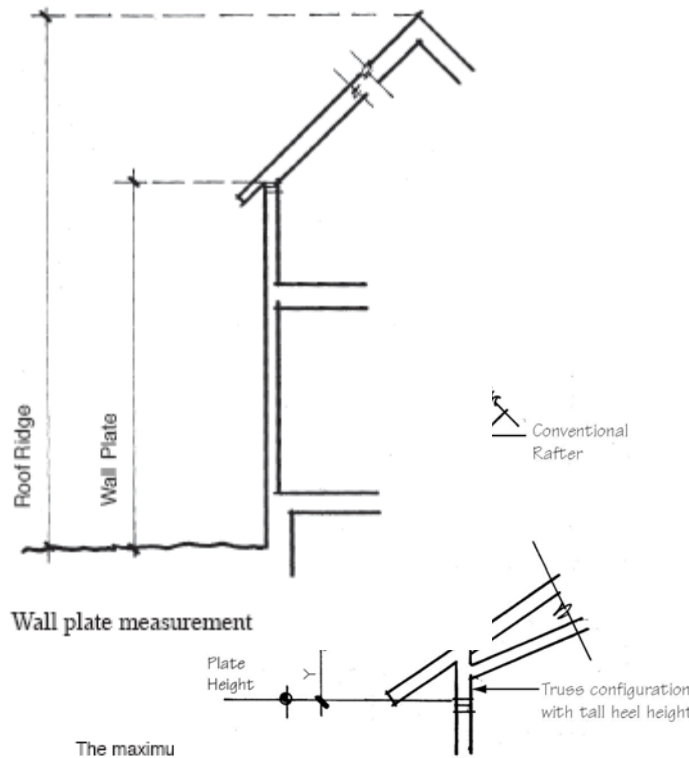
Height to Wall Plate. For a building with a sloping roof, the height to the top horizontal framing member of a wall from the natural or improved grade, whichever is the more restrictive.



There is not a roof ridge on a shed roof. The wall plate is considered the maximum height measurement on a shed roof.

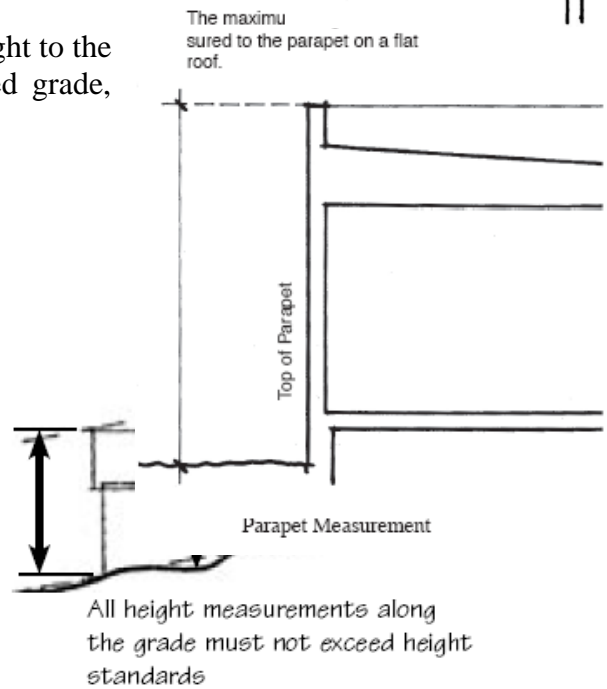
A roof truss shall

not exceed 12 inches in height measured parallel to and at the wall plate.



Height to Parapet. For a flat roof, the height to the top of the parapet from the natural or improved grade, whichever is the more restrictive.

Height to Roof Ridge (Total Height). For a sloping roof, the height to the top horizontal framing member of the roof ridge from the natural or improved grade, whichever is the more restrictive. Accessory structural elements located on the roof, such as solar panels, shall be subject to the total height requirements.

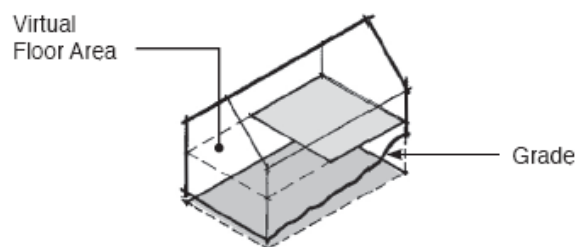


Landscape Area. That portion of the front setback area which is required to contain landscape materials, and not impervious surfaces. Landscape materials shall include, but not be limited to, grass, ground covers, shrubs, vines, hedges, trees, and berms.

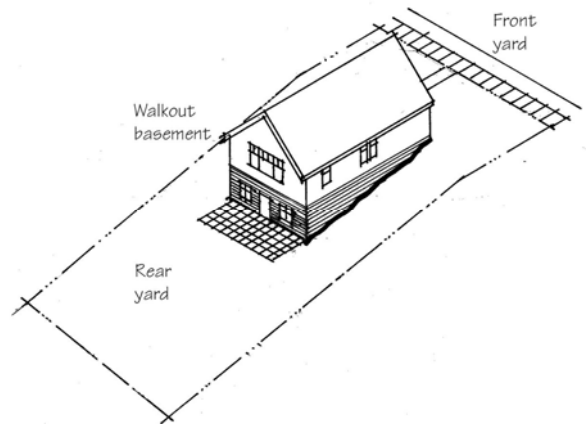
Lot Coverage. That area of a parcel which may be occupied by principal and accessory structures. For the purpose of this ordinance, lot coverage shall be considered to be the footprint of the principal and any accessory buildings measured at grade, including any carport (whether enclosed or not). Overhangs and eaves shall not be included in lot coverage. Decks and one-story open (roofed) porches shall not be included in lot coverage.

Site Work. For the purposes of Section 4-3-4.5, site work shall be defined as any activity that requires an excavation or grading permit.

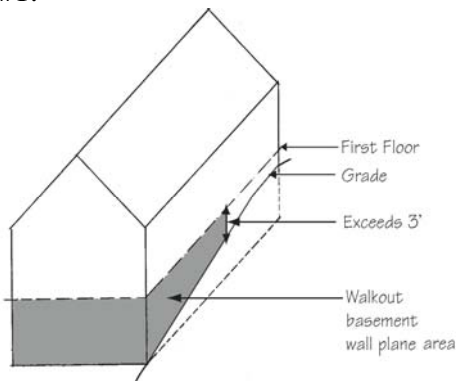
Virtual Floor Area. The implied floor area that results from an interior volume of space when the side wall plane exceeds 12 feet in height measured from finished grade to the wall plate.



Walkout Basement. A basement that has an exit at grade, although the majority of the basement remains below grade. Percentage of walkout basement floor area to be counted in the floor area ratio.

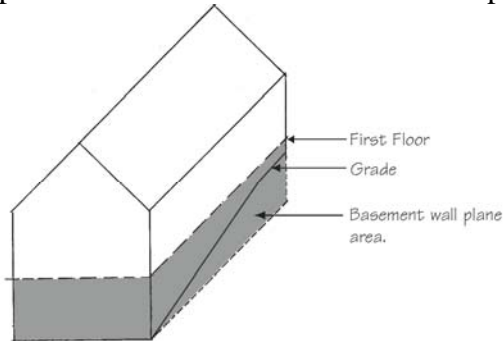


Step 1. Calculate the total wall plane area for each walkout basement wall. The walkout basement wall is the wall that measures more than 3 feet in vertical length from grade to the bottom of the first floor. See sketch #1.



Sketch #1

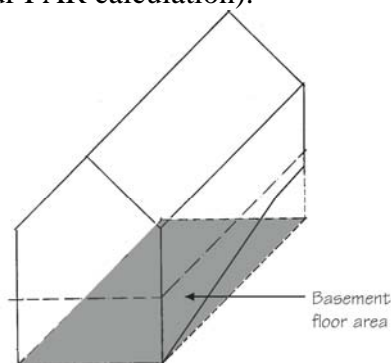
Step 2. Total the wall plane area for each walkout basement wall.
Step 3. Calculate the total basement wall plane area. See sketch #2.



Sketch #2

Step 4. Divide Step 2. / Step 3. to find the percentage of the wall above grade, this is % walk-out wall plane area.

Step 5. Multiply the percentage found in Step 4 by the total basement floor area. See sketch #3. The result will be the total square footage (walkout that should be included in your FAR calculation).



Sketch #3

Wall Plane, Front. A wall running parallel (or approximately so) to the front property line.

Wall Plane, Side. A wall running parallel (or approximately so) to a side property line.

Section 6. That Article 12 of Chapter 27 of the Code of Ordinances of the City of Durango is amended through the addition of a new §12-3.5, which reads, in its entirety, as follows:

Sec. 12-3.5. Established Neighborhood Design Review Board (ENDRB).

12-3.5-1 Board Established. There is hereby created and established a regulatory board to be known as the "established neighborhood design review board" (ENDRB), which shall have responsibility for matters in established neighborhoods, consisting of Old Durango, Second and Third Avenues, East Animas City, Crestview and Needham, and Riverview, as set forth below.

(a) *Membership.* The board shall consist of five members providing a balanced, representation of established neighborhoods, where possible. At least forty (40) percent of ENDRB members shall be professionals in disciplines such as architecture, landscape architecture, urban design or planning. Recognizing that professionals may not be available, this requirement can be waived if the City makes a good faith effort to recruit professionals and demonstrates that it is capable of carrying out ENDRB responsibilities. In addition, where feasible, members of the ENDRB shall be drawn from the affected EN-District neighborhoods. The administrator (Director of the Durango Planning and Community Development Department or appointed department representatives) shall serve as staff to the board.

(b) *Powers and Duties.* In its actions, the ENDRB shall operate in accordance with the City of Durango Rules and Procedures for Boards and Commissions and may adopt additional operating procedures that are consistent with such rules and procedures and this Code. The ENDRB shall:

(1) Review any application for improvements in an EN- district provided by the City staff and advise on the application of the adopted design guidelines.

(2) Review and make decisions on any application for alternative compliance as set out in Section 4-3-4.5(e)(5).

(3) Make a recommendation regarding any variance of the requirements in the EN- Districts to the Board of Appeals.

(4) Advise the City Council on matters related to enhancing the established neighborhoods of the city.

(c) *District and Procedural Review.* Within one year of adoption of the EN- Districts and every two years thereafter, the ENDRB shall prepare a report analyzing the effectiveness of the EN- District standards and procedures at achieving the intent of the adopted design guidelines, and make recommendations to the City Council for changes, if any appear appropriate.