

A BILL FOR AN ORDINANCE

ORDINANCE NO. 01

SERIES OF 2023

INTRODUCED BY: COUNCILMEMBER INGEBRETSEN

AN ORDINANCE AMENDING THE GREENWOOD VILLAGE MUNICIPAL CODE TO CHANGE THE NAME OF THE ARAPAHOE ENTERTAINMENT DISTRICT TO THE GREENWOOD ENTERTAINMENT DISTRICT

THE CITY COUNCIL OF THE CITY OF GREENWOOD VILLAGE, COLORADO, ORDAINS:

Section 1. Section 16-18.5-10 of the Greenwood Village Municipal Code is hereby amended to read as follows:

Sec. 16-18.5-10. - Creation and intent.

(a) There is hereby created the "Greenwood Entertainment District" that shall include those properties identified in Section 16-18.5-20.

(b) The Greenwood Entertainment District is intended to encourage high-quality commercial, retail, and entertainment-related development through the use of alternative development standards for building setbacks, height and open space for preferred entertainment-related uses, while maintaining the rights of the underlying zoning district designation. The goal is to promote a vibrant retail area located west of Interstate 25 ("I-25") that is clearly identifiable as a Greenwood Village district.

(c) To the extent there is a conflict between the provisions of the underlying zoning district and the Greenwood Entertainment District, the provisions of the Greenwood Entertainment District shall control.

Section 2. Section 16-18.5-20 of the Greenwood Village Municipal Code is hereby amended to read as follows:

Sec. 16-18.5-20. - Overlay district boundaries.

The Greenwood Entertainment District includes those properties located north of East Arapahoe Road, west of I-25, east of South Syracuse Way and south of East Peakview Avenue, with some exceptions. Specific properties included within the Entertainment District are identified on the map entitled "Greenwood Entertainment District," along with accompanying street addresses, on file in the Community Development Department and City Clerk's office and available on the Greenwood Village website.

Section 3. Section 16-18.5-30(b) of the Greenwood Village Municipal Code is hereby amended to read as follows:

(b) An applicant may choose to follow the provisions of either the underlying zoning designation or the Greenwood Entertainment District but cannot choose to follow provisions of both for the benefit of a development.

Section 4. Section 16-18.5-40 of the Greenwood Village Municipal Code is hereby amended to read as follows:

Sec. 16-18.5-40. - Preferred uses and special uses.

(a) Applicability and intent.

(1) A property owner may elect to follow the provisions of the Greenwood Entertainment District to develop property.

(2) Although the underlying zoning remains in place, the Greenwood Entertainment District preferred uses encourage a defined area for people to shop, eat and pursue leisure and recreational activities and includes uses such as restaurants, retail shopping, entertainment venues and other similar uses.

(3) All permitted and special uses in the underlying zone district are allowed. In addition, the following preferred uses are also allowed within the Entertainment District.

(b) Preferred uses by right. The following uses are preferred uses by right within the Greenwood Entertainment District:

(1) Art studios and galleries;

(2) Craft brewery, distillery, taproom, winery;

(3) Entertainment in conjunction with eating and drinking establishments;

(4) Hotels/motels (not including extended stay hotels/motels);

(5) Indoor amusement/entertainment facilities;

(6) Restaurants/bars;

(7) Theaters and auditoriums.

(c) Special uses. The following uses are conditional uses within the Greenwood Entertainment District, subject to City Council approval:

(1) Outdoor amusement facilities;

- (2) Other entertainment related uses not listed as a preferred use or use by right unless otherwise prohibited.

Section 5. Section 16-18.5-60 of the Greenwood Village Municipal Code is hereby amended to read as follows:

Sec. 16-18.5-60. - Design standards

Design standards. The following design standards apply within the Greenwood Entertainment District to all new development and redevelopment of fifty percent (50%) or more of the existing floor area:

(a) Building design. In addition to complying with the provisions of Chapter 16, Article 21, Site and Design Standards, buildings shall meet the following standards:

- (1) Building massing and form shall be modulated to reduce bulk and create interest.
- (2) Buildings must incorporate 360-degree building design where appropriate.
- (3) Buildings must incorporate three (3) substantially different building materials.
- (4) A building material classification system must be followed to require a specified minimum amount of quality materials, and to restrict or prohibit lower-quality materials.

a. Class I. A minimum of fifty percent (50%) (average) of all building facades must contain Class I materials, unless facing a public street in which case a minimum of seventy-five percent (75%) of facades facing a public street must contain Class I materials, including:

Natural brick;

Natural stone;

Natural wood;

Glass (transparent)*; and/or

Other similar materials, as approved by City Council.

*A minimum of twenty percent (20%) of all building facades facing a public street must contain transparent glass.

b. Class II. A maximum of fifty percent (50%) (average) of all building facades may contain Class II materials, unless facing a public street in

which case a maximum of twenty-five percent (25%) on facades facing a public street is allowed, including:

Split-face or ground-face block;

Manufactured stone, brick or tile;

Cementitious stucco;

Architectural metal; and/or

Other similar materials, as approved by City Council.

c. Class III. Materials prohibited on building facades, including:

Reflective glass;

Untextured tilt-up or poured-in-place concrete;

Vinyl siding or other plastic material;

Fiber cement board; and/or

Materials not otherwise a Class I or II, as determined by City Council.

(b) Site design. In addition to complying with the provisions of Chapter 16, Article 21, Site and Design Standards, sites shall include the following high-quality design elements:

(1) Drive-thru lanes shall be screened from public view from Arapahoe Road to the extent practicable. Screening can be achieved by placing the lanes on the interior side of the building, opposite Arapahoe Road, or through the installation of year-round landscaping.

(2) Trash/dumpster enclosures shall be screened from public view from Arapahoe Road to the extent practicable. Screening can be achieved by placing the containers on the interior side of the building, opposite Arapahoe Road, or through the installation of year-round landscaping. If landscaping is used, trash/dumpster enclosure doors and gates shall be oriented away from Arapahoe Road.

(3) Gasoline canopies shall be placed beside or behind the principal building and shall not be located between the principal building(s) and Arapahoe Road. In addition, gasoline canopies shall be designed to match or complement the principal building(s).

(4) Vehicle access bays (serving automobile related uses) shall be screened from public view from Arapahoe Road to the extent practicable. Screening can be

achieved by orienting the bays away from Arapahoe Road, by integrating physical screening into the building (that matches or complements the building), or through the installation of year-round landscaping.

(c) Ground sign standards. All ground signs must incorporate a monument style base utilizing materials and design elements that match or complement the principal building(s). If no principal building exists, the ground sign must be comprised of only those materials permitted in Section 16-18.5-60(a)(4) above.

Section 6. Section 4-11-10 of the Greenwood Village Municipal Code is hereby amended to read as follows:

Sec. 4-11-10. - Established.

There is established within the City a sales tax rebate program specific to the Greenwood Entertainment District ("GED", 16-18.5-10), herein referred to as the Greenwood Entertainment District Improvement Program ("GEDIP"). The GEDIP shall expire eight (8) years from the effective date of Ordinance No. 17-19 (December 11, 2019). The GEDIP is limited to those properties within the GED located west of Interstate 25 and east of South Syracuse Way.

Section 7. Section 4-11-20 of the Greenwood Village Municipal Code is hereby amended to read as follows:

Sec. 4-11-20. - Objectives of program.

The objective of the GEDIP is to improve aesthetics and walkability of the Greenwood Entertainment District by encouraging enhanced improvements to both public and private property in a limited geographic area.

Section 8. Section 4-11-40 of the Greenwood Village Municipal Code is hereby amended to read as follows:

Sec. 4-11-40. - Participation; rules and regulations.

Participation in the GEDIP is limited to those properties within the GED located west of Interstate 25 and east of South Syracuse Way, and shall be subject to compliance with and satisfaction of all criteria and limitations set forth in this Article and any sales and use tax rebate program rules and regulations which are promulgated by the City Manager and approved by the City Council by resolution. Authority is expressly delegated to the City Manager to promulgate such proposed rules and regulations, and thereafter to administer the same upon their adoption by the City Council.

Section 9. Section 4-11-50 of the Greenwood Village Municipal Code is hereby amended to read as follows:

Sec. 4-11-50. - Rebate to be used for cost of improvements.

(a) Approval by the City Council of an agreement implementing this GEDIP shall entitle the successful applicant to up to one hundred percent (100%) of the enhanced sales and use taxes derived from the property above an established base amount to reimburse for costs incurred by the applicant for specified property improvements approved in advance by City Council. The rebate of enhanced sales and/or use taxes is limited by the following maximum amounts per calendar year, for up to a maximum of five (5) years:

- (1) Year 1: One hundred percent (100%);
- (2) Year 2: Ninety percent (90%);
- (3) Year 3: Seventy-five percent (75%);
- (4) Year 4: Fifty percent (50%);
- (5) Year 5: Twenty-five percent (25%).

(b) The City will reimburse all approved costs of improvements completed within sixty (60) months from the date of execution of an agreement approved by City Council. Costs incurred in making such improvements shall be submitted to the City not more frequently than annually and will be reimbursed on an annual basis in an amount up to that percentage of the enhanced sales tax revenues received by the City during the same year identified in subsection (a) above. Reimbursement shall occur within sixty (60) calendar days of the close of the previous year, provided that complete and accurate documentation of improvements and cost has been provided.

Section 10. Section 4-11-60(b) of the Greenwood Village Municipal Code is hereby amended to read as follows:

(b) Enhanced sales and/or use tax rebate funds may be used for the following improvements made in conjunction with the construction, reconstruction, rehabilitation and remodeling of existing private and public property:

- (1) Enhanced private property improvements involving the demolition and reconstruction, or exterior remodel of an existing building that improves the aesthetic qualities of commercial properties consistent with the design guidelines for the Greenwood Entertainment District.
- (2) Enhanced public property improvements that includes streetscape elements such as public signage, pavement treatments, street improvements, sidewalks, street lighting, street furniture and landscaping.

Section 11. Section 4-11-70 of the Greenwood Village Municipal Code is hereby amended to read as follows:

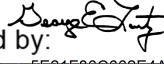
Sec. 4-11-70. - Application approval.

Approval of an application for inclusion in this GEDIP shall be by the City Council, based upon the following considerations:

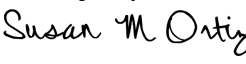
- (a) The amount of enhanced sales taxes which are reasonably anticipated;
- (b) The extent to which the improvements proposed promote a vibrant retail area that is clearly identifiable as a Greenwood Village district and otherwise meet the goals of this chapter;
- (c) The amount of expenditures on public improvements completed by the applicant.


Section 12. Effective Date. This ordinance shall take effect six (6) days after publication following final passage.

INTRODUCED AND APPROVED ON FIRST READING ON THE 9TH DAY OF JANUARY, 2023, AND ORDERED PUBLISHED.

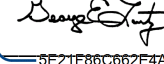
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George E. Lantz, Mayor

ATTEST:

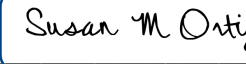
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Susan M. Ortiz, MMC
City Clerk




INTRODUCED AND APPROVED ON SECOND READING ON THE 6TH DAY OF FEBRUARY, 2023, AND ORDERED PUBLISHED BY TITLE ONLY.

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George E. Lantz, Mayor

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Susan M. Ortiz, MMC
City Clerk



EFFECTIVE: February 13, 2023