

CITY OF WHEAT RIDGE, COLORADO
INTRODUCED BY COUNCIL MEMBER REINHART
COUNCIL BILL NO. 07
ORDINANCE NO. 1481
Series 2011

**TITLE: AN ORDINANCE AMENDING CHAPTER 26 AND ADOPTING
THE STREETScape DESIGN MANUAL**

WHEREAS, the City Council of the City of Wheat Ridge, Colorado (the "Council") is authorized by the Home Rule Charter and the Colorado Constitution and statutes to enact and enforce ordinances for the preservation of the public health, safety and welfare; and

WHEREAS, in the exercise of this authority the Council has enacted the Wheat Ridge Code of Laws (the "Code"); and

WHEREAS, Chapter 26 of the Code, entitled "Zoning and Development" includes requirements for building and site design, including Architectural and Streetscape Design Manuals; and

WHEREAS, the Council finds that there is a need to replace the Architectural and Streetscape Design Manual, adopted in 2001, with an updated Streetscape Design Manual that establishes clear design requirements for streetscape improvements within the City.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WHEAT RIDGE, COLORADO:

Section 1: Sections 26-222 26-223 of the Code are hereby repealed and the section numbers reserved.

Section 2: Section 26-224 is hereby repealed and reenacted to read in its entirety as follows:

Section 26-224 Design Manuals.

A. Architectural and Site Design Manual: The community development director is hereby authorized and directed to promulgate regulations that encourage quality architecture and site design. Such regulations, when promulgated, shall be fully enforceable with respect to all site development. The City of Wheat Ridge Architectural and Site Design Manual dated June 2007, is hereby adopted and shall apply as one such regulation. The manual may be amended and updated as a regulation from time to time by the director of community development. Copies of the manual shall be available for inspection and purchase in the office of the department of community development.

B. Streetscape Design Manual: The community development and public works directors are hereby authorized and directed to promulgate regulations that encourage quality streetscape design. Such regulations, when promulgated, shall be fully enforceable with respect to all site development. The City of Wheat Ridge Streetscape Design Manual dated March 2011, is hereby adopted and shall apply as one such regulation.

The manual may be amended and updated as a regulation from time to time by the director of community development and the director of public works. Copies of the manual shall be available for inspection and purchase in the office of the department of community development.

C. Exemptions, waivers and variances

1. Buildings of historical significance which have been placed on the Colorado or National Historical Register shall be exempt from the requirements of the Architectural and Site Design Manual, including any reconstruction or remodeling of such buildings.
2. Where review of the requirements within either design manual is part of an administrative review process, the community development director may grant waivers to or variances from those requirements.
3. Where a waiver to or variance from the architectural or streetscape standards within either manual is made a part of another process, such as approval of a zone change or final development plan review, which process requires a public hearing before the planning commission and/or city council, then the planning commission and/or city council shall be empowered to decide upon such waiver or variance concurrent with the other process.

Section 3: Section 26-225 of the Code is hereby repealed and reenacted to read in its entirety as follows:

Section 26-225 Overlay Zone.

A. Purpose. This section is enacted for the purpose of creating overlay zone districts which may establish additional regulations for the use, design, and development of a property.

B. Procedure and Criteria. The city council may at any time enact an overlay zone district to address such topics as historic preservation, environmental preservation, transportation, architectural quality or urban design. For an overlay zone district to be established, the procedure for a city-wide or comprehensive rezoning, as set forth in Section 26-113.B., shall apply, and there shall be no minimum area which may be so designated.

C. Applicability: where a property is within an overlay district, it is subject to the regulations of the primary zone district as well as the overlay district. Where there

is conflict between the regulations of the two districts, the more stringent regulation shall apply.

Section 4: Section 26-103.B of the Code is amended to read:

Sec. 26-103. Site development review process.

A. ...

B. All site development must also obtain building and construction permits pursuant to the uniform codes adopted by the city, and must comply with all other applicable sections contained within this chapter and chapter 5. All applications for building permits, exclusive of single and two-family dwellings, shall comply with the applicable standards set forth in the Architectural and Site Design Manual **and the Streetscape Design Manual**.

Section 5: Section 26-110.B.1 of the Code is amended to read:

Sec. 26-110. Public dedications and improvements; security.

A. ...

B. Wadsworth Boulevard Corridor Plan Adopted

1. The Wadsworth Boulevard Corridor Plan (hereinafter, for purposes of this section, the "Plan"), dated May 12, 1999, and prepared by RNL Design, is hereby adopted as a regulation. All "site development," as that term is defined at section 26-123 of this Code, shall, if proposed to be located within the area covered by the Plan, comply with the requirements of the Plan and of this section and their included and referenced appendices and regulations. Such compliance shall be in addition to, and not in lieu of, other requirements of this Code of Laws, including without limitation sections 5-45 (public improvements), ~~26-222 (Streetscape Overlay District)~~ and 26-224 ~~(Streetscape and Architectural Design Manuals)~~. In the event of conflict among or between the Plan and such section on their included and referenced appendices and regulations, the more stringent requirement shall control.

Section 6: Section 26-111.D of the Code is amended to read:

Sec. 26-111. Site plan review.

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3. Landscape Plan

a. The landscape plan shall be prepared in a 24x36 inch format;

- b. Location and dimensions of all open space areas, including minimum required usable open space for site development within a mixed use zone district;
- c. Proposed materials for all landscaped and hardscaped areas;
- d. Location and type of all trees and other plantings;
- e. Schedule of proposed plantings;
- f. Table showing open space or landscape area required and provided.

4. Streetscape Plan

- a. Where streetscape improvements are required per the Streetscape Design Manual (refer to Sec 26-224), a streetscape plan, the requirements of which are outlined in the Streetscape Design Manual, shall also be required.

Section 7: Sections 26-210, 26-211, 26-212, 26-213, 26-214, and 26-215 of the Code are amended to include the following subsection in each such Section:

C. Design standards: for site development except single- or two-family homes, development must comply with the Architectural and Site Design Manual and the Streetscape Design Manual, where applicable.

Section 8: Sections 26-216, 26-217, 26-218, 26-219, and 26-220 of the Code are amended by amending item number 12 under Subsection B.: "Development Standards," to read in each case as follows:

12. *Streetscape and architectural design guidelines:* See **streetscape and architectural design manual, Architectural and Site Design Manual and Streetscape Design Manual, Section 26-224**

Section 9: Section 26-302.C of the Code is amended to read:

Sec. 26-302. General regulations.

A. ...

C. Each Planned Development District shall comply with the Architectural and Site Design Manual and the Streetscape Design Manual, which may be amended from time to time, as established in Section 26-224. Variations from either manual within a Planned Development District will be allowed where such variations are established in the approved Outline Development Plan.

Section 10: Section 26-306.5.A of the Code is amended to read:

Sec. 26-306.5. Planned Mixed Use District.

A. *Purpose.* This district is established to provide a zoning classification to allow the integration of residential and commercial uses and development which is consistent with the surrounding neighborhoods and which meets the intent of the comprehensive plan, ~~the Architectural and Site Design Manual and the Streetscape Design Manual~~ ~~Streetscape and Architectural Design Manual~~. It is not intended to be used solely to permit a higher density than allowed in the planned residential development (PRD) district nor to circumvent other specific standards of the planned residential and planned commercial districts. Instead, it is intended to create a zone district which will allow flexibility in use, design, and orientation while maximizing space, community interest and protecting nearby and adjacent residential neighborhoods.

Section 11: Section 26-407.E of the Code is amended to read:

Sec. 26-407. Final plat.

A. ...

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E. *Required supplemental reports.* Additional information and other documents which may be required at the time of submission of the final plat shall be:

1. A drainage plan and report of the area in accordance with standards adopted by the public works department.
2. A grading plan showing existing and proposed contours at two-foot intervals if the slope is less than ten (10) percent or five (5) feet if the slope is greater than ten (10) percent.
3. Complete engineering plans and specifications for all public facilities to be installed, i.e., water and sewer utilities, traffic control devices, traffic calming features, streets, street lights, street signs and related public improvements, bridges, and storm drainage, including design analysis when required.
4. ~~Landscaping Streetscape~~ plans for areas within public R.O.W. according to the Wheat Ridge ~~Streetscape Design Manual~~ ~~Manual for Streetscape Design~~. See section 26-224.
5. Plans for other public or private improvements required by the ~~Manual for Streetscape Design~~ ~~Streetscape Design Manual~~ or ~~Architectural Design Overlay District~~ ~~the Architectural and Site Design Manual~~.
6. If public land dedications are not conveyed by plat, the final plat shall be accompanied by final executed copies of any deeds, easement deeds, or other documents of conveyance required to convey interest in land to the city or to other agencies. The deeds shall be accompanied by a title insurance policy or other evidence that the land is free and clear from all encumbrances.
7. Traffic impact analysis and report in accordance with standards adopted by the public works department.
8. Agreements made with ditch companies when needed.
9. Guarantee(s) for public improvements as required under section 26-413.
10. Title commitment for title insurance.

11. Subdivision improvement covenant or agreement.
12. A recordable homeowners association declaration and/or agreement providing for the care and maintenance of common grounds within the subdivision which shall be enforceable by the city through code enforcement action.
13. A computer readable drawing may be required to be submitted on a floppy disk. The information shall be compatible with the current Autocad release and include, but not limited to, ties to a minimum of two (2) section (land) corners, exterior boundaries, interior lot lines, easements, rights-of-way (existing and proposed), all to include bearings and distances.
14. Copies of survey field notes.
15. Copies of deeds.
16. Geological stability information.
17. Any other information as required by the department of community development.

Section 12: Section 26-412.F of the Code is amended to read:

Sec. 26-412. Required subdivision improvements.

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F. *Streetscaping/architectural standards improvements.* The subdivider is responsible for construction of any streetscape or architectural features required by ~~the Manual for Streetscape Design or Architectural Design Overlay District Streetscape Design Manual and/or the Architectural and Site Design Manual.~~

Section 13: Section 26-417.D of the Code is amended to read:

Sec. 26-417. Easements.

A. ...

D. Sidewalk and landscape easements may be required when the sidewalk or ~~streetscape improvements~~ required by the ~~Streetscape and Architectural Design Overlay Districts Streetscape Design Manual~~ are not within a dedicated street right-of-way. The width of this easement shall be determined by the public works department.

Section 14: Section 26-502, Subsections D, F, G and H of the Code are amended to read:

Sec. 26-502. Landscaping requirements.

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D. *District requirements:*

1. *Single- and two-family residential uses:*

- a. One (1) street tree per seventy (70) feet (or portion thereof) of street frontage to be placed within the front setback prior to issuance of the certificate of occupancy. This shall not be construed to mean trees placed seventy (70) feet on center.
- b. No less than twenty-five (25) percent of the gross lot area and no less than one hundred (100) percent of the front yard (exclusive of driveway and sidewalk access to the home) shall be landscaped.
- c. For new single family and two family residences, no more than fifty (50) percent of the total landscaped coverage on the lot shall be comprised of turf. The use of low water demand turf varieties such as buffalo grass, blue grama grass and tall fescue is encouraged.

2. *Multifamily residential uses:*

- a. Required within the minimum building setbacks abutting public right-of-way: one (1) tree, deciduous or evergreen, for every thirty (30) feet (or portion thereof) of street frontage. This should not be construed to mean trees placed thirty (30) feet on center. **Trees provided in building setbacks shall not replace any requirements for street trees established in the Streetscape Design Manual (see Sec. 26-224).**
- b. In addition to trees required based upon public street frontage, one (1) tree and ten (10) shrubs are required for every one thousand (1,000) square feet of required landscape area.
- c. Except for pedestrian and vehicular access, the minimum required front yard shall be fully landscaped.
- d. Landscaping shall not be less than thirty (30) percent of the total lot area.
- e. For new multi-family developments, no more than sixty (60) percent of the total landscaped coverage on the lot shall be comprised of turf. The use of low water demand turf varieties such as buffalo grass, blue grama grass and tall fescue is encouraged.

3. *Nonresidential uses:*

- a. Required within the minimum building setbacks abutting public rights-of-way: one (1) tree, deciduous or evergreen, for every thirty (30) feet (or portion thereof) of street frontage. This should not be construed to mean trees placed thirty (30) feet on center. **Trees provided in building setbacks shall not replace any requirements for street trees established in the Streetscape Design Manual (see Sec. 26-224).**
- b. In addition to trees required based upon public street frontage, one (1) tree and ten (10) shrubs are required for every one thousand (1,000) square feet of required landscape area.
- c. Required landscaped areas shall be as follows:
 - (1) Landscaping shall not be less than twenty (20) percent of the gross lot area.
 - (2) On any nonresidentially zoned property abutting 44th Avenue, 38th Avenue, Kipling Street, Wadsworth Boulevard, Youngfield Street, Ward Road, Sheridan Boulevard, or I-70 frontage roads, a landscaped area measuring ten (10) feet from the edge of the right-of-way is required for the entire length of the property abutting these roadways,

except for curb cuts. This area may be used to meet the other area requirements. **This requirement may be waived by the community development director where build-to requirements from a mixed use zone district or the Architectural Site Design Manual apply.**

(3) On residentially zoned property, a minimum ten-foot landscape buffer is required adjacent to public streets abutting front or side yards.

(4) For new nonresidential developments, no more than thirty (30) percent of the total landscaped coverage on the lot shall be comprised of turf. The use of low water demand turf varieties such as buffalo grass, blue grama grass and tall fescue is encouraged.

(5) Additional requirements **established in the Streetscape Design Manual** may apply. ~~if the project is located in the Streetscape Overlay District.~~

d. All nonresidential uses located adjacent to residentially zoned areas or agriculturally zoned areas shall provide a screened or landscaped buffer area consisting of either or both of the following:

(1) A six-foot high solid fence or landscaped hedge with a mature height of six (6) feet; or

(2) A strip of land at least fifteen (15) feet wide planted with a variety of vegetation and a minimum density of one (1) shrub or tree per every two (2) linear feet of buffer area adjacent to the residential or agricultural zoned property.

Nothing contained in this section shall prohibit any landowner from landscaping in excess of the minimum requirements stated herein, either on their property or within public right-of-way, if approved by the public works director **and/or the community development director**; however, offsite landscaping cannot reduce the onsite requirements.

E. ...

F. *Plantings.*

1. In all cases, the use of xeric/waterwise plant materials is encouraged.

2. *Minimum size of plant and other materials:*

a. Deciduous trees: Two-inch caliper, measured one (1) foot above the ground. Trees with a caliper in excess of five (5) inches may be counted as two (2) trees. Trees with a caliper in excess of ten (10) inches may be counted as three (3) trees.

b. Ornamental and flowering trees: Two-inch caliper, one (1) foot above the ground.

c. Evergreen Trees: Six (6) feet in height.

d. Flowering and evergreen shrubs and hedges: Five-gallon size.

e. Vines and groundcovers: One-gallon size.

f. Mulch: A minimum of three (3) inches in depth in areas protected from wind erosion.

g. River rock: A minimum of one (1) inch to two (2) inches in size and at least three (3) inches in depth over a weed barrier groundcover.

~~h. When required in the Streetscape Overlay District, street trees within or adjacent to pedestrian walkways shall be a minimum of~~

~~three (3) inches in caliper with a minimum of seven (7) feet of head clearance to the lowest branches.~~

3. *Completion of landscaping.* When the final landscape plan is submitted, a date for completion of all plantings and related work shall be included on the plan. Landscaping shall be installed and completed prior to the issuance of a certificate of occupancy. In extenuating circumstances, such as adverse weather, where occupancy is requested prior to completion of landscaping, an irrevocable letter of credit or escrow account shall be accepted for the completion of necessary landscaping, said financial guarantee to be equal to one and one-fourth (1 1/4) times the cost of the landscaping. A cost estimate for landscaping not installed at that time shall be presented to the department of community development for approval. Letters of credit or escrows shall not be released until all planting and finish materials shown on the approved landscape plan are installed and accepted. The amount of the escrow or letter of credit shall be determined by the department of community development based on the submitted landscaping plan. Should the required landscaping not be properly installed upon the expiration of the letter of credit or escrow account, the city reserves the right to use such funds to have the required landscaping placed upon the subject premises. Any costs incurred by the city in excess of the funds provided by the letter of credit or escrow shall be recovered by the city through normal lien proceedings.

G. *Maintenance.*

1. The developer, its successor and/or the property owner shall be responsible for regular weeding, irrigating, fertilizing, pruning or other maintenance of all plantings as needed in order to ensure the survival of any required landscaping. The city may require the removal and replacement of such required landscaping where dead, diseased or damaged landscaping is found.
2. Minor changes in the approved landscaping plan may be made with the approval of the director of community development if the total area of landscaping is not reduced below minimum standards and placement is not substantially changed.
3. All property owners/occupants shall be responsible for maintenance of landscaping within the portion of the public right-of-way between the back of the curb or street pavement and adjacent private property.

H. *Acceptable street trees.* ~~shall be determined by the community development director. Street trees, whether on private property or in the public right-of-way, in the Streetscape and Architectural Design Overlay districts shall conform to the plant list contained in the Streetscape Design Manual streetscape and architectural design manual.~~

Section 15: Section 26-1110.G of the Code is amended to read:

Sec. 26-1110. Open Space Requirements.

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G. Streetscaping: all new development, including expansions of an existing structure by 50 percent or more of the floor area, shall meet the requirements in the City of Wheat Ridge ~~Streetscape~~ ~~and Architectural~~ *Design Manual*.

Section 16: Safety Clause. The City Council hereby finds, determines, and declares that this Ordinance is promulgated under the general police power of the City of Wheat Ridge, that it is promulgated for the health, safety and welfare of the public and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The City Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be attained.

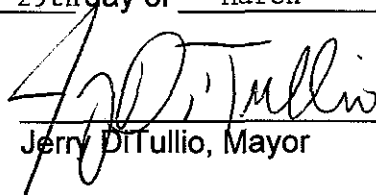
Section 17: Severability; Conflicting Ordinances Repealed. If any section, subsection or clause of the ordinance shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections and clauses shall not be affected thereby. All other ordinances or parts of the ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 18: Effective Date. This Ordinance shall take effect fifteen days after final publication, as provided by Section 5.11 of the Charter.

INTRODUCED, READ, AND ADOPTED on first reading by a vote of 6 to 0 on this 14th day of March, 2011, ordered it published with Public Hearing and consideration of final passage set for **March 28, 2011 at 7:00 p.m.**, in the Council Chambers, 7500 West 29th Avenue, Wheat Ridge, Colorado, and that it takes effect 15 days after final publication

READ, ADOPTED AND ORDERED PUBLISHED on second and final reading by a vote of 8 to 0, this 28th day of March, 2011.

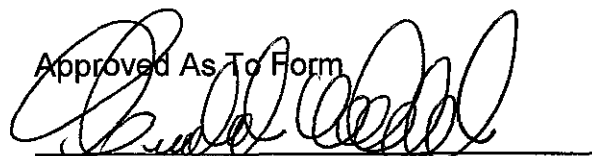
SIGNED by the Mayor on this 29th day of March, 2011.


Jerry DiTullio, Mayor

ATTEST:


Michael Snow, City Clerk



Approved As To Form

Gerald E. Dahl, City Attorney

First Publication: March 17, 2011

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Wheat Ridge Transcript: _____

Effective Date: April 15, 2011