

CITY OF WHEAT RIDGE, COLORADO
INTRODUCED BY COUNCIL MEMBER Starker
Council Bill No. 05
Ordinance No. 1509
Series 2012

TITLE: AN ORDINANCE IMPOSING A TEMPORARY MORATORIUM ON THE ACCEPTANCE, PROCESSING AND GRANTING OF APPLICATIONS, PERMITS AND APPROVALS FOR ANY FORM OF RESIDENTIAL GROUP HOME, ASSISTED LIVING FACILITY, RESIDENTIAL DWELLING UNIT FOR HANDICAPPED PERSONS OR ELDERLY PERSONS, OR CONGREGATE CARE FACILITY WITHIN THE CITY AND DECLARING AN EMERGENCY

WHEREAS, the City of Wheat Ridge, acting through its City Council, is vested with all authority on behalf of the City to enact ordinances and regulations governing zoning and the use of land within the City; and

WHEREAS, in the exercise of this authority, the City Council has previously enacted provisions of the Wheat Ridge Code of Laws pertaining to and governing the establishment and conduct of residential group homes, assisted living facilities and congregate care facilities; and

WHEREAS, the Code of Laws does not presently address the number of handicapped persons who may occupy a residential dwelling as a single housekeeping unit; and

WHEREAS, the City Council finds that it is necessary for the City to develop additional and amended regulations governing group homes and residential units for handicapped persons as described above; and

WHEREAS, in order to provide City staff and City Council with additional time to investigate, develop, and if appropriate, adopt and implement additional regulations with respect to such uses, the City Council finds that it is necessary to declare a moratorium on the acceptance, processing, and granting of permits and approvals for the same.

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

Section 1. Findings and Intent. The above and foregoing recitals are incorporated herein by reference and adopted as findings and determinations of the City Council of the City of Wheat Ridge.

Section 2. Moratorium Declared. There is hereby imposed a moratorium on the acceptance, processing and granting of applications, permits and approvals by the City for any form of residential group home, assisted living facility, residential dwelling unit for handicapped persons or elderly persons, or congregate care facility. The City

staff is directed to refuse to accept for filing, and not to process or review, any new applications for such facilities or uses during the moratorium period.

Section 3. Moratorium Period. The moratorium declared by this Ordinance shall remain in effect to and including July 16, 2012, unless sooner terminated by the Council.

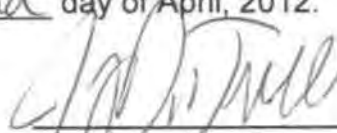
Section 4. Authority. The City Council hereby finds, determines and declares that it has the power to adopt this Ordinance pursuant to: (i) the Local Government Land Use Control Enabling Act, Article 20 of Title 29, C.R.S.; (ii) Part 3 of Article 23 of Title 31, C.R.S. (concerning municipal zoning powers); (iii) Section 31-15-501, C.R.S. (concerning municipal power to regulate businesses); (iv) the authority granted to home rule municipalities by Article XX of the Colorado Constitution; and (v) the powers contained in the City of Wheat Ridge, Colorado Home Rule Charter (the "Charter").

Section 5. 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 6. Emergency Declared; Effective Date. The Council finds that an emergency exists requiring the immediate effectiveness of this Ordinance for the preservation of the health, peace and safety, in that there exists a potential for applications to be processed and approved for the use and/or construction of residential facilities, group homes or congregate care facilities for which the City's present regulations are inconsistent with current case law and/or insufficient to address the effects of such facilities or homes on the surrounding neighborhoods. This Ordinance shall take effect upon adoption, as permitted by Section 5.13 of the Charter.


INTRODUCED, READ, AND ADOPTED by a vote of 6 to 1 on this 23rd day of April, 2012 and ordered published in full in a newspaper of general circulation in the City of Wheat Ridge, Colorado.

SIGNED by the Mayor on this 23rd day of April, 2012.



Jerry DiTullio, Mayor

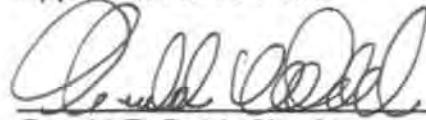
ATTEST:



Janelle Shaver, City Clerk



Approved As To Form

A handwritten signature in black ink, appearing to read "Gerald E. Dahl", written over a horizontal line.

Gerald E. Dahl, City Attorney

Publication: Wheat Ridge Transcript