

**CITY OF WHEAT RIDGE  
INTRODUCED BY COUNCIL MEMBER POND  
COUNCIL BILL NO. 22  
ORDINANCE NO. 1524  
Series of 2012**

**TITLE: AN ORDINANCE AMENDING CHAPTER 26 CONCERNING THE REVIEW PROCESS FOR PUBLIC SCHOOLS**

**WHEREAS**, the City Council of the City of Wheat Ridge 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 that authority, the City Council of the City of Wheat Ridge has previously enacted Chapter 26 of the Wheat Ridge Code of Laws (the "Code") pertaining to zoning, land use, and development; and

**WHEREAS**, the City's current requirement for public schools to complete a Special Use Permit does not comply with the Colorado Revised Statutes, Title 22; and

**WHEREAS**, the City wishes to amend Chapter 26 so that the review process for public schools complies with state law.

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

**Section 1:** Section 26-123 of the Code is amended to include the following new definitions in appropriate alphabetical order:

**SCHOOL, PRIVATE. ANY PRIVATE OR PAROCHIAL SCHOOL FOR ANY GRADES BETWEEN KINDERGARTEN AND TWELFTH THAT IS NOT A PUBLIC SCHOOL AND THAT IS EITHER ACCREDITED BY THE COLORADO DEPARTMENT OF EDUCATION OR RECOGNIZED BY AND IN GOOD STANDING WITH THE COLORADO DEPARTMENT OF EDUCATION. THIS TERM SHALL NOT INCLUDE DAY CAMPS OR TRADE OR BUSINESS SCHOOLS.**

**SCHOOL, PUBLIC. ANY SCHOOL THAT DERIVES ITS SUPPORT, IN WHOLE OR PART, FROM MONEYS RAISED BY A GENERAL STATE, COUNTY, OR DISTRICT TAX AND THAT IS ACCREDITED BY THE COLORADO DEPARTMENT OF EDUCATION. A PUBLIC SCHOOL SHALL ALSO INCLUDE A SCHOOL THAT OPERATES UNDER A CHARTER CONTRACT ENTERED INTO PURSUANT TO THE PROVISIONS OF ARTICLE 30.5 OF TITLE 22, C.R.S.**

**Section 2:** Section 26-123 of the Code is amended to delete the following definitions:

~~**School, public, private and parochial. Any public, parochial or private school for any grades between kindergarten and twelfth that is either accredited by the Colorado Department of Education or recognized by and in good standing with the Colorado Department of Education for purposes of compulsory education requirements. This term shall not include "trade or business schools" or "day camps."**~~

**Section 3:** The Tables of Uses in Section 26-204 of the Code are amended to read:

**Section 26-204. Zone district use schedule**

Table of Uses—Residential

Uses	Notes	R-1	R-1A	R-1B	R-1C	R-2	R-2A	R-3	R-3A
One-family dwelling		P	P	P	P	P	P	P	P
Two-family dwelling						P	P	P	P
Three-family dwelling							P	P	P
Four-family dwelling							P	P	P
Multifamily dwelling								P	P
Bed and breakfast	See § 26-608	S	S	S	S	S	S	S	S
Church, parish house		S	S	S	S	S	S	S	S
Day care home, large		S	S	S	S	S	S	P	P
Electric transmission substation		S	S	S	S	S	S	S	S
Farmers' markets	Not permitted as an accessory use on properties where the	P	P	P	P	P	P	P	P

<i>Uses</i>	<i>Notes</i>	<i>R-1</i>	<i>R-1A</i>	<i>R-1B</i>	<i>R-1C</i>	<i>R-2</i>	<i>R-2A</i>	<i>R-3</i>	<i>R-3A</i>
	primary use is a single- or two-family home. Submittal to community development department required. See § 26-635								
Foster care home		P	P	P	P	P	P	P	P
Governmental and quasi-governmental buildings, fire stations and public utility buildings	No outside storage	P	P	P	P	P	P	P	P
Governmental and quasi-governmental buildings, fire stations and public utility buildings	Outside storage	S	S	S	S	S	S	S	S
Parking of automobiles of clients, patients or patrons of adjacent commercial or nonresidential uses	Shall be allowed only on lots containing nonresidential or quasi-public uses, subject to § 26-501C.4	P	P	P	P	P	P	P	P
Parking of automobiles of clients, patients or patrons of adjacent commercial uses	Shall be allowed on lots adjacent to business only if the business owner also owns the adjacent lot	S	S	S	S	S	S	S	S
Parks	Includes: Noncommercial playgrounds or other public recreation uses	P	P	P	P	P	P	P	P
Produce stands	See § 26-636. Where located on a lot with a	P	P	P	P	P	P	P	P

Uses	Notes	R-1	R-1A	R-1B	R-1C	R-2	R-2A	R-3	R-3A
	residential dwelling unit, must meet home occupation regulations per § 26-613								
Public or private golf courses, country clubs or clubs operated for the benefit of members only and not for gain	Restaurants, lounges and bars permitted as accessory to a public or private golf course	S	S	S	S	S	S	S	S
<del>Public and private schools, colleges and universities.</del>		<del>S</del>	<del>S</del>	<del>S</del>	<del>S</del>	<del>S</del>	<del>S</del>	<del>S</del>	<del>S</del>
Residential group home for children	See § 26-612	S	S	S	S	S	S	S	S
Residential group homes, nursing homes, and congregate care facilities for 8 or fewer elderly persons	See § 26-612	P	P	P	P	P	P	P	P
Residential group homes, nursing homes, or congregate care facility for 9 or more elderly persons	See § 26-612	S	S	S	S	S	S	S	S
<b><u>SCHOOLS FOR INDUSTRIAL OR BUSINESS TRAINING, INCLUDING VOCATIONAL</u></b>	<b><u>CONDUCTED ENTIRELY WITHIN AN ENCLOSED BUILDING</u></b>	<b><u>S</u></b>	<b><u>S</u></b>	<b><u>S</u></b>	<b><u>S</u></b>	<b><u>S</u></b>	<b><u>S</u></b>	<b><u>S</u></b>	<b><u>S</u></b>

Uses	Notes	R-1	R-1A	R-1B	R-1C	R-2	R-2A	R-3	R-3A
<b><u>TRADE OR PROFESSIONAL SCHOOLS AND COLLEGES AND UNIVERSITIES</u></b>									
<b><u>SCHOOLS: PUBLIC (KINDERGARTEN THROUGH TWELFTH GRADE)</u></b>	<b><u>MUST COMPLETE SITE PLAN REVIEW PROCESS PER § 26-111</u></b>  <b><u>INCLUDES THOSE ACCESSORY USES COMMONLY ACCEPTED AS NECESSARY THERETO WHEN LOCATED ON THE SAME PREMISES.</u></b>	<b><u>P</u></b>	<b><u>P</u></b>	<b><u>P</u></b>	<b><u>P</u></b>	<b><u>P</u></b>	<b><u>P</u></b>	<b><u>P</u></b>	<b><u>P</u></b>
<b><u>SCHOOLS: PRIVATE; (KINDERGARTEN THROUGH TWELFTH GRADE)</u></b>	<b><u>INCLUDES: THOSE ACCESSORY USES COMMONLY ACCEPTED AS NECESSARY THERETO WHEN LOCATED ON THE SAME PREMISES</u></b>	<b><u>S</u></b>	<b><u>S</u></b>	<b><u>S</u></b>	<b><u>S</u></b>	<b><u>S</u></b>	<b><u>S</u></b>	<b><u>S</u></b>	<b><u>S</u></b>
<b><u>SCHOOLS; COLLEGES AND UNIVERSITIES WITH OUTDOOR CAMPUS</u></b>	<b><u>INCLUDES: THOSE ACCESSORY USES COMMONLY ACCEPTED AS NECESSARY THERETO WHEN LOCATED ON THE SAME PREMISES</u></b>	<b><u>S</u></b>	<b><u>S</u></b>	<b><u>S</u></b>	<b><u>S</u></b>	<b><u>S</u></b>	<b><u>S</u></b>	<b><u>S</u></b>	<b><u>S</u></b>
Urban gardens	See § 26-637	P	P	P	P	P	P	P	P
Wind powered electric generators	Not in excess of 35 feet	S	S	S	S	S	S	S	S

Table of Uses—Agricultural and Public Facilities

<i>Uses</i>	<i>Notes</i>	<i>A-1</i>	<i>A-2</i>	<i>PF</i>
Bed-and-breakfast	Subject to requirements set forth in § 26-608	S	S	
Cemeteries and crematories	Not including funeral homes	S	S	
Churches parish houses		S	S	
Day care home, large		S	S	
Day care center, large		S	S	
Day care center, small		S	S	
Dog kennels, catteries, veterinary hospitals	Provided that outside runs which are adjacent to residentially zoned or used property are no closer than 25 feet to a side or rear lot line	S	S	
Electric transmission substations		S	S	
Farmers' markets	Submittal to community development department required. See § 26-635	P	P	P
General farming and raising or keeping of stock, bee keeping, poultry or small animals such as rabbits or chinchillas	PROHIBITED in A-1: The raising or keeping of swine  INCLUDED in A-2: The keeping of swine and/or potbellied pigs, <i>Sus Scrofa Vittatus</i> , except such animals shall not be fed garbage	P	P	
Foster care home		P	P	
Fish hatcheries		P	P	
Governmental and quasi-governmental buildings, fire stations and public utility buildings	No outside storage	P	P	P

<i>Uses</i>	<i>Notes</i>	<i>A-1</i>	<i>A-2</i>	<i>PF</i>
Governmental and quasi-governmental buildings, fire stations and public utility buildings	Outside storage	S	S	P
Greenhouses and landscape nurseries, including both wholesale and retail sales of related products	See § 26-624	P	P	
One-family dwelling		P	P	
Parks	Includes noncommercial playgrounds or other public recreation uses	P	P	P
Produce stands	See § 26-636. Where located on a lot with a residential dwelling unit, must meet home occupation regulations per § 26-613	P	P	P
<b>Public and private schools, colleges, and universities</b>	<b>In public facility district only public schools</b>	<b>S</b>	<b>S</b>	<b>P</b>
Public or private golf courses, country clubs or clubs operated for the benefit of members only and not for gain	Not including a private club which provides service customarily carried on as a business	S	S	
Race track, fair grounds, amusement resorts, heliports, radio towers and stations		S	S	
Residential group homes for 8 or fewer elderly persons	See § 26-612	P	P	

Uses	Notes	A-1	A-2	PF
Residential group or nursing homes, or congregate care facilities for 9 or more elderly persons	See § 26-612		S	
<b><u>SCHOOLS FOR INDUSTRIAL OR BUSINESS TRAINING, INCLUDING VOCATIONAL TRADE OR PROFESSIONAL SCHOOLS AND COLLEGES AND UNIVERSITIES</u></b>	<b><u>CONDUCTED ENTIRELY WITHIN AN ENCLOSED BUILDING</u></b>	<b><u>S</u></b>	<b><u>S</u></b>	<b><u>S</u></b>
<b><u>SCHOOLS; PUBLIC (KINDERGARTEN THROUGH TWELFTH GRADE)</u></b>	<b><u>MUST COMPLETE SITE PLAN REVIEW PROCESS PER § 26-111</u></b>  <b><u>INCLUDES THOSE USES COMMONLY ACCEPTED AS NECESSARY THERETO WHEN LOCATED ON THE SAME PREMISES.</u></b>	<b><u>P</u></b>	<b><u>P</u></b>	<b><u>P</u></b>
<b><u>SCHOOLS; PRIVATE (KINDERGARTEN THROUGH TWELFTH)</u></b>	<b><u>INCLUDES: THOSE ACCESSORY USES COMMONLY ACCEPTED AS NECESSARY THERETO WHEN LOCATED ON THE SAME PREMISES</u></b>	<b><u>S</u></b>	<b><u>S</u></b>	<b><u>S</u></b>
<b><u>SCHOOLS; COLLEGES AND UNIVERSITIES WITH OUTDOOR CAMPUS</u></b>	<b><u>INCLUDES: THOSE USES COMMONLY ACCEPTED AS NECESSARY THERETO WHEN LOCATED ON THE SAME PREMISES</u></b>	<b><u>S</u></b>	<b><u>S</u></b>	<b><u>S</u></b>
Residential group homes for children	See § 26-612		S	
Riding academies and	Provided that any structure housing animals which is adjacent to a	P	P	



Uses	Notes	A-1	A-2	PF
public stables	residentially zoned or used property shall be no closer than 25 feet to a side or rear lot line			
Urban gardens	See § 26-637	P	P	P
Wind-powered electric generators not in excess of 35 feet.		S	S	

Table of Uses—Commercial and Industrial Districts

Uses	Notes	NC	RC	C-1	C-2	I-E
Schools for industrial or business training, including vocational trade or professional schools, <b><u>AND COLLEGES AND UNIVERSITIES</u></b>	Conducted entirely within an enclosed building			<b><u>P</u></b>	<b><u>S</u></b> <b><u>P</u></b>	<b><u>S</u></b> <b><u>P</u></b>
<b><u>SCHOOLS; PUBLIC (KINDERGARTEN THROUGH TWELFTH GRADE)</u></b>	<b><u>MUST COMPLETE SITE PLAN REVIEW PROCESS PER § 26-111</u></b>  <b><u>INCLUDES: THOSE USES COMMONLY ACCEPTED AS NECESSARY THERETO WHEN LOCATED ON THE SAME PREMISES</u></b>	<b><u>P</u></b>	<b><u>P</u></b>	<b><u>P</u></b>	<b><u>P</u></b>	<b><u>P</u></b>
Schools: <b><u>Public; PRIVATE (KINDERGARTEN THROUGH TWELFTH GRADE)</u></b>	INCLUDES: Those uses commonly accepted as necessary thereto when located on the same premises	S	S	S	P	P
<b><u>SCHOOLS; COLLEGES AND UNIVERSITIES WITH OUTDOOR CAMPUS</u></b>	<b><u>INCLUDES: THOSE USES COMMONLY ACCEPTED AS NECESSARY THERETO WHEN LOCATED ON THE SAME PREMISES</u></b>	<b><u>S</u></b>	<b><u>S</u></b>	<b><u>S</u></b>	<b><u>P</u></b>	<b><u>P</u></b>

**Section 4: 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.

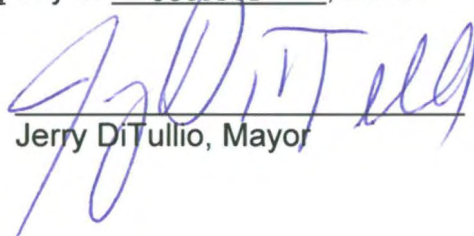
**Section 5: Severability; Conflicting Ordinances Repealed.** If any section, subsection or clause of the ordinance shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections and clauses shall not be affected thereby. All other ordinances or parts of the ordinances in conflict with the provisions of this ordinance are hereby repealed.

**Section 6: 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 8 to 0 on this 24th day of September, 2012, ordered published in full in a newspaper of general circulation in the City of Wheat Ridge, and Public Hearing and consideration on final passage set for **Monday, October 8, 2012 at 7:00 p.m.**, in the Council Chambers, 7500 West 29<sup>th</sup> Avenue, Wheat Ridge, Colorado.

**READ, ADOPTED AND ORDERED PUBLISHED** on second and final reading by a vote of 8 to 0, this 8th day of October, 2012.

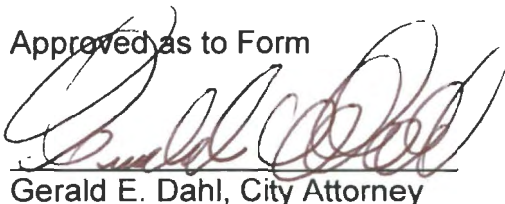
SIGNED by the Mayor on this 8th day of October, 2012.

  
Jerry DiTullio, Mayor

ATTEST:

  
Janelle Shaver, City Clerk



Approved as to Form  
  
Gerald E. Dahl, City Attorney

First Publication: September 27, 2012  
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