

CITY OF WHEAT RIDGE, COLORADO
INTRODUCED BY COUNCIL MEMBER DURAN
COUNCIL BILL NO.25-2016
ORDINANCE NO. 1613
Series 2016

TITLE: AN ORDINANCE AMENDING CHAPTER 26 OF THE WHEAT RIDGE CODE OF LAWS CONCERNING THE REGULATION OF BULK PLANE STANDARDS FOR THE RESIDENTIAL-ONE C (R-1C) AND ONE-FAMILY DWELLINGS IN THE RESIDENTIAL-THREE (R-3) ZONE DISTRICT

WHEREAS, the City of Wheat Ridge ("City") is a home rule municipality operating under a charter adopted pursuant to Article XX of the Colorado Constitution and vested with the authority by that article and the Colorado Revised Statutes to adopt ordinances for the regulation of land use and protection of the public health, safety and welfare; and

WHEREAS, in 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 pertaining to zoning, land use, and development; and

WHEREAS, the City is witnessing three-story residential infill development in established neighborhoods consisting of mostly single-story residences; and

WHEREAS, the City Council has identified this development pattern as constituting a detriment to the public peace, health, and safety by impacting privacy and impairing the adequate supply of light and air to adjacent property; and

WHEREAS, the City Council finds that this ordinance is necessary to address this development pattern; and

WHEREAS, the City Council adopted an emergency ordinance, pursuant to Section 5.13 of the Wheat Ridge City Charter which enacted a bulk plane regulation in the Residential-One C (R-1C) zone district; and

WHEREAS, the emergency ordinance will expire on November 21, 2016, pursuant to Section 5.13 of the Charter; and

WHEREAS, the City Council believes a permanent ordinance will continue to improve the quality or character of new development and further enhance and protect existing neighborhoods while respecting private property rights;

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

Section 1. Ordinance No. 1602, declaring an emergency and enacting a bulk plane regulation in the Residential-One C (R-1C) zone district, enacted August 22, 2016, is repealed upon the effective date of this ordinance.

Section 2. Section 26-120.C.1 (Nonconforming structures and uses) of the Code is amended to read.

Any one- or two-family dwelling structure or customary accessory structures may be enlarged, altered or added to provided that all lot coverage requirements of the zoning district in which the structure is located are met, and provided that the enlargement, alteration or addition does not increase the extent of nonconforming setbacks by encroaching beyond the existing setback line. THE RESIDENTIAL BULK PLANE STANDARDS SET FORTH IN SECTION 26-641.A. SHALL APPLY TO ANY ENLARGEMENT, ALTERATION OR ADDITION OF OR TO BOTH THE PRIMARY STRUCTURE AND ANY ACCESSORY STRUCTURES TO THE PRIMARY STRUCTURE. In instances of corner lots, no enlargement, alteration or addition shall be permitted to encroach within the minimum sight distance triangle as set forth in subsection 26-603B. In addition, no enlargement, alteration or addition which extends within the nonconforming area shall result in the development of any additional dwelling units.

Section 3. Section 26-123 (Definitions.) of the Code is amended by the addition of the following definitions in their appropriate alphabetical locations:

Base plane. The horizontal plane which is generally parallel to a property's existing grade from which building height and bulk plane are measured.

Building envelope. The three-dimensional space within which a structure is permitted to be built on a lot and which is defined by regulations governing building setbacks, maximum height, and bulk plane, by other regulations, or any combination thereof.

Bulk plane. The angled plane which extends from a set height above each property line and constrains the permitted building envelope.

Section 4. Section 26-208.B (Residential-One C District [R-1C] Development Standards) of the Code is amended by the addition of footnote (f) as follows:

		Maximum Height (f)	Maximum Building Coverage	Minimum Lot Area	Minimum Lot Width (a)	Minimum Front Yard Setback (b)	Minimum Side Yard Setback (c)	Minimum Rear Yard Setback (c)
Principal Buildings	One-family dwelling	35' (f)	40%	5,000 sf	50'	20' (d)	5' (f)	5' (f)
	Group home	35' (f)	40%	5,000 sf	50'	20' (d)	5' (f)	5' (f)
	Churches, schools, government and quasi-government buildings, golf courses, small day care center, and nursing, elderly and congregate care homes	35' (f)	40%	1 acre	200'	20' (d)	15' (f)	20' (f)
Accessory Buildings (e)	Major	15' (f)	600 sf	N/A	N/A	20' (d)	5'	5'
	Minor	10' (f)	300 sf	N/A	N/A	20' (d)	5'	5'
All Other Uses		35' (f)	40%	9,000 sf	60'	20' (d)	5' (e)	10'

(F) BULK PLANE REGULATIONS SHALL APPLY IN ACCORDANCE WITH SECTION 26-641.

Section 5. Section 26-211.B (Residential-Three District [R-3] Development Standards) of the Code is amended by the addition of footnote (h) as follows:

		Maximum Height	Maximum Building Coverage	Minimum Lot Area	Minimum Lot Width (a)	Minimum Front Yard Setback (b)	Minimum Side Yard Setback (d)	Minimum Rear Yard Setback (d)
Principal Buildings	One-family dwelling	35' (h)	40%	7,500 sf	60'	25' (e)	5' (h)	10' (h)
	Two-family dwelling	35'	40%	9,000 sf	75'	25' (e)	5' per story	10'
	Multifamily (3/more dwelling units)	35'	40%	12,500 sf (f)	100'	25' (e)	15' (c)	15' (c)
	Group home	35'	40%	9,000 sf	75'	25' (e)	5' per story	10'
	Churches, schools, government and quasi-government buildings, golf courses, small day care center, and nursing, elderly and congregate care homes	35'	40%	1 acre	200'	25' (e)	15' (c)	20'

		Maximum Height	Maximum Building Coverage	Minimum Lot Area	Minimum Lot Width (a)	Minimum Front Yard Setback (b)	Minimum Side Yard Setback (d)	Minimum Rear Yard Setback (d)
Accessory Buildings (g)	Major	15' (h)	600 sf (per unit)	N/A	N/A	25' (e)	5'	5' if ≤ 10' in height; 10' if > 10' in height
	Minor	10' (h)	400 sf/4 d.u.	N/A	N/A	25' (e)	5'	5'
All Other Uses		35'	40%	7,500 sf	60'	25' (e)	5' per story	10'

(H) BULK PLANE REGULATIONS SHALL APPLY TO ALL ONE-FAMILY DWELLING PRIMARY AND ACCESSORY BUILDINGS IN ACCORDANCE WITH SECTION 26-641.

Section 6. Chapter 26 of the Code is hereby amended by the addition of a new section 26-641, to read in its entirety as follows:

26-641. BULK PLANE

A. *BULK PLANE.* IN ADDITION TO THE HEIGHT AND SETBACK STANDARDS OF ARTICLE II, BUILDING ENVELOPES ARE REGULATED BY A THREE-DIMENSIONAL BULK PLANE FOR THE PURPOSE OF PRESERVING NEIGHBORHOOD COMPATIBILITY, PRIVACY, AND THE ADEQUATE SUPPLY OF LIGHT AND AIR.

1. *APPLICABILITY.* THE BULK PLANE RESTRICTIONS OF THIS SECTION SHALL APPLY TO ALL STRUCTURES ON A LOT FOR WHICH A BUILDING PERMIT IS APPLIED FOR AFTER THE EFFECTIVE DATE OF ORDINANCE NO ----, SERIES 2016. THE ENTIRETY OF ANY BUILDING ENVELOPE SHALL BE CONTAINED WITHIN THE BULK PLANE, UNLESS OTHERWISE EXEMPTED BY SUBSECTION 4.
2. *MEASUREMENT OF BULK PLANE.* THE BULK PLANE IS A PLANE THAT BEGINS FIFTEEN (15) FEET ABOVE EVERY PROPERTY LINE OF A LOT OR PARCEL, WHICH THEN SLOPES AT A FORTY-FIVE (45) DEGREE ANGLE UNTIL IT INTERSECTS THE BULK PLANE FROM THE OPPOSITE SIDE OF THE LOT OR PARCEL. SEE FIGURE 26-641.2. MAXIMUM BUILDING HEIGHTS SET FORTH IN ARTICLE II, CHAPTER 26 SHALL APPLY REGARDLESS OF THE HEIGHT AT WHICH THE TWO OPPOSITE BULK PLANES INTERSECT ABOVE THE LOT OR PARCEL.
3. *MEASUREMENT OF BASE PLANE.* THE BASE PLANE (SEE FIGURE 641.1) SHALL BE MEASURED FROM THE EXISTING AVERAGE GRADE OF A LOT OR PARCEL. AVERAGE GRADE

SHALL BE CALCULATED AS THE AVERAGE OF THE ELEVATIONS TAKEN AT THE MIDPOINTS OF EACH PROPERTY LINE. SEE FIGURE 26-641.2.

4. **EXCEPTIONS.** ENCROACHMENTS INTO THE BULK PLANE SHALL BE PERMITTED AS FOLLOWS:
 - A. CHIMNEYS
 - B. OPEN-TYPE RAILINGS COMPLIANT WITH ADOPTED CITY CODE
 - C. ARCHITECTURAL FEATURES. CORNICE, EAVES, BELTCOURSES, SILLS, CANOPIES OR OTHER SIMILAR ARCHITECTURAL FEATURES, INCLUDING BAY WINDOW, MAY EXTEND OR PROJECT INTO THE BULK PLANE NOT MORE THAN THIRTY (30) INCHES
 - D. MECHANICAL EQUIPMENT. VENT PIPES, SOLAR PANELS, SWAMP COOLERS.
 - E. DORMERS MEASURING NO MORE THAN EIGHT (8) FEET WIDE; SIX (6) FEET TALL, AS MEASURED FROM THE LOWEST POINT OF INTERSECTION BETWEEN THE ROOF AND THE DORMER TO THE HIGHEST POINT OF A FLAT ROOF OR MEAN HEIGHT LEVEL BETWEEN EAVES AND RIDGE FOR A GABLE, HIP, GAMBREL OR OTHER ROOF; AND, OCCUPYING NO MORE THAN FIFTY (50) PERCENT OF THE ROOF.

Section 7. Section 26-641 (Bulk plane.) of the Code is amended by the addition of **Figure 26-641.1.**

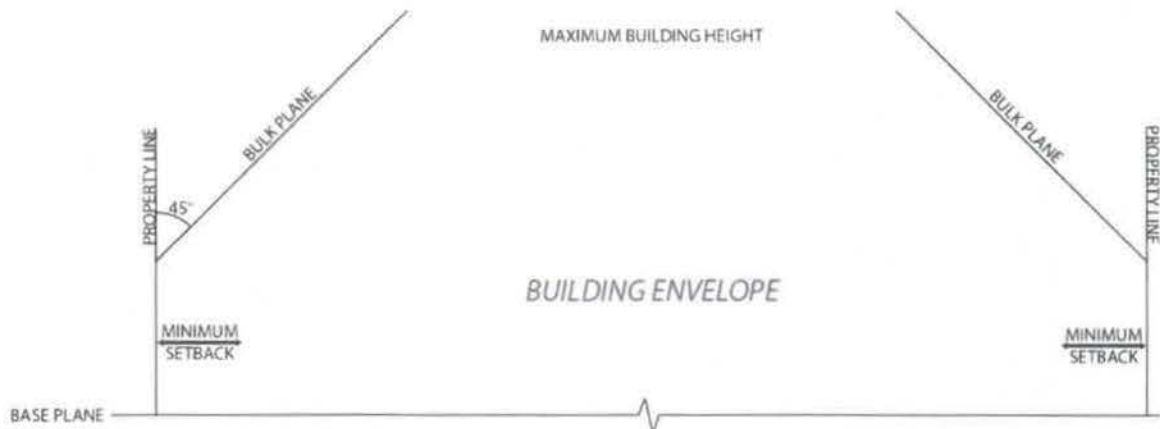


Figure 26-641.1. Section view of bulk plane building envelope, as measured from all property lines.

Section 8. Section 26-641 (Bulk plane.) of the Code is amended by the addition of Figure 26-611.2.

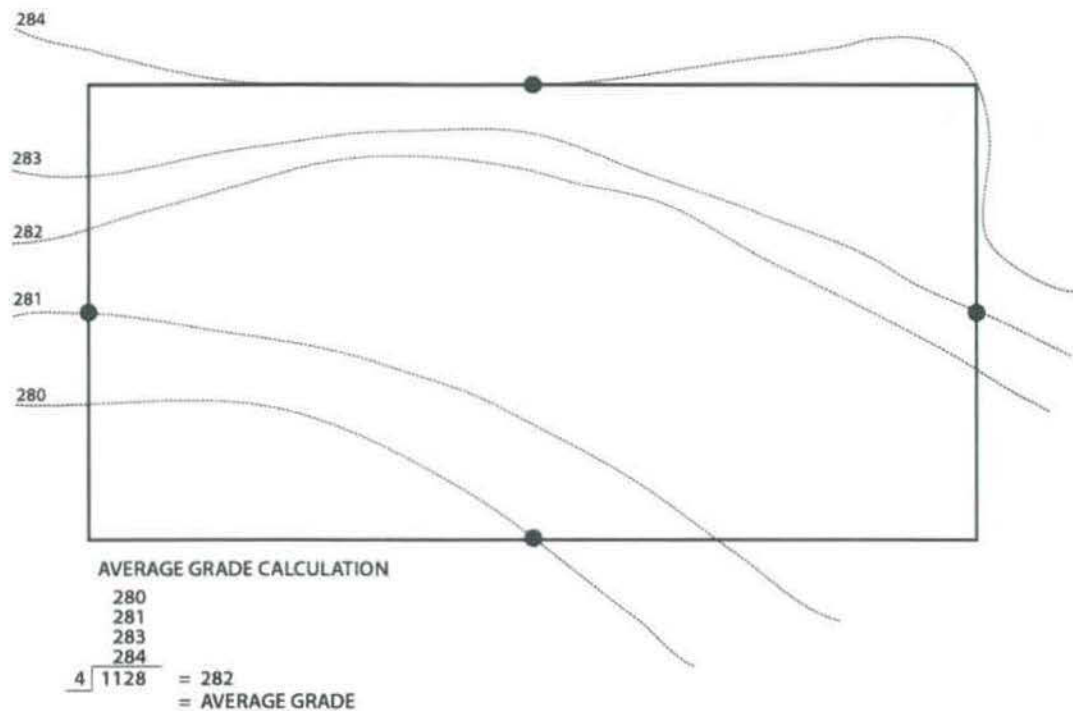


Figure 26-641.2. Average Grade Calculation

Section 9. Severability, Conflicting Ordinances Repealed. If any section, subsection or clause of this 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 ordinances in conflict with the provisions of this Ordinance are hereby repealed.

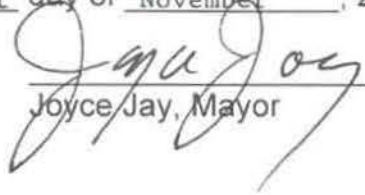
Section 10. Effective Date. Pursuant to Charter Section 5.11, this ordinance shall take effect upon adoption and signature by the Mayor.

INTRODUCED, READ, AND FAILED TO BE ADOPTED on first reading by a vote of 3 to 4, the 24th day of October, 2016.

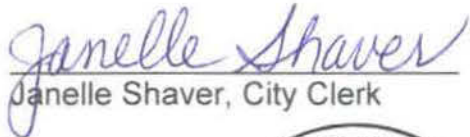
RECONSIDERED, READ AND ADOPTED on first reading by a vote of 7 to 1 this 14th day of November, 2016 and ordered published in full in a newspaper of general circulation in the City of Wheat Ridge, and Public Hearing and consideration on final passage set for **November 21, 2016 at 7:00 p.m.**, in the Council Chambers, 7500 West 29th Avenue, Wheat Ridge, Colorado.

READ, ADOPTED AND ORDERED PUBLISHED on second and final reading by a vote of 7 to 1, this 21st day of November, 2016.

SIGNED by the Mayor on this 21st day of November, 2016.


Joyce Jay, Mayor

ATTEST:


Janelle Shaver, City Clerk



Approved as to Form


Gerald E. Dahl, City Attorney

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