

CITY OF WHEAT RIDGE, COLORADO
INTRODUCED BY COUNCIL MEMBER STITES
Council Bill No. 14-2008
Ordinance No. 1418

Series of 2008

TITLE: AN ORDINANCE SUBMITTING A BALLOT QUESTION TO THE VOTERS OF THE CITY AT THE NOVEMBER 4, 2008 SPECIAL ELECTION, CONCERNING AMENDING THE WHEAT RIDGE HOME RULE CHARTER TO PROVIDE FOR LIMITATIONS UPON BUILDING HEIGHT AND RESIDENTIAL DENSITY TO BE AS SET FORTH BY ORDINANCE IN THE WHEAT RIDGE ZONING AND DEVELOPMENT CODE

WHEREAS, the City Council ("Council") of the City of Wheat Ridge, Colorado ("City") has the authority to refer ballot questions to the electorate; and

WHEREAS, the Council wishes to refer a ballot question amending the City Charter to provide for limitations upon building height and residential density to be as set forth in the City Zoning and Development Code; and

WHEREAS, the Council wishes to set the title for the same.

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

Section 1. Ballot question referred.

The following ballot question is hereby referred to the electorate of the City at the November 4, 2008 election:

SHALL THE CITY OF WHEAT RIDGE AMEND ITS HOME RULE CHARTER TO PROVIDE FOR LIMITATIONS UPON BUILDING HEIGHT AND RESIDENTIAL DENSITY TO BE AS SET FORTH BY ORDINANCE IN THE WHEAT RIDGE ZONING AND DEVELOPMENT CODE?

Yes: _____

No: _____

Full Text of Amendment

Amend Section 5.10.1 of the Charter as follows:

Sec. 5.10.1 Building height and density limitations.

LIMITATIONS UPON BUILDING HEIGHT AND RESIDENTIAL DENSITY SHALL BE AS SET FORTH BY ORDINANCE IN THE WHEAT RIDGE ZONING AND DEVELOPMENT CODE.

~~(a) *Height limitations.* The city shall not, by ordinance, resolution, motion, permit, or other action, or variance except as provided in subsection (e), allow the construction of buildings or other structures which exceed the following maximum heights:~~

~~(1) Thirty five (35) feet for the following: All residential, planned residential and agricultural districts, including any created after passage of this amendment;~~

~~residential buildings when built in nonresidential districts; the hospital one district; and the restricted commercial one district.~~

~~(2) Fifty (50) feet for the following: Any other commercial, planned commercial, industrial or planned industrial districts; the public buildings and facilities district; commercial and office buildings constructed in the hospital two district; and any nonresidential district created after passage of this amendment.~~

~~(3) Sixty five (65) feet, but in no event more than six (6) stories above grade, for new hospitals in the hospital two district, on a minimum lot area of fifty (50) acres; however, additions attached to existing hospitals in this district may be built to a height not to exceed the height of the existing building.~~

~~The height limitations established shall not apply to the following: Church steeples, silos, decorative domes and cupolas not used for human occupancy or any commercial, business or industrial use, nor to windmills, chimneys, ventilators, transmission towers, solar heating and cooling devices, water towers, antennas, or necessary mechanical appurtenances normally carried above the roofline, but the city council may, by ordinance, establish height limitations for these structures.~~

~~(b) *Density Limitations.* The city shall not, by ordinance, resolution, motion, variance, permit or other action, allow the construction of residential buildings in any zone district which exceed a maximum of twenty one (21) family units per acre, except that nursing homes shall not be required to meet this density maximum. In order that land required to support a previous building permit not be used again as a means of circumventing the above maximum, the following shall apply: No subdivision, variance, rezoning or permit shall be approved or granted on said land which subtracts the supporting land and thereby leaves the existing building nonconforming by these standards. The maximum of twenty one (21) units per acre shall apply to the total parcel, including both existing and proposed construction.~~

~~(c) *Definitions.*~~

~~(1) *Height:* The vertical distance measured from the average elevation of the finished grade of the building to the highest point of the roof surface if a flat roof, to the deck line of a mansard roof, and~~

~~to the mean height level between eaves and ridge for a gable, hip, gambrel or other roof.~~

~~(2) Residential: Intended for human occupancy, including homes for the aged and nursing homes, but excluding hospitals, and motels and hotels for transient occupancy.~~

~~(3) Family unit: One (1) or more persons related by blood, marriage, or adoption, or no more than three (3) unrelated persons living together as a single~~

~~housekeeping unit. This definition is intended to be utilized and applied only as a standard for computing maximum density in new, multiunit construction; it shall not, unless reenacted as a portion of the Wheat Ridge Code of Laws, be utilized for any purpose except density computations under this Charter section. If a single housekeeping unit is designed for the use of more than three (3) unrelated persons, such as, but not limited to, the handicapped or elderly, each three (3) persons in any such unit shall constitute one (1) family unit.~~

~~(d) Nonconforming structures. This amendment applies only to new construction; buildings and other structures legally in existence at the time of passage of this amendment shall not become nonconforming because of the adoption of these new density and height limits.~~

~~(e) Variances. The board of adjustment shall have the power to interpret terms and definitions in this amendment, and to allow a variance to maximum height, not to exceed ten (10) percent, upon a finding that not granting the variance would cause an extreme hardship. The city council and other boards may not grant variances from these standards, but nothing in this amendment shall be construed to limit the council from imposing more stringent height and density standards in any zoning district.~~

Section 2. Ballot Title Set. The ballot title for the election is hereby set as follows:

Ballot Title:

AMENDING THE WHEAT RIDGE HOME RULE CHARTER TO PROVIDE FOR LIMITATIONS UPON BUILDING HEIGHT AND RESIDENTIAL DENSITY TO BE AS SET FORTH BY ORDINANCE IN THE WHEAT RIDGE ZONING AND DEVELOPMENT CODE.

Section 3. Challenges to ballot title and content. For purposes of C.R.S. § 1-11-203.5 and § 31-10-1308(2), this Ordinance shall serve to set the title and content of

the ballot issue set forth herein. Any petition to contest the form or content of the ballot title must be filed with the Jefferson County District Court and a copy served on the City Clerk within five days after the title of the ballot issue is set by the City Council upon final adoption of this Ordinance on second reading.

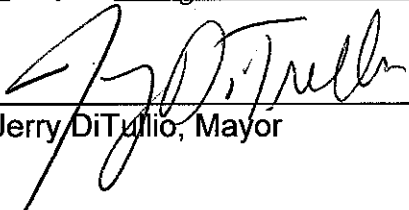
Section 4. Safety Clause. The City Council hereby finds, determines, and declares that this Ordinance is promulgated under the general police power of the City of Wheat Ridge, that it is promulgated for the health, safety, and welfare of the public and that this Ordinance is necessary for the preservation 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. Effective Date. This Ordinance shall take effect immediately upon adoption at second reading, as permitted by the Charter.

INTRODUCED, READ, AND ADOPTED on first reading by a vote of 7-0 on this 11th day of August, 2008, 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 August 25, 2008, at 7:00 o'clock p.m., in the Council Chambers, 7500 West 29th Avenue, Wheat Ridge, Colorado, and that it take effect immediately upon adoption at second reading.

READ, ADOPTED AND ORDERED PUBLISHED on second and final reading by a vote of 5 to 3, this 25th day of August, 2008.

SIGNED by the Mayor on this 25th day of August, 2008.



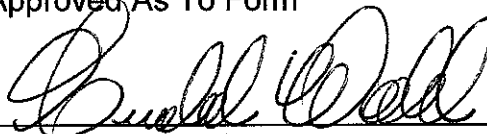
Jerry DiTullio, Mayor

ATTEST:



Michael Snow, City Clerk

Approved As To Form



Gerald E. Dahl, City Attorney

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