

CITY OF WHEAT RIDGE, COLORADO
INTRODUCED BY COUNCIL MEMBER ADAMS
Council Bill No. 11-2009
Ordinance No. 1440

Series of 2009

**TITLE: AN ORDINANCE AMENDING CODE OF LAWS ARTICLE III OF CHAPTER
26 RESIDENTIAL DENSITY IN PLANNED ZONING DISTRICTS.**

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, the City Council of the City of Wheat Ridge finds that the proposed amendments implement recommendations from the adopted Neighborhood Revitalization Strategy; and

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

Section 1: Section 26-303 of the Code is amended to read:

Sec. 26-303. Planned Residential Developments (PRD) regulations.

- A. *Area:* No minimum.
- B. *Density:* Maximum ~~twenty-one (21)~~ sixteen (16) dwelling units per acre.
- C. *Height:* Maximum thirty-five (35) feet.
- D. *Landscaping:* In accordance with section 26-502, otherwise as established by the outline development plan and as specifically detailed on an approved final development plan.
- E. *Parking:* In accordance with section 26-501, otherwise as established by the outline development plan and as specifically detailed on an approved final development plan.
- F. *Fences and walls:* In accordance with section 26-603, otherwise as established by the outline development plan and as specifically detailed on an approved final development plan.
- G. *Signage:* In accordance with article VII, otherwise as established by the outline development plan and as specifically detailed on an approved final development plan.
- H. The requirements of this section shall not apply to impose a density requirement of less than twenty-one (21) units per acre, with respect to the reconstruction of residential dwelling in the PRD district, where such structures and their reconstruction meet all of the following requirements:
 - 1. The structure was legally in existence on September 8, 1997;
 - 2. The structure is located upon a lot which does not meet the then-applicable minimum lot area and/or minimum land area per unit requirements for such proposed reconstruction; and
 - 3. Such reconstruction is restricted to replacement of the structure which has been destroyed.This exemption shall not apply to:
 - 1. New construction where no replacement of a preexisting structure takes place; or
 - 2. Reconstruction of structures which were not legally in existence (as distinguished from legal nonconforming structures).
- I. All planned residential developments shall meet the residential site design standards of article

V unless specifically varied on the outline and final development plan.

J. A planned residential development shall be required for any mobile home park and must meet the standards for mobile home park design in section 26-506.

(Ord. No. 2001-1215, § 1, 2-26-01; Ord. No. 1241, § 1, 1-28-02; Ord. No. 1319, § 1, 4-12-04)

Section 2: Section 26-306 of the Code is amended to read:

Sec. 26-306. Planned Hospital District (PHD) regulations.

A. *Allowable uses.* The following uses hereinafter listed shall be permitted only as specifically designated on the approved final development plan:

1. Public and private general hospital.
2. Hospitals or sanitariums for contagious diseases, or the mentally disturbed or handicapped.
3. Independent living units, homes for the aged, nursing homes, congregate care homes, hospices or similar residential facilities which are accessory to a hospital or sanitarium principal use.
4. Accessory uses and structures customarily associated with the permitted uses as shown on the approved final development plan.

B. *Area.* Each Planned Hospital District shall be a minimum of five (5) acres, except as provided below.

C. *Lot width.* Two hundred (200) feet minimum.

D. *Setback requirements:*

1. *Front:* Fifty (50) feet minimum.
2. *Side:* Twenty-five (25) feet minimum plus ten (10) feet for each story. The intent is to provide a minimum twenty-five-foot landscape buffer adjacent to residential zoned property.
3. *Rear:* Twenty-five (25) feet minimum, plus ten (10) feet for each story. The intent is to provide a minimum twenty-five-foot landscape buffer adjacent to residential zoned property.

E. *Height:*

1. *Hospital buildings:* Fifty (50) feet maximum, except as follows:
 - a. Sixty-five (65) feet where the lot on which the building is to be constructed is at least fifty (50) acres in size.
 - b. Additions attached to existing hospitals may be built to a height not to exceed the height of the existing building.
2. *Offices:* Fifty (50) feet maximum.
3. *Residential:* Thirty-five (35) feet maximum.
4. *Accessory:* Thirty-five (35) feet maximum.

F. *Residential density.* No residential development, excluding congregate care homes, nursing homes or intermediate nursing care facilities, shall exceed ~~twenty one (21)~~ ~~sixteen (16)~~ dwelling units per acre.

G. *Landscaping:*

1. Minimum twenty-five (25) percent overall site requirement.
2. Twenty-five-foot landscape buffer required along property lines adjacent to residential zoned property.
3. Unless otherwise specifically provided for on the approved plan, all landscaping shall meet the requirements set forth in section 26-502.

H. *Parking:* In accordance with section 26-501, otherwise as established by the outline development plan and as specifically detailed on an approved final development plan.

I. *Fences and walls:* In accordance with section 26-603, otherwise as established by the outline development plan and as specifically detailed on an approved final development plan.

J. *Signage:* In accordance with article VII, otherwise as established by the outline development plan and as specifically detailed on an approved final development plan.

(Ord. No. 2001-1215, § 1, 2-26-01; Ord. No. 1319, § 1, 4-12-04)

Section 3: Section 26-306.5 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 and the 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.

B. *Permitted uses.* Permitted uses shall be a mixture of residential and commercial uses governed by approval of the outline development plan.

C. *Area.* No minimum.

D. *Height.* Maximum fifty (50) feet for freestanding commercial buildings only; thirty-five (35) feet for structures containing commercial and residential uses; thirty-five (35) feet for freestanding residential structures.

E. *Density.* Maximum of ~~twenty-one (21)~~ sixteen (16) units per acre.

F. *Landscaping.* In accordance with section 26-502, otherwise as established by the outline development plan and as specifically detailed on an approved final development plan.

G. *Parking.* In accordance with section 26-501, otherwise as established by the outline development plan and as specifically detailed on an approved final development plan. Allowances may be made for shared parking spaces if it can be demonstrated to the satisfaction of the person or approval body designated as having final approval authority that parking demand for different uses occurs at different time.

H. *Fences and wall.* In accordance with section 26-603, otherwise as established by the outline development plan and as specifically detailed on an approved final development plan.

I. *Signage.* In accordance with article VII, otherwise as established by the outline development plan and as specifically detailed on an approved final development plan.

(Ord. No. 1239, § 1, 1-14-02; Ord. No. 1319, § 1, 4-12-04)

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.

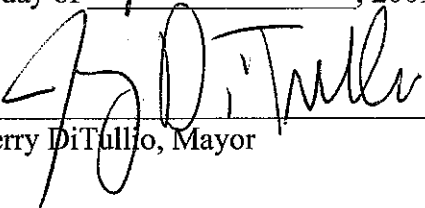
Section 6: Effective Date. This Ordinance shall take effect fifteen days after final publication, as provided by Section 5.11 of the Charter.

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 9th day of March, 2009, 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, April 13, 2009**, at 7:00 o'clock 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 6 to 1, this 13 day of April, 2009.

SIGNED by the Mayor on this 13 day of April, 2009.

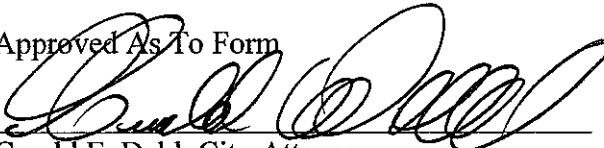


Jerry DiTullio, Mayor

ATTEST:



Michael Snow, City Clerk

Approved As To Form


Gerald E. Dahl, City Attorney

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Wheat Ridge Transcript:
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