

CITY OF WHEAT RIDGE, COLORADO
INTRODUCED BY COUNCIL MEMBER STITES
COUNCIL BILL NO. 16
ORDINANCE NO. 1471
Series 2010

**TITLE: AN ORDINANCE AMENDING CHAPTER 26 CONCERNING
THE CREATION OF MIXED USE ZONE 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 provide a useful tool for encouraging high-quality, mixed-use development within the City;

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

Section 1: Chapter 26 of the Wheat Ridge Code of Laws is hereby amended by the addition of a new Article XI, entitled "Mixed Use Zone Districts," to read in its entirety as follows:

ARTICLE XI. MIXED USE ZONE DISTRICTS

Sec. 26-1101. Purpose

- A. The purpose of the Mixed Use Commercial (MU-C) and Mixed Use Neighborhood (MU-N) Zone Districts is to create a flexible approach to land uses and enhance the character of Wheat Ridge's commercial corridors and centers by promoting development that:
1. Creates a balanced mix of land uses;
 2. Supports a sustainable and resilient local economy;
 3. Provides unique places for people to live, work, shop, and play;
 4. Improves the public realm through high quality design;
 5. Promotes use by pedestrians, bicyclists, and transit users, in addition to automobiles;
 6. Encourages active lifestyles; and
 7. Maintains the character and integrity of adjacent residential neighborhoods.

Sec. 26-1102. Districts Established

- A. **Mixed Use Commercial (MU-C) Zone District:** This district, generally located along major commercial corridors and at community and employment activity centers, is established to encourage medium to high density mixed use development. In addition to residential and civic uses, it allows for a wide range of commercial and retail uses.

1. **MU-C Transit Oriented Development Sub-district (MU-C TOD):** This sub-district is intended for areas within 1/2 mile of fixed guideway rail stations, including light rail and commuter rail. It follows the MU-C framework but is specifically designed to allow densities that support transit ridership and to encourage land uses and building form that enhance connections to transit.
2. **MU-C Interstate Sub-district (MU-C Interstate):** this sub-district is intended for properties that are generally within 500 feet of Interstate-70 and that are located on a commercial corridor with direct access to Interstate-70. It follows the MU-C framework but is intended for highway-adjacent sites that may require variation in design or land use due to direct proximity to the interstate.
- B. **Mixed Use Neighborhood (MU-N):** This district, generally located along neighborhood main streets and at neighborhood commercial centers, is established to encourage medium density mixed use development. In addition to residential and civic uses, it allows for a more limited range of neighborhood-serving commercial and retail uses.

Sec. 26-1103. Applicability

- A. All standards and requirements within Article XI shall apply to:
 1. Site development;
 2. Expansion of existing structures by more than 15 percent of the gross floor area.
- B. Legal nonconforming uses: Where a use lawfully existed at the time of rezoning of the subject property to any mixed use district within this Article, and which is not a permitted use at that time under Section 26-1111 Permitted Uses, such nonconforming use may continue to operate and exist, subject to Section 26-120.C.6, subject to the following.
 1. A structure containing a nonconforming use may expand its gross floor area by a maximum of 25 percent without requiring a change to a conforming use.
 2. No use that lawfully existed at the time of rezoning of the subject property to any mixed use district shall be deemed a nonconforming use due to the requirement for a conditional use permit. However, if an existing use is designated as a conditional use in Section 26-1111, any expansion of that use shall require a conditional use permit (per Section 26-1118).
 3. No use that lawfully existed at the time of rezoning of the subject property to any mixed use district shall be deemed a nonconforming use due to the separation requirements established in Section 26-1111.
- C. Legal nonconforming structures: Where a structure lawfully existed at the time of rezoning of the subject property to any mixed use district, and which would not be allowed by the provisions within this Article because of either building placement or orientation, building design, parking placement or design, parking requirements, or site and vehicular access, such structure may continue to exist and may be enlarged, altered or added to provided that the alteration or addition does not increase the nonconformity.
 1. Any new addition or expansion to a nonconforming structure shall comply with all provisions within this Article, where practical. The Community Development Director shall determine if there is a requirement that cannot be practically met. Such determination may be appealed to the Board of Adjustment.

- D. Wherever provisions within this Article conflict with other Articles in Chapter 26, the provisions within Article XI shall apply.
- E. Where standards for the MU-C TOD and MU-C Interstate sub-districts are not specifically stated, MU-C standards shall apply.
- F. The illustrations that appear in this Article are for illustrative purposes only.

Sec. 26-1104. Building Height

- A. Principle: Taller buildings allow for a range of uses within one structure and encourage a compact form of development that is focused on pedestrian connections. Buildings with a similar range in height help to define the street wall and create an architectural identity for a corridor or area.
- B. The following table establishes required building heights. Whatever measurement is more restrictive -- maximum stories or maximum feet -- shall apply.

Building Height Requirements				
	MU-C	MU-C Interstate	MU-C TOD	MU-N
Minimum height	20'	20'	20'	none
Maximum height				
Mixed use building	6 stories (90')	8 stories (118')	8 stories (118')	see C. below
Single use building	4 stories (62')	6 stories (90')	6 stories (90')	

- C. In the MU-N district, any building containing a residential use shall have a maximum height of 35 feet. All other buildings shall have a maximum height of 50 feet.
- D. Where there is conflict regarding maximum building heights between this section and the City Charter, the maximums established in the City Charter shall apply.
- E. A parapet wall may be utilized to meet the minimum height requirement.
- F. For buildings over 75 feet in height, see section 26-1106.G, Upper Story Stepbacks.
- G. Any portion of a building that is within 100 feet of a residentially or agriculturally zoned lot that has a single- or two-family residential use shall not exceed a height of 4 stories or 62 feet, whichever is more restrictive. The 100 foot distance shall be measured from the nearest property line of the residentially or agriculturally zoned lot. This requirement shall not apply where an arterial or collector street separates the building from the residential use.

Sec. 26-1105. Building Placement and Orientation

- A. Principle: In order to activate streets and enhance the pedestrian experience, buildings are encouraged to be placed close to the street and oriented toward the public realm.
- B. Public Entrances: All buildings are encouraged to have at least one public entry that faces the primary or secondary street.
 - 1. Within the MU-N sub-district, each building shall have at least one main public entry that faces the primary street or a public space adjacent to the building. For corner lots with more than one street frontage, the public entry may be oriented toward the corner.

2. In all districts, for development sites with more than one structure, those buildings that do not directly front a street shall have at least one primary entrance that adjoins a pedestrian walk. The primary entrance should be connected to the street by a walkway that is clearly defined and separated from parking areas.
- C. **Building Setbacks:** Setbacks establish the minimum distance between a building façade and the nearest property line (Figure 1). The following table establishes minimum side and rear setback requirements for all structures in the MU-C and MU-N districts. Front setbacks are not required; instead, build-to areas established in section 26-1105.F encourage buildings to be built close to the street.

Building Setbacks		
	MU-C	MU-N
Minimum Side Setback	0'	0'
Minimum Rear Setback	5'	5'
Where abutting a residentially or agriculturally zoned lot that contains a single- or two-family residential use (see § 26-1106.H Residential Transitions):		
Minimum Side and Rear Setback: 1-2 story building	10'	10'
Minimum Side and Rear Setback: 3 story building	15'	15'
Minimum Side and Rear Setback: 4 story building and higher	20'	20'

- D. **Right-of-Way Encroachments:** architectural elements attached to the building façade may encroach into the right-of-way up to 3 feet at the ground floor, and up to 5 feet at upper levels, subject to an approved right-of-way use permit through the Department of Public Works. Such encroachments may include window planter boxes, eaves, balconies, projecting wall signs, canopies, and awnings

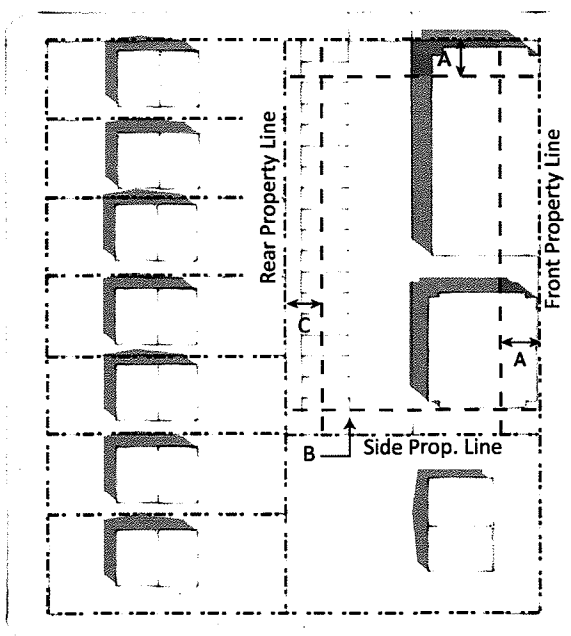


Figure 1: Setbacks and Build-To Area

- A: Build-To Area:** building may be anywhere within this area, and is required to fill at least part of it.
- B: Side Setback:** building may not encroach into this area.
- C: Rear Setback:** building may not encroach into this area.

- E. **Build-To Areas:** Build-to areas are intended to bring building façades toward the street. A build-to area requires that a minimum portion of each development site's street frontage is occupied by a building, encouraging an active and interesting street frontage. The following table establishes build-to requirements for each district.

Build-To Areas		
	MU-C	MU-N
Primary Street Frontage		
Build-To Area	0' – 20'	0' – 12'
Linear portion of build-to area that must contain building facade (minimum) See Figures 2 and 3	50%	60%
Secondary Street Frontage		
Build-To Area	0' – 20'	0' – 12'
Linear portion of build-to area that must contain building facade (minimum) See Figures 2 and 3	30%	30%

1. In certain instances, where the provided primary street build-to exceeds the minimum requirement, the required secondary street build-to may be reduced by an equal or lesser amount, subject to approval by the Community Development Director.

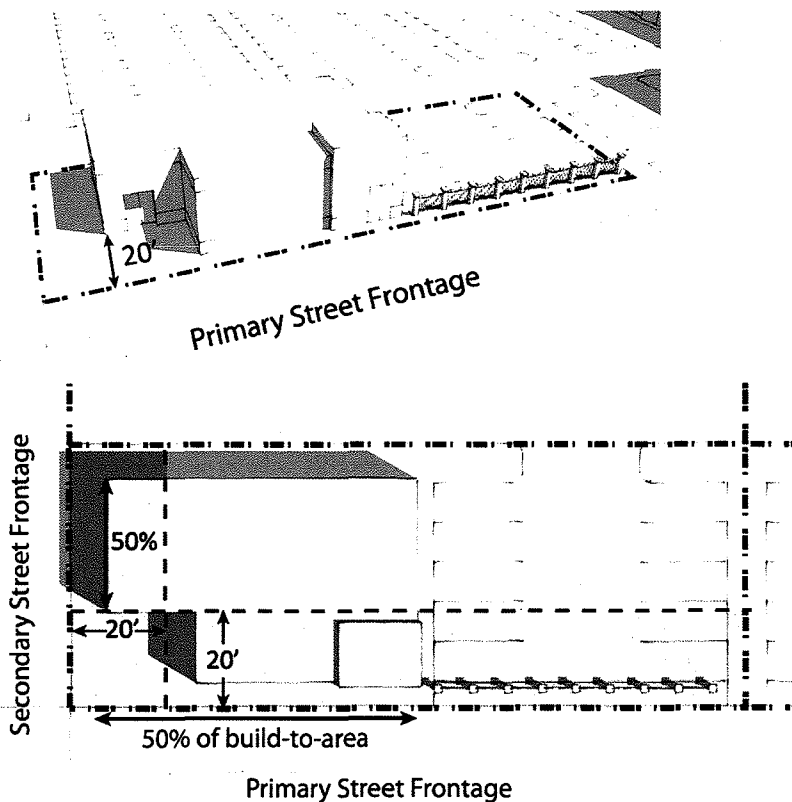


Figure 2: Build-To Area for Development Site with One Building

Both images in this figure illustrate the same site from different views. In this case, 50% of the build-to area along the primary and secondary streets is occupied by a building.

2. For a development site with more than one building, not all buildings must meet the build-to requirement, as long as those buildings closest to the street fulfill the requirements set forth in the table above (Figure 3).

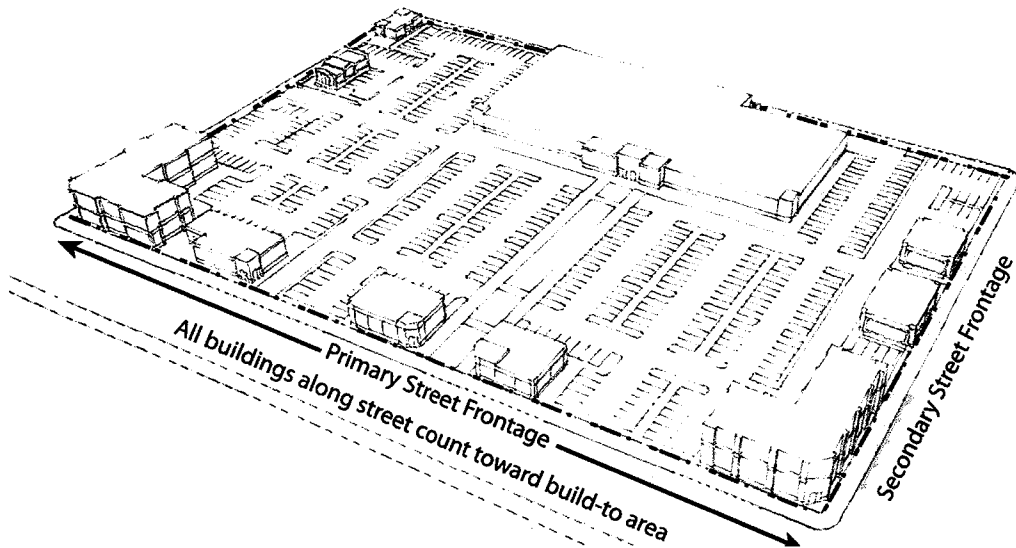


Figure 3: Build-To Area for Development Site with Multiple Buildings

The required primary and secondary street build-to areas may be fulfilled by more than one building. Build-to requirements only apply to those buildings closest to the street.

3. For a development site with more than one building, build-to requirements may be met by a future phase. In such cases, the parcel(s) of any future building(s) required to meet the build-to requirement must be platted and recorded prior to issuance of a building permit for the first phase of development.
4. Gas stations may meet build-to requirements through one or any combination of the following two elements: (1) Structure within the build-to area; (2) Canopy within the build-to area (Figures 4 and 5). Gas stations must also provide a screen wall, 30 to 42 inches in height, for 100 percent of the primary and secondary street frontage, excluding access points and where portions of the building are within the build-to area. The screen wall shall be a continuous masonry wall constructed of stone, brick, or split-face concrete block, or a combination masonry pier and decorative iron railing. There shall be a minimum 4-foot wide landscape buffer between the screen wall and property line.

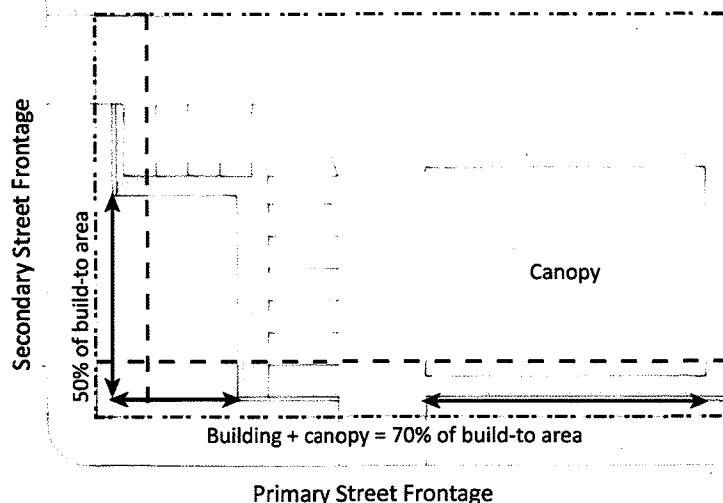


Figure 4: Gas station build-to option

The building and the canopy over the gas pumps are both utilized to meet build-to requirements.

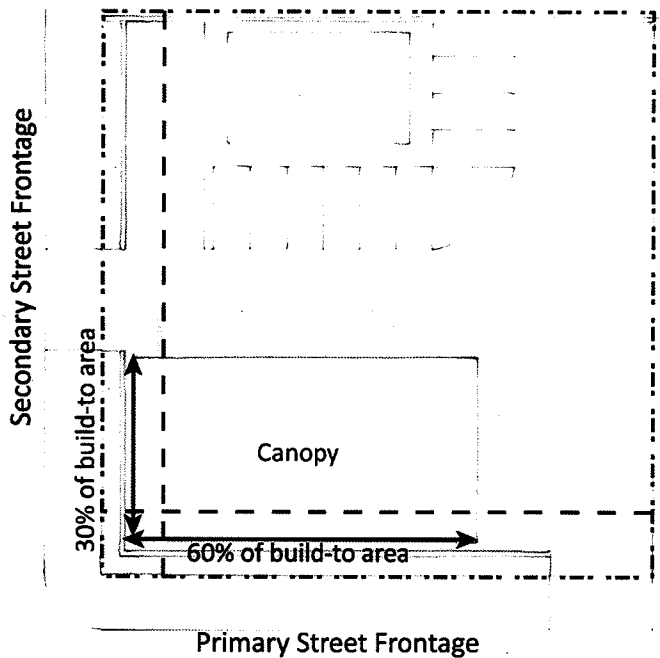


Figure 5: Gas station build-to option

The canopy over the gas pumps meets the build-to requirements and the building is setback from the street.

Sec. 26-1106. Building Design

- A. Principle: Quality architecture is a vital component to creating a unique sense of “place.” Creative design that pays careful attention to the building’s contribution to the public realm – through massing, form, materials, and its relationship to the street – is encouraged.
- B. Façade Design and Articulation
 1. All façades of a building shall provide a level of finished architectural quality and be designed to human scale. Each façade shall contain at least one change in color or texture. Additional detail should be incorporated into the façade design by the use of at least **three** of the following methods:
 - Reveals
 - Belt courses
 - Cornices
 - Expression of a structural or architectural bay
 - Articulation of windows and doorways, which may include sills, mullions, or pilasters that create a three dimensional expression
 - Change in material
 2. All façades of a building that face a street or a public space shall have at least one variation in plane depth of at least 1 foot for every 50 linear feet of the length of the façade. All other façades shall have one variation in plane depth of at least 1 foot for every 100 linear feet of the length of the façade. Any portion of a façade that is a glass curtain wall shall be exempted from this requirement.
 3. Non-permanent features such as canopies and awnings will not qualify as variation. Plane depth variation may be accomplished through elements such as:

- Recessed entries
 - Porticos
 - Upper level stepbacks
 - Dormers
 - Offsets in the general plane of the façade, including columns, pilasters, protruding bays, reveals, fins, ribs, balconies, cornices or eaves
4. The primary entrance of a building shall be emphasized through at least **two** of the following architectural elements:
- Changes in wall plane or building massing
 - Differentiation in material and/or color
 - Higher level of detail
 - Enhanced lighting

C. Materials

1. Only primary building materials shall be used for all façades. Primary building materials include, but are not limited to:
 - Brick
 - Stone
 - Architectural pre-cast concrete
 - Synthetic brick and masonry materials
 - Hard coat stucco
 - Integral textured colored concrete block
 - Terra-cotta
 - Architectural metal panels
2. Materials that are not allowed include, but are not limited to:
 - Plywood paneling
 - Vinyl and aluminum siding
 - Un-articulated large format concrete panels
3. Exterior Insulating Finishing System (EIFS) may be used as an accent material subject to the following restrictions:
 - EIFS must have a textured finish
 - EIFS may not be utilized below the height of 8 feet on any building façade
 - The total amount of EIFS may not exceed 25 percent per building façade
 - The allowable amount of EIFS may be consolidated on a façade(s) that does not face a street or public space provided that the total amount of EIFS, calculated cumulatively for the entire building, does not exceed 25 percent
4. Material variation: All building façades that face a street or public space shall have at least one change in material for each 10 feet (and portion thereof) of wall height. A change in material must be at least 12 inches in height. Masonry patterns, such as headers or rowlocks, can count as a change of material. Windows, canopies, and doorways will not count as a change in material.

D. Ground Floor Transparency

1. Retail uses: the façade facing the primary street frontage shall be at least 60 percent transparent. All other façades facing a street or public space shall be at least 30 percent transparent.
2. All other non-residential uses (excluding retail): the façade facing the primary street frontage shall be at least 40 percent transparent. All other façades facing a street or public space shall be at least 25 percent transparent.
3. Transparency shall be calculated as the percentage of clear, non-reflective glass within the area between 3 feet and 8 feet above the first floor finished elevation.
4. Transparent doors and window mullions shall count as part of the transparent area. Structural elements and opaque or reflective glass shall not count toward the transparency requirement, except that up to 20 percent of the transparency requirement for any one façade may be fulfilled by spandrel glass.
5. Glass display cases may count toward the transparency requirement only if they give the appearance of windows, are at least 18 inches deep, and are maintained with items of interest, including window display graphics.
6. For retail uses, windows at the ground floor shall be at least 5 feet high.

E. Drive-throughs and Drive-ups

1. Drive-up windows: Where drive-throughs and drive-ups are allowed (see section 26-1111, Permitted Uses), the drive-up window shall be placed at the side or rear of a building and shall not be located at street corners.
2. Number of drive-up lanes: the following table specifies the maximum number of drive-up lanes allowed by district and sub-district:

Maximum Number of Drive-Up Lanes Allowed				
	MU-C	MU-C Interstate	MU-C TOD	MU-N
Max drive-up lanes	3	no limit	1	1

3. Location of drive-up lanes: Drive-up lanes between the building and the street are discouraged. Within the MU-N District and MU-C TOD Sub-district, the drive-up lane shall not be located between the building and the primary street. (Figure 6)
4. Screening of drive-up lanes: Any drive-up lane that is visible from a street or public space shall incorporate the following screening elements:
 - A screen wall, at least 36 inches in height, with materials that are consistent with the primary building. The screen wall must meet the sight-triangle requirements in section 26-603.
 - A landscaped buffer, at least 4 feet in width, between the property line and the screen wall. (Figure 7)
 - Where there is more than one drive-up lane, canopies or other structural elements shall be used for further screening. These screening elements shall be compatible with the architectural qualities of the main building, including materials, form, scale, and color.

5. Screening of drive-up lanes adjacent to residentially or agriculturally zoned lots with a residential use: the landscape buffer and screening requirements for parking lots adjacent to residential uses, per section 26-1107.C.2, shall apply.
6. The drive-through stacking requirements in section 26-501.E.10 shall not apply.

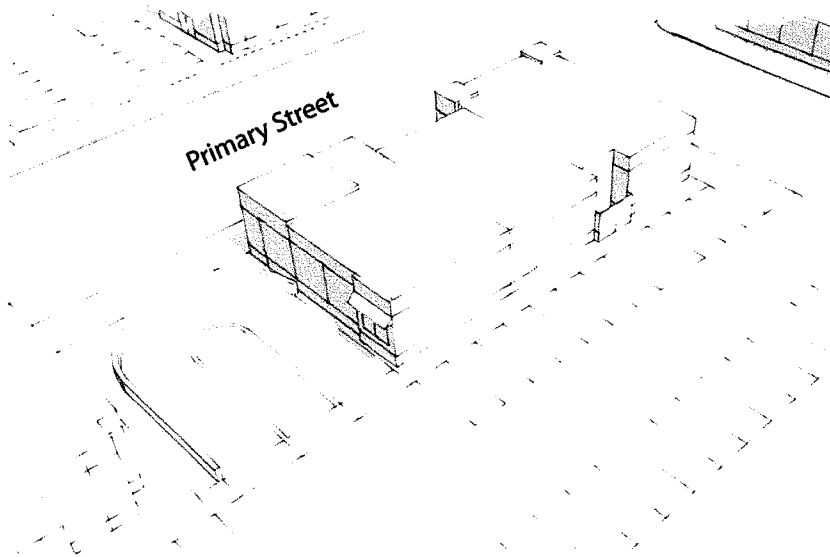


Figure 6: Drive-up Lane Location
Within the MU-N district and MU-C TOD sub-district, the drive-up lane may not be located between the building and the primary street.

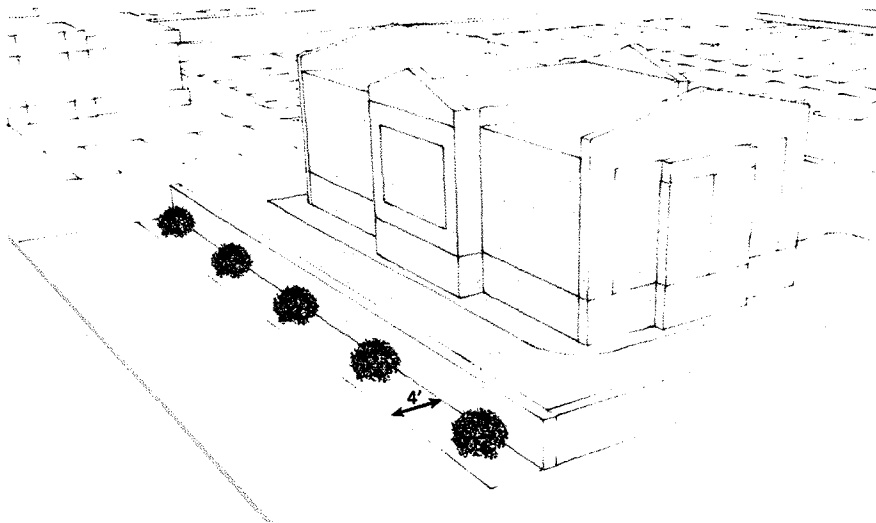


Figure 7: Drive-through Screening
Where a drive-up lane is visible from the street, a minimum 36" high screen wall and 4' wide landscape buffer are required.

F. Screening – Loading, Service Areas, and Utilities

1. All loading docks, utility structures, and other service areas associated with a building shall be fully screened from view by walls or fences. (Figure 8)
2. Screening elements shall be composed of materials consistent with the primary building. Wood and vinyl fences shall not be allowed as screening materials. Screen walls and fences over 10 feet in length shall be bordered by a 4 foot wide landscape buffer.
3. Trash enclosures shall be compatible with the building design and materials and screened with full wall enclosures. Such enclosures may not be located between the building façade and the street.
4. All screening elements shall be at least as tall as the object (e.g. trash enclosure, loading dock, or utility structure) being screened.

5. Rooftop equipment shall be screened by parapets or enclosures. Screening elements shall be composed of forms, materials, and colors that are compatible with the architectural qualities of the building, including materials, scale, form, and color.
6. Wherever possible, exterior utility boxes and above-ground utility installations shall be located to the side or rear of buildings, and not visible from the street.

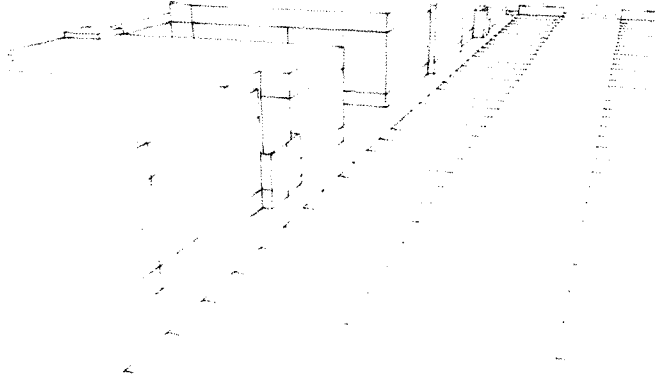


Figure 8: Screening Loading docks, service areas, and utility structures must be screened by walls or fences that are consistent with the primary building materials.

G. Upper Story Stepbacks

1. For buildings taller than 75 feet, an upper level stepback is required for any façade that faces a street or a public space. For such façades, the portion of the façade over 75 feet in height must stepback at least 10 feet from the outer edge of the first story. (Figure 9)
2. Terraces and unenclosed balconies may extend up to 8 feet into the required upper level stepback area.

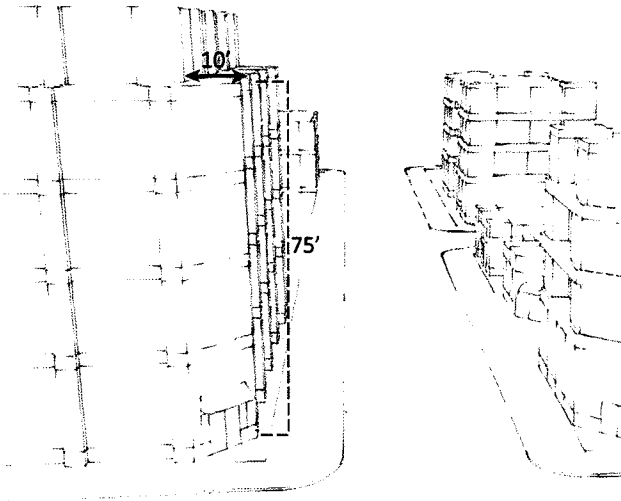


Figure 9: Upper Story Stepback

For building facades over 75' in height that face a street or public space, any portion of the facade over 75' in height must step back at least 10.'

H. Residential Transitions

1. Landscaped Buffers: where new development abuts a residentially or agriculturally zoned lot that contains a single- or two-family residential use, the required setbacks in section 26-1105.D shall apply. The required setback area shall be landscaped with grass and trees and/or shrubs.

2. Upper story stepbacks: The following upper story stepbacks shall be required for any building in a mixed use district that abuts a residentially or agriculturally zoned lot that contains a single- or two-family residential use. The required stepbacks shall apply to any façade, side or rear, that faces the lot with the residential use. (Figure 10)

Residential Transition - Required Upper Story Stepbacks		
	MU-C	MU-N
Minimum Setback - stories 1-2 (see § 26-1105.C)		
1-2 story building	10'	10'
3 story building	15'	15'
4 story building and higher	20'	20'
Minimum Stepback - stories 3-4	5' per story	5' per story
Minimum Stepback - stories 4 and above	25'	25'

3. Terraces and unenclosed balconies may extend up to 8 feet into the required upper level stepback area.

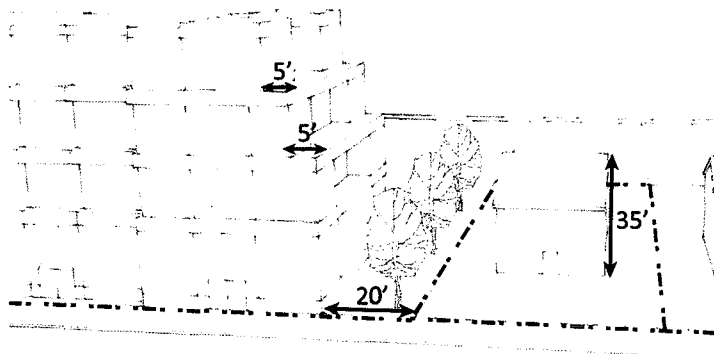
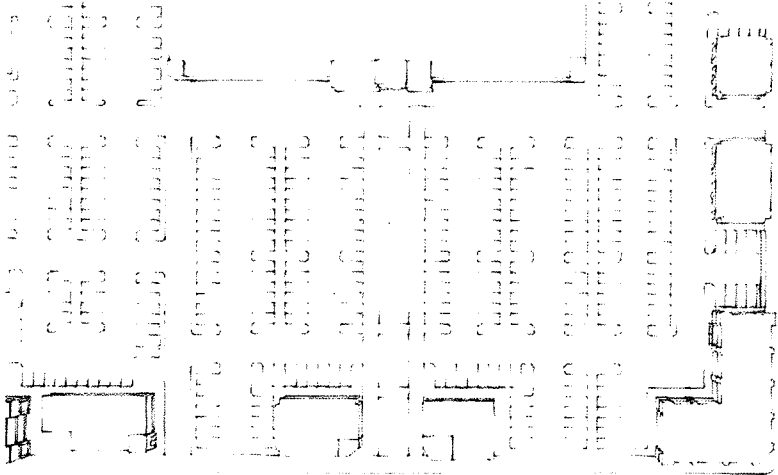


Figure 10: Residential Transition - Upper Story Stepbacks

Any structure that abuts a lot with a residential structure 35' in height or less must stepback at least 5' per story for stories 2-4, with a total stepback of 25'.

Sec. 26-1107. Off-Street Parking Placement and Design

- A. Principle: Streets are more vibrant and interesting to pedestrians if they are lined with buildings and active uses. Surface parking should be located behind buildings, toward the interior of lots, and should be screened from view from adjacent streets. Structured parking should be placed to minimize impacts on surrounding development and be designed to be compatible – in terms of form, materials, and architectural style – with adjacent development.
- B. Surface Parking Placement: Parking areas shall be located to the rear or side of the building. For development sites with more than one building, parking is not allowed in front of the building(s) closest to the street, but is allowed in front of permitted buildings interior to the development site. (Figure 11)



*Figure 11: Off-street
Parking Location for
Development Site with
Multiple Buildings.*

Parking must be to the rear or side of buildings closest to the street, but is permitted in front of buildings interior to the site.

C. Surface Parking Buffers and Screening:

1. Where a surface parking lot directly abuts a street or public space, one or more of the following screening elements shall be used:
 - Minimum 5-foot wide landscape buffer with grass, or groundcover plantings, and trees located a minimum of 30 feet on center. The landscape buffer may also contain perennials and shrubs.
 - A vertical screening device, 30 to 46 inches in height. The screening device may be a continuous masonry wall constructed of stone, brick, or split-face concrete block, a combination masonry pier and decorative iron railing, or any other decorative and durable screening device that is consistent with the materials of the primary building. Wood, chain link and vinyl picket fencing shall not be permitted. The screen must meet the sight triangle requirements in section 26-603.
 - Where a parking lot's frontage along the street or public space is greater than 20 linear feet, no more than 30 percent of the screening requirement may be fulfilled by a landscape buffer.
2. Where a surface parking lot boundary abuts a residentially or agriculturally zoned lot with a residential use, a landscape buffer of 6 feet from said lot boundary shall be required. Along the boundary of the lot with a residential use, a 6-foot high view-obscuring fence, decorative wall or landscaped hedge with a natural height of 6 feet shall be provided. In addition, grass or other ground cover and trees and/or shrubs shall be planted within the landscape buffer. (Figure 12)

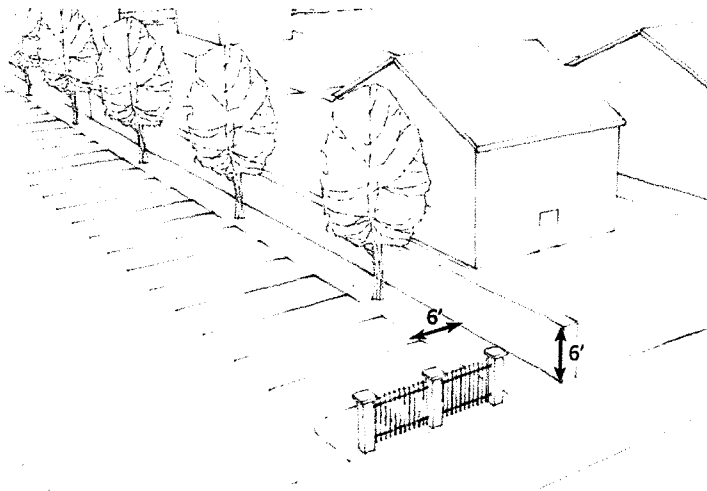


Figure 12: Parking Lots Adjacent to Residential Use

Such parking areas require a minimum 6' landscaped buffer and screen wall between the parking area and residential use

D. Surface Parking Design

1. Parking areas shall meet the requirements for the design of off-street parking – including surfacing, landscaping, lighting, and space/aisle dimensions – stated within section 26-501.E.5., section 26-501.E.6, section 26-501.E.7 and section 26-501.E.11
2. Parking lots that utilize permeable paving are encouraged.
3. Parking areas over 20,000 square feet shall contain a well-defined pedestrian walk, whether by change in paving material or landscaping, that connects the parking area to the adjacent street and the building(s) on site.

E. Parking Structure Design

1. Parking garage design should be compatible with adjacent buildings in terms of form, massing, scale, materials, and façade articulation.
2. Spandrel panels or opaque screening systems, such as louvers, at least 36 inches in height shall be used to screen vehicles from view on all levels.
3. Any parking garage façade that is visible from public view shall be orthogonal in composition and so that ramping systems are not visible. (Figure 13)
4. Wherever possible, especially for parking garage façades that face a public street, the ground floor of the parking structure should incorporate retail, commercial, or other nonresidential uses to help activate the street.
5. Any ground-level façade of a parking garage that is visible from the street and does not provide retail, commercial, or other active ground floor uses shall include at least 2 of the following design features:
 - Façade articulation through change in vertical plane or a change in building material
 - The use of windows or false windows defined by frames, lintels, or sills
 - Integration of multiple building entrances
 - Buffering along the street edge with landscaping, street trees, green walls, or trellises with vines

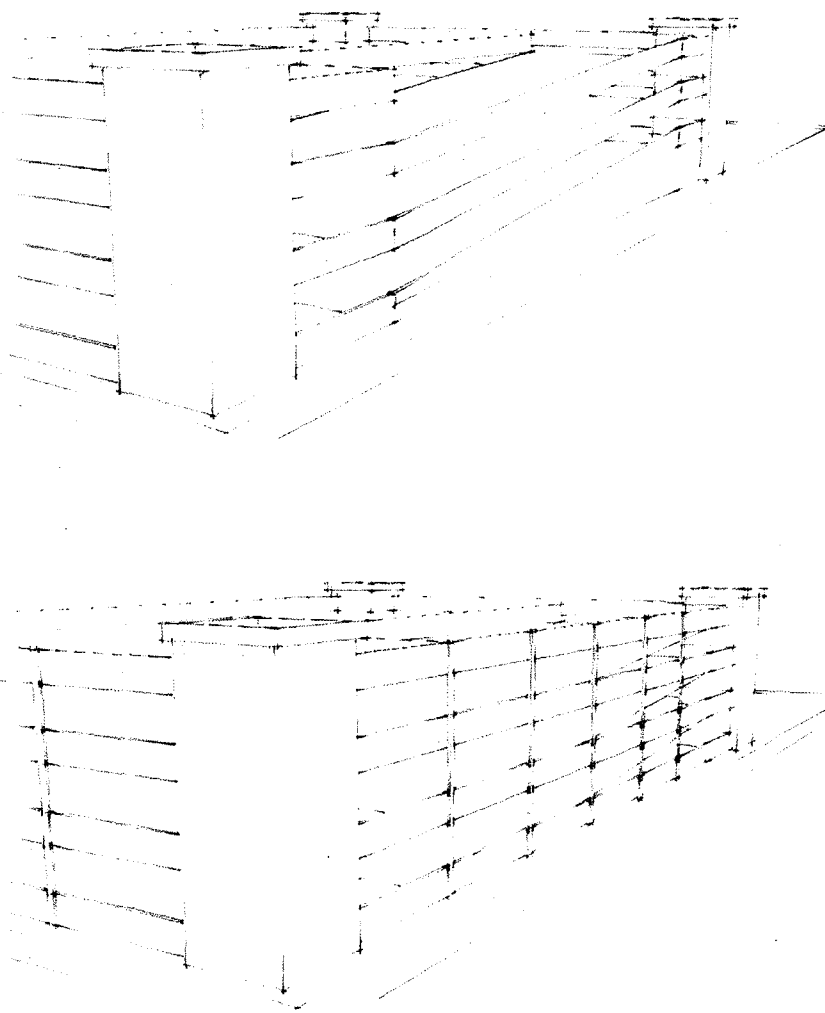


Figure 13: Parking Garage Design

The image on top illustrates a garage facade with an expressed ramping system, which is not allowed. The image below illustrates the same garage with a facade that is orthogonal, with all floors at 90 degree angles.

Sec. 26-1108. Site Circulation and Vehicular Access

- A. Principle: Access and circulation for automobiles should be designed to minimize the number of curb cuts, increase connectivity, and encourage shared access points from streets so that disruptions to the pedestrian environment are minimized.
- B. Block sizes: where new public or private streets are proposed, blocks with a perimeter of 1600-1800 feet are encouraged and shall not be greater than 2,000 feet in perimeter.
- C. Curb cuts: for new development along existing streets, where a curb cut already exists, the number of curb cuts to the site shall not be increased. Where possible, existing curb cuts should be consolidated.
 - 1. Wherever possible, vehicular access to a site or building shall occur through an alley, rather than by a curb cut from the street.
 - 2. Where an alley is not available, curb cuts along the secondary street, rather than the primary street, are encouraged.
- D. Vehicular entrances: vehicular entrances to buildings and parking garages that contain a ramp shall be screened from view of the street or adjacent public space. Where a vehicular entrance or ramp directly abuts a pedestrian walk, appropriate cautionary

signed shall be used to alert pedestrians of the presence of vehicles and to inform drivers that pedestrians have the priority.

Sec. 26-1109. Parking Requirements

- A. Principle: Large areas of free parking encourage automobile use and detract from the land available for high quality development. Strategies to utilize parking areas effectively – such as shared parking and parking structures – are highly encouraged. Especially within areas adjacent to transit services, reduced parking requirements encourage transit and other modes alternative to the automobile.
- B. The following table specifies the number of parking spaces required by general use group.

Use Group	Minimum Required Parking	Maximum Allowed Parking
Hospital	1 space per bed	2 spaces per bed
Light Industrial	1 space per 1,000 square feet	5 spaces per 1,000 square feet
Lodging – hotels, motels, extended stay, bed and breakfast	1 space per 2 rooms	1.5 spaces per room
Office/bank	2 spaces per 1,000 square feet	5 spaces per 1,000 square feet
Place of worship	1 space per each 5 seats	1 space per seat
Residential	1 space per unit	2.5 spaces per unit
Restaurant	4 spaces per 1,000 square feet	10 spaces per 1,000 square feet MU-C and MU-C Interstate may have a maximum of 12 spaces per 1,000 square feet
Retail	3 spaces per 1,000 square feet	5 spaces per 1,000 square feet MU-C and MU-C Interstate may have a maximum of 7 spaces per 1,000 square feet
Theater	1 space per 5 seats	1 space per 2 seats
All other uses	Uses not specifically listed above shall submit a parking analysis as part of development review for approval by the Community Development Director	

Note: square feet is measured as gross floor area

- C. On-street parking: on-street parking spaces directly abutting the use may count toward the total number of required parking spaces.
- D. Off-site parking: parking requirements may be met off-site, up to a walking distance of 1,000 feet via a publicly accessible route from the use, subject to an off-site parking agreement. The publicly accessible route must be approved by the Community Development Director. The off-site parking agreement must be submitted for approval by

the Community Development Director and, once approved, recorded against all properties subject to the agreement.

- E. Shared parking: shared parking is permitted and encouraged. Shared parking shall be approved subject to the review and approval of a shared parking study citing ULI accepted shared parking ratios, as may be amended.
- F. Transit parking reductions: properties within the MU-C TOD sub-district may reduce minimum parking requirements by 20 percent.
- G. Incentive for structured parking: Except within the MU-N district, a building that incorporates underground or structured parking qualifies for the higher building heights allowed for mixed use buildings in the Building Height Requirements Table in section 26-1104.B, even if that building is not mixed use. For a development site with a free-standing parking garage, the additional building height may be applied to a building within the development site that is served by the parking structure. This height bonus shall not apply for parking structures that contain parking at the ground floor without at least one non-residential ground floor use.
- H. Accessible parking shall be provided in accordance with section 26-501.E.9
- I. Off-street loading shall be provided in accordance with section 26-501.E.8
- J. Bicycle parking
 - 1. For non-residential development, or portion thereof, bicycle parking spaces shall be required at a rate of 1 bicycle parking space for every 20 automobile parking spaces. No non-residential development shall provide less than 4 bicycle parking spaces.
 - 2. For residential development, or portion thereof, bicycle parking spaces shall be required at a rate of 1 bicycle parking space for every 10 units. No multifamily residential development shall provide less than 3 bicycle parking spaces.
 - 3. Parking for bicycles shall be provided on site. Bicycle parking areas shall be well-lighted and located not more than 50 feet from the primary building entrance. Bicycle parking for residential uses is encouraged to be sheltered and secured.

Sec. 26-1110. Open Space Requirements

- A. Principle: Parks, plazas, squares and other forms of public spaces play an important role in the quality of a place. Landscaped and hardscaped areas contribute to the public realm by providing places for people to gather, relax, and recreate.
- B. Open space required: the following table sets forth the minimum amount of open space required, measured as a percentage of the net development site area (total site area less public right-of-way).

Minimum Required Open Space		
	MU-C	MU-N
Mixed Use Development	10%	10%
Single Use Development	15%	15%

- C. Aggregated open space: open space may be aggregated into larger parks, plazas, and squares for one development site, rather than calculated per parcel, subject to approval

by the Community Development Director. In such cases, the parcel(s) required to meet any open space requirement must be identified and noted on the approved site plan on file in the Community Development Department.

- D. Minimum landscaping: at least 35 percent of the required open space area shall be composed of landscaped materials, including trees.
- E. Usable open space: For all development sites, at least 75 percent of the required open space must be usable open space.
 - 1. Usable open space includes open space which, by its configuration, size, and design, can be used for passive or active recreation.
 - 2. Usable open space includes plazas, parks, outdoor dining areas, courtyards and green roofs. Required buffers or parking lot landscaping shall not qualify as usable open space.
 - 3. Land with a slope steeper than 1 foot (vertical) in 3 feet (horizontal) shall not qualify as usable open space.
 - 4. Drainage ways, ponds, and other areas required for stormwater quality or detention may qualify as usable open space if such areas are designed for passive or active use and are landscaped with grass, shrubs, and/or trees. A list of recommended plants for stormwater detention areas is available through the Public Works Department.
- F. Land planted for food production, including community gardens, shall qualify as open space, but not as usable open space.
- G. Streetscaping: all new development, including expansions of an existing structure by 50 percent or more of the floor area, shall meet the requirements in the City of Wheat Ridge *Streetscape and Architectural Design Manual*.
- H. Maintenance: the developer, its successor and/or the property owners shall be responsible for regular weeding, irrigating, fertilizing, pruning, or other maintenance of all plantings as needed in order to ensure the survival of any required landscaping. The City may require the removal and replacement of such landscaping where dead, diseased, or damaged landscaping is found. All property owners/occupants shall be responsible for the maintenance of landscaping within the portion of the public right-of-way between the back of the curb or street pavement and adjacent private property.
- I. The requirements of section 26-502 shall not apply within any mixed use zone.

Sec. 26-1111. Permitted Uses

- A. Principle: the mixed use zone districts emphasize building form, rather than permitted uses. A range of uses is permitted to promote mixed use development.
- B. Permitted and special uses are shown in the following table. This table, and not the table in section 26-204, shall apply for all of the mixed use zone districts. Uses not listed shall be deemed excluded.
 - 1. The Community Development Director has the authority to determine that a use not specifically listed should be so permitted or allowed on the basis of it being similar to a listed use, compatible in character and impact with uses in the zone district, consistent with the intent of the district, and which would not be

objectionable to nearby property by reason of odor, dust, fumes, gas, noise, radiation, heat, glare, vibration, traffic generation, parking needs, outdoor storage or use, or is not hazardous to the health and safety of surrounding areas through danger of fire or explosion. The Director's decision may be appealed to the Board of Adjustment as an interpretation request.

Permitted Uses				
Use Group	MU-C	MU-C Interstate	MU-C TOD	MU-N
Residential				
Assisted living facility	P	P	P	P
Dwelling, single detached	NP	NP	NP	P
Dwelling, single attached	P	P	P	P
Dwelling, duplex	P	NP	NP	P
Dwelling, multiple	P	P	P	P
Dwelling, live/work	P	P	P	P
Foster care home	NP	NP	NP	P
Residential group home	P	P	P	P
Public, Civic, and Institutional				
Community buildings and cultural facilities, including libraries, museums, and art galleries	P	P	P	P
Hospital	C	C	C	NP
Parks, open space, playgrounds, and plazas	P	P	P	P
Place of worship	P	P	P	P
Public uses and buildings	P	P	P	P
Recreation facilities, indoor and outdoor	P	P	P	P
Schools, public and private; colleges, universities, and trade schools	P	P	P	P
Utilities, major	NP	NP	NP	NP
Utilities, minor	P	P	P	P
Transit stations, public or private	C	C	C	C
Commercial Services and Retail				
Adult entertainment	NP	NP	NP	NP
Animal daycare, indoor with no outdoor runs or pens	P	P	P	P
Bail bonds (per §26-634)	C	C	NP	NP

Permitted Uses				
Use Group	MU-C	MU-C Interstate	MU-C TOD	MU-N
Banks and financial institutions, no drive-through or drive-up	P	P	P	P
Banks and financial institutions, with drive-through or drive-up	C	P	C	C
Bars, taverns, and night clubs	P	P	P	P
Bed and breakfast	P	P	P	P
Car washes	NP	C	NP	NP
Day care center, child and adult	P	P	P	P
Drive-up or drive-through uses (per §26-1106.E)	C	P	C	C
Eating establishment, sit down	P	P	P	P
Eating establishment, drive-through or drive-up	C	P	C	C
Fast food eating establishment, drive-through or drive-up	C	P	C	C
Motor fueling stations	C	C	NP	C
Motor vehicles sales, outdoor display	NP	NP	NP	NP
Motor vehicle sales, indoor display	P	P	C	C
Outdoor storage	NP	NP	NP	NP
Pawn brokers	NP	NP	NP	NP
Personal services	P	P	P	P
Photocopying and printing	P	P	P	P
Recreation facilities, commercial	P	P	P	P
Repair, rental and servicing of automobiles, no outdoor storage	C	P	C	C
Retail sales – up to 20,000 gsf for one tenant space	P	P	P	P
Retail sales – up to 60,000 gsf for one tenant space	P	P	C	C
Retail sales – over 60,000 gsf for one tenant space	C	C	NP	NP

Permitted Uses				
Use Group	MU-C	MU-C Interstate	MU-C TOD	MU-N
Veterinary clinics and hospitals, no outdoor runs or pens	P	P	P	P
Hospitality and Entertainment				
Art studios and galleries	P	P	P	P
Hotels, motels, and extended stay lodging	P	P	P	P
Studios, including art, music, dance, television and radio broadcasting stations	P	P	P	P
Theaters	P	P	P	P
Office and Industrial				
Medical and dental clinics	P	P	P	P
Offices	P	P	P	P
Office-warehouse, no outdoor storage	C	C	C	NP
Outdoor storage	NP	NP	NP	NP
Restricted light industrial	C	C	C	NP
Wholesale	C	C	C	C
Ancillary Uses				
Parking facilities	P	P	P	P
Temporary Uses				
Special events, including festivals and farmers markets	P	P	P	P

Key: P = Permitted C = Conditional Use (see § 26-1117) NP = Not Permitted

C. Separation requirements for drive-through/drive-up uses: Where drive-through and drive-up uses are permitted in the Permitted Use Table (section 26-1111.B) the following separation requirements shall apply. These separation requirements shall not apply in the MU-C Interstate Sub-district and shall not apply to any mixed use development that has an approved concept plan (per section 26-1116).

1. There shall be a minimum 500 foot separation between fast food eating establishments with a drive-through, measured radially from any fast food drive-through use, including existing uses, regardless of zone district.
2. There shall be a minimum 500 foot separation between all other drive-through/drive-up uses, including pharmacies, banks, and non-fast food eating establishments with a drive-up window, measured radially from any drive-through/drive-up use, including existing uses, regardless of zone district.

3. Minimum separation requirements shall only apply to properties that did not have a legal, operating drive-through/drive-up use at the time of rezoning to a mixed use zone district.
- D. Separation requirements for motor fueling stations: Where motor fueling stations are permitted in the Permitted Use Table (section 26-1111.B), the following separation requirements shall apply. These separation requirements shall not apply in the MU-C Interstate Sub-district and shall not apply to any mixed use development that has an approved concept plan (per section 26-1116).
 1. There shall be a minimum 1000 foot separation between motor fueling stations, measured radially from any motor fueling station, including existing uses, regardless of zone district.
 2. Minimum separation requirements shall only apply to properties that did not have a legal, operating fueling station use at the time of rezoning to a mixed use zone district.

Sec. 26-1112. Requirements for Mixed Use Development

- A. Principle: Buildings and development sites that contain a mix of uses are strongly encouraged. Large development sites represent an important opportunity for creating quality mixed use developments that will enhance the local economy.
- B. Except within the MU-N District and MU-C TOD Sub-district, for development sites over 5 acres and subject to new construction, at least 50 percent of the proposed total square footage at the ground floor level shall contain non-residential uses.

Sec. 26-1113. Signs

- A. Principle: Signage should complement building and site design and be strategically located to minimize the impact of advertising on the public realm. Signs should be oriented toward and scaled to the pedestrian.
- B. All signage shall comply with Chapter 26, Article VII except as modified below:
 1. No roof signs are allowed.
 2. Wall signs placed on a vertical architectural element or above a pedestrian entrance may extend above the roof deck by up to 10 feet. This provision shall not apply to mansard roofs.
 3. Except within the MU-C Interstate sub-district, new pole signs shall not be allowed.
 4. Monument signs shall not exceed 7 feet in height, measured from the finished grade of the nearest adjacent pedestrian walk. The base of the monument sign shall be consistent with the materials of the building to which it is associated.
 5. Changeable copy signs, flashing signs, and LED electronic signs shall not be permitted in the MU-N district or the MU-C TOD Sub-district.
 6. In the MU-N district, illuminated signs are encouraged to be turned off when businesses are not in operation.

Sec. 26-1114. Exterior Lighting

- A. Principle: Outdoor lighting should provide safety for pedestrians and reduce glare onto adjacent properties and into the night sky.
- B. All exterior lighting shall comply with section 26-503.
- C. Pedestrian walks internal to a site shall be lit with full cutoff lighting fixtures no more than 12 feet high.

Sec. 26-1115. Site Plan Review

- A. All site development within the Mixed Use Zone Districts shall be subject to the site plan review process outlined in section 26-111.
- B. All site plan applications shall be reviewed for consistency with all standards within this Article and with any applicable concept plan that has been approved for the subject property.
- C. All approved site plans shall be kept on file in the Community Development Department.
- D. Under certain circumstances, subject to approval by the Community Development Director and to be determined at the required pre-application meeting, site plan review applications may be processed simultaneously with building permit applications.

Sec. 26-1116. Concept Plan Review

- A. For sites 10 acres in size or more, and for any phased site development, a concept plan application for the entire development site shall be submitted and approved by the Community Development Director prior to any site plan application(s).
- B. Prior to submittal of the concept plan, the applicant must complete a pre-application conference per the requirements in section 26-104.
- C. For sites 10 acres in size or more, a neighborhood meeting shall be required prior to submittal of the concept plan application. The applicant shall notify all property owners within 600 feet of the development site and follow the neighborhood meeting requirements per Section 26-109.A.1.
- D. After the pre-application conference and after the neighborhood meeting, if required, the concept plan application may be submitted to the Community Development Department for review. The concept plan application shall include the appropriate number of copies, to be determined at the pre-application conference, and shall include the following information:
 - 1. The concept plan shall be prepared in a 24x36 inch format
 - 2. Vicinity map
 - 3. The boundary of the entire development site
 - 4. Scale and north arrow
 - 5. Date of map preparation and name and address of person who prepared the map
 - 6. Proposed circulation concepts, including roads, right-of-way, access points, and sidewalks
 - 7. Proposed building pads and preliminary land use concepts
 - 8. Location of 100 year flood plain, if applicable

9. Adjoining property lot lines, building access, parking, so that development compatibility can be determined
- E. Upon receipt of the concept plan application, the Community Development Department shall review the application and refer the application to affected public agencies for review and comment, if applicable.
- F. Public comment period: For sites 10 acres in size or more, upon submittal of the concept plan application, the applicant shall notify adjacent property owners that the application is available on file at the Community Development Department for review, in a manner required for neighborhood meetings, subject to Section 26-109.A.1. Public comments related to the proposed concept plan may be submitted to the Community Development Department within 15 days of the original date of notification.
 1. During the same 15-day notification period, the applicant shall also post a sign on all public street frontages at the development site notifying the public that the concept plan is available for review and public comment at the Community Development Department.
- G. The approved concept plan shall be recorded with Jefferson County Clerk and Recorder's Office and kept on file with the Community Development Department.
- H. Amendments to a recorded concept plan will be required to follow the same review process as the initial concept plan application.

Sec. 26-1117. Administrative Adjustment Process

- A. The Community Development Director may approve minor adjustments to some standards within this Article. Administrative adjustments are intended to relieve unnecessary hardship in complying with the strict letter of this Article, especially in cases where unique site or building characteristics exist.
- B. In order to relieve unnecessary hardship, the Community Development Director may grant administrative adjustments to the following standards to the extent shown in the table below:

Allowed Administrative Adjustments	
Standard	Maximum Allowable Administrative Adjustment
Building setback requirements (section 26-1105.C)	10 %
Build-to requirements (section 26-1105.E)	10 %
Transparency requirements (section 26-1106.D)	10%
Block size requirement (section 26-1108.B)	10%
Maximum number of drive-up lanes (section 26-1106.E)	One additional drive-up lane
Minimum parking requirements (section 26-1109.B)	25% fewer parking spaces than required

- C. Any proposed variances from the requirements within this Article that do not fall within the table of allowed administrative adjustments shall be required to follow the process for "Variances of more than fifty (50) percent," specified in section 26-115.C.3, regardless of whether the request is greater than 50 percent of the applicable development standard.

Sec. 26-1118. Conditional Use Permits

- A. Conditional Uses: Any use with a "C" in the permitted use table in section 26-1111 shall only be allowed if reviewed and approved by the Community Development Department pursuant to the standards set forth below.
1. Pre-Application Meeting: prior to submittal of a conditional use permit application, the applicant shall attend a pre-application conference, as described in section 26-104.
 2. Conditional Use Permit Application: conditional use permit applications shall be submitted only after a pre-application meeting. All applications shall be submitted to the Community Development Department. Applications shall conform to the submittal requirements established by the Community Development Department.
 3. Conditional Use Permit Criteria: the following criteria shall be used in evaluating each application.
 - a. The compatibility of the proposed use with the Comprehensive Plan;
 - b. The compatibility of the proposed use with existing and proposed adjacent uses, in terms of scale, site design, and operating characteristics (including traffic generation, lighting, noise, and hours of operation);
 - c. The ability to mitigate adverse and undesirable impacts to the surrounding area, including but not limited to visual impacts, air emissions, noise, vibrations, glare, heat, odors, water pollution, and other nuisance effects;
 - d. Amount of traffic generated and capacity and design of roadways to handle anticipated traffic;
 - e. The incorporation and integration of architectural and landscape features to mitigate impacts from the proposed use.
 4. Conditional Use Permit Approval: the Community Development Director shall have the authority to approve or deny any conditional use permit application. In approving the application, the Community Development Director may place conditions necessary to meet the criteria outlined in section 26-1118.A.3 above.
 5. A decision by the Community Development Director to deny a conditional use permit application or any conditions on approval imposed by the Community Development Director may be appealed to the Board of Adjustment in the same manner as administrative variances pursuant to section 26-115.C.2.
 6. Time Limit on Conditional Use Permits: For any applicant to exercise the right to develop a conditional use, a certificate of occupancy for development of the conditional use must be issued within three years of the date of approval.

Sec. 26-1119. Definitions

Except as expressly modified below, the definitions in section 26-123 shall apply. The following modified and additional definitions shall apply to the mixed use zone districts only.

Alley: a public or private thoroughfare which gives secondary means of public access to abutting properties or buildings.

Assisted living facility: a residential facility with a combination of residential living units, with or without individual kitchen facilities, and group living facilities such as common kitchen, eating area, patio and/or recreational area. The facility is used for the care of the infirm or aged, or the rehabilitation of injured individuals, where medical attention in the form of skilled or intermediate nursing care is provided as a continual or intermittent benefit.

Animal daycare facility: a facility licensed by the State of Colorado where animals may be groomed, trained, exercised, and socialized, but not kept or boarded overnight, bred, sold, or let for hire.

Development site: an area of land, which may contain more than one parcel, that is subject to proposed site development.

Drive-through or drive-up uses: uses at which an occupant of a vehicle may make use of the service or business without leaving their vehicle.

Driveway: a thoroughfare for vehicles providing access from a public or private street or alley to a dwelling unit or to a parking area serving structures or facilities.

Dwelling, duplex: a building designed for occupancy by two (2) single family households living in two (2) separate dwelling units attached by one or more common walls.

Dwelling, live/work: a combination of residential occupancy and commercial activity located within a dwelling unit. Typical commercial activities may include home offices, craft work, art studios, jewelry making, and similar activities.

Dwelling, single detached: a single dwelling unit in a single building not attached to other buildings other than those accessory to the dwelling.

Dwelling, single attached: three or more dwelling units where each unit is attached to other units by party walls, and where habitable spaces of different units are arranged side-by-side, rather than a stacked configuration.

Façade: the face, or outside wall, of a building.

Fast food eating establishment: an eating/drinking establishment whose principal business is the sale of pre-prepared or rapidly prepared food to the customer in a ready-to-consume state for consumption either within the restaurant building or off-premises, and whose principal method of operation includes (1) the sale of all foods and beverages, even those served for consumption on-premises, in paper, plastic, or other disposable containers; or (2) service of food and beverages directly to a customer in a motor vehicle.

Fixed guideway rail station: the station for a fixed guideway system, which is a transportation system that can only operate on its own guideway constructed for that purpose. This includes heavy rail, light rail, and commuter rail systems.

Form: the three dimensional shape and structure of a building.

Hard Coat Stucco: a mixture of cement or lime, sand and water, applied in one or more coats. Does not include synthetic versions of stucco such as Exterior Insulation and Finish System (EIFS).

Hardscape: exterior ground surface areas covered with concrete, pavers, brick, stone or a similar surface and not intended for vehicular use.

Human scale: proportions of elements that relate to the size of a human body.

LED/electronic sign: a sign that displays information that is illuminated by light emitting diodes (LED's), fiber optics, light bulbs, or other electric illumination devices.

Mixed use development: a building or development site containing at least two different use groups in the Permitted Use Table, section 26-1111.

Office-warehouse: a use that combines office and storage for goods, wares, and merchandise, including distribution functions that may require off-street loading.

Open space: an outdoor, unenclosed area designed and accessible for outdoor recreation, pedestrian access, or passive leisure use. May be landscaped or hardscaped. Does not include roads, parking areas, driveways, or other areas intended for vehicular travel.

Pedestrian walk: a paved surface expressly intended for pedestrian use. Includes public and private sidewalks.

Personal services: establishments primarily engaged in providing services involving the care of a person and his or her personal goods or apparel. Personal services usually include the following: laundry (cleaning and pressing); linen supply, diaper service, beauty shops, barbershops, shoe repair, and similar uses.

Pole sign: a sign that is affixed or mounted on a freestanding wood or metal pole and anchored in the ground.

Place of worship: an establishment that is primarily used a place where persons regularly assemble for religious worship. This term includes uses such as churches, synagogues, temples, or mosques.

Primary street: the street toward which building entrances, pedestrian features, and site amenities are oriented, and along which service, loading, and parking uses are discouraged. Each building shall have a defined primary street that is approved by the Community Development Director.

Primary street frontage: the property line of a parcel or development site which is directly adjacent to and parallel to the primary street.

Public realm: all areas to which the public has access, including streets, sidewalks, rights-of-ways, parks, plazas, and other publicly accessible open spaces.

Public space: a physical space accessible to the public, including sidewalks, rights-of-ways, parks, and plazas.

Restricted light industrial use: specialized non-nuisance type activities that would permit the assembly, manufacturing, or packaging of products from previously prepared material, such as cloth, plastic, metal, paper, leather, precious or semiprecious stones. The manufacture or assembly of electronic instruments and devices is also permitted. Such uses include research and development facilities.

Secondary street frontage: The property line perpendicular to the primary street frontage. The secondary street frontage is only applicable for lots with more than one street frontage.

Single use development: a building or development site containing land uses that fall under the same use group in the Permitted Use Table, section 26-1111.

Site development: All construction and improvements on any parcel, lot, or tract of property within the city and on any structure (other than normal maintenance or repair allowed for nonconforming uses), including but not limited to substantial clearing, grading, filling or excavation, streets and roads, drainage, utilities, parking lots and structures, landscaping, building, building additions or alterations, parking lot lights, street lights, signs and erection or moving of structures. Site development also includes all those activities listed under "approvals sought" in the review process chart, section 26-106. The community development department shall have authority to determine whether an activity constitutes site development within the meaning of each section. Such determination may be appealed to the Board of Adjustment.

Street: a public or private thoroughfare for vehicular traffic, other than an alley or driveway.

Streetscape: The sidewalk, landscaping, and other improvements typically located in the right-of-way between the curb and the property line. In some cases, streetscapes may be adjacent to a private street or within easements adjacent to the right-of-way.

Street wall: The cumulative effect of adjacent buildings facing onto and providing a consistent edge to a street.

Transit station: mass transit stations, including bus or rail terminals/stations or depots.

Usable open space: open space which, by its configuration, size, and design, can be used for passive or active recreation. Usable open space includes plazas, parks, outdoor dining areas, courtyards, and green roofs. Required buffers and parking lot landscaping shall not qualify as usable open space. Land with a slope steeper than 1 foot (vertical) in 3 feet (horizontal) shall not qualify as usable open space.

Utilities, major: generating plants, electrical substations, switching buildings, refuse collection or disposal facilities, water reservoirs, water or wastewater treatment plans, and similar scale facilities that have relatively great potential for aesthetic and/or environmental impacts than minor utility facilities.

Utilities, minor: Water, sewer and gas mains; cable, electric and telephone distribution lines, substations, and/or switching facilities; gas regulator stations; public lift or pumping stations for domestic water and sewer service; photovoltaic panels or wind powered electric generators, and similar facilities of public agencies or utilities. Minor utility facilities generally do not have employees on-site, and services may be publicly or privately provided.

Wholesale sales: sales of goods in large quantities for resale by retailers.

Window display graphics: artistic graphic displays that are mounted within a window or glass panel, that contain no text, and that are not utilized as commercial signage.

Section 2: Section 26-104 of the Code is amended to read:

Sec. 26-104. Preapplication conference.

Prior to the formal submittal of any request for approval to proceed with site development, an informal preapplication conference shall be held between the applicant and the community development department staff. This conference will serve to acquaint the applicant with the requirements of this chapter and to allow staff to become familiar with the applicant's development intent and design philosophy. A schematic site plan and building concept drawings will aid in discussion at this conference; however applicants are encouraged not to prepare detailed designs which might require extensive revision as a result of the preapplication conference. An applicant should bring the following information in a brief summary:

- General project concept **and information, including the location of the project and a written description of the proposal.**
- Specific uses proposed, and intensity of use proposed (floor area and parking demand).
- Proposed construction timing.
- General concepts concerning building size and exterior materials and site plan concepts.
- An exterior materials package including roof material and color, wall treatment, glass and glazing.
- **Site plan concepts including site organization, landscaping, irrigation, grading, lighting and signs. A site plan drawing depicting the location of existing and proposed buildings, the location of property lines, setback lines, and build-to lines, circulation concepts, landscaping, the location of loading areas, and the location and size of all parking areas, lighting, and signs.**

(Ord. No. 2001-1215, § 1, 2-26-01; Ord. No. 1288, §§ 1, 2, 5-12-03)

Section 3: Section 26-106 of the Code is amended to read:

Sec. 26-106. Review process chart.

TABLE INSET:

Approval Requested	Pre-Application		Final					Notes
	Staff	Neighborhood	Staff	PC	CC	BOA	URPC	
Site Plan	⁴ X		A				A	§ 26-111
Mixed Use Concept Plan	X	⁵ X	A					§ 26-1116
Mixed Use Conditional Use Permit	X		A					§ 26-1118
Major Subdivision	X			H	H		URA	§ 26-404.C

Approval Requested	Pre-Application		Final					Notes
	Staff	Neighborhood	Staff	PC	CC	BOA	URPC	
Minor Subdivision (w/dedications)	X			H	H		URA	§ 26-404.B
Minor Subdivision (w/o dedications)	X			H			URA	Appeal to CC § 26-404.B
Minor Plat Correction, Amendment, Revision	X		A					§ 26-409
Lot Line Adjustment	X		A					§ 26-410
Consolidation Plat (w/dedication)	X			H	H		URA	¹ § 26-404.D
Consolidation Plat (w/o dedication)	⁴ X		A				URA	§ 26-117
Planned Development: Outline Development Plan (ODP)	X	X		H	H		URA	² ART III
Planned Development: Final Development Plan (FDP)	X		A				URA	ART III
Planned Development: Outline Development Plan Amendment	X	X		H	H		URA	² ART III
Planned Development: Final Development Plan Amendment	X		A				URA	ART III
Rezoning, Private	X	X		H	H		URA	² § 26-112
Rezoning, City		X		H	H		URA	² § 26-113
Special Use	X	X	A		H		URA	§ 26-114 Appeal to CC
Variance--Administrative			A				A	Appeal to BOA § 26-115.C
Variance--Non-administrative						H	URA	§ 26-115.C
Temporary Permit						H	A	§ 26-115.D
Interpretation			A					Appeal to BOA § 26-115.E

Approval Requested	Pre-Application		Final					Notes
	Staff	Neighborhood	Staff	PC	CC	BOA	URPC	
Administrative Adjustments to the Official Zoning Map			A					Appeal to CC § 26-119.E
Historic Designation					H		URA	ART IX
Planned Bldg. Group	⁴ X		A	H			A	³ § 26-116
Floodplain Permit--Class I			A					§ 26-806
Floodplain Permit--Class II	⁴ X					H		§ 26-806
Right-of-way Vacation	X			H	H		URA	§ 26-118

1 If five or fewer parcels, minor subdivision process applies. If more than five parcels, major subdivision process applies.

2 Right of protest applies: Section 26-112.F

3 If four or more buildings are proposed, then Planning Commission review is required.

4 A pre-application may not be required based on the complexity of the project.

5 Neighborhood meetings for mixed use concept plan applications are required only for sites of 10 acres in size or larger

Key:

PC: Planning commission

CC: City council

BOA: Board of adjustment

X: Meeting required

H: Public hearing required

A: Administrative review

URPC: Urban Renewal Plan compliance required: If "A" is noted, administrative review; if "URA" is noted, review by Wheat Ridge Urban Renewal Authority is required -- see section 26-226.

(Ord. No. 2001-1215, § 1, 2-26-01; Ord. No. 1244, § 1, 2-11-02; Ord. No. 1251, § 1, 6-10-02; Ord. No. 1291, § 2, 5-27-03; Ord. No. 1316, § 2, 1-12-04; Ord. No. 1352, § 5, 9-26-05; Ord. No. 1383, § 7, 5-14-07; Ord. No. 1430, § 4, 2-23-09)

Section 4: Section 26-111 of the Code is amended to read:

Sec. 26-111. Site plan review.

A. *Application.* The requirements of this section apply to site development on property for which the use proposed is a use by right, is other than a single-family dwelling or one-duplex dwelling, and for which subdivision or planned development district approval is not sought. The requirements for site plans required in planned development zone districts are found in those district regulations. This section establishes the purpose, graphic and informational requirements for site development **plans review** required in instances other than planned development districts, **including all site development within any mixed use zone district established in Article 11.**

B. *Purpose.* **This plan** The site plan review process provides site relationship and architectural information for decisionmakers to consider in deciding upon applications for use and development. It is intended to illustrate site design elements, architectural character and consideration of engineering issues to the extent that the potential character and possible impacts are more clearly definable. It can provide the basis for building permit review, certificate of occupancy review, and future zoning enforcement. The plan will be part of the case file and record.

C. *Preapplication conference.* **Prior to any building permit or site plan application, the applicant must participate in a preapplication conference, as described in section 26-104.**

D. *Site plan application requirements.* **All applications shall include at a minimum the following information. Additional information may be requested by the community development department or the public works department at the preapplication conference.**

C. Plan requirements. 1. Site plan.

1. a. The site plan shall be prepared in a 24 × 36-inch format.
2. b. Vicinity map.
3. c. The boundary of the site described in bearings and distances and existing and proposed lot lines.
4. d. Legal description of the site matching the certified survey.
5. e. Signed surveyor's certification.
6. f. Scale and north arrow.
7. g. Date of map preparation and name and address of person who prepared map.
8. h. Location of 100-year floodplain, if applicable.
9. i. Existing and proposed contours at two-foot intervals.
10. j. Location of all existing and proposed:
 - a. (1) Fences, walls or screen plantings and their type and height;
 - b. (2) Exterior lighting, location, height and type;
 - c. (3) Signs, including type, height and size;
 - d. (4) **Open space, landscaping** and special buffers, including type and coverage;
 - e. (5) Parking and loading areas, handicap parking areas;
 - f. (6) Easements and rights-of-way;
 - g. (7) Drainage ways, pond areas, ditches, irrigation canals, lakes and streams, if applicable;
 - h. (8) Buildings to be developed or retained on the site, including possible use, height, size, floor area, setback dimensions and type of construction;
 - i. (9) Existing and proposed streets, both adjacent and within the site, including names, widths, location of centerlines, acceleration/deceleration lanes;
 - j. (10) Curbs, gutters, sidewalks, bike paths;
 - k. (11) Location of trash containers and method of screening, if any;
 - l. (12) Areas to be used for outside work areas, storage or display and method of screening, if any.
11. k. Adjoining property lot lines, buildings, access, parking, so that development compatibility can be determined.
12. l. Other information which shall be in written or tabular form, including:

- a. (1) Statement of proposed zoning and any conditions;
- b. (2) Statement of proposed uses;
- c. (3) Site data (numeric and percentage) in tabular form, including:
 - Total area of property, gross and net;
 - Building coverage;
 - Landscape coverage;
 - Total lot coverage by all structures and paving;
 - Number of parking spaces **required and provided**;
 - Gross floor area; and
 - Number of residential units and density (if applicable).

~~13. Dated signature of approval of director of community development or designee.~~

14. m. In addition to the information included on the site plan document, the following supportive information may be required:

- a. (1) Drainage plan;
- b. (2) Elevations and perspective drawings;
- c. (3) Traffic impact report.

2. Architectural Elevations.

- a. Architectural elevations shall be prepared in a 24x36 inch format;
- b. Detailed elevations for each façade of proposed building(s), clearly labeled;
- c. Notes indicating all proposed materials and colors;
- d. Depictions and labeling of all transparent areas;
- e. Labeled dimensions of building height, floor-to-floor heights, and building width;
- f. Elevations for any accessory appurtenance such as trash enclosures, with materials clearly labeled.

3. Landscape Plan

- a. The landscape plan shall be prepared in a 24x36 inch format;
- b. Location and dimensions of all open space areas, including minimum required usable open space for site development within a mixed use zone district;
- c. Proposed materials for all landscaped and hardscaped areas;
- d. Location and type of all trees and other plantings;
- e. Schedule of proposed plantings;
- f. Table showing open space or landscape area required and provided.

(Ord. No. 2001-1215, § 1, 2-26-01; Ord. No. 1288, §§ 1, 2, 5-12-03)

Section 5: Section 26-112 of the Code is amended to read:

Sec. 26-112. Private rezoning.

A. *Purpose.* A change of any zone district as shown on the official zoning map is permitted only when it is consistent with the goals and policies of the Wheat Ridge Comprehensive Plan and promotes the general welfare of the community. If a proposed

amendment is not consistent with the comprehensive plan, then the request may only be approved if the applicant demonstrates that the request is justified because of changed or changing conditions in the particular area or in the city in general, or the rezone is necessary to correct a manifest error in the existing zone classification. A manifest error may include, but may not be limited to, one (1) or more of the following:

1. Mapping errors, including incorrect boundary location or incorrect zone designation, or
2. Ordinance errors, including incorrect zone designation, legal description error or typographical errors. The final decision on a change of zone expressly rests in the exercise of the discretion of the city council and all applicants are advised there is no right to a change of zone of property.

B. *Applicability.* The requirements of this section shall be applicable throughout the boundaries of the City of Wheat Ridge and to any areas that are proposed to be annexed to the city where one (1) of the following is proposed:

1. Change of zone of a parcel of land from one (1) zone district classification to another zone district.
2. Changing of the conditions of an existing zone district where those conditions were specifically established by a previous rezoning ordinance.
3. Changes to a planned development preliminary or final development plan, including density (units per acre), intensity (floor area ratio), an increase or change of uses, or other changes which constitute a substantial change in character of development as determined by the director of community development.
4. In the event an applicant for site development or rezoning, **other than within or to a mixed use zone district**, owns adjacent property which, taken together with the property which is the subject of the application totals more than one (1) acre, the applicant must process the application as a planned development under article III.

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(Ord. No. 2001-1215, § 1, 2-26-01; Ord. No. 1288, §§ 1, 2, 5-12-03; Ord. No. 1299, § 2, 7-14-03; Ord. No. 1352, § 2, 9-26-05; Ord. No. 1383, § 2, 5-14-2007)

Section 6: Section 26-116 of the Code is amended to read:

Sec. 26-116. Planned building groups (PBG).

A. *Purpose.* The primary purpose of this provision is to allow flexibility and diversification in the location of structures and the design and land use of a lot held under single or common ownership by permitting more than one (1) main structure to be constructed thereon. It promotes better overall utilization of a building site by promoting improved vehicular and pedestrian circulation and access, more efficient layout of

parking and a better overall landscape and architectural design scheme for the total site, while at the same time ensuring adequate standards relating to public health, safety, welfare and convenience in the use and occupancy of buildings and facilities in planning building groups.

B. *Scope and limitations.* The procedures and provisions set forth in this section shall be applicable to all zone districts except planned development zone districts **and mixed use zone districts**, as those district regulations provide for multiple main structures on a lot under different procedures and provisions. It is not intended for this provision to be used to circumvent the requirements of the zoning ordinance for lot perimeter setbacks, lot size, lot coverage, residential density or any other provisions of the zoning ordinance except the requirement that only one (1) main building is permitted on one (1) lot. It also shall not be construed to waive any provisions of the subdivision regulations. Any subsequent division of a lot developed in accordance with the provisions set forth herein shall be required to meet all subdivision requirements.

C. *Application procedures.* All applications for planned building groups shall be filed with the department of community development by the owner of the entire land area to be included and shall be accompanied by the fee set forth in Appendix A (which is on file and available for inspection in the office of the city clerk), adequate proof of ownership, a certified survey of the parcel, and a site plan under section 26-111. All applications shall be reviewed by the department of community development for completeness and, if found to be complete, shall be transmitted to any other agency which might be affected. Any such agency may transmit comments and recommendations to the department of community development. The director of community development and/or the planning commission shall consider such agency comments and recommendations when establishing necessary conditions and limitations when acting upon applications.

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(Ord. No. 2001-1215, § 1, 2-26-01; Ord. No. 1288, §§ 1, 2, 5-12-03; Ord. No. 1352, § 3, 9-26-05; Ord. No. 1383, § 5, 5-14-07)

Section 7: Section 26-120 of the Code is amended to read:

Sec. 26-120. Nonconforming lots, uses and structures.

A. *Scope and intent:*

1. Within the districts created by the adoption of this zoning code, or by the adoption of amendments, there may exist lots, structures or uses of land and structures which were legal prior to the time of the adoption or amendment of this chapter but which are now prohibited or regulated. It is the intent of this chapter to permit these nonconformities to continue until they are voluntarily removed, or until they are amortized, but not to encourage their survival. It is further intended that these nonconformities will not be enlarged, expanded, or extended, nor will they be used as grounds for adding other uses or structures prohibited in the district. In cases

where a nonconformity constitutes an eminent public safety hazard or threat, the nonconforming situation may be ordered corrected or removed.

2. Any building or structure for which a building permit has been issued or a use of land or structure for which a use permit has been granted prior to the effective date of enactment or amendment of this chapter which created the nonconformity may be completed and used in accordance with the plans, specifications and permit on which the building or use permit was granted, if construction in the case of a building, or occupancy in the case of use, is commenced within sixty (60) days after the issuance of the permit and diligently carried to completion or occupancy.

B. *Nonconforming lots of record:* In any district in which single-family dwellings are permitted, a single-family residence and customary accessory buildings may be erected on any single lot of record, provided that the lot is in separate ownership and not of continuous frontage with other lots under the same ownership. This provision shall apply even though the lot fails to meet the requirements of the district in which it is located for area, width, or both; provided, however, that the requirements of the district for minimum yard dimensions and lot coverage shall be met.

If two (2) or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record, and part or all of the lots do not meet the requirements of the district in which they are located as to minimum area or frontage or both, the lands shall be considered to be an undivided parcel and no portion of the parcel shall be sold or used in a manner which diminishes compliance with minimum lot width and area requirements.

C. *Nonconforming structures and uses.* Where a structure or use lawfully existed at the time of the adoption or amendment of this chapter which could not be built **or maintained** under the current requirements of this chapter because of lot area, lot coverage, required yards or the location of the structure on the lot, such structure or use may be continued so long as it remains otherwise lawful, subject to the following.

1. 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. 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.
2. If any structure or nonconforming portion thereof is demolished or reconstructed by the owner to an extent of more than fifty (50) percent of its replacement cost, it shall not be reconstructed except in conformity with the applicable provisions of this chapter.

3. If any structure should for any reason be moved from its location at the time of adoption or amendment of this chapter, it shall conform to the provisions of the district in which it is located after it is moved.
4. No existing structure devoted to a use not permitted by this chapter in the district in which located shall be enlarged, extended, constructed, reconstructed, moved or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.
5. Any nonconforming use may be extended throughout any part of the building which was designed or arranged for such use at the time of adoption or amendment of this chapter, but no such use shall be extended to occupy any land outside such building. In addition, no such use shall be extended to any portion of the property outside of any building which was not used for said nonconforming use at the time of the adoption or amendment of this chapter creating said nonconforming use.
6. Whenever any nonconforming use of a structure, or land, or a structure and land in combination is discontinued for **twelve (12) consecutive months** ~~sixty (60) consecutive days or six (6) months during any three-year period (except when government action impedes access to the property)~~ the structure, or structure and premises in combination shall not thereafter be devoted to a use not permitted in the district in which is located. Nonconforming residential structures and uses are exempt from the provisions of this subparagraph. Rezoning or special use permit applications for properties which are nonconforming uses at the time of application, and where these applications are intended to bring the nonconforming use into use conformance, shall not be charged application fees or be required to reimburse the city for direct expenses related to the application review process.
7. Setback encroachments for accessory buildings may be allowed where the principal structure encroaches into required setbacks in accordance with section 26-625.
8. **A nonconforming structure, or a structure that contains a nonconforming use, that has been involuntarily damaged, in whole or in part, by fire, flood, wind or other calamity may be restored to its original size and scope, provided such work is in compliance with all technical codes adopted under Chapter 5, article 3 of this Code. Restoration work shall commence within six months of the damage occurring and shall be completed within 12 months of the date on which the restoration commenced.**
9. **No use or structure originally nonconforming which is rendered conforming may be returned to its nonconforming use or form.**

D. *Repairs and maintenance:* On any nonconforming structure or portion of a structure containing a nonconforming use, work may be done during any one (1) year period on ordinary repairs, or on repair and replacement of nonbearing wall fixtures, wiring or

plumbing; provided that the cubic content existing when it became nonconforming is not increased. If a nonconforming structure or portion of a structure devoted to a nonconforming use becomes physically unsafe or unlawful due to lack of repairs and maintenance, and it is declared by the director of community development to be unsafe or unlawful by reason of physical condition, it shall not thereafter be restored, rebuilt or repaired except in conformity with the regulations of the district in which it is located. Nothing in this chapter shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protection of the public safety.

E. Exceptions:

1. Government actions. Whenever the City of Wheat Ridge or the State of Colorado shall, through a purchase, condemnation or a required dedication of land for street widening or extension purposes, cause any lot, structure or use maintained upon that lot to become nonconforming in the areas of setback, area of lot, or parking and landscape requirements, the existing lot, structure or use, which would otherwise become nonconforming, shall be considered conforming, subject to the following:
 - a. The nonconformity that was created by street right-of-way widening or extension was not anticipated by adopted plans which were in effect as of the date of commencement of the original construction or use; and
 - b. Any nonconformity other than those created by the above-described governmental action, and which existed prior to the date of the governmental action, shall be considered a nonconformity which is subject to the remaining provisions of this section.
2. Variances and waivers. Any lot or structure which is granted a variance or waiver in accordance with section 26-115 shall not be deemed a nonconforming lot or structure.
3. Private roadways. Dwellings or other structures existing in the City of Wheat Ridge on private roads or legally recorded easements shall not be considered to be nonconforming by virtue of such cases.

F. Miscellaneous nonconformities: Existing uses and/or developed lands which are nonconforming due to ingress/egress, landscaping, parking, signage or public improvements may be continued notwithstanding the provisions of subsections C. and D., above; provided, however, that any reconstruction, enlargement or addition meets the specific nonconforming provisions related to the particular nonconformity as specified in the appropriate section. (See section 26-501 for parking and ingress/egress; section 26-502 for landscaping; article VII for signs; and section 26-110 for public improvements.)

(Ord. No. 2001-1215, § 1, 2-26-01; Ord. No. 1288, §§ 1, 2, 5-12-03; Ord. No. 1448, § 1, 8-24-09)

Section 8: Section 26-301 of the Code is amended to read:

Sec. 26-301. Scope and application.

A. There is hereby created a Planned Development District to further promote the public health, safety and general welfare by permitting greater flexibility and innovation in land development based upon a comprehensive, integrated plan. For the purpose of ensuring maximum flexibility of this district, the district is divided into the following planned development zone district categories, based on the primary land use of a proposed development plan or portion thereof:

1. Planned Residential Development--PRD.
2. Planned Commercial Development--PCD.
3. Planned Industrial Development--PID.
4. Planned Hospital Development--PHD.
5. Planned Mixed Used Development--PMUD.

By creating the above zone district categories, the city council recognizes that these zone district categories may exist singly or in combination within any approved planned development.

B. On and after the effective date of this chapter as set forth in section 26-1003, all applications for private rezoning under section 26-112 for properties in excess of one (1) acre (for rezoning to residential or industrial zones), and all applications for private rezoning to any commercial district, **with the exception of a rezoning to any mixed use district**, shall be required to request rezoning to one (1) of the listed planned development zone district categories. The procedure for review of any planned development application shall be that for private rezoning at section 26-112. A Planned Development District may be approved for any single use or any combination of uses; provided, that the intent and purposes of this section are met, and that the general health, safety and welfare of the community are advanced through its approval. This section shall apply to:

1. Any new application for a rezoning to a Planned Development District.
2. Any application for amendment to an existing planned development zone district.

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

Section 9: Section 26-610 of the Code is amended to read:

Sec. 26-610. Building lots.

Every building or structure hereafter erected within the city shall be located on a lot, as defined herein, and in no instance shall there be more than one (1) main building on one (1) lot except as permitted within a Planned Development District, **within a mixed use district**, or as permitted as a planned building group (PBG).

(Ord. No. 2001-1215, § 1, 2-26-01)

Section 10: Section 26-708 of the Code is amended to read:

Sec. 26-708. Miscellaneous provisions.

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E. *Master sign plan.*

1. The planning commission may approve a master sign plan for any existing or proposed commercial, **mixed use**, or industrial development of at least two (2) acres or more in size which is under unified control either by ownership, legal association or leasehold.
2. The intent and purpose is to encourage well-planned and designed signage within a large multiple building or multiple use complex which expresses unification and integration by elements of architectural style, size, color, placement and lighting while at the same time allowing for reasonable individual business identification. An additional purpose is to encourage the elimination of existing nonconforming signs. The planning commission may grant as a bonus for well-designed plans additional signs and/or up to a fifty (50) percent increase in maximum square footage for each sign, and/or may permit signs in locations other than normally permitted, based upon a finding that the proposed master sign plan substantially meets the intent and purpose of this subsection relating to unification and integration of signage.
3. Once approved at a public hearing by planning commission, all master sign plans shall be recorded with the Jefferson County Recorder's Office and shall constitute a covenant and must be complied with by all owners, proprietors, lessees or assigns, whether current or future. No substantial variation from the plan shall be permitted without planning commission approval. Noticing requirements for a master sign plan process shall follow the procedures outlined in section 26-109.

F. *Signs in the right-of-way.*

1. The community development director and public works director may jointly approve freestanding signs which are otherwise permitted to advertise a property, to be located in the public right-of-way immediately adjacent to that property, subject to all of the following criteria:
 - a. there are no viable alternative locations on the subject property;
 - b. the sign is for a property with commercial or mixed use zoning;
 - c. the sign will be within right-of-way that is immediately adjacent to the subject property;
 - d. the sign is not in the right-of-way of a state highway;
 - e. there are no immediate plans for widening the street as identified in the 5-year Capital Investment Program (CIP) or planning documents;
 - f. the sign is not for a site being completely redeveloped with new construction, in which case the proposed design should incorporate the sign on site;
 - g. no underground utilities, except for electricity, exist in the proposed location for the sign;
 - h. the sign does not obstruct the sidewalk or vehicular traffic;

- i. the sign complies with sight distance triangle requirements per section 26-603.B;
 - j. the sign is not located in the landscape buffer or amenity zone located between the back of curb and the sidewalk;
 - k. the sign is not a pole sign; and
 - l. the sign must exclusively advertise or identify the business or operation located only on the immediately adjacent property for which sign is permitted.
2. Signs that meet the above criteria shall obtain a sign permit through the community development department and a right-of-way use permit through the department of public works.
3. **Notwithstanding Section 26-115, the decision of the community development director and public works director to grant or deny a permit under this subsection F shall be the final decision of the City, appealable only to the district court.**

G. Signs in Mixed Use Zone Districts. Signs in any mixed use zone district must also comply with requirements in section 26-113.

(Ord. No. 2001-1215, § 1, 2-26-01; Ord. No. 1396, § 1, 7-23-07)

Section 11: Section 26-710 of the Code is amended to read:

Sec. 26-710. Commercial, industrial and mixed use zone districts sign standards chart.

TABLE INSET:

<p>TABLE 1. SIGN STANDARDS IN COMMERCIAL, INDUSTRIAL AND MIXED USE DISTRICTS (NC, RC, C-1, C-2, I, MU-C, MU-C TOD, MU-C Interstate, MU-N)</p>
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(Ord. No. 2001-1215, § 1, 2-26-01; Ord. No. 1396, § 1, 7-23-07)

Section 12: 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.

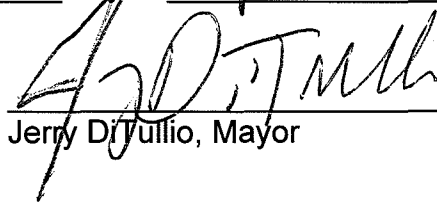
Section 13: Severability; Conflicting Ordinances Repealed. If any section, subsection or clause of the ordinance shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections and clauses shall not be affected thereby. All other ordinances or parts of the ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 14: 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 23rd day of August, 2010, ordered published with Public Hearing and consideration of final passage set for **Monday, September 13th, 2010 at 7:00 p.m.**, in the Council Chambers, 7500 West 29th Avenue, Wheat Ridge, Colorado, and that it takes effect 15 days after final publication

READ, ADOPTED AND ORDERED PUBLISHED on second and final reading by a vote of 6 to 0, this 13th day of September, 2010.

SIGNED by the Mayor on this 13 day of September, 2010.

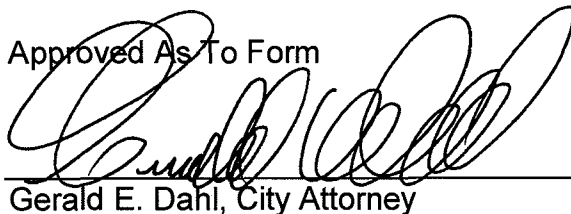

Jerry DiTullio, Mayor

ATTEST:



Michael Snow, City Clerk

Approved As To Form


Gerald E. Dahl, City Attorney

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