

CITY OF WHEAT RIDGE, COLORADO
INTRODUCED BY COUNCIL MEMBER JAY
Council Bill No. 11
Ordinance No. 1482
Series 2011

**TITLE: AN ORDINANCE AMENDING THE WHEAT RIDGE CODE OF LAWS
CONCERNING NONCONFORMING STRUCTURES IN THE FLOODWAY
DISTRICT**

WHEREAS, the City of Wheat Ridge, acting through its City Council, has previously adopted Article VIII of Chapter 26 of the Wheat Ridge Code of Laws (the "Code") entitled "Floodplain Control;" and

WHEREAS, Section 26-805.C of the Code prohibits structures within the "Floodway District" defined by Code Section 26-802 and as described in Code Sections 26-804 and 26-806; and

WHEREAS, there currently exist numerous structures for human occupancy within the Floodway District which are legal nonconforming uses, but which, as a consequence of Code Section 26-805.C.1, could not be rebuilt if destroyed; and

WHEREAS, the Council wishes to allow such structures to be rebuilt or repaired, as permitted special exception uses subject to reasonable requirements to ensure safety of human occupants.

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

Section 1. Section 26-805 of the Wheat Ridge Code of Laws is amended by the addition of a new subsection C and renumbering current subsection C as D, to read as follows:

26-805. Floodway District.

- A. . . .
- B. . . .

C. *SPECIAL EXCEPTIONS.* THE FOLLOWING USES ARE PERMITTED IN THE FLOODWAY DISTRICT SUBJECT TO SPECIAL REQUIREMENTS AS NOTED:

- 1. STRUCTURES FOR HUMAN OCCUPANCY WHICH WERE IN EXISTENCE AS OF FEBRUARY 26, 2001, SUBJECT TO SECTION 26-807 (NONCONFORMING USES) AND THE REQUIREMENTS OF SECTION 26-806.D, E and F, PROVIDED,

HOWEVER, THAT A SPECIAL EXCEPTION PERMIT SHALL NOT BE REQUIRED.

D. *Prohibited Uses.* . . .

Section 2. Section 26-807 of the Wheat Ridge Code of Laws is amended to read as follows:

Sec. 26-807. Non-conforming uses AND STRUCTURES.

The existing lawful use of a structure or premises which is not in conformity with the provisions of these regulations may be continued subject to the following conditions:

- A. No such use shall be expanded or enlarged THE NONCONFORMITY except in ~~conformity~~ COMPLIANCE with the provisions of these regulations.
- B. No substantial improvement to any nonconforming structure over the life of the structure shall be allowed unless the nonconforming ~~use~~ STRUCTURE is permanently changed to a conforming ~~use~~STRUCTURE.
- C. If such use is discontinued for TWO (2) ~~twelve~~ (12) consecutive YEARS~~months~~, any future use of the building and premises shall conform to these regulations.
- D. Uses or adjuncts thereof which are nuisances shall not be permitted to continue as nonconforming uses.
- E. Any alteration, addition or repair to any nonconforming structure permitted pursuant to subsection B., above, shall be protected by floodproofing measures pursuant to section 26-808C.4.a.

Section 3. Severability, Conflicting Ordinances Repealed. If any section, subsection or clause of this Ordinance shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections and clauses shall not be affected thereby. All other ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

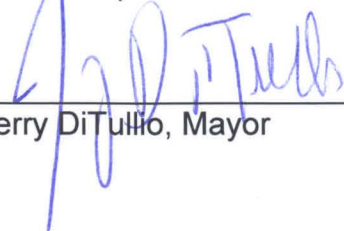
Section 4. Effective Date. This Ordinance shall take effect fifteen (15) days after final publication, as provided by Section 5.11 of the Charter.

INTRODUCED, READ, AND ADOPTED on first reading by a vote of 6 to 0 on this 14th day of March, 2011, ordered published in full in a newspaper of general circulation in the City of Wheat Ridge, and Public Hearing and consideration on final

passage set for **March 28, 2011 and continued until April 25, 2011 at 7:00 p.m.**, in the Council Chambers, 7500 West 29th Avenue, Wheat Ridge, Colorado.


READ, ADOPTED AND ORDERED PUBLISHED on second and final reading by a vote of 6 to 0, this 25th day of April, 2011.

SIGNED by the Mayor on this 26th day of April, 2011.

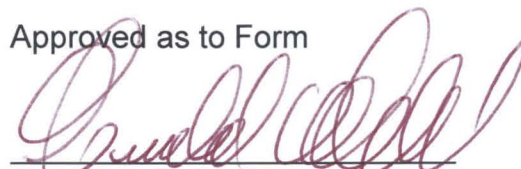


Jerry DiTullio, Mayor

ATTEST:



Michael Snow, City Clerk

Approved as to Form


Gerald E. Dahl, City Attorney

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