

**CITY OF WHEAT RIDGE**  
**INTRODUCED BY COUNCIL MEMBER STITES**  
**COUNCIL BILL NO. 10**  
**ORDINANCE NO. 1515**  
Series of 2012

**TITLE: AN ORDINANCE AMENDING CHAPTER 26 CONCERNING THE PLANNED DEVELOPMENT DISTRICT REGULATIONS AND PRIVATE ZONE CHANGES AND MAKING CERTAIN AMENDMENTS TO CHAPTER 2 IN ASSOCIATION HEREWITH**

**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**, in the exercise of that authority, the City Council of the City of Wheat Ridge has previously enacted Chapter 26 of the Wheat Ridge Code of Laws (the "Code") pertaining to zoning, land use, and development; and

**WHEREAS**, the City has identified a need to simplify land use processes and eliminate redundancies; and

**WHEREAS**, the City wishes to amend Article III of Chapter 26 pertaining to planned development district regulations; and

**WHEREAS**, the City has determined that additional sections of the Code should be amended for the sake of clarification.

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

**Section 1.** Article III of Chapter 26 of the Code is hereby repealed in its entirety and reenacted to read as follows:

**ARTICLE III. - PLANNED DEVELOPMENT DISTRICT REGULATIONS**

**Sec. 26-301. – Scope and application.**

A. *District created.* 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.

The city council recognizes these zone district categories may exist singly or in combination within any approved planned development.

B. *Applicability.* On and after the effective date of this chapter as set forth in section 26-1003, all applications for a zone change shall be to a planned development district where any one (1) of the following conditions exist:

1. An application for a zone change to any commercial district, with the exception of a rezoning to any mixed use district, for properties of any size.
2. An application for a zone change to any industrial, residential, or agricultural district for property over one (1) acre in size, or for which an applicant owns adjacent property which, taken together with the property that is the subject of the application, totals more than one (1) acre.

This article 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.

C. *Purpose.* The intent of the planned development district is to permit the establishment of well-designed, innovative developments which may not be feasible under a standard zone district, but which may be permitted through the use of an approved development plan by assuring greater control and specificity of intended development character, use, operations and maintenance, while at the same time allowing flexibility and diversity.

While the city council recognizes that planned developments may vary certain design and other requirements, the planned development process may not be used to circumvent the intent and spirit of the protections afforded by this chapter.

The planned development district recognizes the great variety of land use intensities, densities, and environmental and land use interfaces which are possible. The general purposes of this article are as follows:

1. To accommodate extraordinary or unique development proposals that are not feasible under standard zone districts.
2. To accomplish compatible development with adjacent commercial, residential and/or industrial land uses through proper land use transitions and buffering techniques.
3. To promote flexibility in design and permit diversification in the location of structures.
4. To promote the efficient use of land to facilitate a more economic arrangement of building, circulation systems, land use and utilities.
5. To preserve, to the greatest extent possible, the existing landscape features and to minimize impacts on other natural features of the site.



6. To combine and coordinate architectural styles, building forms and building relationships within the planned developments.
7. To promote conformance with the adopted comprehensive plan, established policies and guidelines for the area and for the community.

**Sec. 26-302. – Planned development review procedures.**

A. *Development plans.* There are two (2) distinct steps in establishing a planned development: approval of an outline development plan (ODP) and approval of a specific development plan (SDP). The first approval process includes a zone change to a planned development district and approval of an outline development plan. The second approval process is for specific site design and architecture, and includes approval of the specific development plan. Both phases of approval include public hearings subject to the provisions of sections 26-303 and 26-305.

B. *Sequence of related applications.*

1. Applications for outline and specific development plans may be submitted concurrently or sequentially.
2. If platting is required, subdivision or plat review may be carried out simultaneously with the review of the specific development plan. Generally, subdivision review is required if a proposed development dedicates right-of-way for streets, easements or other public lands; amends a previously approved subdivision; or creates parcel divisions. Article IV of this chapter should be consulted for subdivision requirements and procedures.

**Sec. 26-303. – Outline development plan review procedures.**

The applicant shall submit an outline development plan for approval of a zone change to a planned development district. The outline development plan establishes the zoning, overall development concepts, permitted uses, and development parameters. It also provides a general graphic layout of proposed building pads and proposed circulation concepts.

A. *Review procedure.* An outline development plan is processed and approved concurrently with a zone change to a planned development district, subject to the following review procedure:

1. *Preapplication conference.* Prior to submitting any zone change application for a planned development district, the applicant must participate in a preapplication conference, as described in section 26-104.
2. *Preapplication neighborhood meeting.* After the preapplication conference, but prior to submitting any zone change application for a planned development district, the applicant shall be required to hold a neighborhood input meeting, as described in section 26-109.A.
3. *Application filing.* An outline development plan application shall be submitted to the community development department. Staff will review the application for completeness in accordance with the submittal requirements in section 26-304. If staff determines the application is not complete, it will be returned to the



applicant and not further processed until the incomplete items have been supplied.

4. Review and referral. Upon receipt of a complete application packet the community development department shall proceed with the following process:
  - a. Staff will review the application and refer the application to affected departments and agencies for review and comment. The applicant must address all comments and resubmit relevant documents.
  - b. After the review period, staff will give notice of scheduled public hearing(s) on the application with notice by publication, letter, and site posting in the manner provided in section 26-109.
  - c. Staff will prepare a written report to the planning commission which evaluates the proposal, makes findings, and makes recommendations using the review criteria set forth below in section 26-303.D.
5. Planning commission review. The planning commission shall hear and consider any evidence or statement presented by the applicant, city staff, or by any person in attendance at the public hearing. The planning commission shall then make a recommendation to city council to approve, approve with conditions, or deny the application, basing its recommendation upon the facts presented in the public hearing in consideration of the criteria for review as specified in section 26-303.D.
6. City council review. City council shall review and decide upon all requests for approval of an outline development plan, upon recommendation of the planning commission for approval, approval with conditions, or for denial. Change of zone may only be approved by passage of an ordinance following the city's standard ordinance adoption procedures, including a first reading and public hearing. City council, in addition to consideration of the planning commission record, shall hear additional evidence and testimony presented and either approve, approve with conditions, or deny the ordinance. City council shall base its decision upon all evidence presented, with due consideration of the criteria for review as specified in section 26.303.D.
7. In the event of a legal protest against the rezoning component of the planned development approval, under the procedure set forth section 5-10 of the home rule charter, a zone change shall not be approved except by the favorable vote of three-fourths of the entire city council. The written protest to such change shall be submitted to the city council no later than the hearing on the proposed rezoning ordinance.

B. *Recording.* All approved outline development plans shall be recorded with the Jefferson County Clerk and Recorder. Such plans and associated recording fees shall be submitted to the community development department within sixty (60) days of council's final action.

Should a recordable approved outline development plan not be provided to staff within sixty (60) days of council's final action, staff shall schedule a public hearing before city council and city council shall reconsider its approval. A one-time, thirty-day extension for mylar submittal may be requested from the community development director. The

request must be submitted in writing prior to expiration of the sixty-day time limit showing evidence of good cause for not meeting the deadline.

C. *Modifications or amendments.* The process for approving amendments to an outline development plan is the same as for the original approval, as described in section 26-308.

D. *Criteria for review.* The planning commission and city council shall base their decision in consideration of the extent to which the applicant demonstrates the following criteria have been met:

1. The change of zone promotes the health, safety, and general welfare of the community and will not result in a significant adverse effect on the surrounding area; and
2. The development proposed on the subject property is not feasible under any other zone district, and would require an unreasonable number of variances or waivers and conditions; and
3. Adequate infrastructure/facilities are available to serve the types of uses allowed by the change of zone, or the applicant will upgrade and provide such where they do not exist or are under capacity; and
4. At least one of the following conditions exists:
  - a. The change of zone is in conformance, or will bring the property into conformance with, the City of Wheat Ridge comprehensive plan goals, objectives and policies, and other city-approved policies or plans for the area.
  - b. The existing zone classification currently recorded on the official zoning maps of the City of Wheat Ridge is in error.
  - c. A change of character in the area has occurred or is occurring to such a degree that it is in the public interest to encourage redevelopment of the area or to recognize the changing character of the area.
  - d. The proposed rezoning is necessary in order to provide for a community need that was not anticipated at the time of the adoption of the City of Wheat Ridge comprehensive plan.

**Sec. 26-304. – Outline development plan application contents.**

A. *Application contents.* A complete application for a zone change request to a planned development district shall include:

1. Complete and notarized application form.
2. Appropriate fee.
3. Proof of ownership, such as copies of deeds or title commitments.
4. Written authorization from property owner(s) where an agent acts on behalf of the owner(s).
5. Certified boundary and improvement survey.
6. Approved legal description in electronic file format.



7. Mineral rights certification form.
8. A written description of the zone change request. The narrative should include sufficient detail to convey the full intent of the applicant and a justification of why the zone change is appropriate. The narrative should address:
  - a. Need for the change of zone.
  - b. Present and future effect on the existing zone districts, development and physical character of the surrounding area.
  - c. Access to the area, traffic patterns and impact of the requested zone on these factors.
  - d. Availability of utilities.
  - e. Present and future effect on public facilities and services, such as fire, police, water, sanitation, roadways, parks, schools, etc.
  - f. A discussion of the relationship between the proposal and adopted plans and/or policies of the city.
9. Outline development plan document. The application shall include the appropriate number of copies, as determined at the pre-application conference. All informational requirements of the outline development plan shall be met, as described below in subsection B. The outline development plan must provide enough information for the review bodies to determine how the property will be developed.
10. Additional information may be required dependent upon the size and complexity of impact of the proposal, as determined by the community development director and the public works director. This includes, but is not limited to, drainage study and plan, traffic impact report, grading plan, geological stability report, floodplain impact report, or general environmental impact report. This information will be required in hard copy and in electronic file format.

B. *Form and content of outline development plan.* The maps which are a part of the outline development plan shall be made at a scale of not less than one (1) inch equals one hundred (100) feet. The size of the sheet shall be twenty-four (24) inches by thirty-six (36) inches and must comply with the Jefferson County Clerk and Recorder's requirements. The outline development plan shall contain the following minimum information:

1. Project information.
  - a. Title of document.
  - b. Complete metes and bounds legal description on the current city datum with proper section and PHAC ties per city geodetic requirements.
  - c. Small scale location map, with north arrow and scale.
  - d. Ownership/unified control statement, if applicable.
  - e. Character of development.

- f. Name, address, and phone number of architect and engineer associated with the project.
- g. Appropriate certification blocks as determined by the community development department.
- h. Case history box with reference case numbers.
- i. A note shall be added to any outline development plan which states:

*"This outline development plan is conceptual in nature. Specific development elements such as site layout and building architecture have not been addressed on this document. As a result, a specific development plan must be submitted and approved by the City of Wheat Ridge prior to the submittal of a right-of-way or building permit application and any subsequent site development."*

2. Development standards.

- a. List of permitted land uses.
- b. Maximum building coverage.
- c. Minimum landscape coverage and open space.
- d. Minimum lot sizes, dimensions, net density, and gross density.
- e. Minimum perimeter setback or build-to lines.
- f. Minimum separation between buildings.
- g. Maximum building height.
- h. Standards for signage, lighting, fencing, screening and landscaping.
- i. Standards for off-street vehicular parking, bicycle parking, and loading.
- j. Standards for accessory structures and outdoor storage, display, and sales.
- k. Standards for architecture and site design, if varying from the Architectural and Site Design Manual or other applicable design standards.

3. Sketch plan. The drawings shall be to-scale, but may be in sketch site plan format. The plan shall include the locations of the following:

- a. Property boundary (which must correspond to legal description) with existing/proposed lot lines.
- b. Proposed circulation concepts, including roads, right-of-way, access points, and sidewalks.
- c. General areas to be used for landscaping, parking, and building pads.
- d. General areas to be used for drainage, parks, and other areas to be reserved or dedicated to public use.
- e. Significant land features (ditches, streams, lakes, topography, etc.) within or adjacent to the property.
- f. Zoning for adjacent properties.



- g. Adjoining property lot lines, building access, and parking so that development compatibility can be determined.
- h. Scale and north arrow (scale not to exceed 1" = 100').

**Sec. 26-305. – Specific development plan review procedures.**

After the approval of the outline development plan, a specific development plan must be approved before right-of-way or building permit applications may be submitted. The purpose of the specific development plan is to establish a site layout, architectural standards, and building elevations for one (1) or more phases of development and to demonstrate feasibility through preliminary or final engineering.

*A. Review procedure.*

1. Preapplication conference. Prior to submitting any application for a specific development plan, the applicant must participate in a preapplication conference, as described in section 26-104.
2. Application filing. An application packet shall be submitted to the community development department. Staff will review the application for completeness in accordance with the submittal requirements in section 26-306. If staff determines the application is not complete, it will be returned to the applicant and not further processed until the incomplete items have been supplied.
3. Review and referral. Upon receipt of a complete application packet the community development department shall proceed with the following process:
  - a. Staff will review the application and refer the application to affected departments and agencies for review and comment. The applicant must address all comments and resubmit relevant documents.
  - b. After the review period, staff will give notice of scheduled public hearing(s) on the application with notice by publication, letter, and site posting in the manner provided in section 26-109.
  - c. Staff will prepare a written report to the planning commission which evaluates the proposal, makes findings, and makes recommendations using the review criteria set forth below in section 26-305.D.
4. Public hearing.
  - a. Subsequent review. A specific development plan is reviewed and approved by planning commission if the SDP application is submitted subsequent to approval of an outline development plan.
    - i. Planning commission review. The planning commission shall hear and consider any evidence or statement presented by the applicant, city staff, or by any person in attendance at a public hearing. The planning commission shall then make a decision to approve, approve with conditions, or deny the application, basing its decision upon the facts presented in the public hearing in consideration of the criteria for review as specified in 26-305.D.



- ii. Appeal. If the applicant objects to conditions placed on the approval, or if the specific development plan is denied by the planning commission, an appeal of the decision may be filed with the city clerk's office within ten (10) working days from the date of the planning commission's decision, whereupon the specific development plan will be scheduled for public hearing before city council in the same manner as provided for city council review of a concurrent outline and specific development plan at subsection A.4.b.ii below.
- b. Concurrent review. If the outline development plan and specific development plan applications are submitted concurrently, city council review is required for the specific development plan.
  - i. Planning commission review. The planning commission shall hear and consider any evidence or statement presented by the applicant, city staff, or by any person in attendance at a public hearing. The planning commission shall then make a recommendation to city council to approve, approve with conditions, or deny the application, basing its recommendation upon the facts presented in the public hearing in consideration of the criteria for review as specified in 26-305.D.
  - ii. City Council review. City council shall review and decide upon all specific development plan applications at a public hearing. Upon receipt of the development plan and the recommendation of the planning commission, the city council shall either approve, approve with conditions, deny, or refer the plan back to planning commission for further study. Specific development plans shall be approved by resolution. City council shall base its decision upon all evidence presented, with due consideration of the criteria for review as specified in 26-305.D.

B. *Recording.* All approved specific development plans shall be recorded with the Jefferson County Clerk and Recorder. Such plans, and associated recording fees shall be submitted to the community development department within sixty (60) days of council's final action.

Should a recordable approved specific development plan not be provided to staff within sixty (60) days of council's final action to approve, staff shall schedule a public hearing before city council and city council shall reconsider its approval. A one-time, thirty-day extension for mylar submittal may be requested from the community development director. The request must be submitted in writing prior to expiration of the sixty-day time limit showing evidence of good cause for not meeting the deadline.

C. *Modifications or amendments.* See section 26-308.

D. *Criteria for review.* The planning commission and city council shall base their decision in consideration of the extent to which the applicant demonstrates that all of the following criteria have been met:

1. The proposed specific development plan is consistent with the purpose of a planned development as stated in section 26-301 of this article; and
2. The proposed specific development plan is consistent with the design intent or purpose of the approved outline development plan; and

3. The proposed uses indicated in the specific development plan are consistent with the uses approved by the outline development plan; and
4. The site is appropriately designed and is consistent with the development guidelines established in the outline development plan; and
5. Adequate infrastructure/facilities are available to serve the subject property, or the applicant will upgrade and provide such where they do not exist or are under capacity; and
6. The proposed specific development plan is in substantial compliance with the applicable standards set forth in the Architectural and Site Design Manual, Streetscape Design Manual, and other applicable design standards.

**Sec. 26-306. – Specific development plan application contents.**

A. *Application contents.* A complete application for a specific development plan shall include:

1. Complete and notarized application form.
2. Appropriate fee.
3. Proof of ownership, such as copies of deeds or title commitments.
4. Written authorization from property owner(s) where an agent acts on behalf of the owner(s).
5. Certified boundary and improvement survey.
6. A written description of the proposed development.
7. Specific development plan document. The application shall include the appropriate number of copies, as determined at the pre-application conference. All informational requirements of the specific development plan shall be met, as described below in subsection B.
8. In addition to the information contained in the specific development, the following supportive information may be required in hard copy, in electronic file format, or both:
  - a. Final drainage report and plan;
  - b. Traffic impact report;
  - c. Civil construction plans;
  - d. Stormwater management plan (SWMP);
  - e. Stormwater operations and maintenance manual (O&M Manual).

B. *Form and content of specific development plan.* The maps which are a part of the specific development plan shall be made at a scale of not less than one (1) inch equals one hundred (100) feet. The size of the sheet shall be twenty-four (24) inches by thirty-six (36) inches and must comply with the Jefferson County Clerk and Recorder's requirements. The specific development plan shall contain the following minimum information:

1. Project information.



- a. Title of document.
  - b. Complete metes and bounds legal description on the current city datum with proper section and PHAC ties per city geodetic requirements.
  - c. Small scale location map, with north arrow and scale.
  - d. Ownership/unified control statement, if applicable.
  - e. Name, address, and phone number of architect and engineer associated with the project.
  - f. Appropriate certification blocks as determined by the community development department.
  - g. Case history box with reference case numbers.
2. Site plan. The drawings shall be to-scale and shall include the locations of the following:
    - a. Property boundary (which corresponds to legal description) with existing/proposed lot lines.
    - b. Proposed locations for landscaping, parking, building locations, and buffering.
    - c. Proposed areas to be used for drainage, parks, and other areas to be reserved or dedicated to public use.
    - d. Existing and proposed circulation system, including roads, rights-of-way, access points, sidewalks, and pedestrian linkages.
    - e. Existing and proposed easements and rights-of-way with accurate dimensions.
    - f. Significant land features (ditches, streams, lakes, topography, etc.) within or adjacent to the property.
    - g. Zoning for adjacent properties.
    - h. Adjoining property lot lines, building access, parking, so that development compatibility can be determined.
    - i. Scale and north arrow (scale not to exceed 1" = 100').
  3. Architectural elevations. Architectural elevations shall illustrate approximate building height and proposed architectural materials. The drawings should be of sufficient detail to illustrate massing, height, and general character of the proposed structures. Applicants must provide enough information for the review bodies to determine compliance with applicable standards.
  4. Aerial perspective. A blackline aerial perspective or "birds'-eye-view" image of the project shall illustrate building location, layout, bulk, and height in three dimensions.

**Sec. 26-307. – Amendments to development plans.**

A. *General.* Amendments may be initiated by property owners within an approved development plan as provided in this section, or by the city in accordance with section 26-113.

B. *Outline development plan amendments.* All applications for amendment to an outline development plan must be approved in writing by at least twenty-five (25) percent of the owners of real property contained within the area originally approved by the outline development plan, unless specific alternative provisions for amendment have been approved by city council as part of the unified control agreement. Additionally, if the amendment affects the provisions for access, drainage, utilities and/or circulation, affected property owners, as determined by the community development director, must also consent to the application for amendment in writing.

An amendment to an approved outline development plan shall require a new application, subject to the same procedures and requirements as for the original approval, if any of the following conditions exist:

1. Substantial changes that alter the character of the development.
2. Any change to the development parameters on the outline development plan, including, but not limited to:
  - a. An increase in the gross floor area of structures beyond the authorized maximum allowed on the approved outline development plan.
  - b. An increase in density of use beyond the authorized maximum allowed on the approved outline development plan.
  - c. A change in perimeter setbacks or build-to beyond what is authorized on the approved outline development plan.
  - d. A reduction in required buffer areas.
  - e. An increase in height of any structures beyond the authorized maximum allowed on the approved outline development plan.
  - f. Proposed land uses not permitted on the approved outline development plan.

C. *Specific development plan amendments.* A specific development plan may vary from the approved outline development plan so long as the variations are within the approved development parameters. At no time may approval of a specific development plan result in any increase beyond a maximum development standard or any decrease below a minimum development standard as listed on the outline development plan. If any of these conditions occur, the outline development plan must be amended, as described in subsection B above.

An amendment to a specific development plan must be approved in writing by only the owners of the real property for which the amendment is being requested. Amendments may be initiated by property owners within an approved development plan. If the amendment affects the provisions for access, drainage, utilities and/or circulation, affected property owners, as determined by the community development director, must also consent to the application for amendment in writing.

1. *Administrative review.* The community development director may approve minor amendments to a specific development plan which, in the reasonable judgment of the community development director, do not affect neighboring properties or the overall character of the development. These may include variations to buildings orientation, parking lots, landscaping areas, architectural details,



interior setbacks, and similar variations that meet the review criteria set forth below in section 26-308.C.3. Administratively approved amendments are not required to be recorded, but should be kept on file in the community development department.

2. *Planning commission review.* Substantial changes which, in the reasonable judgment of the community development director, exceed the scope of the administrative review or are extensive enough to be considered a new site design shall be reviewed and decided upon by the planning commission. The community development director's determination of substantial change shall be based upon factors such as size and relative impact to adjacent property, and may include, but are not limited to, changes in circulation and building location.

Review by planning commission is subject to the notice and hearing procedures provided in section 26-109. Planning commission shall base its decision upon all evidence presented, with due consideration of the criteria for review as specified in section 26-308.C.3 below. Any changes to a specific development plan which are approved by planning commission, must be recorded with the Jefferson County Recorder as amendments to the original recorded specific development plan subject to the provisions of section 26-305.B.8.

3. *Criteria for review.* The director of community development or the planning commission shall base its decision in consideration of the following findings of fact:
  - a. The amendment maintains the design intent or purpose of the original approved development plan; and
  - b. The amendment maintains the quality of design or product established by the original approved development plan; and
  - c. The amendment is not materially detrimental to the public welfare or to uses or property in the immediate vicinity of the development plan.

The director and planning commission may impose conditions upon any amendment to ensure the proposal complies with the purpose and intent of the original approval.

D. *Variances.* Variances to the strict application of development standards established by an outline or specific development plan may be requested only for properties within single- and two-family planned residential developments. The applicable administrative or non-administrative variance process shall be followed as prescribed in section 26-115.

E. *Existing planned developments.* For planned developments approved prior to the effective date of Ordinance \_\_\_\_, Series 2012, amendments may be reviewed based on the provisions of this article or based on the regulations under which the planned development was originally approved. The procedure for processing amendments will be determined on a case by case basis by the community development director and communicated to the applicant(s) at the pre-application conference. In most cases, for the purpose of amendments, an existing outline development plan will be treated as an outline development plan under these regulations; an existing final development plan will be treated as a specific development plan.



#### **Sec. 26-308. – Interpretation of development plans.**

A. Detailed specifications and standards which should have been set forth on approved outline and specific development plans, but which were found subsequent to approval to have been omitted, may be interpreted by the community development director to be those specifications and standards set forth in the zone district in which the approved uses contained within the approved development plan would be permitted.

B. The supplementary regulations of article VI apply to uses and activities within planned development districts, unless otherwise provided in the approved development plan.

C. If the outline and specific development plans do not address a particular development standard, the standard of the zone district which most closely matches the planned development as determined by the community development director shall be used. The owner of any property aggrieved by such determination may appeal the interpretation to the board of adjustment pursuant to the provisions of section 26-115.E.

D. If the development standards specified on a recorded outline development plan do not meet the current standards of chapter 26, a specific development plan can nevertheless be approved so long as the specific development plan complies with the approved outline development. This provision does not apply to requirements listed under article IV subdivision regulations.

#### **Sec. 26-309. – Similar uses in planned developments.**

A. *Definition.* A similar use is a use which would be similar in size, type of operation, services provided or equipment used, number of employees, and hours of operation and which would:

1. Be compatible in character and impact with permitted uses in the planned development,
2. Be consistent with the intent of the planned development,
3. 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, and
4. Not be hazardous to the health and safety of surrounding areas through danger of fire or explosion.

B. *Similar use determination.* For any use which is not specifically listed as a permitted use in a planned development district, the community development director is authorized to determine if the proposed use is similar. If the community development director finds that the proposed use meets the definition of similar use contained in section (a) above, the community development director is authorized to approve the similar use. The owner of any property who or which feels aggrieved by such determination may appeal the interpretation to the board of adjustment pursuant to the provisions of section 26-115.E.

#### **Sec. 26-310. – Binding upon successors and assigns.**

All approved outline and specific development plans shall be binding upon the owner(s), their successors and assigns, and shall limit the development to all conditions and



limitations established in such plans, and as may be contained in separately recorded agreements, covenants, condominium declarations, etc., which were approved by city council as part of a planned development approval.

**Sec. 26-311. – Interim use.**

Subsequent to rezoning to a planned development district and approval of an outline or specific development plan, but prior to development and use of a parcel in accordance with the approved plan, the property may continue to be used for any lawful purpose for which it was used at the time of outline development plan approval; provided, however, that no new permanent structures or additions to existing structures will be permitted.

**Sec. 26-312. – Planned residential development (PRD) district regulations.**

A. *Area.* No minimum.

B. *Density.* Maximum twenty-one (21) dwelling units per acre.

C. *Height.* Maximum thirty-five (35) feet.

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

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

F. *Exterior lighting.* In accordance with section 26-503, otherwise as established by the outline development plan and as specifically detailed on an approved specific development plan.

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

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

I. *Streetscape and architectural design guidelines.* In accordance with currently adopted design manuals per section 26-224, otherwise as established by the outline development plan and as specifically detailed on an approved specific development plan.

J. The requirements of this section shall not apply to impose a density requirement of less than twenty-one (21) units per acre, with respect to the reconstruction of residential dwelling in the PRD district, where such structures and their reconstruction meet all of the following requirements:

1. The structure was legally in existence on September 8, 1997;
2. The structure is located upon a lot which does not meet the then-applicable minimum lot area and/or minimum land area per unit requirements for such proposed reconstruction; and

3. Such reconstruction is restricted to replacement of the structure which has been destroyed.

This exemption shall not apply to:

1. New construction where no replacement of a preexisting structure takes place; or
2. Reconstruction of structures which were not legally in existence (as distinguished from legal nonconforming structures).

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

**Sec. 26-313. – Planned commercial development (PCD) district regulations.**

A. *Area*. No minimum.

B. *Height*. Commercial structures shall not exceed fifty (50) feet.

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

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

E. *Exterior lighting*. In accordance with section 26-503, otherwise as established by the outline development plan and as specifically detailed on an approved specific development plan.

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

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

H. *Streetscape and architectural design guidelines*. In accordance with currently adopted design manuals per section 26-224, otherwise as established by the outline development plan and as specifically detailed on an approved specific development plan.

I. A planned commercial district shall be used to establish any proposed recreational vehicle park.

**Sec. 26-314. – Planned industrial development (PID) district regulations.**

A. *Area*. Each planned industrial development district shall be minimum of one (1) acre.

B. *Height*. Maximum fifty (50) feet.

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



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

E. *Exterior lighting*. In accordance with section 26-503, otherwise as established by the outline development plan and as specifically detailed on an approved specific development plan.

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

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

H. *Streetscape and architectural design guidelines*. In accordance with currently adopted design manuals per section 26-224, otherwise as established by the outline development plan and as specifically detailed on an approved specific development plan.

**Sec. 26-315. – Planned hospital development (PHD) district regulations.**

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

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

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

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

D. *Setback requirements*:

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

E. *Height*:

1. *Hospital buildings*: Fifty (50) feet maximum, except as follows:

- a. Sixty-five (65) feet where the lot on which the building is to be constructed is at least fifty (50) acres in size.
- b. Additions attached to existing hospitals may be built to a height not to exceed the height of the existing building.

2. *Offices*: Fifty (50) feet maximum.
3. *Residential*: Thirty-five (35) feet maximum.
4. *Accessory*: Thirty-five (35) feet maximum.

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

G. *Landscaping*:

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

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

I. *Exterior lighting*. In accordance with section 26-503, otherwise as established by the outline development plan and as specifically detailed on an approved specific development plan.

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

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

**Sec. 26-316. – Planned mixed use development (PMUD) district regulations.**

A. *Purpose*. This district is established to provide a zoning classification to allow the integration of residential and commercial uses and development which is consistent with the surrounding neighborhoods and which meets the intent of the comprehensive plan, the Architectural and Site Design Manual and the Streetscape Design Manual. It is not intended to be used solely to permit a higher density than allowed in the planned residential development (PRD) district nor to circumvent other specific standards of the planned residential and planned commercial districts. Instead, it is intended to create a zone district which will allow flexibility in use, design, and orientation while maximizing space, community interest and protecting nearby and adjacent residential neighborhoods.

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



C. *Area*. No minimum.

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

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

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

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

H. *Exterior lighting*. In accordance with section 26-503, otherwise as established by the outline development plan and as specifically detailed on an approved specific development plan.

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

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

K. *Streetscape and architectural design guidelines*. In accordance with currently adopted design manuals per section 26-224, otherwise as established by the outline development plan and as specifically detailed on an approved specific development plan.

**Section 2.** Section 26-112 of the Code is hereby repealed in its entirety and reenacted to read as follows:

**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 promotes the general welfare of the community and is consistent with the criteria for review as listed in section 26-112.E below. 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. In some cases a change of zone is necessary to correct a manifest error in the existing zone classification. A manifest error includes, but is not 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.

B. *Applicability.*

1. The requirements of this section shall be applicable within the municipal 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:
  - a. Change of zone of a parcel of land from one (1) zone district classification to another zone district. This includes an application for private rezoning within or to any mixed use, public facilities, or conservation district; as well as a rezoning within or to any residential or agricultural zone district for properties up to and including one (1) acre in size.
  - b. Change of the conditions of an existing zone district where those conditions were specifically established by a previous rezoning ordinance.
2. All applications for a zone change shall be to a planned development district where any one (1) of the following conditions exists. Article III of this chapter should be consulted for planned development requirements and procedures.
  - a. An application for a zone change to any commercial district, with the exception of a rezoning to any mixed use district, for properties of any size.
  - b. An application for a zone change to any industrial, residential, or agricultural district for property over one (1) acre in size, or for which an applicant owns adjacent property which, taken together with the property that is the subject of the application, totals more than one (1) acre.

C. *Review procedure:*

1. *Preapplication conference.* Prior to submitting any application for a change of zone, the applicant must participate in a preapplication conference, as described in section 26-104.
2. *Neighborhood meeting.* After the preapplication conference, but prior to submitting any application for a change of zone, the applicant shall be required to hold a neighborhood meeting in accordance with section 26-109.A.
3. *Application filing.* A zone change application shall be submitted to the community development department. Staff will review the application for completeness in accordance with the submittal requirements in subsection D below. If staff determines the application is not complete, it will be returned to the applicant and not further processed until the incomplete items have been supplied.
4. *Review and referral.* Upon receipt of a complete application packet the community development department shall proceed with the following process:
  - a. Staff will review the application and refer the application to affected departments and agencies for review and comment. The applicant must address all comments and resubmit relevant documents. This may occur several times before scheduling a public hearing to ensure that all comments have been addressed.



- b. After the review period, staff will give notice of scheduled public hearings on the application, with notice by publication, letter and site posting in the manner provided in section 26-109.
  - c. Staff will prepare a written report to the planning commission which evaluates the proposal, makes findings, and makes recommendations using the review criteria set forth below in subsection E.
5. *Planning commission review.* The planning commission shall hear and consider any evidence or statement presented by the applicant, city staff, or by any person in attendance at a public hearing. The planning commission shall then make a recommendation to city council to approve, approve with conditions, or deny the application, basing its recommendation upon the facts presented in the public hearing in consideration of the criteria for review as specified in subsection E below.
6. *City council review.* City council shall review and decide upon all requests for change of zone, upon recommendation of the planning commission. The city council shall approve, approve with conditions, or deny the application. An approved change of zone may only be approved by passage of an ordinance following the city's standard ordinance adoption procedures, including a first reading and public hearing. City council, in addition to consideration of the planning commission recommendation, shall hear the evidence and testimony presented at the public hearing and either approve, approve with conditions, or deny the ordinance. City council shall base its decision upon all evidence presented, with due consideration of the criteria for review.
7. In the event of a legal protest against such change of zone, under the procedure set forth in section 5-10 of the home rule charter, a zone change shall not be approved except by the favorable vote of three-fourths of the entire city council. The written protest to such change shall be submitted to the city council no later than the hearing on the proposed rezoning ordinance.
- D. *Application contents.* A complete application for a zone change request shall include:
- 1. Complete and notarized application form.
  - 2. Appropriate fee.
  - 3. Proof of ownership, such as copies of deeds or title commitments.
  - 4. Written authorization from property owner(s) where an agent acts on behalf of the owner(s).
  - 5. Certified boundary and improvement survey.
  - 6. Approved legal description in electronic file format.
  - 7. Mineral rights certification form.
  - 8. A written description of the zone change request. The narrative should include sufficient detail to convey the full intent of the applicant and a justification of why the zone change is appropriate. The narrative should address:

- a. Need for the change of zone.
- b. Present and future effect on the existing zone districts, development and physical character of the surrounding area.
- c. Access to the area, traffic patterns and impact of the requested zone on these factors.
- d. Availability of utilities.
- e. Present and future effect on public facilities and services, such as fire, police, water, sanitation, roadways, parks, schools, etc.
- f. A discussion of the relationship between the proposal and adopted plans and/or policies of the city.

E. *Criteria for review.* The planning commission and city council shall base its decision in consideration of the extent to which the applicant demonstrates the following criteria have been met:

- 1. The change of zone promotes the health, safety, and general welfare of the community and will not result in a significant adverse effect on the surrounding area; and
- 2. Adequate infrastructure/facilities are available to serve the types of uses allowed by the change of zone, or the applicant will upgrade and provide such where they do not exist or are under capacity; and
- 3. At least one (1) of the following conditions exists:
  - a. The change of zone is in conformance, or will bring the property into conformance with, the City of Wheat Ridge comprehensive plan goals, objectives and policies, and other city-approved policies or plans for the area.
  - b. The existing zone classification currently recorded on the official zoning maps of the City of Wheat Ridge is in error.
  - c. A change of character in the area has occurred or is occurring to such a degree that it is in the public interest to encourage redevelopment of the area or to recognize the changing character of the area.
  - d. The proposed rezoning is necessary in order to provide for a community need that was not anticipated at the time of the adoption of the City of Wheat Ridge comprehensive plan.

F. *Recordation.* All approved zoning ordinances shall be recorded with the Jefferson County Clerk and Recorder by the city clerk within thirty (30) days of the effective date of such ordinance.

*Assessment of comprehensive plan.* Planning commission and city council shall periodically perform an assessment of zoning decisions to consider modification of the comprehensive plan future land use map if zone changes are made which differ significantly from the designation on the map. If zone changes are denied when in conformance with the designation on the future land use map, modifications to the map shall also be considered.



**Section 3.** Section 26-106 of the Code, entitled "Review process chart," is hereby amended to read:

TABLE INSET:

Approval Requested	Pre-Application		Final					Notes
	Staff	Neighborhood	Staff	PC	CC	BOA	URPC	
[...]								
Planned Development: Outline Development Plan (ODP)	X	X		H	H		URA	ART III <sup>2</sup>
PLANNED DEVELOPMENT: SPECIFIC DEVELOPMENT PLAN (SDP)	<u>X</u>			<u>H</u>	<u>H</u> <sup>6</sup>		<u>URA</u>	<u>ART III</u>
Planned Development: Final Development Plan (FDP)	X		A				URA	ART III
Planned Development: Outline Development Plan Amendment	X	X		H	H		URA	ART III <sup>2</sup>
PLANNED DEVELOPMENT: SPECIFIC DEVELOPMENT PLAN AMENDMENT	<u>X</u>		<u>A</u>	<u>H</u>			<u>A</u>	<u>ART III</u>
Planned Development: Final Development Plan Amendment	X		A				URA	ART III
Rezoning, Private	X	X		H	H		URA	§ 26-112 <sup>2</sup>
[...]								

<sup>1</sup> If five (5) or fewer parcels, minor subdivision process applies. If more than five (5) parcels, major subdivision process applies.

<sup>2</sup> Right of protest applies: ~~section 26-112.F~~ SEE SECTION 5-10 OF THE HOME RULE CHARTER.

<sup>3</sup> If four (4) or more buildings are proposed, ~~then~~ planning commission review is required.

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

<sup>5</sup> Neighborhood meetings for mixed use concept plan applications are required only for sites of ten (10) acres in size or larger.

<sup>6</sup> CITY COUNCIL REVIEW IS REQUIRED FOR A SPECIFIC DEVELOPMENT PLAN ONLY IF ODP AND SDP APPLICATIONS ARE SUBMITTED CONCURRENTLY. PLANNING COMMISSION IS THE FINAL AUTHORITY FOR AN SDP SUBMITTED SEPARATE FROM AND SUBSEQUENT TO ODP APPROVAL.

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.

**Section 4.** Section 26-113, subsection A of the Code is hereby amended by to read:

**Sec. 26-113. – City-initiated rezoning.**

- A. *Applicability.* This rezoning procedure applies to rezonings initiated by city council. Applications for city initiated rezonings may be made with or without consent from affected property owners. City initiated rezonings may be to any zone district. In the event of a city-initiated zone change to a planned development district, the procedures in ~~section 26-308~~ ARTICLE III shall be followed ~~for the outline and final development plan~~, excluding the required authorization from property owners. In the event of ~~an~~ A CITY-INITIATED amendment to a planned development district the procedures set forth in ~~section 26-314~~ 26-307 shall be followed, excluding the required authorization from property owners.

**Section 5.** The first sentence of Section 26-121, subsection C of the Code is hereby amended by to read:

- C. *Creation of vested rights.* No vested right is created within the City of Wheat Ridge by the approval of any application for zoning or rezoning, site plan, consolidation plan, subdivision plan or plat, planned building group, or an outline, ~~preliminary or final~~ OR SPECIFIC development plan. [...]

**Section 6.** Section 26-202, subsection A of the Code is hereby amended by to read:

**Sec. 26-202. - Establishment of districts; official zoning map.**

The city is divided into zones or districts as shown on the official zoning map, which, together with all explanatory matter thereon, is adopted by this reference and declared to be a part of this chapter.

- A. *Procedure for change:* If, in accordance with the provisions of section 26-112, ~~and~~ 26-113 AND ARTICLE III hereof, changes are made in district boundaries or other matter portrayed on the official zoning map, such changes shall be entered on the official zoning map promptly after the amendment has been approved by city council.



**Section 7.** Section 26-224, subsection A.3 of the Code, pertaining to the design manual exemptions, is hereby amended by to read:

3. Where a waiver to or variance from the architectural or streetscape standards within either manual is made a part of another process, such as approval of a zone change or ~~final development plan review~~ PLANNED DEVELOPMENT, which process requires a public hearing before the planning commission and/or city council, then the planning commission and/or city council shall be empowered to decide upon such waiver or variance concurrent with the other process.

**Section 8.** Section 26-506, subsection O of the Code, pertaining to building permits for mobile home parks, is hereby amended by to read:

- O. *Building permit.* It is unlawful for any person to construct, enlarge, alter, improve or convert any mobile home park or to improve any lands for use as a park, or to cause the same to be done, or to set or establish a mobile home within a mobile home park unless such person holds a valid and existing permit issued by the building inspector for the performance of such work. No building permit shall be issued for any mobile home park, or any mobile home, unless plans for development are in full compliance with the approved ~~final development plan~~ OUTLINE AND SPECIFIC DEVELOPMENT PLANS and other related development codes.

**Section 9.** Section 26-603, subsection F of the Code, pertaining to fences in planned developments, is hereby amended by to read:

- F. *Planned developments.* Fences and divisional walls within a planned development may vary from these standards; provided that the fences are in conformance with the provisions set forth for fencing and walls as approved in the ~~official~~ OUTLINE development plan AND AS DETAILED ON AN APPROVED SPECIFIC DEVELOPMENT PLAN.

**Section 10.** Section 26-615, subsection C of the Code, pertaining to commercial mobile radio service (CMRS) facilities in planned developments, is hereby amended by to read:

- A. *Review procedure—Planned development districts.* ~~Roof-mounted and freestanding~~ CMRS facilities proposed for construction in any planned development district (including planned residential districts); unless specifically listed or shown as such in the ~~final~~ OUTLINE development plan, require amendment of the ~~final~~ OUTLINE development plan. Building, ROOF or structure-mounted CMRS facilities proposed for construction in any planned development district (including planned residential districts) may be permitted by

the department of community development pursuant to article III, provided the proposed facility is consistent with the character of the district.

**Section 11.** Section 26-1004, subsection B.5 of the Code, pertaining to zoning code violations, is hereby amended by to read:

5. The uses, conditions, or development standards of ~~a planned development final development plan~~ AN APPROVED OUTLINE OR SPECIFIC DEVELOPMENT PLAN.

**Section 12.** Section 2-60, subsections (g) through (j) of the Code, pertaining to the functions of the planning commission, are hereby amended (with appropriate re-lettering) to read:

- (g) Public hearings for development plans for planned development zoning shall be conducted using the ~~same procedures as for approval of subdivision plats~~ PROCEDURES OUTLINED IN CHAPTER 26, ARTICLE III.
- ~~(h) Preliminary subdivision plats shall be heard and approved by the planning commission through a public hearing with notification based on the requirements of the subdivision regulations.~~
- (i) After holding a public hearing on MAJOR ~~final~~ subdivision plats, the planning commission shall make a recommendation to the city council, with final action taking place at the city council. Public hearings shall be conducted following procedures outlined in the subdivision regulations.
- ~~(j) Public hearings shall be held for special use permits which approve specific land uses following the procedures for changes of the zoning map. The planning commission shall make a recommendation to the city council and the final action shall be taken by the city council following the procedures for changes to the zoning map.~~

**Section 13. Severability; Conflicting Ordinance 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 ordinances in conflict with the provisions of this Ordinance are hereby repealed.


**Section 14. 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 7 to 0 on this 25th day of June, 2012, ordered it published with Public Hearing and consideration on final passage set for **Monday, July 9, 2012 at 7:00 o'clock p.m.**, in the Council Chambers, 7500 West 29<sup>th</sup> 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 7 to 0, this 9th day of July, 2012.

SIGNED by the Mayor on this 9th day of July, 2012.

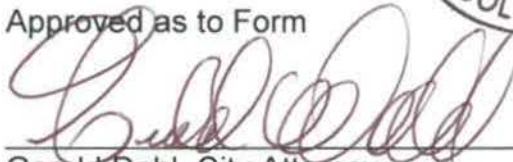
  
\_\_\_\_\_  
Jerry DiTullio, Mayor

ATTEST:

  
\_\_\_\_\_  
Janelle Shaver, City Clerk



Approved as to Form

  
\_\_\_\_\_  
Gerald Dahl, City Attorney

1<sup>st</sup> publication: June 28, 2012

2<sup>nd</sup> publication: July 12, 2012

Wheat Ridge Transcript:

Effective Date: July 27, 2012