

CITY OF WHEAT RIDGE
INTRODUCED BY COUNCIL MEMBER STITES
COUNCIL BILL NO. 21
ORDINANCE NO. 1523
Series of 2012

**TITLE: AN ORDINANCE AMENDING CHAPTER 26 CONCERNING THE
CREATION OF AN INDUSTRIAL-EMPLOYMENT ZONE
DISTRICT**

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's Comprehensive Plan, Envision Wheat Ridge, recommends that the City amend the Code to update the Light Industrial (I) zone district and to develop a zone district that promotes employment uses; and

WHEREAS, the City wishes to amend the Code to create an Industrial-Employment zone district that will accomplish the goals in the Comprehensive Plan.

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

Section 1: Section 26-112.B of the Code is amended to read:

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, **INDUSTRIAL-EMPLOYMENT**, 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) acres 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 II 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 OR TO THE INDUSTRIAL-EMPLOYMENT 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.

Section 2: Section 26-123 of the Code is amended to include the following new definitions in appropriate alphabetical order:

ENERGY PRODUCTION, RENEWABLE. A FACILITY THAT GENERATES ENERGY FROM RENEWABLE SOURCES INCLUDING SOLAR, WIND, AND GEOTHERMAL. THE ENERGY MAY BE USED ON SITE OR SOLD FOR USE OFF-SITE.

FLEX SPACE. A STRUCTURE THAT ALLOWS FOR ANY COMBINATION OF OFFICE, WAREHOUSE, MANUFACTURING, ASSEMBLY OR LIGHT INDUSTRIAL OPERATIONS.

MANUFACTURING, HEAVY. THE PRODUCTION, ASSEMBLY, FABRICATION OR MANUFACTURE OF PRODUCTS PRIMARILY FROM EXTRACTED OR RAW MATERIALS, INCLUDING THE BULK STORAGE AND HANDLING OF SUCH MATERIALS. THIS TERM INCLUDES BUT IS NOT LIMITED TO MOTOR VEHICLE MANUFACTURING, CONCRETE MANUFACTURING, AND CHEMICAL MANUFACTURING.

MANUFACTURING, PROCESSING, ASSEMBLY, OR LIGHT INDUSTRIAL OPERATIONS. THE PRODUCTION, PRIMARILY FROM PREVIOUSLY PREPARED MATERIALS, OF FINISHED PRODUCTS OR PARTS, INCLUDING PROCESSING, FABRICATION, ASSEMBLY, TREATMENT, AND PACKAGING OF SUCH PRODUCTS, INCLUDING INCIDENTAL STORAGE, SALES, AND DISTRIBUTION OF SUCH PRODUCTS.

RECYCLING CENTER. A FACILITY AT WHICH RECOVERABLE RESOURCES, SUCH AS NEWSPAPERS, MAGAZINES, GLASS, METAL CANS, PLASTIC MATERIALS, TIRES, GRASS AND LEAVES, AND SIMILAR ITEMS (BUT NOT MUNICIPAL WASTE, MEDICAL WASTE, OR HAZARDOUS WASTE) ARE COLLECTED, STORED, FLATTENED, CRUSHED, BUNDLED OR SEPARATED BY GRADE OR TYPE, COMPACTED, BALED, OR PACKAGED FOR SHIPMENT TO OTHERS FOR THE MANUFACTURE OF NEW PROJECTS. THIS DOES NOT INCLUDE THE RECYCLING OF MOTOR VEHICLE PARTS.

RECYCLING COLLECTION STATION. AN ESTABLISHMENT ENGAGED IN COLLECTING RECYCLABLE ITEMS SUCH AS NEWSPAPERS, MAGAZINES,

GLASS, METAL CANS, PLASTIC MATERIALS, TIRES, GRASS AND LEAVES, AND SIMILAR ITEMS (BUT NOT MUNICIPAL WASTE, MEDICAL WASTE, OR HAZARDOUS WASTE) FOR THE PURPOSE OF RESOURCE RECOVERY.

RECYCLING PLANT. A FACILITY WHERE RECOVERABLE RESOURCES, SUCH AS NEWSPAPERS, MAGAZINES, GLASS, METAL, STEEL SCRAP, RUBBER, METAL CANS, PLASTIC MATERIALS, TIRES, GRASS AND LEAVES, AND SIMILAR ITEMS (BUT NOT MUNICIPAL WASTE, MEDICAL WASTE, OR HAZARDOUS WASTE) AND/OR OTHER PRODUCTS ARE RECYCLED AND TREATED TO RETURN SUCH PRODUCTS TO A CONDITION IN WHICH THEY MAY AGAIN BE USED FOR PRODUCTION OR FOR RETAIL OR WHOLESALE TRADE.

TOW SERVICE. AN ESTABLISHMENT THAT PROVIDES FOR THE REMOVAL AND TEMPORARY STORAGE OF VEHICLES BUT DOES NOT INCLUDE DISPOSAL, SALVAGE, DISASSEMBLY OR ACCESSORY STORAGE OF INOPERABLE VEHICLES.

Section 3: Section 26-123 of the Code is amended to delete the following definitions:

~~Manufacture, basic. The first operation or operations which transform a material from its raw state to a form suitable for fabrication processing.~~

~~Manufacturing, processing, warehousing. Instruments of professional, scientific, photographic, optical and other similar uses; electrical machinery, equipment and supplies; fountain and beverage dispensing equipment; plywood furniture and similar wood products; small items, such as toys, clocks, jewelry, fountain pens, pencils and plastic products; transportation equipment; candy; foods (processing and/or canning); glass and glass products; other similar uses.~~

Section 4: The Table of Uses for Commercial and Industrial Zone Districts in Section 26-204 of the Code is amended to read:

Table of Uses—Commercial and Industrial Districts

<i>Uses</i>	<i>Notes</i>	<i>NC</i>	<i>RC</i>	<i>C-1</i>	<i>C-2</i>	<i>I-E</i>
Adult entertainment establishments	In accordance with Wheat Ridge Code of Laws, Chapter 3			P	P	P
Ambulance services			P	P	P	P
Amusement parks				S	P	P
Animal veterinary hospitals and clinics	With outside runs; no cremation				P	P
Animal veterinary hospitals or clinics	Where there are no outside pens or runs for dogs; no cremation	S	P	P	P	P
Antique stores	In NC & RC Districts: Provided that	S	P	P	P	P

<i>Uses</i>	<i>Notes</i>	<i>NC</i>	<i>RC</i>	<i>C-1</i>	<i>C-2</i>	<i>I-E</i>
	no more than 200 square feet of building area shall be allocated to repair					
Apparel and accessory stores	See Footnote 1	S	P	P	P	P
Appliance stores and incidental service and repair				P	P	P
Art galleries or studios	See Footnote 1	P	P	P	P	P
Assembly halls and convention facilities				P	P	P
Auction houses				S	P	P
Auto service, repair and maintenance shops, minor	See § 26-631			P	P	P
Auto service, repair and maintenance shops, major	See § 26-631			S	P	P
Automobile and light-duty truck sales and rental	See § 26-628			S	S	S
Automotive parts and supplies sales				P	P	P
Bail bonds businesses	See Footnote 2. See § 26-634 for distance requirements				P	P
Bakeries, retail	See Footnote 1	S	P	P	P	P
Banks, loan and finance offices	See § 26-633	P	P	P	P	P
Bed and breakfast homes	Subject to requirements set forth in § 26-608	P	P	P	P	P
Bicycle stores	See Footnote 1	S	P	P	P	P
Blueprinting, photostatic copying and other similar reproduction services	EXCLUDING: Large printing, publishing and/or book binding establishments	S	P	P	P	P
	See Footnote 1					
Boat, recreational vehicle and trailer sales, rentals and service	See § 26-628			S	S	S
Body art establishments			S	S	S	S P

<i>Uses</i>	<i>Notes</i>	<i>NC</i>	<i>RC</i>	<i>C-1</i>	<i>C-2</i>	<i>I-E</i>
Book stores, stationery and card stores	See Footnote 1	S	P	P	P	P
Building <u>OR</u> <u>LANDSCAPE</u> contractor's service shop and storage yard incidental to an office/showroom principal use.	See § 26-629			S	P	P
Business machine or computer stores	See Footnote 1	S	P	P	P	P
Butcher shops and food lockers	EXCLUDING: Food processing			P	P	P
Cabinet and woodworking shops						S
Camera and photographic service and supply stores	See Footnote 1	S	P	P	P	P
Candy, nut and confectionery stores	See Footnote 1	S	P	P	P	P
Caretaker residence	Only one (1) unit for caretaker or manager		P	P	P	P
Carpet cleaning and fumigating						S
Carting, express, hauling or storage yard						S
Car wash, automatic				S	P	P
Car wash, coin operated				S	P	P
Caterers				P	P	P
Day care center, large				P	P	P
Day care center, small				P	P	P
Clinics and offices for the counseling and treatment of psychological, social, marital, developmental or similar conditions,	C-1, C-2 & <u>I-E</u> INCLUDE: Residential facilities.	S	P	P	P	P

<i>Uses</i>	<i>Notes</i>	<i>NC</i>	<i>RC</i>	<i>C-1</i>	<i>C-2</i>	<i>I-E</i>
excluding substance abuse clinics						
	NC & RC EXCLUDES: Residential facilities					
	ALL districts INCLUDE: Counseling and treatment for alcoholism					
Cold storage plant					P	P
Commercial machine shops				S	P	P
Community buildings	e.g.: YMCA's, YWCA's, churches, libraries, parks, museums, aquariums and art galleries	P	P	P	P	P
Construction and heavy equipment sales, service, rental and storage	See § 26-629				P	P
<u>CONTRACTOR'S PLANT (INCLUDING BUT NOT LIMITED TO CONCRETE PLANT, ASPHALT PLANT, BRICK PLANT, OR LUMBER MILL)</u>						<u>S</u>
Contractor's plant or storage yard <u>(OUTDOOR STORAGE YARD WITH NO MAIN BUILDING)</u>	<u>SEE § 26-629</u>					<u>S</u> <u>P</u>
Dairy products stores	See Footnote 1	S	P	P	P	P
Day care center and preschools, large				P	P	P
Day care center and preschools, small				P	P	P
Department or variety stores				P	P	P
Drug stores				P	P	P
Eating establishments, drive through		S	S	S	S	S

<i>Uses</i>	<i>Notes</i>	<i>NC</i>	<i>RC</i>	<i>C-1</i>	<i>C-2</i>	<i>I-E</i>
Eating establishments, sit down		S	P	P	P	P
Electric transmission and public utility substations		S	S	S	S	S
Electrical motors and armature regrinding shops						S
Electrical supplies and service	EXCLUDING: Contractors storage yards			P	P	P
<u>ENERGY PRODUCTION, RENEWABLE</u>						<u>S</u>
Equipment rental agencies	Subject to § 26-628; in RC District: Outside storage and display prohibited		P	P	P	P
Exterminators			P	P	P	P
Farm equipment sales, service and storage	See § 26-628 <u>AND § 26-631</u>				P	P
Farmers' markets	Submittal to community development department required. See § 26-635	P	P	P	P	P
Floral shops	See Footnote 1	S	P	P	P	P
Furniture stores				P	P	P
Garden supply stores	See Footnote 1	S	P	P	P	P
Gift, novelty or souvenir stores	See Footnote 1	S	P	P	P	P
Golf courses	INCLUDES: Private clubs, restaurants and lounges, driving ranges, and those uses commonly accepted as accessory thereto when located on the same premises			P	P	P
Governmental and quasi-governmental buildings and offices, fire stations or public utility buildings	No outside storage	P	P	P	P	P
Governmental and	Outside Storage	S	S	S	P	P

<i>Uses</i>	<i>Notes</i>	<i>NC</i>	<i>RC</i>	<i>C-1</i>	<i>C-2</i>	<i>I-E</i>
quasi-governmental buildings and offices, fire stations or public utility buildings						
Greenhouses and landscape nurseries, retail	See § 26-624	S	S	P	P	P
Greenhouses and landscape nurseries, wholesale	See § 26-624			S	P	P
Grocery or convenience stores, no gas pumps	See Footnote 1	P	P	P	P	P
Grocery stores which may include no more than 1 gasoline service island with no more than 2 dispensing pumps	See Footnote 1	S	S	S	P	P
Hair, nail and cosmetic services		P	P	P	P	P
Hardware stores	See Footnote 1	S	P	P	P	P
Hobby and craft stores	See Footnote 1	S	P	P	P	P
Home furnishing stores				P	P	P
Home improvements supply stores				P	P	P
Hotels or motels for transient occupancy	There shall be 1,000 square feet of gross lot area for each unit			S	S	S
Ice plants					P	P
Indoor amusement and recreational enterprises	e.g.: Roller rinks, bowling alleys, arcades and similar uses			P	P	P
Indoor flea markets	PROHIBITED: Outdoor flea markets			P	P	P
Interior decorating shops		S	P	P	P	P
Itinerant sales	See § 26-630			S	S	S

Uses	Notes	NC	RC	C-1	C-2	I-E
Jewelry stores	See Footnote 1	S	P	P	P	P
Kennels						S
Laundry and dry cleaning shops		S	S	P	P	P
Laundry and dry cleaning pick up stations		P	P	P	P	P
Leather goods and luggage stores				P	P	P
Linen supply				P	P	P
Liquor stores				P	P	P
Locksmith shops		P	P	P	P	P
Lumber yards and building supply stores	Unenclosed storage of any materials shall be screened from view from adjacent properties and streets - SEE § 26-629			P	P	P
Manufacture of vaccines, serums and toxins	PROVIDED: An antidote exists and is readily available for such vaccine, serums or toxins; and approval of such manufacture is received from the state department of health and the county health department					S
Manufacturing, processing, assembly, or light industrial operations	See § 26-505; § 26-631 and § 26-123, definitions				P	P
Manufacturing, HEAVY fabrication and/or processing of concrete products						S
Massage therapist	See Chapter 11, Article 10 Code of Laws for additional restrictions	P	P	P	P	P
Massage therapy center	See Chapter 11, Article 10 Code of Laws for additional restriction	P	P	P	P	P
Meat, poultry or seafood stores	See Footnote 1	S	P	P	P	P
Medical and dental offices, clinics or laboratories,	Pharmacies and optical stores are accessory use	P	P	P	P	P

<i>Uses</i>	<i>Notes</i>	<i>NC</i>	<i>RC</i>	<i>C-1</i>	<i>C-2</i>	<i>I-E</i>
excluding substance abuse clinics						
Medical marijuana centers				P		P
Medical marijuana-infused products manufacturers				P		P
Optional premises cultivation operation				P		P
Mini-warehouses for inside storage					P	P
Mobile or modular homes or building sales	See § 26-628				S	S
Mortuaries and crematories				S	S	S
Motor fueling stations				S	P	P
Motorcycle sales and service	See § 26-628			P	P	P
Music stores	See Footnote 1	S	P	P	P	P
Newsstands	For the sale of newspapers, magazines, etc.	P	P	P	P	P
Office supply stores	See Footnote 1	S	P	P	P	P
Offices: General administrative, business and professional offices		P	P	P	P	P
Optical stores	See Footnote 1	S	P	P	P	P
Outdoor amusement facilities				S	P	P
Paint and wallpaper stores	See Footnote 1		P	P	P	P
Parking of automobiles of clients, patients or patrons of adjacent commercial or nonresidential uses	Subject to § 26-501C.4	P	P	P	P	P
Parking of not more than 3 commercial truck-tractors and/or	See § 26-619; § 26-123, definitions			S	S	S

Uses	Notes	NC	RC	C-1	C-2	I-E
semi-trailers						
	When in conformance with the parking design standards set forth in § 26-501					
	It is not intended that such parking limitations shall apply to pickup and delivery trucks normally associated with business operations					
Pawn shops					S	
Pet stores	See Footnote 1	S	P	P	P	P
Pharmacies		S	P	P	P	P
Picture framing shops	See Footnote 1	S	P	P	P	P
Plumbing and heating supply stores and shops	EXCLUDING: Outdoor storage yards			P	P	P
Printing, engraving and other related production processes						<u>S</u> <u>P</u>
Private clubs, social clubs, bingo parlors and similar uses				P	P	P
Produce stands	See § 26-636	P	P	P	P	P
Psychic advisors and similar uses			S	S	S	P
<u>RECYCLING CENTER OR RECYCLING COLLECTION STATION</u>				<u>S</u>	<u>S</u>	<u>S</u>
<u>RECYCLING PLANT</u>						<u>S</u>
Research laboratories, offices and other facilities for research					P	P
Residential group and nursing homes and congregate care facilities for 8 or fewer elderly persons		P	P	P	P	P

<i>Uses</i>	<i>Notes</i>	<i>NC</i>	<i>RC</i>	<i>C-1</i>	<i>C-2</i>	<i>I-E</i>
Residential group and nursing homes and congregate care facilities for 9 or more elderly persons		S	S	S		
Residential group home for children		S	S	S		
Residential uses in existence on 3/11/97	Such residential uses may be extended, enlarged, and/or reconstructed so long as no additional dwelling units are created	P	P	P	P	P
Residential uses in commercial zones	See § 26-626	P	P	P	P	P
Rooming and boardinghouses		S	S	P	P	P
RV, boat, trailer and travel trailer storage	See § 26-628				P	P
Sales, repair, rental and servicing of any commodity that the manufacture, fabrication, processing or sale of which is permitted in the district					P	P
Schools for industrial or business training, including vocational trade or professional schools	Conducted entirely within an enclosed building			<u>P</u>	<u>S</u> <u>P</u>	<u>S</u> <u>P</u>
Schools: Public; private colleges and universities	INCLUDES: Those uses commonly accepted as necessary thereto when located on the same premises	S	S	S	P	P
Shoe repair shops		P	P	P	P	P
Shoe stores	See Footnote 1	S	P	P	P	P
Shops for custom work or for making articles, materials or commodities to be sold at retail on the premises	See § 26-631; § 26-632				P	P

<i>Uses</i>	<i>Notes</i>	<i>NC</i>	<i>RC</i>	<i>C-1</i>	<i>C-2</i>	<i>I-E</i>
Social club	In accordance with Wheat Ridge Code of Laws, Chapter 11, Article XI			P	P	P
Sporting goods stores	See Footnote 1	S	P	P	P	P
Stone cutting or polishing works					P	P
Studio for professional work or teaching of fine arts, photography, music, drama or dance		P	P	P	P	P
Substance abuse clinics				S	S	P
Tailor, dressmaking or clothing alteration shops		P	P	P	P	P
Taverns, night clubs, lounges, private clubs and bars				P	P	P
Television, radio, small appliance repair and service shops	See Footnote 1	S	P	P	P	P
Temporary Christmas tree, produce and bedding plant sales lots	See § 26-627		P	P	P	P
Theatres, indoor				P	P	P
Tobacco stores	See Footnote 1	S	P	P	P	P
<u>TOW SERVICE WITH TEMPORARY STORAGE YARD</u>	<u>TEMPORARY STORAGE MEANS THE STORAGE OF VEHICLES THAT HAVE BEEN TOWED, CARRIED, OR HAULED FOR IMPOUNDMENT AND SHALL NOT INCLUDE THE PERMANENT STORAGE OF OPERABLE OR INOPERATIVE AUTOMOBILES, THE STORAGE OF AUTOMOBILE PARTS, OR THE REPAIR OR RECYCLING OF AUTOMOBILES.</u>					<u>S</u>
Toy stores	See Footnote 1	S	P	P	P	P

Uses	Notes	NC	RC	C-1	C-2	I-E
Transit station, public or private				S	S	S
Upholstery shops				P	P	P
Urban gardens	See § 26-637	P	P	P	P	P
Video rentals	See Footnote 1	S	P	P	P	P
Warehousing and outside storage	See § 26-631				P	P
Warehouse/office <u>AND FLEX SPACE</u>	Maximum 75% total area as warehouse; minimum 25% as total area as office			S	P	P
Watch and jewelry repair shops		P	P	P	P	P
<u>WHOLESALE</u>				<u>S</u>	<u>P</u>	<u>P</u>
Woodworking or carpentry shops for the making of articles for sale upon the premises, such as cabinets or custom furniture	See § 26-632			S	P	P

Footnote:

1 The amount of building space devoted to retail use is limited to 5,000 square feet in NC and RC Districts.

2 In addition to being allowed as a Permitted Principal Use in the C-2 and I zone districts, bail bonds businesses may be permitted in Planned Industrial Development districts if approved as part of an Outline Development Plan (ODP) and in conformance with the requirements of Code section 26-634.

Commercial and Industrial District Accessory Uses	Notes
Accessory buildings and structures	See § 26-625
Electric transmission or other public utility lines and poles, irrigation channels, storm drainage and water supply facilities	
Farmers' markets	See § 26-635
Food services	Primarily for the occupants of a building containing a permitted use when located within the same building
<u>PHOTOVOLTAIC (PV) PANELS AND WIND TURBINES</u>	

Produce stands	See § 26-636
Residential uses in commercial zones	See § 26-626
Outside storage or display	See § 26-631
Urban gardens	See § 26-637

Key:

P = Permitted Principal Uses

S = Special Uses

Section 5: Section 26-220 of the Code is amended to read:

Sec. 26-220. - ~~Light Industrial~~EMPLOYMENT District (I-E).

~~A. Intent and purpose. The intent of this district is to permit the use of previous Industrial (I)-zoned property for commercial and light industrial uses. Rezoning to Industrial (I) Zone District classification shall not be permitted; however, existing Industrial (I)-zoned property may be developed and used in accordance with provisions set forth herein.~~
TO ALLOW LIGHT INDUSTRIAL AND COMMERCIAL USES THAT SUPPORT EMPLOYMENT.

B. Development standards.

1. *Maximum height.* Fifty (50) feet.
2. *Minimum lot area.* No limitation, provided that all other requirements can be met.
3. *Maximum lot coverage.* ~~Eighty (80)~~ **EIGHTY-FIVE (85)** percent, with a minimum of ~~twenty (20)~~ **FIFTEEN (15)** percent of the lot being landscaped. (See section 26-123 for definition.)
4. *Minimum lot width.* No limitations, provided that all other requirements can be met.
5. *Front yard setback.* ~~Fifty (50)~~ **TEN (10)** feet minimum. **THE 10-FOOT SETBACK AREA MUST BE LANDSCAPED TO MEET THE REQUIREMENTS OF SECTION 26-502.**
6. *Side yard setback.*
 - a. Principal permitted and accessory uses: Five (5) feet per story minimum, except as follows:
 - (1) Zero setback where structures are constructed of masonry or nonflammable material and in accordance with the uniform building code.
 - (2) ~~Thirty (30)~~ **TEN (10)** feet where adjacent to a dedicated public street.

THE 10-FOOT SETBACK AREA MUST BE LANDSCAPED TO MEET THE REQUIREMENTS OF SECTION 26-505.

(3) Where a side yard abuts property zoned residential, or where zoned agricultural and there is a residential ~~USE structure within fifteen (15) feet of the commercial property~~, a ~~five-foot-per-story~~ **FIFTEEN (15) FOOT** landscape buffer meeting the requirements of section 26-502E. (landscape buffering for parking lots), shall be required.

(4) SPECIAL USES, ESPECIALLY IF ADJACENT TO RESIDENTIAL USES, MAY BE REQUIRED TO MEET GREATER SIDE YARD SETBACKS, TO BE DETERMINED THROUGH THE SPECIAL USE PERMIT REVIEW PROCESS.

~~b. Special uses: The minimum width of side yard shall be twenty-five (25) feet except as follows:~~

~~(1) Thirty (30) feet where adjacent to a dedicated public street.~~

~~(2) Seventy-five (75) feet where a side yard abuts property zoned residential, or where zoned agricultural and there is a residential structure within twenty-five (25) feet of the industrial property. There shall be a six-foot-high solid decorative wall or fence and ten (10) feet of landscaping adjacent to the property line.~~

~~(3) Where a side yard abuts a railroad right-of-way, no side yard setback shall be required.~~

7. *Rear yard setback.*

a. Principal permitted and accessory uses: Ten (10) feet for a one-story building and an additional five (5) feet per each additional story thereafter, except as follows:

(1) Any rear yard which abuts a public street shall have a minimum setback of ~~fifteen (15)~~ **TEN (10)** feet for all structures.

(2) Any rear yard which abuts a public alley shall have a minimum setback for all structures of five (5) feet from the edge of the alley.

(3) Where a rear yard abuts property zoned residential, or where zoned agricultural and there is a residential ~~USE structure within fifteen (15) feet of the commercial property~~, a **FIFTEEN (15) FOOT** landscaped buffer meeting the requirements of section 26-502E. (landscape buffering for parking lots), shall be required.

(4) SPECIAL USES, ESPECIALLY IF ADJACENT TO RESIDENTIAL USES, MAY BE REQUIRED TO MEET GREATER REAR YARD SETBACKS, TO BE DETERMINED THROUGH THE SPECIAL USE PERMIT REVIEW PROCESS.

~~b. Special uses: The minimum depth of a rear yard shall be twenty (20) feet except as follows:~~

~~(1) Thirty (30) feet where adjacent to a dedicated public street.~~

~~(2) Seventy-five (75) feet where a side yard abuts property zoned residential, or where zoned agricultural and there is a residential structure within twenty-five (25) feet of the industrial property. There shall be a six-foot-high solid decorative wall or fence and ten (10) feet of landscaping adjacent to the property line.~~

~~(3) Where a rear yard abuts a railroad right-of-way, no rear yard setback shall be required.~~

8. *Parking requirements.* See section 26-501

9. *Landscape requirements.* See section 26-502

10. *Fencing requirements.* See section 26-603

11. *Sign requirements.* See article VII.

12. *Streetscape and architectural design guidelines.* See Architectural and Site Design Manual and Streetscape Design Manual, section 26-224

13. OUTDOOR STORAGE. MERCHANDISE, MATERIAL OR STOCK MAY NOT BE STORED IN THE FRONT OF BUILDINGS. OUTDOOR STORAGE MAY ONLY OCCUR WITHIN THE SIDE OR REAR YARDS AND MUST BE COMPLETELY SCREENED FROM ADJACENT PROPERTIES AND STREETS BY A SIX-FOOT HIGH OPAQUE WALL OR FENCE IN ADDITION TO TREES TO BE PLACED AT THIRTY-FOOT INTERVALS. MERCHANDISE, MATERIAL OR STOCK SHALL NOT BE STACKED TO A HEIGHT GREATER THAN THAT OF THE SCREENING WALL/FENCE.

Section 6: Section 26-301.B of the Code is amended to read:

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 **OR TO THE INDUSTRIAL-EMPLOYMENT ZONE 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.

Section 7: Section 26-502.D.3 of the Code is amended to read:

3. *Nonresidential uses:*

- a. Required within the minimum building setbacks abutting public rights-of-way: One (1) tree, deciduous or evergreen, for every thirty (30) feet (or portion thereof) of street frontage. This should not be construed to mean trees placed thirty (30) feet on center. Trees provided in building setbacks shall not replace any requirements for street trees established in the Streetscape Design Manual (see section 26-224).
- b. In addition to trees required based upon public street frontage, one (1) tree and ten (10) shrubs are required for every one thousand (1,000) square feet of required landscape area.
- c. Required landscaped areas shall be as follows:
 - (1) **IN COMMERCIAL ZONE DISTRICTS, Landscaping shall not be less than twenty (20) percent of the gross lot area. IN THE INDUSTRIAL-EMPLOYMENT ZONE DISTRICT, LANDSCAPING SHALL NOT BE LESS THAN FIFTEEN (15) PERCENT OF THE GROSS LOT AREA.**
 - (2) On any nonresidentially zoned property abutting 44th Avenue, 38th Avenue, Kipling Street, Wadsworth Boulevard, Youngfield Street, Ward Road, Sheridan Boulevard, or I-70 frontage roads, a landscaped area measuring ten (10) feet from the edge of the right-of-way is required for the entire length of the property abutting these roadways, except for curb cuts. This area may be used to meet the other area requirements. This requirement may be waived by the community development director where build-to requirements from a mixed use zone district or the Architectural Site Design Manual apply.

Section 8: Section 26-604 of the Code is amended to read:

Section 26-604. Storage of flammable liquid or gases.

No aboveground storage of flammable liquids or gases in excess of two thousand (2,000) gallons shall be permitted in any district other than the industrial-**EMPLOYMENT** district unless approved as a special use and in conformance with the Uniform Fire Code and other applicable laws.

Section 9: Section 26-624.A of the Code is amended to read:

A. As permitted in various zone districts (see section 26-204):

1. Bulk storage or piles of materials must be screened from view of adjacent properties by a view-obscuring fence six (6) feet in height;
2. In Agricultural Use Districts (A-1 and A-2), bulk storage or piles of such materials shall not be permitted within a front yard setback and shall be no closer than twenty-five (25) feet to side or rear lot line;
3. In restricted commercial, commercial and industrial-**EMPLOYMENT** use districts, bulk storage or piles of such materials shall not be permitted within a front yard setback and shall be no closer than twenty-five (25) feet to a side or rear lot line which abuts residentially or agriculturally zoned property.

Section 10: The heading for Chart 2 in Section 26-710 is amended to read:

**TABLE 4 2. SIGN STANDARDS IN COMMERCIAL, INDUSTRIAL, AND MIXED USE DISTRICTS
(NC, RC, C-1, C-2, I-E, MU-C, MU-C TOD, MU-C Interstate, MU-N)**

Section 11: 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 12: 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 13: 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 24th day of September, 2012, ordered published in full in a newspaper of general circulation in the City of Wheat Ridge, and Public Hearing and consideration on final passage set for **Monday, October 8, 2012 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 8 to 0, this 8th day of October, 2012.

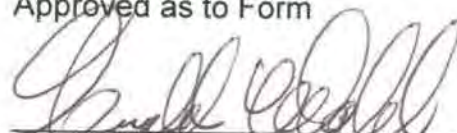
SIGNED by the Mayor on this 8th day of October, 2012.


Jerry DiTullio, Mayor

ATTEST:


Janelle Shaver, City Clerk

Approved as to Form


Gerald E. Dahl, City Attorney

First Publication: September 27, 2012
Second Publication: October 11, 2012
Wheat Ridge Transcript
Effective Date: October 26, 2012

