

CITY OF WHEAT RIDGE, COLORADO
INTRODUCED BY COUNCIL MEMBER STARKER
COUNCIL BILL NO. 02
ORDINANCE NO. 1547
Series 2014

TITLE: AN ORDINANCE AMENDING CHAPTER 26 CONCERNING THE SUBDIVISION REGULATIONS AND MAKING CERTAIN RELATED AMENDMENTS TO CHAPTERS 2 AND 5 IN ASSOCIATION HEREWITH (CASE NO. ZOA-14-01)

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 so review is efficient and costs are predictable; and

WHEREAS, the City wishes to amend Article IV of Chapter 26 pertaining to subdivision 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 Article IV of Chapter 26 of the Code is hereby repealed in its entirety and reenacted to read as follows:

ARTICLE IV. – SUBDIVISION REGULATIONS

Sec. 26-401. – Intent and purpose.

A. *Citation.* This article shall be known and cited as the "subdivision regulations" of the City of Wheat Ridge, Colorado, or "these regulations," or "this article."

B. *Authority.* No final plat of a subdivision shall be approved and accepted by staff, the planning commission or the city council unless it conforms to the provisions of these regulations. Pursuant to the authority contained in Article XX, Section 6 of the Colorado Constitution and in Colorado Revised Statutes sections 29-20-101 et seq., 31-23-101 et seq., and 24-67-101 et seq., the Wheat Ridge planning commission and city council are vested with the power and authority to adopt and amend these subdivision regulations

C. *Purpose.* The intent of these regulations is to prepare land for development and to recognize that the arrangement of parcels, streets, and infrastructure has a direct impact on the character and environment of the city. The general purposes of this article are as follows:

1. To protect the health, safety, and welfare of present and future residents of the city.
2. To promote orderly growth and good planning practice.
3. To guide land development that is consistent with the city's adopted plans and zoning regulations.
4. To ensure the provision of adequate public facilities and utility service.
5. To promote efficient circulation, logical lot layout, and necessary roadway and pedestrian connections.
6. To conserve natural resources and provide reasonable protection from flood and other hazards.
7. To provide open space and recreation facilities for residents.
8. To establish consistent and reliable land records and monumentation.
9. To provide a process for review and substantive requirements for approval.

Sec. 26-402. – Applicability.

A. *Jurisdiction.* These subdivision regulations shall be applicable within the following areas:

1. All land located within the City of Wheat Ridge.
2. Land in the process of annexation to the City of Wheat Ridge.
3. All unincorporated land located within three (3) miles of the corporate limits of the City of Wheat Ridge for major street plan purposes when a major street plan has been approved in accordance with the requirements of C.R.S. § 31-23-212.

B. *General Applicability.*

1. These subdivision regulations shall apply to the creation or boundary modification of lots, tracts, parcels or other divisions of land for any purpose, including but not limited to its immediate or future sale, transfer, or development, whether residential, industrial, office, business or otherwise.
2. This article shall apply to a resubdivision or any division of land previously subdivided or platted, as well as to a lot line adjustment or consolidation of two or more lots, tracts, or parcels.
3. The transfer of any portion of land by the use of description for the purpose of sale, transfer, lease or development is prohibited until the division of land is approved and recorded in accordance with these subdivision regulations.
4. No subdivision plat shall be used for purposes of sale or development until the plat is approved and recorded in accordance with these subdivision regulations.

C. *Exemptions.* This article shall not apply to the following:

1. Any division of a tract of land into separate parcels of at least thirty-five (35) acres each for the purposes of sale;
2. Any division of land which is created by order of any court in this state or by operation of law, such as settlement of an estate;
3. Any division of land which is created by a foreclosure of a deed of trust, lien, mortgage or any other security instrument;
4. Any division of land which is created by a security or unit of interest in any investment trust regulated under the laws of this state or any other interest in any investment entity;
5. Any division of land which creates cemetery plots;
6. Any sale of any interest in a lot or parcel of land which has located upon it a single main structure, which structure and associated land is to be divided into separate ownership, and so long as required parking and access to a public street is guaranteed to each owner by direct access, or through a recorded ingress/egress easement of at least ten (10) feet in width, or parking easements, as may be necessary. The intent of this exception is to ensure that the area and setback requirements for structures are met, but to allow subsequent division of an individual structure and associated land into separate ownership, as with duplex splits or condominium plats. This exception shall not apply whenever it is desired to sell off land for the purpose of creating a new building site;
7. Vacant nonconforming parcels of record as described in section 26-120;
8. The division of land for the purpose of conveyance of real property to the city in satisfaction of land dedication, condemnation, annexation, or other city requirements, including a city-approved land trade;
9. Acquisition of an interest in land in joint tenancy, or as tenants in common, or a joint venture.
10. A consolidation of eligible lots through a property merger agreement in accordance with section 26-117.

D. *Pending applications.* Any application for a subdivision plat filed on or after May 16, 2014 shall be controlled by the provisions of these regulations. Any application for a subdivision plat filed prior to and pending on that date shall be controlled by the provisions of the subdivision regulations in effect at the time of the filing of the application (which regulations are retained in force solely for that limited purpose), unless the applicant chooses to have the application processed under the provisions of these regulations.

E. *Private covenants.* These regulations are not intended to abrogate any easement, covenant, or any other private agreement or restriction. It is not the intent of these regulations that the city will enforce any private easement, covenant, agreement, or restriction; such provisions being a function of the right of individual property owners to further or separately restrict the use of their property as one (1) of the rights attendant upon property ownership. These regulations shall not be interpreted to either enhance

or diminish such private restrictions, and the existence of such private restrictions shall neither enhance nor diminish the application or enforceability of these regulations.

Sec. 26-403. – Enforcement and penalties.

A. *General.* It shall be unlawful for any person to sell, convey, transfer, or otherwise dispose of or subdivide any property within the city without compliance with this article or where such sale, conveyance, transfer, disposition, or division would otherwise result in the creation of a nonconforming lot or nonconforming parcel of land as such term is defined by section 26-120. In addition to any other remedy available to the city, the city shall not recognize or permit the use of a lot or parcel created in violation of these regulations unless and until such lot or parcel is properly subdivided and meets all applicable requirements of the Wheat Ridge Code of Laws.

B. *Permits withheld.* No permits shall be issued by any administrative officer of the City of Wheat Ridge for the construction or occupancy of any building, or other improvement requiring a permit, upon any land for which a plat is required by these regulations, unless and until the requirements of the subdivision regulations have been met.

C. *Penalties.*

1. Any subdivider or agent of a subdivider who transfers or sells or agrees to sell or offers to sell any subdivided land before a final plat for such subdivided land has been approved by the city and recorded in the office of the Jefferson County Clerk and Recorder shall be guilty of a misdemeanor and, upon conviction of such violation, shall be subject to a fine not to exceed one thousand dollars (\$1,000.00), or imprisonment not to exceed one (1) year, or both such fine and imprisonment.
2. This fine or sentence shall be applicable for each parcel or interest in subdivided land which is sold, agreed to be sold, negotiated to be sold and/or transferred.
3. The city shall have the power to bring an action to enjoin any subdivider from selling, agreeing to sell, offering to sell, use, occupy or develop unsubdivided land before a final plat for such subdivided land has been approved by the city.

D. *Sale voidable.* Any deed of conveyance, sale or contract to sell made contrary to the provisions of these regulations is voidable at the sole option of the grantee, buyer, or person contracting to purchase, his heirs, personal representatives, or trustee within one (1) year after the date of execution of the deed of conveyance, sale, or contract to sell is binding upon any assignee or transfer of the grantee, buyer, or person contracting to purchase, other than those above enumerated.

Sec. 26-404. – Definitions.

As used in these regulations, the following words shall be interpreted and defined in accordance with the provisions set forth in this article:

Adjacent property owners: Those persons who are shown in the then current records of the Jefferson County Assessor, as owning real property adjoining the land being

proposed for subdivision platting; disregarding intervening public streets, alleys, or other public right-of-way;.

Administrative subdivision: See subdivision, administrative.

Alley: A right-of-way, dedicated to public uses, which gives a primary or secondary means of vehicular access to the rear or side of properties otherwise abutting a street, and which may be used for public vehicular and/or utility access.

Bicycle and pedestrian route: A street or trail that is part of the city's existing or proposed bicycle and pedestrian network as designated in the City of Wheat Ridge *Bicycle and Pedestrian Master Plan*.

Block: A unit of land within a subdivision containing two or (2) more lots which is bounded by public or private streets, highways, railroad rights-of-way, public walks, alleys, parks or open space, rural or vacant land, drainage channels, subdivision boundaries, property boundaries or a combination thereof, and which is customarily divided into lots.

City datum: Those three-dimensional coordinate values established during the state plane coordinate conversion program for all quarter corners, and section corners, and permanent high accuracy control (PHAC) points within and adjacent to the City of Wheat Ridge.

Colorado Revised Statutes: The current edition of the laws governing the State of Colorado; hereinafter referred to as "C.R.S."

Dedication: The intentional conveyance of land by the owner to the city for use as public right-of-way or easement.

Dedication, fees in lieu of: Cash payment that may be required of an owner or developer as a substitute for a dedication of land or physical improvement.

Duplex split: The process by which a single existing structure with two legal dwelling units is divided into separate units of ownership for the purpose of selling an interest in the existing structure and associated land. This process is not subject to the subdivision regulations per section 26-402.C.

Easement: A nonpossessing legal interest in land, granted by a land owner to another person or entity which allows that beneficiary the use of all or a portion of the owners' land, for a stated purpose such as access, drainage, or placement of utilities.

Geodetic surveying: The performance of surveys in which measure or account is taken of the shape, size, and gravitational forces of the earth to determine or predetermine the horizontal or vertical positions of points, monuments, or stations for use in the practice of professional land surveying or for stating the geodetic position of control points, monuments, or stations by using a coordinate system or derivative thereof recognized by the National Geodetic Survey.

Lot merger: See plat, consolidation.

Lot, through: An interior lot abutting on more than one (1) street or corner lot abutting on more than two (2) streets.

Major subdivision: See subdivision, major.

Minor subdivision: See subdivision, minor

Monuments: Actual points set into the ground to locate, delineate, or describe tracts of land. These include: a) United States Land Survey Monuments, the points or corners established by the survey of public lands for the United States Government, also the reestablishment or restoration of said corners; b) the points or corners set by a Colorado registered land surveyor in accordance with the Colorado Revised Statutes.

Mylar: A clear plastic material on which the plat is "photographically" reproduced. It shall be a minimum of four one thousandths (.004) of an inch thick and have a matte finish on both sides.

PHAC points: Permanent high accuracy control points established during the City of Wheat Ridge State Plane Coordinate Conversion Program by and for use in global positioning surveys.

Plat, condominium: A plat which shows the division of land based on condominium ownership of an existing structure. This process is not subject to the subdivision regulations per section 26-402.C.

Plat, consolidation: A plat which aggregates two (2) or more parcels or portions of land into a single lot, development or building site. See also section 26-117.

Plat, final: A map of a land subdivision with necessary affidavits, dedications, and acceptances and with complete bearings and dimensions of all lines defining lots and blocks, streets and alleys, public areas and other dimensions of land for the recording of real estate interests with the Jefferson County Clerk and Recorder's office. All final plats shall comply with C.R.S. Article 51, Title 38.

Plat, land survey: A plat which shows the information developed by a monumented land survey and includes all information required by C.R.S. § 38-51-106.

Plat, lot line adjustment: A plat which adjusts the common property line or boundaries between two (2) or more parcels or portions of land, through which an equal or lesser number of lots are created.

Plat, recorded: The official document which is filed with the Jefferson County Clerk Recorder's office.

Plat, townhouse: A plat which shows the division of land based on a townhouse ownership structure. Townhouse development is subject to these regulations and requires a subdivision plat.

Preapplication conference: A nonbinding, informative meeting between an applicant and staff that is required prior to submitting any plat application, in accordance with section 26-104.

Private drive: A thoroughfare for vehicular traffic which provides access to no more than four (4) dwelling units.

Public street: A dedicated public thoroughfare for vehicular traffic in accordance with the requirements as set forth in the subdivision regulations, the comprehensive plan, the Bicycle and Pedestrian Master Plan, and the Streetscape Design Manual of the City of Wheat Ridge.

Replat: See resubdivision.

Resubdivision: The changing of any existing lot, tract, or parcel of any subdivision plat previously recorded with the Jefferson County Clerk and Recorder.

Right-of-way: An area of land granted, acquired, or dedicated by deed or plat for public use and travel. In addition to a roadway, it may also include curbs, gutters, sidewalks, streetscape amenities, traffic signs and signals, lighting, and public utilities.

Sketch plan: A rough sketch of a proposed subdivision indicating tentative lot layout and thoroughfare alignment to be used for the purpose of discussion at a preapplication conference.

Subdivider: Any person, partnership, joint venture, association, corporation, person in a representative capacity, or other legal entity or legal representative who shall participate in any manner in the dividing of land for the purpose, whether immediate or future, of sale or building development.

Subdivision or Subdivide: The creation or boundary modification of lots, tracts, parcels, or other divisions of land for any purposes whether immediate or future, including for sale or building development, whether agricultural, residential, industrial, commercial or other use. The term shall also include and refer to any division of land previously subdivided or platted but shall not include nor refer to a transaction or transactions which is or are exempt under these regulations.

Subdivision, administrative: Any subdivision, consolidation, or lot line adjustment that involves 3 or fewer lots or parcels, conforms to all subdivision and zoning regulations, and does not include the dedication of a public street. See section 26-405.

Subdivision, major: Any subdivision, consolidation, or lot line adjustment that does not meet the definition of an administrative or minor plat, including any plat with a right-of-way vacation or the dedication of public streets. See section 26-405.

Subdivision, minor: Any subdivision, consolidation, or lot line adjustment that involves 4 or 5 lots or parcels, conforms to all subdivision and zoning regulations, and does not include the dedication of a public street. See section 26-405.

Subdivision Improvement Agreement: An agreement between the city and developer that clearly establishes the developer's responsibility to construct any required public improvements for a subdivision, such as street or drainage facilities, and to provide financial security to ensure completion of the improvements.

Tract: A portion of land that is part of a subdivision which is designated for some purpose other than a building site or lot, sometimes known as an outlot.

Vacation: The termination of, or termination of interest in, an easement, right-of-way, or public dedication of land by resolution, plat or separate instrument.

Variance: A deviation from the strict application of the development standards contained in these regulations due to unusual or atypical site conditions or characteristics. See section 26-115.

Waiver: A waiver is a permitted exemption or reduction from a design principle or required improvement based on the specific conditions, circumstances or design context of a development proposal.

Sec. 26-405. – Types of plats.

These regulations recognize a variety of platting circumstances and provide specific requirements and procedures for each. These types of plats are set forth below.

A. *Administrative plat.*

1. Any subdivision, consolidation, or lot line adjustment meeting all of the following criteria:
 - a. Involves 3 or fewer lots or parcels,
 - b. Conforms to all subdivision and zoning regulations, includes no waiver or variance, and
 - c. Does not include the dedication of a full-width (“Full”) public street right-of-way, but may include a partial, less than Full dedication of right-of-way adjacent to an existing public street or for other purposes. See section 26-415.
2. Review and approval of this type of subdivision plat is an administrative process that does not require a public hearing; the review procedure is outlined in section 26-406.B.

B. *Minor plat.*

1. Any subdivision, consolidation, or lot line adjustment meeting all of the following criteria:
 - a. Involves 4 or 5 lots or parcels,
 - b. Conforms to all subdivision and zoning regulations, includes no waiver or variance, and
 - c. Does not include the dedication of a full-width public street right-of-way, but may include a partial, less than full-width dedication of right-of-way adjacent to an existing public street or for other purposes. See section 26-415.
2. Review and approval of a minor subdivision plat requires one (1) a public hearing; the review procedure is outlined in section 26-406.C.

C. *Major plat.*

1. Any subdivision, consolidation, or lot line adjustment that does not meet the definition of an administrative or minor plat, including any plat with a right-of-way vacation or dedication of new or full-width public streets.
2. Review and approval of a major subdivision plat requires two (2) public hearings; the review procedure is outlined in section 26-406.C.

Sec. 26-406. – Review procedures.

All applications are subject to the following review procedures.

A. *Preapplication conference.* Prior to submitting any plat application, the applicant must participate in a preapplication conference, as described in section 26-104. A sketch plan shall be provided to the community development department for review prior to the preapplication conference.

B. *Administrative plat review procedure.*

1. 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 26-410. 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.
2. Review and referral. Upon receipt of a complete application packet the community development department 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.
3. Decision. After the review period, staff will prepare written findings with a recommendation. The community development director shall review the plat and approve, approve with conditions, or deny the plat.

C. *Minor and major plat review procedure.*

1. 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 26-410. 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.
2. 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 hearings on the application before the planning commission and, if needed, the city council. Notice shall be 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 a recommendation.
3. Public hearing.
 - a. Planning commission review. The planning commission shall hold a public hearing to review the plat and to hear and consider any evidence or statement presented by the applicant, city staff, or by any person in attendance at the public hearing. Any recommendation or decision shall be based upon the facts presented in the public hearing and in consideration of the regulations and standards of this article and article II of this chapter.

- i. Minor subdivision. The planning commission shall make a decision to either approve, approve with conditions, or deny the application. The decision by planning commission is final for minor subdivisions.
 - ii. Major subdivision. The planning commission shall make a recommendation of approval, approval with conditions, or denial of the application. The recommendation shall be forwarded to city council for final action.
- b. City council review. City council shall review and decide upon all major subdivision applications at a public hearing. Upon receipt of the final plat and accompanying recommendations, the city council shall either approve, approve with conditions, deny, or refer the plat back to planning commission for further review. City council shall base its decision upon all evidence presented, with due consideration of the regulations and standards of this article and article II of this chapter.

D. Recording approved documents.

1. All approved plats shall be recorded with the Jefferson County Clerk and Recorder. A recordable mylar of the plat and associated recording fees shall be submitted to the community development department within ninety (90) days of final action.
2. A subdivision improvement agreement, if required, shall be executed and recorded with the Jefferson County Clerk and Recorder concurrently with recordation of the final plat. Guarantee shall be provided as required by section 26-418.
3. If public land dedications or easements are not conveyed by final plat, deeds or other documents of conveyance for such dedications shall be executed and recorded with the Jefferson County Clerk and Recorder concurrently with recordation of the final plat.
4. Fees in lieu of parkland dedication, if required by section 26-414, shall be paid at time a recordable document is submitted.
5. Fees in lieu of constructing public improvements, if required, shall be paid at time a recordable document is submitted.
6. For lot line adjustments, a deed to transfer title of property from one owner to the other must be recorded along with the plat.
7. If the applicant fails to provide all required recordable documents within ninety (90) days of final action, the approval shall expire. The community development director is authorized to grant, in writing, one (1) or more extensions of time, for period of not more than thirty (30) days each. The extension shall be requested in writing and justifiable cause shown.
8. No building permits shall be issued until the plat is recorded.

E. Review considerations. Decisions on subdivision applications are technical and non-discretionary in nature. The regulations and standards of this article shall be used

by the city council, planning commission, and community development director in judging the merits of the application submitted for review.

F. *Appeal.* Because of the technical and non-discretionary nature of subdivision decisions, an appeal may be filed only when a decision is based in whole or in part on an incorrect finding of compliance with these regulations.

1. Appeals may be filed by the applicant or property owner.
2. A written appeal shall be submitted to the community development department within ten (10) days of a decision.
3. Any appeal of the community development director's decision shall be heard by the planning commission at a public hearing in accordance with section 26-109.
4. Any appeal of the planning commission's decision shall be heard by the city council at a public hearing in accordance with section 26-109.

Sec. 26-407. – Error correction.

Occasionally errors may be discovered on a recorded plat, and revisions are necessary which do not affect the character of the subdivision. It is the intent of the city to establish reasonable standards and administrative procedures to correct such errors in order to protect the interests of affected property owners.

A. *Types of errors.* Minor errors which are eligible for administrative correction include, but are not limited to, the following:

1. Typographical and spelling errors or transpositions.
2. Incorrect seals.
3. Incorrect dates.
4. Monumentation incorrectly noted, drawn or missing.
5. Incorrect or missing bearings and/or dimensions on the drawing.
6. Missing or incorrectly displayed arrows or symbols.
7. Street name changes or corrections.
8. Removal of or revisions to utility easements upon approval of all affected utility companies.
9. Additions to or deletions from the legal description or dedicatory language that are not typographical in nature.
10. Incorrect certificates or signatures.
11. Other items or circumstances to be determined by the community development director and/or the director of public works.

B. *Correction procedure.* Corrections approved by the community development director and any affected agencies are made by an affidavit of correction. The affidavit is prepared by city staff, and any necessary exhibits are prepared, signed and sealed by the professional land surveyor of record. The affidavit is signed as needed and

appropriate by the owner, land surveyor, community development director, mayor, and city clerk. The affidavit shall reference the title of the original subdivision and be recorded with the Jefferson County Clerk and Recorder's office.

C. In no instance shall additional parcels be created, lot lines adjusted or the general character of the subdivision be altered by an affidavit of correction.

Sec. 26-408. – Resubdivision.

The redivision of any lot, tract, or parcel or the relocation of public streets within an approved subdivision shall be considered a resubdivision or replat and shall require a new application subject to the procedures described in section 26-406.

Sec. 26-409. – Variances and waivers.

A. *Review procedure.* Any subdivision application that includes a request for a variance or waiver shall be processed as a major subdivision and reviewed by planning commission and city council.

B. *Variance.* Where a subdivider proposes a plat that does not fully comply with the development standards contained in these regulations or in the zoning code, the subdivider must provide a written variance request as part of the application contents. The variance request shall be considered pursuant to the procedures, review criteria, and voting ratios set forth in sections 26-115 and 2-53 (d).

C. *Waiver.* A waiver is a permitted exemption or reduction from a design principle or required improvement based on the specific conditions, circumstances or design context of a development proposal. The burden of demonstrating that a waiver is justified falls on the applicant.

1. *Process.* The applicant shall submit to the community development department a letter requesting the waiver and providing justification addressing the review criteria in subsection 2 below. The waiver shall be considered concurrently with review of the final plat. Final action on the request shall be made by city council.
2. *Review criteria.*
 - a. Unique physical circumstances exist that limit the ability of the property to comply with the regulations set forth in this article. Special circumstances or conditions include narrowness, unusual shape, exceptional topographic conditions, floodplains, or other extraordinary situations. Financial difficulties, loss of prospective profits and previously approved exceptions in other subdivisions shall not be considered as special circumstances or conditions; or
 - b. An alternative design exists that will meet the intent of the standards and requirements set forth in this article. The waiver:
 - i. Shall provide for orderly subdivision of land;
 - ii. Shall benefit the public without detriment to public interest or surrounding properties;

- iii. Shall not be in conflict with the comprehensive plan or the spirit of approved policies and regulations; and
- iv. Shall not endanger public safety.

Sec. 26-410. – Application contents.

A. *Application contents.* A complete subdivision application shall include:

1. Complete and notarized application form.
2. Appropriate fee.
3. Proof of ownership, such as copies of deeds.
4. Written authorization from property owner(s) where an agent acts on behalf of the owner(s).
5. A written description of the request.
6. Mineral rights certification form.
7. Commitment for title insurance, if applicable.
8. Geodetic surveying requirements checklist, completed and signed by surveyor.
9. Closure sheet(s) for the exterior boundary and all individual lots, with the area rounded to the nearest square foot and acreage to four (4) decimal places.
10. Final plat. The application shall include the appropriate number of copies and electronic files, as determined at the pre-application conference. All final plats shall comply with C.R.S. Article 51, Title 38. All form and content requirements shall be met, as described below in subsections B and C.
11. Supplemental reports. In addition to the information contained on the final plat supportive information may be required in the format of hard copies, electronic files, or both. These may include, but are not limited to:
 - a. Trip generation or traffic report;
 - b. Final drainage report and plan;
 - c. Grading, drainage, and erosion control plan;
 - d. Stormwater management plan (SWMP);
 - e. Stormwater operations and maintenance manual (O&M Manual);
 - f. Civil construction plans;
 - g. Subdivision improvement agreement or development covenant agreement;
 - h. Exhibit and deed for partial right-of-way dedications;
 - i. Homeowner's association declaration or agreement.

B. *Form of final plat.*

1. Maps of the subdivision plat shall be drawn at not less than a scale of one (1) inch equals one hundred (100) feet.

2. Outer dimensions of the map shall be twenty-four (24) inches by thirty-six (36) inches with the following minimum margins: at least one (1) inch along the top and at least one-half ($\frac{1}{2}$) inch on the bottom and right sides.
3. Once a plat is approved, the plat shall be photographically reproduced or computer plotted on four millimeter (.004) thick mylar. No sticky-backs, transfer lettering, or labels shall be used on the mylar. All signatures must be permanent black ink. No ball point pens shall be used.
4. Maps of two (2) or more sheets shall be referenced to an index map placed on the first sheet and each sheet shall be numbered (e.g. sheet 1 of 3).

C. *Content of final plat.*

1. Project information.
 - a. Title of document. The title of the subdivision shall not duplicate another subdivision plat title in the records of the Jefferson County Clerk and Recorder's office.
 - b. A surveyed metes and bounds legal description of the platted boundary, with section ties to two (2) section corners in conformance with city geodetic surveying requirements. Coordinates for all section corners, and quarter-section corners, and PHAC points used shall be consistent with the City of Wheat Ridge current city datum, and are available from the public works department.
 - c. Basis of bearing statement, consistent with current city datum.
 - d. Small scale location map, with north arrow and scale.
 - e. Name, address, and phone number of architect, engineer, or surveyor associated with the project.
 - f. Appropriate signature and certification blocks as determined by the community development department, such as for owners, lenders, and city officials.
 - g. Signature and seal of the Colorado licensed professional land surveyor along with a statement that the survey was performed by him/her or under his/her direct responsibility, supervision, and checking, and in accordance with all City of Wheat Ridge requirements and applicable Colorado Statutes, current revised edition, as amended.
 - h. Release of areas dedicated to public use by mortgage or lien holder.
 - i. Standard easement notes as determined by the community development department.
 - j. Dedicatory statement, if applicable.
 - k. Case history box with reference case numbers.
2. Graphical information.
 - a. All items on the City of Wheat Ridge geodetic surveying requirements for final plats shall be adhered to and provided on the plat.

- b. Graphical representation of property boundary consistent with legal description.
- c. Lot areas and dimensions for each lot, tract, and parcel.
- d. Accurate dimensions for all lines, angles, and curves used to describe boundaries, streets, alleys, easements, areas to be reserved for public use, and other important features.
 - i. Distance and bearings shall be on current city datum.
 - ii. All curves shall be circular arcs and shall be defined by all of the following: the radius, central angle, arc length, chord length, and chord bearing.
 - iii. All dimensions, both linear and angular, are to be determined by an accurate control survey in the field which must balance and close within a limit of at least one (1) in fifty thousand (50,000).
 - iv. No final plat showing plus or minus dimensions will be approved.
 - v. Total area shall be rounded to the nearest square foot and acreage to four (4) decimal places.
- e. Monument information, including:
 - i. A description of all monuments that mark the boundaries of the property, both found and set, and a description of all control monuments used in conducting the survey.
 - ii. Right-of-way survey monuments shall be established per City of Wheat Ridge standard specifications for all new roadways or relocation of existing roadways, at all new road right-of-way centerline intersections, center of radius for cul-de-sacs, and at the end of the centerline for dead end streets. Right-of-way survey monuments may also be required at roadway centerline points of curvature, points of reverse or compound curvature, and points of tangency, as determined by the department of public works.
 - iii. Coordinates for all control monuments used shall be consistent with the current city datum.
- f. Identification of all proposed lots, blocks, and street names. Tentative addresses for each lot shall be provided by the city.
- g. Identification of existing streets, alleys, parks, and other public facilities.
- h. Identification of all easements within and abutting the subject property, including the purpose and dimensions. If any easement already of record cannot be definitely located, a statement of its existence and its recorded reference shall appear on the plat title sheet.
- i. Identification of adjacent property by subdivision name, lot, and block. If adjoining land is unplatted, it shall be identified as such.
- j. Identification of zoning within and adjacent to subject property.
- k. Identification of areas reserved for future public acquisition.

- l. Extent of 100-year floodplain and floodway, if applicable.
- m. Legend, north arrow, and scale (not to exceed 1" = 100').

Sec. 26-411. – Subdivision design.

A. General requirements.

- 1. Name of subdivision. The title of the subdivision shall not duplicate another subdivision plat title in the records of the Jefferson County Clerk and Recorder's office.
- 2. Compliance with other provisions. All subdivisions shall comply with applicable zoning, design, and development regulations set forth in Chapter 26.

B. Blocks.

- 1. Block lengths and widths shall be suitable for the proposed land uses and for the zoning requirements pertaining to minimum lot sizes and dimensions.
- 2. In blocks over one thousand (1,000) feet long, mid-block pedestrian crosswalks may be required as determined by the department of public works.
- 3. For property in a mixed use zone district, block size shall also conform to requirements in section 26-1108.B.

C. Lots.

- 1. All lots shall be developable and capable of being built upon. Where undevelopable tracts are necessary for purposes other than building, the plat should designate the tract and identify the purpose, maintenance, and ownership of such.
- 2. Lots shall meet all applicable zoning requirements.
 - a. Individual townhouse lots shall be exempt from minimum lot size, lot width, and interior side yard setback requirements, so long as the development parcel for the entire multi-unit townhouse building meets all standards of article II. Individual townhouse lots shall not be developed for any purpose other than townhomes, and the plat shall include a note to this effect.
- 3. Through lots shall be avoided, except where essential to provide separation from major arterials.
- 4. Side lot lines shall be substantially at right angles or radial to street lines when feasible.
- 5. Reverse corner lots shall be avoided where possible.
- 6. All lots or parcels created by subdivision shall have access to or frontage upon a public street as required by 26-609.
- 7. Flag lots are not encouraged but are permitted when they are the most appropriate development option as determined by the community development director. Use of a flag lot design shall meet the following criteria:
 - a. The minimum width of the pole portion abutting a public street is 25 feet.

- b. Use of a flag lot design is necessary for effective development of land.
- c. The proposed design does not negatively affect public safety and includes clearly defined access for private use and for emergency service.

D. Transportation and connectivity.

- 1. In all subdivisions, the vehicle access and circulation system shall accommodate the safe, efficient, and convenient movement of vehicles, bicycles, pedestrians and transit through the development as well as to and from adjacent properties and land uses.
- 2. The layout and design of all sidewalks, trails and bicycle paths shall be consistent with the Bicycle and Pedestrian Master Plan and all other adopted plans and policies.
- 3. The creation of reserve strips adjacent to the right-of-way which may be used to deny access to a street shall not be permitted.
- 4. See section 26-412 for street design standards.

E. Stormwater, drainage, and floodplains.

- 1. Drainage, wetland, and floodplain areas shall be preserved in their natural state. No encroachments shall be made on existing channels to preserve the natural and beneficial functions.
- 2. Where drainage and wetland areas are encroached upon, acceptable mitigation shall be provided.
- 3. The platting of wetland or floodplain areas that are under federal jurisdiction shall be subject to applicable federal review.
- 4. Any subdivision must allow continued historic flow of waters, and provide drainage easements and stormwater facilities for proposed and actual on- and off-site runoff.
- 5. Any land within the regulated 100-year floodplain or other areas subject to the 100-year flood shall not be platted for development unless adequate provisions are made to provide for, to eliminate, or control flood hazards.
- 6. For any land within a special flood hazard area, the plat shall include base flood elevations and the limits of the 100-year floodplain and floodway.
- 7. All subdivision proposals shall be consistent with the need to minimize flood damage as outlined in Article VIII.

F. Slope.

- 1. Steep land (ten percent slope or greater), unstable land, and areas having inadequate drainage, are problems that may endanger health, life or property. Areas with such problems shall not be subdivided unless acceptable provisions are made by a registered engineer qualified in the particular field which eliminate or control the problems.
- 2. Such areas may be included as part of a lot or lots where there is a building portion free of such problems.

G. *Easements.*

1. **Utility.** Utility easements shall be designed to minimize the encumbrance to the lot, to minimize maintenance problems, and to avoid anticipated locations of buildings or street trees. For new streets, utilities may be located within the right-of-way as approved by the public works department.
2. **Drainage and irrigation facilities.** All proposed on-site stormwater detention facilities shall lie within a stormwater detention easement. Where a subdivision is traversed by an irrigation ditch or channel, natural creeks or streams, an easement sufficient for drainage and to allow for maintenance of the ditch shall be provided. The width and location of this easement shall be approved by the controlling irrigation ditch company or lateral ditch users. When off-site detention, retention or conveyance is required, a recorded easement from the affected off-site property owner is required at the time of plat recordation.
3. **Sidewalk.** Sidewalk and landscape easements may be required when the sidewalk or streetscape improvements required by the Streetscape Design Manual or Bicycle and Pedestrian Master Plan are not within a dedicated street right-of-way. The width of this easement shall be determined by the public works department.
4. **Access.** When it is required to have circulation between adjacent properties, cross access/ingress-egress easements shall be provided on the plat.
5. Other easements may be required by the community development or public works departments.
6. All easement areas shall be maintained by the underlying fee simple property owner or appropriate owners' association. All improvements located in, on, over or under the easements shall be maintained by the applicable and/or designated agency. Other improvements provided by the fee simple property owner shall not interrupt nor in any way interfere with the designated and continued use of the easements and improvements located thereon. The city shall not be responsible for maintenance of easements and/or improvements thereon, unless otherwise approved by the city council.

H. *Nonresidential subdivisions.*

1. Applicants shall demonstrate that street, block, and lot layout in a nonresidential subdivision is appropriate for the anticipated uses.
2. Lots proposed for commercial or industrial development shall be suitable in area and dimension for the types of anticipated development.
3. Vehicular access and circulation should be designed to minimize the number of curb cuts, increase connectivity, and encourage shared access points from the street.
4. Nonresidential subdivisions shall designate areas for appropriate cross access easements.

Sec. 26-412. – Street design.

A. General.

1. Streets shall conform to the requirements set forth in the subdivision regulations, the comprehensive plan, the Bicycle and Pedestrian Master Plan, and the Streetscape Design Manual of the City of Wheat Ridge.
2. All public streets shall be designed and constructed according to the city's current design and construction standards, the Streetscape Design manual, and the Bicycle and Pedestrian Master Plan.
3. Private streets shall not be allowed.
4. Fire apparatus access roads shall comply with the requirements of the appropriate fire protection district.
5. Street names shall conform to the standard metropolitan grid pattern, as outlined in section 26-639.

B. Access.

1. For residential subdivisions, all lots shall have frontage on a public street with the exception of those lots served by private drive or easements. Private drives shall have a minimum width of 25 feet, shall be designated by recorded easement, and shall provide access to no more than four (4) dwelling units.
2. Whenever possible, residential lots shall not front on arterials (Class 3) or collectors (Class 4). Access to a freeway, arterial or collector shall occur only at intersections approved by planning commission and city council. Such design shall be reviewed by the director of public works in consultation with the city traffic engineer.
3. Any use providing access to an expressway, arterial, collector, state highway or interstate frontage roads, may require the subdivider to construct and dedicate acceleration and/or deceleration lanes along those streets upon which access is obtained. This requirement shall be determined at the time of subdivision, site plan approval for planned developments, rezoning or building permit review and shall be in accordance with the criteria of section 26-620.

C. Connectivity.

1. The proposed street layout shall provide for the continuation of existing, planned or platted streets in the surrounding area unless the city determines that such extension is undesirable for specific reasons of topography or design.
2. Proposed streets shall be extended to the boundary of a subdivision to provide for future connections to adjoining lands.
3. If a dedicated or platted half-street or partial right-of-way is adjoining or parallel to a subdivision boundary, the other half of the street shall be dedicated.

D. Design.

1. Right-of-way standards.

- a. Street and alley rights-of-way shall conform to the city's current standards for width, grade, and design as determined by the public works department.
2. Cul-de-sacs.
 - a. Cul-de-sacs shall have a turnaround right-of-way diameter of at least ninety six (96) feet.
 - b. For cul-de-sacs less than two hundred (200) feet in length in a single family area, an alternate design such as a "Y", "T", "L", or loop may be considered and approved by the city if the standard design is not feasible.
 - c. The center of the cul-de-sac bulb shall not be longer than seven hundred fifty (750) feet from center line of the intersecting street.
 - d. Surface drainage on cul-de-sacs shall be directed toward the accompanying street or where necessary to a natural watercourse or natural drainage basin if approved by the director of public works. Drainage easements may be required through abutting lots where no alternative is capable of carrying drainage.
 - e. In the case of temporary cul-de-sacs, the provision for reduced lot widths does not apply. Temporary cul-de-sac eyebrows shall be dedicated as tracts on the subdivision plat. Radial lot lines shall not be allowed on temporary cul-de-sacs.
3. Dead-ends.
 - a. Dead-end streets, with the exceptions of cul-de-sacs, shall be prohibited unless they are designed to connect with future streets in adjacent land that has not been platted, in which cases a temporary cul-de-sac bulb shall be required. The "eyebrows" of temporary cul-de-sac bulbs shall be designated as tracts on the plat.
4. Intersections.
 - a. Arterial and collector streets shall be aligned to join with planned or existing streets.
 - b. Additional right-of-way or pavement width may be required at intersections. The design of intersections shall be determined by the public works director, or when applicable, the Colorado Department of Transportation.
 - c. Intersections of streets shall be at right angles whenever possible and shall not exceed a variation of ten (10) degrees from a right angle.
 - d. When "T" intersections are used, the center lines of the streets not in alignment must be offset a minimum of three hundred (300) feet when connected to a collector street and one hundred fifty (150) feet when connected to a local street.
5. Reverse ("S") curves.
 - a. Reverse curves on arterials shall be joined by a tangent section at least two hundred (200) feet in length. Reverse curves on collectors shall be joined by a tangent section at least one hundred (100) feet in length.

6. Grade and Topography.

- a. Streets shall be designed to bear a reasonable relationship to the topography of the land to the maximum extent feasible.
- b. The maximum grade by street classification shall not be exceeded; maximum grade is determined by the public works department.

Sec. 26-413. – Dedications and exactions, general provisions.

A. Plat dedications.

1. Dedications of rights-of-way for public streets, utility easements, drainage and maintenance easements, and other interests required under the provisions of this article shall be made by the subdivider on the plat unless otherwise directed by these regulations or city council.

B. Expansion or redevelopment of existing developments.

1. When existing development does not meet current design standards or is insufficient regarding current service capacities, the city shall require dedications or exactions to adequately meet the current standard or need upon development, redevelopment or expansion of these properties.
2. Dedications required at the time of issuance of a building permit for development, redevelopment, expansion or change of use shall include up to a half-width street dedication and/or construction based on street standards in the subdivision regulations, comprehensive plan, Bicycle and Pedestrian Master Plan, and Streetscape Design Manual. These construction improvements could include street reconstruction, paving, curb, gutter, sidewalk or other improvements deemed necessary by the director of public works. See section 5-45.
3. These dedications or exactions can be required at the time of rezoning, subdivision or building permit.

Sec. 26-414. – Dedication of public parks and sites.

A. Public parks and trails.

1. Purpose. Parkland dedication is based on the presumption that new residents create additional demands for and burdens on park, trail, open space, and recreation facilities. Land dedication for park facilities or cash-in-lieu fees are roughly proportional to the demands created by new residential development and contribute to the cost of acquisition and/or improvement of new or existing facilities.
2. Applicability and exemptions.
 - a. The requirements of this section apply to the following types of development and subdivision:
 - i. Residential subdivisions.
 - ii. Residential development.

- iii. Replatting or redevelopment that results in an increase in the number of dwelling units.
 - b. Exemptions. Nursing homes and similar confined care or skilled nursing facilities are exempt from the requirements of this section.
3. Process for assessing parkland needs.
- a. As part of the subdivision review process, an application shall be referred to the parks and recreation director to determine whether land dedication or cash-in-lieu payment is appropriate.
 - b. A determination shall be based on the available land area within the development or subdivision and based on the city's Parks and Recreation Master Plan.
4. Requirement for parkland dedication.
- a. Land dedication or cash-in-lieu required. The owner/developer of land to which this section applies shall, at the option of the city, either:
 - i. Convey to the city in fee simple no less than seven and one-half (7.5) acres per one thousand (1000) people based on the projected population for the development and determined in accordance with this subsection; or
 - ii. Pay to the city a sum of money based on a per acre fee adopted by resolution of the city council. A cash-in-lieu fee schedule shall be established with consideration for the per acre costs of acquiring and improving park land.
 - b. Population density standards. For the purpose of determining park land dedication requirements, the projected population of a residential development or subdivision shall be based on the following density factors:
 - i. Residential development: citywide average household size
 - (a) This density factor shall be based on city housing and population data, expressed as a number of persons per dwelling unit, as established by the community development director on an annual basis and published in the manner provided for publication of ordinances under the Wheat Ridge Home Rule Charter.
 - ii. Housing within a designated urban renewal area: 1.7 persons per dwelling unit
 - iii. Housing within a mixed use development: 1.7 persons per dwelling unit
 - (a) For the purposes of this section, mixed use shall mean the development of a parcel or parcels that includes residential and non-residential primary uses on the same site.
 - iv. Housing within ½-mile of a transit station: 1.7 persons per dwelling unit
 - (a) For the purposes of this section, a transit station shall mean the property of any RTD Gold Line commuter rail station, RTD Park-n-Ride, or RTD Transfer Station.

v. Housing for seniors: 1.5 persons per dwelling unit

(a) For the purposes of this section, senior housing shall be limited to a development qualifying as intended for, and qualifying as, "housing for older persons" pursuant to the Federal Fair Housing Act (42 U.S.C. Section 3607(b)(2), as amended). In the event that a development intended for "housing for older persons" fails to qualify for such status under the applicable provisions of the Fair Housing Act or pertinent regulations, or having achieved such status thereafter relinquishes or otherwise fails to maintain such status, additional land dedication or cash-in-lieu payment shall be required, based upon the appropriate density factor set forth in this subsection.

c. Calculation. The following formula shall be used to determine the minimum amount of land to be dedicated:

$$[(\text{number of proposed dwelling units}) \times (\text{density factor}) \times (7.5 \text{ acres})] \div 1000 \text{ people}$$

d. Form and timing of dedication. If land dedication is acceptable, the site shall be free of all liens and encumbrances and shall be conveyed to the City either on the plat or by warranty deed at the time the plat is recorded, accompanied by a current title commitment showing the property free from liens and encumbrances, in a form approved by the community development director.

e. Form and timing of cash-in-lieu payment. Cash-in-lieu payments shall be paid to the City by certified check and deposited in the City account to be used solely for the acquisition, development, or improvement of parks, open space, bicycle and pedestrian trails, and related facilities. For subdivisions, payment shall be made at the time the plat is recorded. For development, payment shall be made prior to building permit issuance.

5. Required improvements on and adjacent to park land dedication. The subdivider shall be responsible for the cost of park development and all of the required public improvements for streets adjacent to dedicated parks, as outlined in an improvement agreement per section 26-418.

6. Required improvements on existing park land. The city shall be responsible for road construction improvements on or adjacent to existing park land or other publicly-owned property.

7. Prior dedications. In the event the land being subdivided has been annexed and as part of the annexation proceedings has been subject to a park land contribution, or a cash payment in lieu thereof, or a dedication for public purposes, then the requirements as herein set forth for land or cash in lieu of land shall be waived.

B. *Dedications for other public sites.*

1. Dedication of sites for public use, such as schools and fire stations, shall be delineated on the final plat with appropriate dedicatory statements on the plat.

2. At the discretion of the public agency requiring the dedication, cash in lieu of land dedication may be required. The cash-in-lieu fee shall be equivalent to the full

market value of the acreage required for park land dedication. Value shall be based on anticipated market value after completion of platting and construction of public improvements.

Sec. 26-415. – Dedication of public streets.

A. *Dedication.* Street dedication requirements shall be based on the city's adopted comprehensive plan, the Bicycle and Pedestrian Master Plan, and the Streetscape Design Manual of the City of Wheat Ridge.

1. Full. Dedication of a public street shall be by plat and shall be processed as a major subdivision.
2. Partial. A partial right-of-way dedication is acceptable if it is required to complete a substandard street already in existence.
 - a. Half streets. For streets on the perimeter of a subdivision, the subdivider may be permitted to dedicate sufficient right-of-way to provide an adequate street width for two (2) lanes of traffic in accordance with the city's standards and specifications. In such instances, the subdivider shall be required to construct one-half of the street width plus six (6) feet or other design as determined and approved by public works department. If on street parking is desired, more right-of-way will be required.
 - b. Administrative or minor subdivision. Where a partial right-of-way dedication is required as part of an administrative or minor subdivision application, the right-of-way may be dedicated to the city by separate document. On the plat, the right-of-way to be designated shall be labeled as a tract, and a plat note shall indicate that the dedication of the tract will be by separate instrument. An exhibit and deed shall be prepared, signed and sealed by the professional land surveyor of record and submitted to the community development department as part of the application packet.

B. *Future right-of-way expansion note.*

1. When a development parcel is adjacent to a public street for which widening is not imminent but is contemplated in adopted plans of the city, county, Denver Regional Council of Governments, and/or the Colorado Department of Transportation, a note shall be placed on the plat identifying the proposed expanded right-of-way line.
2. By identifying the proposed expanded right-of-way line, the subdivider acknowledges there may be a future reduction in the usable area of the site in connection with a future roadway widening. Buildings are strongly discouraged within this area.

Sec. 26-416. – Vacation of right-of-way and removal of easements.

A. *Right-of-way vacation.*

1. Any subdivision application including a request for right-of-way vacation shall be processed as a major subdivision in accordance with sections 26-406 and 26-118.
 2. Right-of-way vacations by plat shall be noted as being "hereby vacated by this plat."
- B. *Easement removal.*
1. Easements vacated by plat shall be noted as being "hereby vacated and released by this plat."
 2. Easements requested to be vacated separately from a plat application may be processed as error correction. The applicant shall include written and notarized approval from affected property owners and utility agencies. See section 26-407
- C. Separate sheets for vacation and rededication may be necessary for clarity.

Sec. 26-417. – Required public improvements.

A. *Applicability.* Provision of public improvements may be required as a condition of approval of a subdivision or development application.

B. *Compliance with city standards.*

1. Specifications for all public improvements are to be determined by the public works department, or in the case of utilities, by other reviewing agencies.
2. No public improvements shall be made until all engineering plans and specifications have been reviewed and approved by the department of public works and all applicable permits have been obtained.

C. *Types of public improvements:*

1. *Street and/or streetscape improvements.* Construction of street improvements or payment in lieu is required only for certain types of subdivision or development applications as outlined in subsection E below. Street improvements include, but are not limited to, the following:
 - a. Paved streets.
 - b. Paved alleys (when platted).
 - c. Curbs and gutters.
 - d. Sidewalks, attached or detached.
 - e. Streetscape enhancements, including but not limited to street lights, amenity zones, and street furniture. Refer to the city's Streetscape Design Manual.
 - f. Traffic control devices, including but not limited to street name signs and signals.
 - g. Landscaping.
 - h. Other improvements as specified by the director of public works or other reviewing agencies.

2. *Drainage improvements.* The subdivider/developer is responsible for installing drainage improvements including, but not limited to, the following:
 - a. Storm drainage improvements, storm sewers, open drainage channels, water quality/detention and related facilities.
 - b. Erosion control measures, in accordance with sections 20-1 through 20-4 of the municipal code and based on the current Urban Drainage and Flood Control District Criteria Manual.
 3. *Utilities.* The subdivider/developer is responsible for installing utilities.
 - a. All new development shall be served by public water and sanitary sewer lines through the appropriate district.
 - b. The following utilities shall be provided:
 - i. Water lines.
 - ii. Sanitary sewer lines.
 - iii. Electric and natural gas lines.
 - iv. Telephone, cable, and similar utility services.
 - v. Fire hydrants. Fire hydrant location, spacing and fire flow shall be determined by the fire chief of the local fire district with due consideration of their possible use as may be reflected by the hazards of the locality.
 - c. The placement of utilities shall be as follows:
 - i. All new utilities shall be placed underground.
 - ii. Certain components may be placed above ground, including transformers, switching boxes, terminal boxes, meter cabinets, pedestals, ducts, and other facilities necessarily appurtenant to such underground utilities. Electric transmission and distribution feeder lines and communication long distance trunk and feeder lines and necessary appurtenances thereto may be placed above ground. Such above ground facilities shall be placed within easements or public rights-of-way provided for particular facilities.
 4. *Monuments.* The subdivider is responsible for installing the following monumentation in compliance with Colorado State Statutes and with current city standard:
 - a. Permanent survey monuments, range points, and lot pins.
 - b. Monumentation of right-of-way. City will furnish right-of-way monument and range box hardware upon request.
 5. *Other improvements.* The subdivider is responsible for installing other improvements required by the city, utility or special districts.
- D. *As-built plans upon completion.*
1. After installation of public improvements, the owner shall provide to the city a copy of "as-built" plans on the current City of Wheat Ridge datum showing the public improvements and specifications in their as-built locations.

2. As-built drawings shall be prepared and certified by a registered professional engineer in accordance with the requirements of Wheat Ridge and be submitted prior to the city's issuance of the first certificate of occupancy in the subdivision.
3. As-built drawings shall be provided in hard copy and electronic format. Hard copy drawings shall be signed and sealed by the engineer-of-record. Electronic files shall be in an appropriate file format as determined by the public works department.
4. Upon completion of on- or off-site drainage improvements, the engineer-of-record shall provide to the city a letter of certification stating that the various improvements as defined in the approved final drainage report and plan and approved civil construction plans have been accurately surveyed to confirm their construction is in accordance with these documents. The letter of certification shall be written and stamped by the registered engineer-of-record, and shall be submitted for review and approval by the city prior to the issuance of the first certificate of occupancy in the subdivision.

E. *Required street improvements.*

1. *Applicable projects.* The provision of street and/or streetscape improvements may be required as a condition of approval for any subdivision or development application that results in the following:
 - a. Dedication or construction of new roads,
 - b. Platting of new lots,
 - c. New development or redevelopment, or
 - d. Additions that increase existing floor area by 60% or more.
2. *Construction or payment-in-lieu.* Where street improvements are required based on subsection 1 above, construction of improvements or payment-in-lieu is required as follows:
 - a. *New public streets.* For any subdivision or development that includes a new public street, the applicant shall be responsible for construction of the street and associated public improvements based on current city standards.
 - b. *Multifamily residential and non-residential.*
 - i. For any subdivision or development associated with multifamily residential or non-residential land uses, the applicant shall be responsible for construction of public improvements based on current city standards.
 - ii. In the event that construction of required improvements would be impractical and if it is recommended by the director of public works and the community development director, the applicant may be required to pay a fee-in-lieu of construction.
 - iii. If fees are paid in lieu of construction, the fee shall be based on an engineer's estimate of the cost the public improvements that would otherwise be built.
 - c. *Single- or two-family residential.*

- i. For any subdivision or development associated with single- or two-family residential land uses, the applicant shall be responsible for construction of curb, gutter, and five-foot sidewalk.
 - ii. An applicant may choose to install the improvements or pay a fee in lieu of construction, however in the event that construction of improvements would be impractical and if it is recommended by the director of public works and the community development director, then an applicant may be required to pay a fee in lieu of construction.
 - iii. If fees are paid in lieu of construction, the fee shall be based on the linear frontage of the lot and the prevailing cost of curb, gutter, and sidewalk as determined by the public works department.
- 3. *Timing of payment.* If fees are paid in lieu of construction, the fee shall be paid to the city as condition of approval. The timing of payment shall be as follows:
 - a. For subdivision plats, prior to the recordation of an approved subdivision plat.
 - b. For planned developments, prior to the recordation of an approved planned development.
 - c. For other development, fees shall be paid prior to issuance of a building permit or at the time specified in a condition of approval by the community development director, planning commission or city council.

Sec. 26-418. – Agreement and financial security for required improvements.

In the event that public improvements are required by section 26-417, an applicant shall enter into an agreement with the City that clearly establishes the responsibility of the subdivider/developer to construct any required public improvements.

A. *Subdivision improvement agreement.*

- 1. The community development department and the subdivider shall prepare an agreement in a format provided by the city which details the obligations of the city and the subdivider/developer, the estimated costs of public improvements to the property, and the amount of letter of credit which is to be supplied by the subdivider/developer.
- 2. After final action on the final plat, the agreement shall be executed and recorded with the Jefferson County Clerk and Recorder concurrently with recordation of the final plat.
- 3. In the event that public improvements are required by section 26-417 separately from a subdivision application, this agreement shall be called a public improvement agreement. All provisions of this section shall apply.

B. *Requirement for financial security.*

- 1. With the subdivision improvement agreement, a letter of credit acceptable to the city must be furnished by the subdivider to ensure the installation and construction of the required improvements in a manner approved by the city and in a reasonable period of time.

2. The amount of the letter of credit shall be based upon an itemized cost estimate prepared by the developer and approved by the city.
3. The minimum guarantee shall be for one (1) clearly defined block or one (1) filing of the subdivided area. Each filing shall be clearly defined on the plat and be addressed in the agreement.
4. Form of guarantee:
 - a. The guarantee shall be for one hundred twenty-five (125) percent of the estimated costs of the required public improvements as computed by the subdivider and approved by the director of public works and/or the community development director.
 - b. No security drawn upon a bank or financial institution having any relationship to the subdivider or any principal, director, officer or shareholder of the subdivider (other than the relationship of depositor or checking account holder), shall be acceptable. The city may reject any security for any reason.
 - c. The guarantee shall be in the form of an irrevocable letter of credit in a form satisfactory to the city attorney which guarantees the city that the financial backing is available so that improvements will in fact be completed and paid for.
 - i. The letter of credit may be from any financially responsible lender that is not directly or indirectly owned or controlled by the subdivider.
 - ii. The letter of credit shall be in effect for a minimum period of one (1) year and shall be renewable for subsequent one-year periods at the city's sole discretion.
 - iii. The letter of credit shall be such that the city is assured that the subdivider has funds committed to the amount and for the purpose stated in the agreement and that in the event of a default by the subdivider, the city shall have available to it, upon demand, funds necessary to construct any/or all of the public improvements and pay for the same.
5. Release of guarantee:
 - a. Guarantee shall be held in perpetuity until released by the director of public works.
 - b. The city may release portions of the letter of credit in increments of no less than twenty-five percent (25%) at the discretion of the director of public works upon written request of the subdivider. In such case, an amended letter of credit shall be required.

C. Deferred construction/development covenant.

1. Where prior construction of required improvements under section 26-417 would be impractical and if it is recommended by the director of public works and the community development director, a development covenant may be entered into by the City of Wheat Ridge and the owner.

2. The development covenant shall be signed by the director of public works and attested by the city clerk and shall be recorded in the office of the Jefferson County Clerk and Recorder.
3. The development covenant shall be in a format provided by the community development and public works departments.
4. Financial guarantee may not be required in associated with a development covenant.

D. *Violation of agreement.* In the event the subdivider fails to complete or pay for the improvements outlined in the subdivision improvement agreement or development covenant or commits any other breach of the terms of the agreement, the city may enforce the agreement by any suit in law or equity. The city shall have the power to enjoin any subdivider from selling, agreeing to sell or offering to sell subdivided land before a final plat and all required improvements for such subdivided land has been approved by the city.

Sec. 26-419. – Forms.

A. The community development director shall maintain forms of signature blocks, plat notes and certifications for use in connection with approved plats.

B. The community development director shall maintain a fee schedule for the processing of subdivision applications. Fees will be assessed in accordance with section 26-108 and the established schedule.

Secs. 26-420—26-500. Reserved.

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

(i) Minor subdivision plats ~~without public street dedications or public reservations~~ shall be heard and approved by the planning commission at a public hearing. Public hearings shall be conducted following procedures outlined in the subdivision regulations.

~~(j) Minor subdivision plats with public street dedications or public reservations shall be heard by the planning commission at a public hearing and shall then be forwarded with their recommendations to city council for final approval. Public hearings shall be conducted following procedures outlined in the subdivision regulations.~~

(k) Wherein the planning commission has denied a minor subdivision, an applicant may appeal that decision to city council in accordance with paragraph (f) of this section. ~~Wherein the planning commission has approved such a minor subdivision, aggrieved adjacent property owners may appeal that decision to city council in accordance with paragraph (f) of this section.~~

~~(l) Special use permits for curb cut modification, parking lot buffering and parking in front of multifamily developments shall be decided by the planning commission.~~

~~(m) Amendments to the subdivision regulations shall be initiated by the planning commission or referred to it by the city council. The commission's recommendation shall be forwarded to the city council for amendment and/or approval within thirty (30) days of referral of a proposed amendment by the city council. The date of referral shall be the date on which the council makes its decision to refer the proposed amendment to the planning commission. Failure to make any recommendation to the city council within the thirty day time period shall be deemed a recommendation for approval of the proposed regulation without comment and a referral of the proposed amendment back to the city council for necessary action. The city council may extend the thirty day period based upon a finding that such extension would serve the best interests of the city.~~

Section 3. Section 5-45 of the Code, pertaining to required public improvements and building permits, is hereby repealed and reenacted to read:

- (a) Applications for building permits shall be reviewed by the director of public works to determine whether the proposed construction will require the installation or construction of public improvements including, but not limited to, street paving, curbs, gutters, sidewalks, drainage facilities, or other improvements as may be required by this section or the subdivision regulations.
- (b) The requirements of sections 26-413, 26-414, 26-415, 26-417, and 26-417 pertaining to public improvements and the dedication of streets, parks, and public sites shall apply to any site development regardless of whether the application is subject to subdivision review.
- (c) If a fee-in-lieu of parkland dedication is required by section 26-414, the requirement shall be included as a condition of approval on the building permit and payment shall be made to the city prior to issuance of a building permit.
- (d) If public improvements are required by section 26-417, the requirement shall be included as a condition of approval on the building permit. If fees are paid in lieu of construction as provided in section 26-417, payment shall be made to the city prior to issuance of a building permit.
- (e) Any owner, contractor or developer who is aggrieved by a decision of the director of public works requiring installation of such public improvements or payment of funds in lieu of construction shall have the right to appeal the director's determination to the board of adjustment pursuant to section 2-61.
- (f) The public works director shall have the authority to close any escrow held by the city under the prior version of this section, for commercial or industrial projects and refund the monies to the original depositor, upon satisfaction of the following conditions:
 - (1) The escrow has been held by the city for ten (10) years or more;
 - (2) Written notice and an opportunity for hearing before the public works director shall be given by certified mail to the last known address of the developer;
 - (3) The director must find that the original purpose of the escrowed funds has been or cannot be fulfilled.

Section 4. 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	
[...]								
Major Subdivision	X			H	H		URA	ART IV § 26-404.C
Minor Subdivision (w/dedications)	X			H	H		URA	§ 26-404.B
Minor Subdivision (w/o dedications)	X			H			URA	Appeal to CC ART IV § 26-404.B
ADMINISTRATIVE SUBDIVISION	X		A					ART IV
Minor Plat Correction, Amendment, Revision	X		A					§ 26-409
Lot Line Adjustment	X		A					§ 26-410
Consolidation Plat (w/dedication)	X			H	H		URA	⁺ § 26-404.D
Consolidation Plat (w/o dedication)	4X		A				URA	§ 26-117
[...]								

⁺ ~~If five (5) or fewer parcels, minor subdivision process applies. If more than five (5) parcels, major subdivision process applies.~~

Section 5. Section 26-108, subsection A of the Code, pertaining to site development fees, is hereby amended to remove reference to an outdated fee schedule:

A. *Procedure for payment.* At the time the application for site development is first submitted to the city, and prior to any review, the applicant shall pay to the city the fee necessary to cover the administrative and review costs for each project requiring review. The amount of the fee shall be established by the community development department and **KEPT** ~~is shown on Appendix A~~ [on file in the office of the city clerk].

Section 6. Section 26-110, subsection A of the Code, pertaining to public dedications and improvements, is hereby amended to read:

A. PUBLIC DEDICATIONS AND IMPROVEMENTS MAY BE REQUIRED IN CONNECTION WITH SEVERAL TYPES OF SITE DEVELOPMENT APPLICATIONS. The requirements of sections ~~26-413, 26-414, 26-415, 26-417, and 26-418~~ ~~26-412, 26-413 and 26-424~~, pertaining to subdivision review **PUBLIC IMPROVEMENTS AND THE DEDICATION OF STREETS, PARKS, AND PUBLIC SITES**, shall apply to public dedications and improvements and security therefore required in connection with any site development **APPLICATION, INCLUDING THOSE** not requiring subdivision review.

Section 7. Section 26-115 of the Code is hereby amended to remove reference to waivers:

Sec. 26-115. Variance/~~waivers~~/temporary permits/interpretations.

[...]

B. *Application requirements.* All requests for a variance, ~~waiver~~, temporary permit or interpretation, as described herein, shall be made by the filing of an application, together with the required fee and supporting documentation.

[...]

C. ~~Variances and waivers:~~

1. *Administrative variances fifty (50) percent or less:* The director of community development is empowered to decide upon applications for administrative variances from the strict application of any of the "development standards" pertaining to zone districts in article II and sections 26-501 (Off-street parking) and 26-502 (Landscaping requirements), and 26-603 (Fencing) and Article VII (Signage) of this chapter, which apply throughout the various zone district regulations and in other situations which may be specifically authorized in the various sections, without requirement of a public hearing, under the following conditions:

[...]

- d. That no additional dwelling units would result from approval of such variance ~~or waiver~~.

[...]

3. *Variances of more than fifty (50) percent:* The board of adjustment is empowered to hold public hearings to hear and decide only upon appeals for variances from the strict application of the development standards pertaining to zone districts in article II, sections 26-501, 26-503, 26-603 or Article VII of this chapter. Where a variance is made a part of another administrative process, such as a change of zone, subdivision or a formal site plan or development plan review which 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 variance request concurrent with such other process; however, in deciding such variance ~~or waiver~~ the planning commission and/or city council shall be subject to the voting ratio as applies to the board of adjustment, set forth in Wheat Ridge Code of Laws section 2-53. In no instance shall the board of

adjustment hear or grant a variance as to use or as to an activity or development which is prohibited by this chapter or by section 5.10.1 of the Charter.

[...]

D. *Temporary permit for uses, buildings, signs and nonoperative vehicles.*

[...]

2. One-month temporary permit: The director of community development is empowered to decide upon applications for temporary buildings, uses or signs which would not otherwise be permitted in a particular district, without requirement of a public hearing, under the following conditions:

[...]

- d. The director of community development has notified adjacent property owners in a form and manner as required for minor variances ~~and waivers~~ as set forth in section 26-109, and has received no objections. Any objections must be received in writing and be directly related to concerns regarding the request. General objections regarding existing land use conditions or issues not related to the request will not be considered grounds for objection; and

[...]

E. *Appeals.* Appeal of any decision of the board of adjustment or city council which either grants or denies applications for variances, ~~waivers~~, temporary permits, or interpretations may be made by the applicant, the city council or any aggrieved party to district court within thirty (30) days of the decision. Appeal of any such decision of the planning commission may be made by the applicant, or any aggrieved party to the city council within ten (10) working days of the decision.

Section 8. Section 26-116, subsections C, G and H of the Code, pertaining to planned building groups, is hereby amended as follows:

C. *Application procedures.* All applications for planned building groups shall be filed with the department of community development by the owner of the entire land area to be included and shall be accompanied by the **APPROPRIATE APPLICATION** fee set forth in Appendix A ~~(which is on file and available for inspection in the office of the city clerk)~~, adequate proof of ownership, a certified survey of the parcel, and a site plan under section 26-111.

[...]

E. *Subdivision of land subject to planned building group plan.* Where it is desired to subdivide a parcel of land, exclusive of condominium subdivision, which is either currently subject to, or is proposed to be subject to, the provisions of a planned building group plan, all requirements of the underlying zone district shall apply, except that setback from interior lot lines (that is lot lines not abutting public streets or abutting adjacent separately owned property) may be less than normally required if approved by ~~the planned commission~~ at the time of subdivision approval. [...]

F. It is the intent of this section that subdivision review may be carried out simultaneously with the review of planned building group plans permitted herein. All requirements of the subdivision regulations ~~for either minor (four (4) or fewer lots) or for major (five (5) or more lots) subdivisions~~, in addition to those of a planned building group plan, must be satisfied if there are any parcel divisions created, or if there are any dedications for streets or other public purposes. In cases where subdivision requirements are to be met as described herein, the applicant must submit separate sheet(s) in addition to the planned building group plan.

Section 9. Section 26-117 of the Code, pertaining to consolidation plats and deeds, is hereby amended by the addition of subsection b (with appropriate re-lettering) as follows:

A. **REQUIREMENT FOR CONSOLIDATION PLAT.** ~~It is the intent of the City of Wheat Ridge that where~~ **WHEN** a development entails **REQUIRES** the aggregation or consolidation of two (2) or more lots or parcels of land or portions thereof in order to accommodate such development, such shall be considered a development lot. Prior to issuance of a building permit in such instances, the owner shall file a consolidation plat. **ALL REQUIREMENTS OF THE SUBDIVISION REGULATIONS MUST BE SATISFIED.** ~~Or a consolidation deed, together with certified boundary survey, which plat or deed and survey shall be reviewed by the department of public works for accuracy and, if found to be accurate, shall be recorded by the owner with the Jefferson County Clerk and Recorder. See article IV for plat requirements.~~

B. **PROPERTY MERGER COVENANT. NONCONFORMING LOTS OF RECORD MAY BE MERGED AS A CONDITION OF A PERMIT OR OTHER DEVELOPMENT APPROVAL BY A PROPERTY MERGER COVENANT. A PROPERTY MERGER COVENANT MAY BE USED IN THE EVENT THAT AN OWNER OF TWO OR MORE ADJACENT LOTS WHICH CONTAIN AN EXISTING RESIDENTIAL USE WISHES TO OBTAIN A BUILDING PERMIT FOR AN ACCESSORY STRUCTURE ON THE PROPERTY OR AN ADDITION TO THE EXISTING STRUCTURE.**

THE COVENANT SHALL ENSURE THAT THE PROPERTY BE HELD AS ONE PARCEL AND SHALL RESTRICT ANY PORTION FROM BEING SOLD SEPARATELY. THE COVENANT SHALL BE IN A FORM APPROVED BY THE CITY ATTORNEY, RECORDED IN THE OFFICE OF THE JEFFERSON COUNTY CLERK AND RECORDER, AND SHALL RUN WITH THE LAND. THE COMMUNITY DEVELOPMENT DIRECTOR SHALL HAVE THE AUTHORITY TO EXECUTE ANY SUCH COVENANT AND ANY RELEASE OF THE COVENANT ON BEHALF OF THE CITY.

C. All consolidation plats ~~or consolidation deeds~~ for multifamily dwelling development shall be accompanied by a site plan, as set forth by section 26-111. Such consolidation plats ~~and deeds~~, together with the site plan, shall be subject to review by the planning commission and city council following the same application procedures, notice

requirements and approval procedures and standards for review as for a planned building group. The purpose of these provisions is to avoid the construction of overly large buildings which may negatively impact surrounding neighborhoods by increasing traffic, creating congestion by ingress/egress points, obstructing light and air and by making access for fire protection difficult, and to prevent construction of one (1) large building to avoid compliance with the subdivision regulations, and to encourage construction of smaller buildings which could give opportunities for better design of setbacks, landscaping, parking, vehicular and pedestrian circulation and drainage facilities.

[...]

Section 10. Section 26-118, subsection A of the Code, pertaining to right-of-way vacations, is hereby amended to read:

A. *Vacation by plat.* When a street is being vacated as part of the platting process it shall be graphically shown and shall be designated as being "hereby vacated". The document for vacation in this instance shall follow the form and content of a final plat outlined in ~~section 26-407~~ and shall be processed **as a major subdivision** in accordance with **article IV**~~section 26-407B~~. All submittal requirements of the platting process shall be provided by the applicant. There shall not be an additional charge for the processing of the vacation in this instance.

Section 11. Section 26-210, subsection B of the Code, pertaining to Residential-Two A zone district regulations, is hereby amended by the addition of footnote (h) as follows:

		Max Height	Max Bldg Coverage	Min Lot Area	Min Lot Width (a)	Min Front Setback (b)	Min Side Setback (c)	Min Rear Setback (c)
Principal Buildings	[...]							
	Multifamily (3/more dwelling units) (h)	35'	40%	13,050sf (e)	100'	25' (d)	5' per story	10'

[...]

(h) INDIVIDUAL TOWNHOUSE LOTS SHALL BE EXEMPT FROM MINIMUM LOT SIZE, LOT WIDTH, AND INTERIOR SIDE YARD SETBACK REQUIREMENTS, SO LONG AS THE DEVELOPMENT PARCEL FOR THE ENTIRE MULTI-UNIT TOWNHOUSE BUILDING MEETS ALL STANDARDS OF THIS SECTION. SEE SECTION 26-411.C REGARDING THE REQUIRED PLAT NOTE FOR TOWNHOUSE LOTS.

Section 12. Section 26-211 of the Code, pertaining to Residential-Three zone district regulations, is hereby amended by the addition of footnote (h) as follows:

		Max Height	Max Bldg Coverage	Min Lot Area	Min Lot Width (a)	Min Front Setback (b)	Min Side Setback (d)	Min Rear Setback (d)
Principal Buildings	[...]							
	Multifamily (3/more dwelling units) (h)	35'	40%	12,500sf (f)	100'	25' (e)	15' (c)	15' (c)

[...]

(h) INDIVIDUAL TOWNHOUSE LOTS SHALL BE EXEMPT FROM MINIMUM LOT SIZE, LOT WIDTH, AND INTERIOR SIDE YARD SETBACK REQUIREMENTS, SO LONG AS THE DEVELOPMENT PARCEL FOR THE ENTIRE MULTI-UNIT TOWNHOUSE BUILDING MEETS ALL STANDARDS OF THIS SECTION. SEE SECTION 26-411.C REGARDING THE REQUIRED PLAT NOTE FOR TOWNHOUSE LOTS.

Section 13. Section 26-212 of the Code, pertaining to Residential-Three A zone district regulations, is hereby amended by the addition of footnote (h) as follows:

		Max Height	Max Bldg Coverage	Min Lot Area	Min Lot Width (a)	Min Front Setback (b)	Min Side Setback (d)	Min Rear Setback (d)
Principal Buildings	[...]							
	Multifamily (3/more dwelling units) (h)	35'	40%	12,500sf (f)	100'	25' (e)	15' (c)	15' (c)

[...]

(h) INDIVIDUAL TOWNHOUSE LOTS SHALL BE EXEMPT FROM MINIMUM LOT SIZE, LOT WIDTH, AND INTERIOR SIDE YARD SETBACK REQUIREMENTS, SO LONG AS THE DEVELOPMENT PARCEL FOR THE ENTIRE MULTI-UNIT TOWNHOUSE BUILDING MEETS ALL STANDARDS OF THIS SECTION. SEE SECTION 26-411.C REGARDING THE REQUIRED PLAT NOTE FOR TOWNHOUSE LOTS.

Section 14. Article VI of Chapter 26 of the Wheat Ridge Code of Laws, concerning supplementary development regulations, is hereby amended by the addition

of a new Section 26-639 (previously part of the subdivision regulations) to read in its entirety:

Sec. 26-639. – Street naming and numbering.

A. *Designation.* The community development director shall designate the proper street names and numbers and addresses for all structures.

B. *Guidelines for street naming.*

1. The city-wide street numbering system is based upon the Denver Metropolitan system.
2. Streets running east and west are avenues.
3. Streets running north and south are streets.
4. Streets running east and west, halfway between established grids, shall take the name of the avenue preceding, with the suffix "place."
5. Streets running north and south halfway between established grids shall take the name of the street preceding, with the suffix "court."
6. Streets running east and west and connecting with an east and west avenue shall be a "drive."
7. Streets running north and south and connecting with a north-south street shall be a "way."
8. Horseshoe-shaped streets beginning and ending within a major block, or dead end streets, shall be a "circle." It is suggested that the term "circle" should be used sparingly. If at all possible, a "way" or "drive" should be used except in the case of absolute necessity.
9. Streets should line up on a grid with existing streets and avenues preferably with those existing prominently in the metropolitan area.
10. Street signs should be readable from each direction of travel.
11. Temporary signs shall be required during construction period.
12. Names should be of simple spelling for easy pronunciation.

C. *Guidelines for structure numbering (addressing).*

1. Structures including those on private drives shall be addressed to the street from which primary access is gained.
2. Numbers shall continue north and south from the base street, Ellsworth, and east and west from the base street, Broadway.
3. Numbers should be systematically spaced from 0 to 99 on each "major" block so that the 50 will be in the middle of the block.
4. Odd numbers shall be on the west and north sides of the street. Even numbers shall be on the east and south sides.
5. All address numbers shall be readable from the street.

6. Developments with multiple main structures. In cases where a single development that is under common or unified control or ownership has more than one (1) main structure, each such structure shall be assigned a single address based upon orientation of the primary building access and with regard to the normal grid system for address numbering.
7. Developments with a single building and with multiple units. Except for two-, three-, or four-family residential structures where a single building is divided into multiple units, either for residential or nonresidential, and either as units occupied by renters/lessors or by ownership, (i.e., a condominium or townhouse), each such building shall have a single address with the various units indicated by different means, such as by unit letter or number. A two-, three- or four-family dwelling structure may either have individual addresses, or one (1) address for the building with unit designation as defined above.
8. For circle or horseshoe-shaped streets, numbering shall be in accordance with the numbering on the street or avenue where the horseshoe or circle originates, and numbers should not duplicate those on the major street.

D. Notice to place number.

1. It shall be the duty of any owner/occupant of any premises, upon notice from the community development director to cause the official number to be placed on any building so owned or occupied. Such numbering shall be accomplished in the manner required within thirty (30) days after service of such notice. For establishments where fire access is gained from the rear, both rear and front doors shall have the addresses posted.
2. It is unlawful for any owner/occupant to retain or use or to permit to be retained or used upon any building, any number other than the number designated by the community development director.

E. Renumbering and renaming.

1. In all cases where a street has been named or numbered or renamed or renumbered pursuant to any other legal requirement, as the same may be required from time to time by action of the city council, it shall be the duty of the community development director to adjust and rename or renumber such streets.
2. The community development director may require or approve a request for a change of address, after proper notification of the owner and all affected agencies, on any property under one (1) or more of the following instances:
 - a. In response to a street rename or change in number as described above.
 - b. If an address is out of proper sequence.
 - c. If an odd or even number is on the wrong side of a street.
 - d. If the number series presently in use is incorrect or misleading.
 - e. If a change in a street intersection or street location makes a present address outmoded or misleading.

- f. Where identical numbers are found on the same street, or on streets which have the same number or name but different suffixes (i.e. street, avenue, place, etc.)
- g. Where the assigned address is not being used.
- h. Where subdivision or building development on one (1) large parcel would make an existing address misleading or out of sequence.
- i. Where the structure is not addressed to the street from which primary access is gained.
- j. Other situations not stated above which may cause problems with mail delivery, emergency service, or other public safety or service reason as determined appropriate by the community development director.

F. *Adjustments.* In all cases where there is a mistake or conflict in names or numbers, or where some special arrangement varying from the general terms of this chapter is necessary, the community development director shall direct and make the proper adjustment of the same in harmony with the spirit and intention of this chapter.

Section 15. Section 26-705, subsection C of the Code, is hereby amended to remove reference to an outdated fee schedule:

C. Fees for the erection of signs **ARE ASSESSED AS PART OF BUILDING PERMIT REVIEW AND ISSUANCE** ~~shall be established and set forth in Appendix A.~~ Permit fees and city use tax will be waived where a nonconforming sign is removed and replaced by a sign conforming with these regulations

Section 16. Section 26-708, subsection A of the Code, pertaining to building addresses, is hereby amended as follows:

A. *Building addresses.*

- 1. House or building address number signs shall be consistent with section ~~26-419 C.—E.~~ **26-639** of the zoning and development code.

Section 17. Section 26-709, subsection 13.g of the Code, pertaining to residential signs, is hereby amended as follows:

TABLE INSET:

Table 1. SIGN STANDARDS IN RESIDENTIAL, AGRICULTURAL, AND PUBLIC FACILITIES ZONES (R-1, R-1A, R-1B, R-1C, R-2, R-2A, R-3, R-3A, A-1, A-2, PF)						
Type of Sign	Allowed	Permit Required	Maximum Size and Height	Maximum Number	Minimum Setback	Other Requirements
[...]						
g. House or	Yes	No	N/A	N/A	N/A	Must meet the

building address number signs						provisions of Chapter 26, Article IV, Sec. 26- 419C. SEE § 26-639
--	--	--	--	--	--	--

Section 18. Section 26-710, subsection 13.g of the Code, pertaining to residential signs, is hereby amended as follows:

TABLE INSET:

Table 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)						
Type of Sign	Allowed	Permit Required	Maximum Size and Height	Maximum Number	Minimum Setback	Other Requirements
[...]						
g. House or building address number signs	Yes	No	N/A	N/A	N/A	Must meet the provisions of Chapter 26, Article IV, Sec. 26- 419C. SEE § 26-639

Section 19. Appendix A of Chapter 26, pertaining to a proposed fee schedule, is hereby repealed.

Section 20. 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 21. Severability, Conflicting Ordinances Repealed. If any section, subsection or clause of this Ordinance shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections and clauses shall not be affected thereby. All other ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

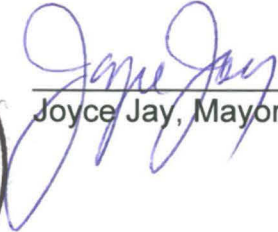
Section 22. Effective Date. This Ordinance shall take effect fifteen (15) days after final publication, as provided by Section 5.11 of the Charter.

INTRODUCED, READ, AND ADOPTED on first reading by a vote of 8 to 0 on this 14th day of April, 2014, ordered published with Public Hearing and consideration on final passage set for Monday, April 28, 2014 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 7 to 0, this 28th day of April, 2014.

SIGNED by the Mayor on this 28th day of April, 2014.





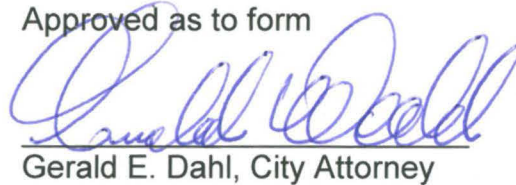
Joyce Jay, Mayor

ATTEST:



Janelle Shaver, City Clerk

Approved as to form



Gerald E. Dahl, City Attorney

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