

**CITY OF WHEAT RIDGE, COLORADO**  
**INTRODUCED BY COUNCIL MEMBER DAVIS**  
**Council Bill No. 02**  
**Ordinance No. 1634**  
**Series 2018**

**TITLE: AN ORDINANCE EXTENDING THE TEMPORARY MORATORIUM ON THE SUBMISSION, ACCEPTANCE, PROCESSING, AND APPROVAL OF APPLICATIONS AND REQUESTS FOR A PERMIT, LICENSE, LAND USE APPROVAL OR OTHER APPROVAL FOR A FREESTANDING EMERGENCY ROOM FACILITY**

**WHEREAS**, the City of Wheat Ridge ("City") is a home rule municipality operating under a charter adopted pursuant to Article XX of the Colorado Constitution and vested with the authority by that article and the Colorado Revised Statutes to enact laws to govern and regulate the use of land within its territory; and

**WHEREAS**, pursuant to this authority, the Wheat Ridge City Council ("Council") previously adopted local land use regulations, codified as Chapter 26 of the Wheat Ridge Code of Laws ("Code"); and

**WHEREAS**, City staff has interpreted the City's current zoning regulations as permitting freestanding emergency room facilities to locate within the Mixed Use-Commercial and Planned Hospital Development zone districts only; and

**WHEREAS**, the Council finds that freestanding emergency room facilities may cause land use impacts that are different than those caused by other detached health care facilities due to the extended hours that emergency facilities may be open; and

**WHEREAS**, in response to the increase in the number and popularity of freestanding emergency room facilities over the past several years, the Council determined that it was necessary and desirable to examine the City's zoning laws and business licensing regulations governing freestanding emergency room facilities to ensure that such facilities are appropriately located; and

**WHEREAS**, additionally, the Council and City staff held a reasonable belief that the state legislature might adopt statewide legislation governing freestanding emergency room facilities that could potentially affect the desired parameters of local regulations on the topic; and

**WHEREAS**, as a result, by and through the adoption of Ordinance No. 1595, the Council previously acted to impose a one-year moratorium through April 27, 2017 on the submission, acceptance, processing, and approval of all applications and requests for a permit, license, land use approval or other approval for any freestanding emergency room facility; and

**WHEREAS**, by and through the adoption of Ordinance No. 1616, the Council extended the one-year moratorium through April 27, 2018 on the submission, acceptance, processing, and approval of all applications and requests for a permit, license, land use approval or other approval for any freestanding emergency room facility; and

**WHEREAS**, the state legislature did not adopt such legislation during the 2017 session but Council and City staff have recently learned that the state legislature is considering legislation during the 2018 session; and

**WHEREAS**, the Council therefore finds that it is prudent and desirable to extend the moratorium for an additional one hundred and twenty (120) days, to permit the careful study and evaluation of various local regulatory options with an expectation that such regulations would operate without an additional state regulatory gloss; and

**WHEREAS**, the extension of the moratorium on the submission, acceptance, processing, and approval of all applications and requests for a City permit, license, land use approval or other approval is reasonable in time and scope and would not work an unnecessary hardship upon or unreasonably prejudice any party.

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

Section 1. Findings. The above and foregoing findings are hereby incorporated by this reference as specific findings and determinations of the Council.

Section 2. Temporary Moratorium Extended. The temporary moratorium imposed on the submission, acceptance, processing, and approval of all applications and requests for a City permit, license, land use approval or other approval for any freestanding emergency room facility originally adopted by Ordinance No. 1616 is hereby extended for an additional one hundred twenty (120) days, to and including August 27, 2018. The extension period adopted hereby shall commence and be measured from the date the original moratorium period expires. The City staff is directed to refuse to accept for filing, and not to further process or review any pending applications or requests for such facilities during this moratorium extension period.

Section 3. Definition of freestanding emergency room facility. For purposes of this Ordinance, a "freestanding emergency room facility" is and means a medical facility that is not physically attached to a hospital facility that has the capability of providing medical care and services to patients with emergency medical conditions in a manner similar to emergency rooms located within hospitals. Features of a freestanding emergency room facility may include, but are not limited to, expanded hours of operation, drive-lanes or vehicle bays to accommodate ambulance arrivals and departures, board-certified emergency physicians, board-certified emergency nurses, on-site lab and imaging capabilities and similar equipment, services and treatments not commonly available in urgent-care facilities.

Section 4. Staff to Investigate and Prepare Proposed Regulations. Before the expiration of the moratorium period extended by this Ordinance, City staff shall review and analyze the City's existing regulations governing freestanding emergency room facilities, as directed by the Council, and present any proposed amendments thereto to the Council. The Council declares that it will give due and timely consideration to recommended changes to the Code.

Section 5. 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 8th day of January, 2018, ordered published in full in a newspaper of general circulation in the City of Wheat Ridge and Public Hearing and consideration on final passage set for January 22, 2018 at 7:00 o'clock 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 22nd day of January, 2018.

SIGNED by the Mayor on this 22nd day of January, 2018.



ATTEST:

Janelle Shaver  
Janelle Shaver, City Clerk

Bud Starker  
Bud Starker, Mayor

Approved As To Form

Gerald E. Dahl  
Gerald E. Dahl, City Attorney

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