

CITY OF WHEAT RIDGE, COLORADO  
INTRODUCED BY COUNCIL MEMBER Weaver  
COUNCIL BILL NO. 16  
ORDINANCE NO. 1721  
SERIES 2021

**TITLE: AN ORDINANCE AMENDING CHAPTER 26 OF THE WHEAT  
RIDGE CODE OF LAWS REGARDING OUTDOOR  
RECREATIONAL EQUIPMENT ON PRIVATE PROPERTY**

**WHEREAS**, the City of Wheat Ridge is a home rule municipality having all powers conferred by Article XX of the Colorado Constitution; and

**WHEREAS**, the City Council has exercised these powers by the adoption of Chapter 26 of the Wheat Ridge Code of Laws (the "Code") concerning zoning and development; and

**WHEREAS**, the City Council wishes to allow for reasonable, common sense enjoyment of recreational equipment in residential yards; and

**WHEREAS**, the City Council has observed the need to establish reasonable size limits for private outdoor recreational equipment.

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

**Section 1.** Section 26-115 (Variance) of the Code of Laws is amended as follows:

*C. Variances:*

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), **26-625 (Accessory buildings and structures)**, 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:

[...]

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, **26-625** or article VII of this chapter.

**Section 2.** Section 26-123 (Definitions) of the Code of Laws is amended to add the following term in the appropriate alphabetical location:

*Recreational Equipment.* Play apparatus such as swing sets, pools, hot tubs, play houses, goals, nets, ramps, trampolines and similar equipment or structures designed for private recreational uses and which may or may not have a permanent location on the ground. This excludes at-grade courts, such as for basketball or racquet sports.

**Section 3.** Section 26-625 (Accessory buildings and structures) of the Code of Laws is amended by the addition of a new subsection F:

F. *Accessory Recreational Equipment.* Recreational equipment is permitted in addition to minor and major accessory structures on residential properties subject to the following:

1. All in-ground pools, above-ground pools, and hot tubs shall be subject to the accessory building setback requirements of the underlying zone district; however, setbacks shall not apply to those pools which are otherwise exempted from building permit by Chapter 5. The size of the pool or hot tub shall dictate whether it is subject to the major or minor setback requirements. Any pool or hot tub exceeding the minor accessory structure size shall be subject to the major accessory structure setback. The size of the pool or hot tub is limited by the ability of the lot to comply with the overall coverage requirements for the underlying zone district provided in Article II.
2. Any recreational equipment or structure which is 120 square feet in size or less is exempt from zoning development standards.
3. Any recreational equipment or structure which is essentially temporary is exempt from zoning development standards.
4. Any recreational equipment or structure which is more than 120 square feet and is essentially permanent shall be subject to the following standards:
  - a. Maximum size: the total floor area of all recreational equipment or structures may not exceed 400 square feet or the underlying lot coverage, whichever is more restrictive.
  - b. Maximum height: 12 feet
  - c. Minimum side and rear setbacks: 5 feet
  - d. Minimum front setback: subject to the front setback for the underlying zone district.
5. For the purpose of this subsection F, permanence shall be determined at the sole discretion of the Community Development Director in consideration of the size, portability, deconstructability, and presence of utilities. As examples only,

recreational equipment that is essentially temporary may include portable goals, portable playsets, portable playhouses, portable nets, portable skate park equipment, yard games, bounce houses, and portable movie screens. Recreational equipment that is essentially permanent may include playsets, tree houses, in-ground trampolines, and skate park equipment.

6. All nonconforming recreational equipment or structures existing prior to the effective date of this ordinance, shall be brought into conformance with these provisions on or before April 1, 2022.

**Section 4. 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 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 13th day of September 2021, 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 September 27, 2021 at 7:00 p.m., as a virtual meeting and in City Council Chambers, 7500 W. 29<sup>th</sup> Avenue, if allowed to meet in person on that date per COVID-19 restrictions, and that it takes effect 15 days after final publication

**READ, ADOPTED AND ORDERED PUBLISHED** on second and final reading by a vote of 5 to 3, this 27<sup>th</sup> day of September 2021.

SIGNED by the Mayor on this 2nd day of November 2021.

  
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Bud Starker, Mayor

ATTEST:

  
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Steve Kirkpatrick, City Clerk

Approved as to Form



Gerald Dahl, City Attorney

1<sup>st</sup> publication: September 16, 2021

2<sup>nd</sup> publication: September 30, 2021

Jeffco Transcript:

Effective Date: October 15, 2021

