

CITY OF WHEAT RIDGE, COLORADO
INTRODUCED BY COUNCIL MEMBER HUTCHINSON
COUNCIL BILL NO. 20
ORDINANCE NO. 1725
SERIES 2021

TITLE: AN ORDINANCE AMENDING CHAPTER 26 OF THE WHEAT RIDGE CODE OF LAWS CONCERNING LETTER NOTICE TO PROPERTY OWNERS AND OCCUPANTS FOR DEVELOPMENT APPLICATIONS

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 places a high value on notifying community members of development applications that may impact their neighborhoods; and

WHEREAS, the City Council wishes to improve public notice by requiring that both property owners and occupants receive notification letters for pre-application neighborhood meetings, public hearings, and certain public comment periods for development applications.

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

Section 1. Section 26-109.A of the Code of Laws, regarding letter notice procedures for pre-application neighborhood meetings, is amended to read:

- A. *Pre-application neighborhood meeting.* Prior to submitting any application, for approval which requires a neighborhood meeting under the provisions of section 26-106, Review process chart, an applicant shall be required to do the following:
1. Applicant shall, by ~~regular~~ **FIRST CLASS** mail or by pamphlet or flyer personally delivered, notify all **PROPERTY OWNERS AND OCCUPANTS** ~~residents~~ within six hundred (600) feet of the area subject to the land use application of a meeting to be held, at a time and place selected by **THE** applicant but reasonably ~~calculated to be~~ convenient both to **THE** applicant and those **PROPERTY OWNERS AND OCCUPANTS** ~~residents~~ notified, for the purpose of allowing the applicant to present to said **PARTIES** ~~residents~~ the nature, character and extent of the action requested by **THE** applicant, and further to allow **SAID PARTIES** ~~the residents~~ to give input to the applicant regarding said proposal.
 2. The intent of **THE NEIGHBORHOOD MEETING** ~~this proposal~~ is to give adequate opportunity for both applicants, **PROPERTY OWNERS**, and **OCCUPANTS** ~~residents~~ to give and receive input regarding proposed projects prior to their

formal submission so that the projects are carefully designed and conceived to be compatible with surrounding neighborhoods. It is not the intent of the city council to require formal agreements between applicants and **PROPERTY OWNERS OR OCCUPANTS** ~~residents~~ prior to submission of applications, nor is any applicant to be denied the right to proceed to any required or permitted hearings regarding such application because no agreement is reached. Rather, the city council by this subsection is encouraging reasonable, honest, good faith communication between ~~residents~~ **PROPERTY OWNERS, OCCUPANTS** and applicants, and vice versa.

Section 2. Section 26-109.D of the Code of Laws, regarding general letter notice procedures for public hearings, is amended to read:

- D. *Letter notice.* At least fifteen (15) days prior to any public hearing which requires notification by letter, the director of community development shall cause to be sent, by first class mail, a letter to adjacent property owners **AND OCCUPANTS** within six hundred (600) feet of the property under consideration and to **PROPERTY** owners **AND OCCUPANTS** of property included within the area under consideration. The letters shall specify the kind of action requested; the hearing authority; the time, date and location of hearing; and the location of the parcel under consideration by address or approximate address. Failure of a property owner **OR OCCUPANT** to receive a mailed notice will not necessitate the delay of a hearing by the hearing authority and shall not be regarded as constituting inadequate notice.

Section 3. Section 26-113.B of the Code of Laws, regarding letter notice for City-initiated rezoning public hearings, is amended to read:

B. *Procedure and notice:*

1. *General.* The city council may, at a regular or special meeting, initiate this rezoning procedure by adoption of a resolution setting forth the general area of the proposed rezoning, stating the intended purpose and objectives to be achieved by the rezoning, and referring the matter to the planning commission for a public hearing and recommendation.

[...]

c. All other city-initiated rezonings: A city-initiated rezoning shall, in addition to the newspaper notice required by subsection b above, be noticed by **FIRST CLASS** ~~certified mail notice~~ sent to all **PROPERTY** owners ~~of record of real property~~ **AND OCCUPANTS** included within the area to be rezoned at least fifteen (15) days prior to the date of public hearing.

Section 4. Section 26-114.C of the Code of Laws, regarding letter notice procedures for special use permits, is amended to read:

C. Application form and review procedures:

[...]

5. Upon receipt of a complete application packet, the community development department shall proceed with the following process:

[...]

- b. After acceptance and review, the community development director shall notify adjacent property owners **AND OCCUPANTS** by letter notice and posting of the site for ten (10) days that a special use is requested for the property.

Section 5. Section 26-115.C of the Code of Laws, regarding letter notice procedures for administrative variances, is amended to read:

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) 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:

[...]

- c. The director of community development has notified adjacent property owners **AND OCCUPANTS** by letter notice and posting of the site at least ten (10) days prior to rendering his decision, and that no objections have been received during such ten-day period. 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.

Section 6. Section 26-115.D of the Code of Laws, regarding temporary permits, is amended to read:

A. 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 **AND OCCUPANTS** in a form and manner as required for ~~minor~~ variances 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; [...]

Section 7. Section 26-119.E of the Code of Laws, regarding letter notice for zone district interpretations, is amended to read:

E. Administrative and minor adjustments to the official zoning map. Where the zoning district boundary cannot be interpreted in accordance with subsections B. through D. above, the community development director may make an administrative adjustment in accordance with this subsection E.

1. *Procedure for administrative adjustments.* An application for an adjustment to the official zoning map may be made to or initiated by the community development director. The community development director may administratively amend the official zoning map under the following conditions:

[...]

- d. The community development director has notified adjacent property owners **AND OCCUPANTS** by letter notice and posting of the site at least ten (10) days prior to rendering his decision, and that no objections have been received during such ten-day period. Any objections must be received in writing and be directly related to the proposed boundary adjustment. General objections regarding existing land use conditions or issues unrelated to the boundary adjustment will not be considered valid objections for purposes of this provision.

Section 8. Section 26-1116.C of the Code of Laws, regarding notice of neighborhood meetings for large concept plans in mixed use zone districts, is amended to read:

- C. For sites ten (10) acres in size or more, a neighborhood meeting shall be required prior to submittal of the concept plan application. The applicant shall ~~notify all property owners within six hundred (600) feet of the development site and~~ follow the neighborhood meeting requirements per section 26-109.A.1.

Section 9. Section 26-1116.F of the Code of Laws, regarding notice procedures for public comment periods for large concept plans in mixed use zone districts, is amended to read:

- F. Public comment period. For sites ten (10) acres in size or more, upon submittal of the concept plan application, the applicant shall notify adjacent property owners **AND OCCUPANTS** that the application is available on file at the community development department for review, in a manner required for neighborhood meetings, subject to section 26-109.A.1. Public comments related to the proposed concept plan may be submitted to the community development department within fifteen (15) days of the original date of notification.

Section 10. 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 11. Effective Date. This Ordinance shall take effect fifteen (15) days after final publication, as provided by Section 5.11 of the Charter. Any mailing initiated after the effective date shall comply with this Ordinance.

INTRODUCED, READ, AND ADOPTED on first reading by a vote of ___ to ___ on this 25th day of October 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 November 8, 2021, at 7:00 p.m., as a virtual meeting and in the Council Chambers, 7500 West 29th Avenue, Wheat Ridge, Colorado, if allowed to meet in person on that date per COVID-19 restrictions.

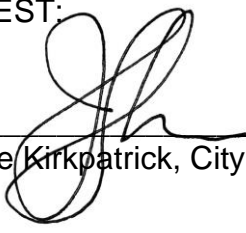
READ, ADOPTED AND ORDERED PUBLISHED on second and final reading by a vote of 8 to 0, this 8th day of November, 2021.

SIGNED by the Mayor on this 15 day of November 2021.




Bud Starker, Mayor

ATTEST:



Steve Kirkpatrick, City Clerk

Approved as to Form



Gerald Dahl, City Attorney

1st publication: October 28, 2021
2nd publication: November 11, 2021
Jeffco Transcript:
Effective Date: November 26, 2021

