

**CITY OF WHEAT RIDGE, COLORADO
INTRODUCED BY COUNCIL MEMBER OHM
COUNCIL BILL NO. 04
ORDINANCE NO. 1757
Series 2023**

TITLE: AN ORDINANCE AMENDING SECTION 26-115.E OF THE WHEAT RIDGE CODE OF LAWS CONCERNING REQUESTS FOR INTERPRETATION BY THE BOARD OF ADJUSTMENT

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

WHEREAS, pursuant to its home rule authority and C.R.S. § 31-23-101, the City, acting through its City Council (the "Council"), is authorized to adopt ordinances for the protection of the public health, safety, or welfare; and

WHEREAS, in the exercise of this authority the Council has previously adopted Section 26-115.E of the Code of Laws which provides for requests for interpretation by the Board of Adjustment of the meaning of words and terms in Chapter 26 of the Code of Laws; and

WHEREAS, the Council wishes to impose a reasonable time limitation on the right to request this relief from the Board of Adjustment by amending Section 26-115 of the Code.

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

Section 1. Section 26-115.E of the Code is amended to read:

E. *Interpretations.* The board of adjustment is empowered to hold public hearings to decide upon requests for interpretation of certain of the provisions of this chapter in such a way as to carry out their intent and purpose. **ANY SUCH REQUEST MUST BE FILED WITHIN THIRTY (30) DAYS OF THE CITY DECISION INTERPRETING THE RELEVANT CODE PROVISION.** This authority shall extend only to the following:

1. The basic intent and purpose of words, phrases or paragraphs as applied to a specific proposal or instance.
2. Use of property as an "other similar use;" however in no instance shall the board make an interpretation that a particular use may be permitted in a zone district where that use is specifically enumerated in a higher; that is more intensive, zone district.
3. Administrative decisions taken by the city engineer following final approval by the planning commission or city council, as appropriate, may be appealed to the board, which is empowered to reverse or

modify such decisions, in whole or in part, upon a showing by the applicant that the effect of the director's decision would impose a particular and unique hardship upon the owner of the subject property, as distinguished from mere inconvenience, and which hardship has not been created by any person presently having an interest in the subject property.

Section 2. 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 3. Effective Date. This Ordinance shall take effect immediately upon adoption at second reading and signature by the Mayor, as permitted by Section 5.11 of the Charter.

INTRODUCED, READ, AND ADOPTED on first reading by a vote of 8 to 0 on this 27th day of February 2023, 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 March 13, 2023, at 6:30 p.m., as a virtual meeting and in the Council Chambers, 7500 West 29th Avenue, Wheat Ridge, Colorado.

READ, ADOPTED AND ORDERED PUBLISHED on second and final reading by a vote of 8 to 0, this 13th day of March 2023.

SIGNED by the Mayor on this 16th day of March, 2023.



Bud Starker, Mayor

ATTEST:


Stephen Kirkpatrick, City Clerk

Approved as to Form


Gerald E. Dahl, City Attorney

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