

CITY OF WHEAT RIDGE, COLORADO
INTRODUCED BY COUNCIL MEMBER GOKEY
Council Bill No. 07-2009
Ordinance No. 1433

Series of 2009

TITLE: AN ORDINANCE AMENDING CODE OF LAWS SECTION 26-311 OF CHAPTER 26 CONCERNING AMENDMENTS TO DEVELOPMENT PLANS IN PLANNED ZONING DISTRICTS (CASE NO. ZOA-08-07)

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, the City Council of the City of Wheat Ridge finds that the proposed amendments provide a useful tool to encourage redevelopment in current and future planned developments.

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

Section 1: Section 26-311 of the Code is amended to read:

Sec. 26-311. Amendments to development plans.

A. The procedures and requirements for amending an approved development plan (outline or final) shall be the same as prescribed for original approval, except as provided for under subsection (C) below. All applications for amendment to an outline development plan must be approved in writing ~~by at least 25 percent of the~~ all owners of real property contained within the area originally approved by the outline development plan, unless specific alternative provisions have been approved by city council as part of the unified control agreement. All applications for amendment to a final development plan must be approved in writing ~~by the owners of the real property for which the amendment is being requested~~ all owners of real property and owners of interest contained within the parcel or phase of the planned development where the amendment is being requested. ~~Amendments may be initiated by property owners within an approved development plan as provided in this section, or by the city in accordance with Section 26-113.~~ If the amendment affects the provisions for access, drainage, utilities and/or circulation, affected property owners must consent to the application for amendment in writing.

B. *Outline development plan amendments.* Amendments to the underlying outline development plan are required and will be processed the same as prescribed for original approval if any one (1) of the following is proposed:

1. Increase in the gross floor area of structures beyond the authorized maximum allowed on the approved outline development plan.
2. Proposed land uses are not permitted on the approved outline development plan.
3. Increase in density or intensity of use.
4. Decrease in perimeter setbacks.
5. Reduction in required buffer areas.
6. Increase in height of any structures.

C. *Final development plan changes.* A final development plan may vary from the approved outline

development plan so long as the thresholds for an outline development plan amendment are not met as set forth in subsection B above. Variations include, but are not limited to, re-orienting buildings and parking lots, changes in landscaping areas, changes in architectural details, changes to interior setbacks and similar changes that do not affect neighboring properties or the overall character of the development. At no time can approval of a final development plan result in any increase beyond a maximum development standard or any decrease below a minimum development standard listed on the outline development plan. If any of these conditions occurs, the outline development plan must be amended as described in subsection B. Once a final development plan is recorded, any amendment requested that complies with the limitations of this subsection B shall be processed in the manner prescribed for original approval.

D. Any changes or revisions to an outline or final development plan which are approved, either administratively or by city council action, must be recorded with the Jefferson County Recorder as amendments to the original recorded development plan subject to the deadline provisions of subsection 26-308.D.4.d.

E. *Variances.* Variances to the strict application of development standards established by an outline development plan may be requested only for properties within single- and two-family planned residential developments, following the applicable administrative or non-administrative variance process as prescribed in section 26-115.

(Ord. No. 2001-1215, § 1, 2-26-01; Ord. No. 1319, § 1, 4-12-04; Ord. No. 1383, § 6, 5-14-07)

Section 2: 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.

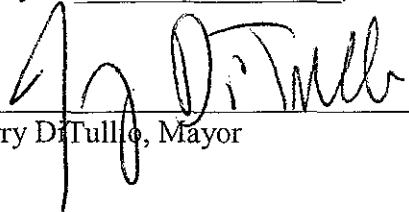
Section 3: Severability; Conflicting Ordinances Repealed. If any section, subsection or clause of the ordinance shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections and clauses shall not be affected thereby. All other ordinances or parts of the ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 4: Effective Date. This Ordinance shall take effect fifteen 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 23rd day of February, 2009, 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 **Monday, March 9, 2009**, 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 1, this 9th day of March, 2009.

SIGNED by the Mayor on this 9th day of March, 2009.

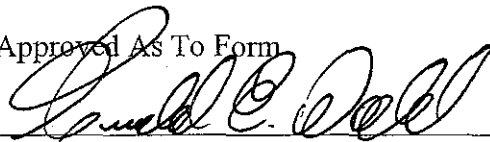


Jerry DiTullo, Mayor

ATTEST:



Michael Snow, City Clerk

Approved As To Form


Gerald E. Dahl, City Attorney

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