

CITY OF WHEAT RIDGE, COLORADO
INTRODUCED BY COUNCIL MEMBER REINHART
Council Bill No. 24
Ordinance No. 1497
Series 2011

TITLE: AN ORDINANCE CONCERNING DECISIONS OF THE DIRECTOR OF PUBLIC WORKS

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

WHEREAS, in the exercise of these powers, the City Council has adopted Chapter 26 of the Wheat Ridge Code of Laws ("Code") concerning zoning and development, and Chapter 13 concerning motor vehicles and traffic; and

WHEREAS, the City Council wishes to provide for a right of appeal from certain decisions of the Director of Public Works as authorized by said Chapter 26 and to delete an obsolete provision of Chapter 13 in connection therewith.

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

Section 1. Section 26-115 of the Wheat Ridge Code of Laws, pertaining to the authority of the Board of Adjustment, is hereby amended by the addition of a new subsection E.3, to read as follows:

E. *Interpretations.* The board of adjustment is empowered to hold public hearings to decide upon requests for interpretation of certain provisions of this chapter in such a way as to carry out their intent and purpose. 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 a more intensive, zone district.
3. ADMINISTRATIVE DECISIONS TAKEN BY THE DIRECTOR OF PUBLIC WORKS 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. Section 13-1 of the Wheat Ridge Code of Laws, entitled "Standard manual," is amended by the deletion of reference in subsection (c) thereof to the "Street Committee of the City Council," as follows:

(c) *Review for compliance; requests for placement or removal; appeals.* All traffic regulatory signs and control devices shall be reviewed by the director of public works or his designee for compliance with the warrants stated in subsection (b) above. Any requests for placement or removal of regulatory signs (being defined as stop or yield signs) shall be completed by any person requesting review, and review shall be made by the public works director, or his designee, indicating what criteria or warrants as specified above have been met, or not met, which review shall contain a recommended action to be taken. ~~All such recommendations shall be submitted to the street committee of the city council, which shall review and discuss the recommendation. Any person aggrieved by the decision of the city council's street committee to approve or disapprove said recommendation may appeal such decision to the city council for the purpose of obtaining a final decision from the city council. It is expressly stated herein that the appeal process shall relate only to Warrant No. (5) specified in subsection (b).~~

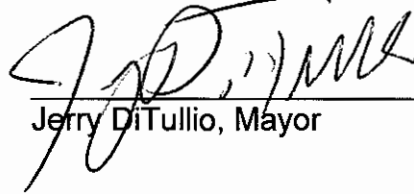
Section 3. Severability, Conflicting Ordinances Repealed. If any section, subsection or clause of this Ordinance shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections and clauses shall not be affected thereby. All other ordinances or parts of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

Section 4. 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 7 to 0 on this 25th day of July, 2011, 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 12, 2011 at 7:00 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 12th day of September, 2011.

SIGNED by the Mayor on this 12th day of September, 2011.


Jerry DiTullio, Mayor

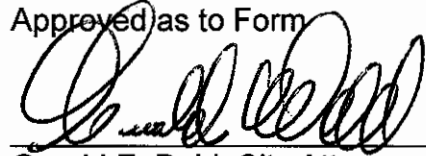
ATTEST:



Michael Snow, City Clerk



Approved as to Form


Gerald E. Dahl, City Attorney

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