

CITY OF WHEAT RIDGE, COLORADO
INTRODUCED BY COUNCIL MEMBER DOZEMAN
COUNCIL BILL NO. 13
ORDINANCE NO. 1693
Series 2020

TITLE: AN ORDINANCE AMENDING CHAPTER 26 OF THE WHEAT RIDGE CODE OF LAWS PERTAINING TO THE FORM AND TIMING OF CASH-IN-LIEU PAYMENT FOR PARKLAND DEDICATION REQUIREMENTS

WHEREAS, the City of Wheat Ridge (“City”) is a home rule municipality operating under a charter adopted pursuant to Article XX of the Colorado Constitution and vested with the authority by that article and the Colorado Revised Statutes to adopt ordinances for the regulation of land use and protection of the public health, safety and welfare; and

WHEREAS, in exercise of that authority, the City Council of the City of Wheat Ridge has previously enacted Chapter 26 of the Wheat Ridge Code of Laws (the “Code”) pertaining to zoning, land use, and development; and

WHEREAS, Chapter 26 includes regulations pertaining to the form and timing of cash-in-lieu payment for parkland dedication requirements; and

WHEREAS, the City Council recognizes the need to align the timing of cash-in-lieu payment for parkland dedication with building permit to better correlate fees with both the timing of construction and the impact on the City’s parks and recreation system; and

WHEREAS, the City Council also finds it appropriate to modify the form of payment to reflect current practice and simplify processes.

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

Section 1. Section 26-414.A.4.e of the Wheat Ridge Code of Laws, regarding dedication of public parks and sites, is amended as follows:

A. *Public parks and trails.*

[...]

4. *Requirement for parkland dedication.*

[...]

e. *Form and timing of cash-in-lieu payment.* Cash-in-lieu payments shall be paid to the city by ~~certified check~~ and deposited in the city account to be used solely

for the acquisition, development, or improvement of parks, open space, bicycle and pedestrian trails, and related facilities. ~~For subdivisions, payment shall be made at the time the plat is recorded.~~ For development **AND SUBDIVISIONS**, payment shall be made prior to building permit issuance.

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 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. Compliance Required – Applicability. This Ordinance shall apply to all development which does not by the effective have a vested property right, pursuant to the provisions of Section 26-121 of the Code of Laws of the City of Wheat Ridge.

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 July 2020, 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 July 27, 2020 at 7:00 p.m., in virtual format, Wheat Ridge, Colorado.

READ, ADOPTED AND ORDERED PUBLISHED on second and final reading by a vote of 7 to 0, this 27th day of July, 2020.

SIGNED by the Mayor on this 27th day of July, 2020.



Bud Starker, Mayor

ATTEST:


Steve Kirkpatrick, City Clerk



Approved as to Form



Gerald E. Dahl, City Attorney

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