

**CITY OF WHEAT RIDGE, COLORADO  
INTRODUCED BY COUNCIL MEMBER NOSLER BECK  
COUNCIL BILL NO. 14  
ORDINANCE NO. 1694  
SERIES 2020**

**TITLE: AN ORDINANCE AMENDING CHAPTER 26 OF THE WHEAT RIDGE CODE OF LAWS CONCERNING NOTICE REQUIREMENTS FOR CONTINUED AND POSTPONED PUBLIC HEARINGS**

**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 Council wishes to provide procedural clarity on the notice requirements associated with a continued and postponed public hearing; and

**WHEREAS**, the Council desires for those procedures to be in alignment with common practice.

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

**Section 1.** Section 26-109.E of the Code of Laws, regarding public hearing notice and procedure, is amended to read:

1. *Postponements*: After a public hearing has been legally noticed, only one (1) postponement by the applicant may be allowed by the planning commission, board of adjustment or city council. Upon the second request for postponement, the planning commission, board of adjustment or city council shall have the authority, which they may exercise at their discretion, to dismiss the application. **NOTICE FOR A POSTPONED HEARING SHALL BE PROVIDED IN THE MANNER OUTLINED ABOVE, HOWEVER SUCH NOTICE IS NOT REQUIRED TO MEET THE TIME REQUIREMENTS.**

**Section 2.** Section 26-109.E of the Code of Laws, regarding public hearing notice and procedure, is amended by the addition of a new subsection 4, to read:

**4. CONTINUED HEARINGS: IN THE EVENT A PUBLIC HEARING IS OPENED AND CONTINUED TO A SPECIFIC DATE, NOTICE OF THAT DATE SHALL BE PROVIDED IN THE MANNER OUTLINED ABOVE, HOWEVER SUCH NOTICE IS NOT REQUIRED TO MEET THE TIME REQUIREMENTS.**

**Section 3.** Section 26-112.C.7.b of the Code of Laws, regarding the procedure for zone change protests, is amended to read:

b. In the event that a letter of protest is submitted prior to first reading of the ordinance for a change of zone, and such protest has been determined by the community development staff to meet the required property ownership and area requirements of Charter 5.10, the hearing shall be conducted on the originally scheduled date for second reading of the ordinance. If a protest is submitted after first reading of the ordinance, the hearing **SHALL BE OPENED WITH NO TESTIMONY TAKEN AND** shall **THEREUPON** automatically be continued to the next regular business meeting of the council. ~~and a~~ Notice of such continued hearing shall be made **CONSISTENT WITH THE PROVISIONS FOR CONTINUED HEARINGS IN SECTION 26-109.** ~~in the same manner as notice for adoption of ordinances on first reading and setting the public hearing thereon.~~


**Section 4. 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 5. Effective Date.** This Ordinance shall take effect immediately upon adoption, 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 13<sup>th</sup> 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., as a virtual meeting, and that it be effective immediately upon adoption.

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

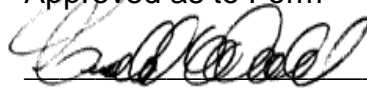
SIGNED by the Mayor on this 27<sup>th</sup> day of July 2020.

  
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Bud Starker, Mayor

ATTEST:  
  
\_\_\_\_\_  
Steve Kirkpatrick, City Clerk



Approved as to Form



\_\_\_\_\_  
Gerald Dahl, City Attorney

1<sup>st</sup> publication: July 16, 2020  
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