

**CITY OF WHEAT RIDGE, COLORADO  
INTRODUCED BY COUNCIL MEMBER STITES  
COUNCIL BILL NO. 18  
ORDINANCE NO. 1698  
Series 2020**

**TITLE: AN ORDINANCE AMENDING CHAPTER 26 OF THE WHEAT RIDGE CODE OF LAWS CONCERNING SIGN AND LETTER NOTICE REQUIREMENTS FOR QUASI-JUDICIAL 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 City places a high value on public notice as a critical legal requirement for public hearings; and

**WHEREAS**, the Council wishes to improve public notice by increasing the number of posting signs required and by increasing the mailing radius for letter notice.

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

**Section 1.** Section 26-109.C of the Code of Laws, regarding posted notice procedures for public hearings, is amended to read:

- C. *Posted Notice:* At least fifteen (15) days prior to any public hearing for a specific site development which requires approval by the planning commission, board of adjustment or city council, the director of community development shall cause to be prepared, and the applicant shall post, **ONE OR MORE SIGNS (AS DETERMINED BY TABLE 1 BELOW)** ~~a sign (one (1) per street frontage)~~ upon the parcel **PROPERTY** under consideration for approval which provides notice of the kind of action requested; the hearing authority; the time, date and location of hearing; and the location of the parcel under consideration by address or approximate address. The sign(**S**) shall be posted within the property boundaries, shall be affixed to a flat surface, shall measure **AT A MINIMUM** twenty-two (22) inches in height by twenty-eight (28) inches in width, shall be elevated a minimum of thirty (30) inches from the ground (however, not more than six (6) feet above ground), shall be visible from the street without any obstructions, shall be legible and displayed for fifteen (15) days prior to the public hearing. The sign(**S**) shall be maintained in good condition by the applicant throughout the fifteen-day posting period. The sign(**S**) shall be removed within seventy-two (72) hours from the date the public hearing is concluded. The fact that a parcel **PROPERTY** was not continuously posted the full fifteen (15) days may not, at

the discretion of the hearing authority, constitute grounds for continuance where the applicant can show that a good faith effort to meet this posting requirement was made.

**POSTED NOTICE SHALL BE LOCATED ON ALL STREET FRONTAGES OF THE SUBJECT PROPERTY, AND THE NUMBER OF SIGNS REQUIRED TO BE POSTED ON EACH FRONTAGE SHALL BE BASED ON THE FRONTAGE LENGTH AND BASED ON THE PARCEL CONFIGURATION OF THE SUBJECT PROPERTY AS SHOWN IN TABLE 1:**

<b>TABLE 1. NUMBER OF REQUIRED POSTING SIGNS</b>		
<b>FRONTAGE LENGTH</b>	<b>PROPERTY CONFIGURATION</b>	<b>NO. OF REQUIRED POSTING SIGNS</b>
<b>UP TO 200 LINEAR FEET</b>	<b>COMPRISED OF 1 PARCEL OR LOT</b>	<b>1 SIGN</b>
<b>UP TO 200 LINEAR FEET</b>	<b>COMPRISED OF MORE THAN 1 PARCEL OR LOT</b>	<b>2 SIGNS</b>
<b>200 TO 400 LINEAR FEET</b>	<b>ANY NUMBER OF PARCELS OR LOTS</b>	<b>2 SIGNS</b>
<b>OVER 400 LINEAR FEET</b>	<b>ANY NUMBER OF PARCELS OR LOTS</b>	<b>1 SIGN PER 400 FEET (ROUNDED UP)</b>

**Section 2.** Section 26-109.D of the Code of Laws, regarding letter notice procedures for public hearings, to read:

D. *Letter Notice:* At least fifteen (15) days prior to any public hearing which requires notification by letter, the director of community development shall cause to be sent, by first class mail, a letter to adjacent property owners within ~~three~~ **SIX** hundred (~~300~~**600**) feet of the property under consideration and to owners of property included within the area under consideration. The letters shall specify the kind of action requested; the hearing authority; the time, date and location of hearing; and the location of the parcel under consideration by address or approximate address. Failure of a property owner to receive a mailed notice will not necessitate the delay of a hearing by the hearing authority and shall not be regarded as constituting inadequate notice.

**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 8 to 0 on this 28<sup>th</sup> day of September, 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 October 12, 2020 at 7:00 p.m., as a virtual meeting, and that it take effect fifteen (15) days after final publication.

**READ, ADOPTED AND ORDERED PUBLISHED** on second and final reading by a vote of 8 to 0, this 12<sup>th</sup> day of October 2020.

SIGNED by the Mayor on this 12<sup>th</sup> day of October 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: October 1, 2020  
2<sup>nd</sup> publication: October 15, 2020  
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