

CITY OF WHEAT RIDGE, COLORADO
INTRODUCED BY COUNCIL MEMBER HUTCHINSON
COUNCIL BILL NO. 23
ORDINANCE NO. 1703
Series 2020

TITLE: AN ORDINANCE REPEALING AND REENACTING SECTION 26-609 OF THE WHEAT RIDGE CODE OF LAWS CONCERNING ACCESS TO PUBLIC STREETS AND MAKING CONFORMING AMENDMENTS

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

WHEREAS, pursuant to its home rule authority and C.R.S. § 31-23-101, the City, acting through its City Council (the “Council”), is authorized to adopt ordinances for the protection of the public health, safety and welfare; and

WHEREAS, in the exercise of this authority the City Council has previously enacted Section 26–609 of the Wheat Ridge Code of Laws (Code), setting requirements for access to public streets; and

WHEREAS, in order to recognize changing patterns of residential and commercial development, the City Council wishes to amend these requirements to provide specific considerations used when reviewing and approving access and designs.

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

Section 1. Section 26–609 (Access to public streets) of the Wheat Ridge Code of Laws is hereby repealed and reenacted to read in its entirety as follows:

A. *Access to public streets required.* No building permit or certificate of occupancy shall be issued or approved for any structures not adjacent to a full width dedicated street, as required by Article IV hereof, or, alternatively, on easements or private roadways of record having a minimum width of twenty-four (24) feet, or upon a combination of full width dedicated streets or private roadways or easements, within the restrictions imposed by this section.

B. *Use of private drives, roadways, and easements of record.* To the extent the development is proposed to rely upon access to the public roadway system through the use of private drives, roadways, and/or recorded easements of record, approval for the same may be granted or withheld by the City in its sole discretion, based upon one or more the following considerations:

1. The nature and extent of provisions for long-term maintenance of such private roadways or easements, through a special district, homeowners association, or other means.

2. The design and grade of the proposed roadway or easement, and the extent to which the same meets or varies from the requirements for full width dedicated streets under Article 4 hereof.
3. Whether the proposed roadway or easement is a logical design and meets requirements for fire access.
4. The merits of alternate designs for the proposed access.
5. The number of residential units and/or amount of commercial property/units proposed to be served by the roadway or easement.
6. The length of block or area served.
7. The impact of the design and use of the roadway or easement upon the immediately adjacent publicly dedicated street network.
8. Whether bicycle and pedestrian facilities are provided on the site consistent with the requirements of the zoning code, including the Architectural and Site and Design Manual and Streetscape Design Manual.

C. *Review procedure.* The City shall review any proposal for use of private drives, roadways, and/or easements under this section and shall approve, approve with conditions, or deny such use pursuant to the review procedure applicable to the subject development, including without limitation site development plan, specific development plan, planned building group, and/or subdivision plat.

Section 2. Section 26–404 (Definitions) of the Wheat Ridge Code of Laws is amended as follows:

~~*Alley:* A right-of-way, dedicated to public uses, which gives a primary or secondary means of vehicular access to the rear or side of properties otherwise abutting a street, and which may be used for public vehicular and/or utility access.~~ A PUBLIC OR PRIVATE THOROUGHFARE WHICH GIVES SECONDARY MEANS OF PUBLIC ACCESS TO ABUTTING PROPERTIES OR BUILDINGS

DRIVEWAY. A THOROUGHFARE FOR VEHICLES PROVIDING ACCESS FROM A PUBLIC OR PRIVATE STREET OR ALLEY TO A DWELLING UNIT OR TO A PARKING AREA SERVING STRUCTURES OR FACILITIES.

~~*Private drive:* A thoroughfare for vehicular traffic which provides access to no more than four (4) dwelling units. (can remove this definition)~~

~~*Public Street:* A dedicated public thoroughfare for vehicular traffic in accordance with the requirements as set forth in the subdivision regulations, the comprehensive plan, the Bicycle and Pedestrian Master Plan, and the Streetscape Design Manual of the City of Wheat Ridge.~~ A PUBLIC OR PRIVATE THOROUGHFARE FOR VEHICULAR TRAFFIC, OTHER THAN AN ALLEY OR DRIVEWAY.

Section 3. Section 26–412 (Street design) of the Wheat Ridge Code of Laws is amended as follows:

A. *General.*

[...]

3. Private streets, ALLEYS AND/OR DRIVEWAYS MAY OR MAY NOT BE PERMITTED AT THE SOLE DISCRETION OF THE CITY PURSUANT TO THE PROVISIONS OF SECTION 26-609 ~~shall not be allowed.~~

[...]

B. *Access.*

1. ACCESS TO A PUBLIC STREET SHALL BE PROVIDED PURSUANT TO THE PROVISIONS OF SECTION 26-609. ~~For residential subdivisions, all lots shall have frontage on a public street with the exception of those lots served by private drive or easements. Private drives shall have a minimum width of twenty five (25) feet, shall be designated by recorded easement, and shall provide access to no more than four (4) dwelling units.~~

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 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 14th day of December, 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 **Monday, January 11, 2021 at 7:00 o'clock p.m.**, as a virtual meeting, and that it takes effect 15 days after final publication.

READ, ADOPTED AND ORDERED PUBLISHED on second and final reading by a vote of 8 to 0, this 11th day of January, 2021.

SIGNED by the Mayor on this 11th day of January, 2021.



Bud Starker, Mayor

ATTEST:


Steve Kirkpatrick, City Clerk



Approved as to Form



Gerald Dahl, City Attorney

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