

CITY OF WHEAT RIDGE, COLORADO
INTRODUCED BY COUNCIL MEMBER DOZEMAN
COUNCIL BILL NO. 15
ORDINANCE NO. 1744
Series 2022

**TITLE: AN ORDINANCE AMENDING CHAPTER 26 OF THE WHEAT
RIDGE CODE OF LAWS CONCERNING THE REGULATION OF
ACCESSORY DWELLING UNITS AND MAKING CONFORMING
AMENDMENTS THEREWITH**

WHEREAS, the City of Wheat Ridge, Colorado is a Colorado home rule municipality, duly organized and existing pursuant to Section 6 of 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 or welfare; and

WHEREAS, the comprehensive plan for the City of Wheat Ridge, *Envision Wheat Ridge*, contains goals for increasing the types of housing options available in the community; and

WHEREAS, public input over the last six years has indicated consistent support for accessory dwelling units (ADUs) among community members; and

WHEREAS, the Council recognizes ADUs can play an important role in addressing housing need, affordability, and intergenerational households; and

WHEREAS, the Council finds that it is necessary to adopt regulations allowing ADUs within the City of Wheat Ridge;

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

Section 1. Section 26-115.C.1 of the Wheat Ridge Code of Laws, concerning administrative variances, is hereby amended as follows:

1. *Administrative variances fifty (50) percent or less:* The director of community development is empowered to decide upon applications for administrative variances from the strict application of any of the “development standards” pertaining to zone districts in article II and sections 26-501 (off-street parking) and 26-502 (landscaping requirements), and 26-603 (fencing), **26-646.B (development standards for ADUs)** and article VII (signage) of this chapter, which apply through the various zone district regulations and in other situations

which may be specifically authorized in the various sections, without requirement of a public hearing, under the following conditions:

- a. The variance does not exceed fifty (50) percent of the minimum or maximum standard; and
- b. The director of community development finds that a majority of the criteria as set forth in subsection C.4 hereof, are substantially complied with and support the request; and
- c. The director of community development has notified adjacent property owners and occupants by letter notice and posting of the site for at least ten (10) days prior to rendering the decision, and that no objections have been received during such ten-day period. Any objections must be received in writing and be directly related to concerns regarding the request. General objections regarding existing land use conditions or issues not related to the request will not be considered grounds for objection.
- d. That no additional dwelling units would result from approval of such variance-, **other than an accessory dwelling unit.**
- e. In no instance shall the community development director hear or grant a variance as to use or as to an activity or development which is prohibited by this chapter nor shall the limitations of Charter section 5.10.1 be exceeded.

Section 2. Section 26-120.C.1 of the Wheat Ridge Code of Laws, concerning nonconforming structures and uses, is hereby amended as follows:

1. Any ~~one~~**single**- or two-family~~unit~~**unit** dwelling structure or customary accessory structure may be enlarged, altered or added to provided that all lot coverage requirements of the zoning district in which the structure is located are met, and provided that the enlargement, alteration or addition does not increase the extent of nonconforming setbacks by encroaching beyond the existing setback line. The residential bulk plane standards set forth in subsection 26-642.A shall apply to any enlargement, alteration, or addition of or to both the primary structure and any accessory structures to the primary structure. In addition, no enlargement, alteration or addition which extends within the nonconforming area shall result in the development of any additional dwelling units-, **with the exception of an accessory dwelling unit.**

Section 3. Section 26-123 of the Wheat Ridge Code of Laws, defining certain terms applicable to Chapter 26 of the Code concerning zoning, is hereby amended by revision of certain definitions and the addition of the following new definitions in the appropriate alphabetical location, as follows:

Accessory dwelling unit. A dwelling unit located on the same lot with a single detached dwelling and subordinate in size and purpose to the primary dwelling.

Accessory dwelling unit, attached. An accessory dwelling unit that is a distinctly separate unit from the primary dwelling unit but is physically attached to or is integrated within the same structure as the primary dwelling unit, including a basement, addition, floor, or portion of a floor.

Accessory dwelling unit, detached. An accessory dwelling unit that is located within an accessory structure on the same lot as the primary dwelling unit.

...

Building, accessory. A subordinate building or portion of a main building the use of which is incidental to that of the main building or use on the same lot. These accessory buildings shall include, but are not limited to, private storage sheds, detached garages, detached carports, **detached accessory dwelling units**, membrane structures that meet current building code requirements, chicken coops, gazebos, greenhouses and barns. An urban garden use may but is not required to have a main building. Except for urban garden uses, an accessory building must be clearly subordinate to a main building located on the same lot and an accessory structure shall not be located on a vacant lot devoid of a main building.

...

Dwelling, one-family **Dwelling, single detached.** A building designed for occupancy by not more than one (1) family. **A single dwelling unit in a single building not attached to other buildings other than those accessory to the dwelling. Also referred to as single-unit dwelling.**

Dwelling, two-family **Dwelling, duplex.** A building designed for occupancy by two (2) families living in separate dwelling units as tenants from month to month or for a term longer than one (1) month. **A building containing two (2) separate primary dwelling units attached by one (1) or more common walls either in a stacked configuration or side-by-side configuration. Also referred to as two-unit dwelling.**

Dwelling, multiple. A building or group of buildings designed for occupancy by three (3) or more families living in separate dwelling units as tenants from month to month or for a term longer than one (1) month. **Three (3) or more dwelling units where each unit is attached to the other units either in a stacked configuration or a side-by side configuration. Also referred to as multi-unit dwelling.**

Section 4. The “Table of Uses – Residential” set forth in Section 26-204 of the Wheat Ridge Code of Laws, concerning uses in residential zone districts, is hereby amended as follows:

<i>Accessory Uses for Residential Zone Districts</i>	<i>Notes</i>
<u>Accessory dwelling unit (ADU)</u>	<u>See § 26-646, allowed as an accessory use to a single detached dwelling</u>

Section 5. The “Table of Uses – Agricultural and Public Facilities” set forth in Section 26-204 of the Wheat Ridge Code of Laws, concerning uses in agricultural and public facility zone districts, is hereby amended as follows:

<i>Agricultural and Public Facilities Districts Accessory Uses</i>	<i>Notes</i>
<u>Accessory dwelling unit (ADU)</u>	<u>See § 26-646, allowed as an accessory use to a single detached dwelling</u>

Section 6. Section 26-205.B (Residential-One District (R-1)) of the Wheat Ridge Code of Laws is amended by the addition of a new line within the accessory buildings category as follows:

B. Development standards:

		Maximum Height	Maximum Building Coverage	Minimum Lot Area	Minimum Lot Width	Minimum Front Yard Setback (a)	Minimum Side Yard Setback (b)	Minimum Rear Yard Setback (b)
...								
Accessory Buildings (d)	Major	15'	1,000 sf	N/A	N/A	30' (c)	15'	15'
	Minor	10'	200 sf	N/A	N/A	30' (c)	5'	5'
	<u>Accessory dwelling</u>	<u>25' (f)</u>	<u>Floor area</u>	<u>N/A</u>	<u>N/A</u>	<u>30' (c)</u>	<u>15'</u>	<u>15'</u>

	<u>unit, detached</u>		<u>limited to 50% of principal, or 1,000 sf, whichever is less</u>					
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(f) Bulk plane regulations shall apply in accordance with section 26-642.

Section 7. Section 26-206.B (Residential-One A District (R-1A)) of the Wheat Ridge Code of Laws is amended by the addition of a new line within the accessory buildings category as follows:

B. Development standards:

		Maximum Height	Maximum Building Coverage	Minimum Lot Area	Minimum Lot Width	Minimum Front Yard Setback (a)	Minimum Side Yard Setback (b)	Minimum Rear Yard Setback (b)
...								
Accessory Buildings (d)	Major	15'	1,000 sf	N/A	N/A	25' (c)	5' if ≤10' in height, 10' if >10' in height	5' if ≤10' in height, 10' if >10' in height
	Minor	10'	400 sf	N/A	N/A	25' (c)	5'	5'
	<u>Accessory dwelling unit, detached</u>	<u>25' (f)</u>	<u>Floor area limited to 50% of principal, or 1,000 sf, whichever is less</u>	<u>N/A</u>	<u>N/A</u>	<u>25' (c)</u>	<u>5' if ≤ 10' in height, 10' if > 10' in height</u>	<u>5' if ≤ 10' in height, 10' if > 10' in height</u>

...

(f) Bulk plane regulations shall apply in accordance with section 26-642.

Section 8. Section 26-207.B (Residential-One B District (R-1B)) of the Wheat Ridge Code of Laws is amended by the addition of a new line within the accessory buildings category as follows:

B. Development standards:

		Maximum Height	Maximum Building Coverage	Minimum Lot Area	Minimum Lot Width (a)	Minimum Front Yard Setback (b)	Minimum Side Yard Setback (c)	Minimum Rear Yard Setback (c)
...								
Accessory Buildings (f)	Major	15'	600 sf	N/A	N/A	25' (d)	5'	5' if ≤10' in height; 10' if >10' in height
	Minor	10'	300 sf	N/A	N/A	25' (d)	5'	5'
	<u>Accessory dwelling unit, detached</u>	<u>25'</u> (h)	<u>Floor area limited to 50% of principal, or 1,000 sf, whichever is less</u>	<u>N/A</u>	<u>N/A</u>	<u>25'</u> (d)	<u>5'</u>	<u>5' if ≤ 10' in height, 10' if > 10' in height</u>

...

(h) Bulk plane regulations shall apply in accordance with section 26-642.

Section 9. Section 26-208.B (Residential-One C District (R-1C)) of the Wheat Ridge Code of Laws is amended by the addition of a new line within the accessory buildings category as follows:

B. Development standards:

		Maximum Height (f)	Maximum Building Coverage	Minimum Lot Area	Minimum Lot Width (a)	Minimum Front Yard Setback (b)	Minimum Side Yard Setback (c)	Minimum Rear Yard Setback (c)
...								
Accessory Buildings (e)	Major	15' (f)	600 sf	N/A	N/A	20' (d)	15'	15'
	Minor	10' (f)	300 sf	N/A	N/A	20' (d)	5'	5'
	<u>Accessory dwelling unit, detached</u>	<u>25'</u> (f)	<u>Floor area limited to 50% of</u>	<u>N/A</u>	<u>N/A</u>	<u>20'</u> (d)	<u>5'</u>	<u>5'</u>

			<u>principal, or 1,000 sf, whichever is less</u>					
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Section 10. Section 26-209.B (Residential-Two District (R-2)) of the Wheat Ridge Code of Laws is amended by adding a new line within the accessory buildings category as follows:

B. Development standards:

		Maximum Height	Maximum Building Coverage	Minimum Lot Area	Minimum Lot Width (a)	Minimum Front Yard Setback (b)	Minimum Side Yard Setback (c)	Minimum Rear Yard Setback (c)
...								
Accessory Buildings (f)	Major	15'	1,000 sf per unit	N/A	N/A	25' (d)	5'	5' if ≤10' in height; 10' if >10' in height
	Minor	10'	400 sf	N/A	N/A	25' (d)	5'	5'
	<u>Accessory dwelling unit, detached</u>	<u>25'</u> (h)	<u>Floor area limited to 50% of principal, or 1,000 sf, whichever is less</u>	<u>N/A</u>	<u>N/A</u>	<u>25'</u> (d)	<u>5'</u>	<u>5' if ≤ 10' in height; 10' if > 10' in height</u>
...								

(h) Bulk plane regulations shall apply in accordance with section 26-642.

Section 11. Section 26-210.B (Residential-Two A District (R-2A)) of the Wheat Ridge Code of Laws is amended by adding a new line within the accessory buildings category as follows:

B. Development standards:

		Maximum Height	Maximum Building Coverage	Minimum Lot Area	Minimum Lot Width (a)	Minimum Front Yard Setback (b)	Minimum Side Yard Setback (c)	Minimum Rear Yard Setback (c)
...								
Accessory Buildings (g)	Major	15'	600 sf (per unit)	N/A	N/A	25' (d)	15'	5' if ≤10' in height; 10' if >10' in height
	Minor	10'	400 sf/4 d.u.	N/A	N/A	25' (d)	5'	5'
	<u>Accessory dwelling unit, detached</u>	<u>25' (i)</u>	<u>Floor area limited to 50% of principal, or 1,000 sf, whichever is less</u>	<u>N/A</u>	<u>N/A</u>	<u>25' (d)</u>	<u>5'</u>	<u>5' if ≤ 10' in height; 10' if > 10' in height</u>

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(i) Bulk plane regulations shall apply in accordance with section 26-642.

Section 12. Section 26-211.B (Residential-Three District (R-3)) of the Wheat Ridge Code of Laws is amended by adding a new line within the accessory buildings category as follows:

B. Development standards:

		Maximum Height	Maximum Building Coverage	Minimum Lot Area	Minimum Lot Width (a)	Minimum Front Yard Setback (b)	Minimum Side Yard Setback (d)	Minimum Rear Yard Setback (d)
...								
Accessory Buildings (g)	Major	15' (h) (i)	600 sf (per unit)	N/A	N/A	25' (e)	5'	5' if ≤10' in height; 10' if >10' in height
	Minor	10' (h) (i)	400 sf/4 d.u.	N/A	N/A	25' (e)	5'	5'

	<u>Accessory dwelling unit, detached</u>	<u>25'</u> (i)	<u>Floor area limited to 50% of principal, or 1,000 sf, whichever is less</u>	<u>N/A</u>	<u>N/A</u>	<u>25'</u> (e)	<u>5'</u>	<u>5' if ≤ 10' in height; 10' if > 10' in height</u>
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Section 13. Section 26-212.B (Residential-Three A District (R-3A)) of the Wheat Ridge Code of Laws is amended by adding a new line within the accessory buildings category as follows:

B. Development standards:

		Maximum Height	Maximum Building Coverage	Minimum Lot Area	Minimum Lot Width (a)	Minimum Front Yard Setback (b)	Minimum Side Yard Setback (d)	Minimum Rear Yard Setback (d)
...								
Accessory Buildings (g)	Major	15'	600 sf (per unit)	N/A	N/A	25' (e)	15'	5' if ≤10' in height; 10' if >10' in height
	Minor	10'	400 sf/4 d.u.	N/A	N/A	25' (e)	5'	5'
	<u>Accessory dwelling unit, detached</u>	<u>25'</u> (i)	<u>Floor area limited to 50% of principal, or 1,000 sf, whichever is less</u>	<u>N/A</u>	<u>N/A</u>	<u>25'</u> (e)	<u>5'</u>	<u>5' if ≤ 10' in height; 10' if > 10' in height</u>

...

(i) Bulk plane regulations shall apply in accordance with section 26-642.

Section 14. Section 26-213.B (Agricultural-One District (A-1)) of the Wheat Ridge Code of Laws is amended by adding a new line within the accessory buildings category as follows:

B. Development standards:

		Maximum Height	Maximum Building Coverage	Minimum Lot Area (d)	Minimum Lot Width	Minimum Front Yard Setback	Minimum Side Yard Setback (a)	Minimum Rear Yard Setback (b)
...								
Accessory Buildings (e)	Major	35'	25%	N/A	N/A	30' (c)	15'	5'
	Minor	35'	25%	N/A	N/A	30' (c)	15'	5'
	<u>Accessory dwelling unit, detached</u>	<u>25'</u>	<u>Floor area limited to 50% of principal, or 1,000 sf, whichever is less</u>	<u>N/A</u>	<u>N/A</u>	<u>30' (c)</u>	<u>15'</u>	<u>5'</u>

Section 15. Section 26-214.B (Agricultural-Two District (A-2)) of the Wheat Ridge Code of Laws is amended by adding a new line within the accessory buildings category as follows:

B. Development standards:

		Maximum Height	Maximum Building Coverage	Minimum Lot Area (e)	Minimum Lot Width	Minimum Front Yard Setback	Minimum Side Yard Setback (a)	Minimum Rear Yard Setback (b)
...								
Accessory Buildings (f)	Major	35'	25%	N/A	N/A	30' (c)	15'	15'
	Minor	35'	200 sf	N/A	N/A	30' (d)	5'	5'
	<u>Accessory dwelling unit, detached</u>	<u>25'</u>	<u>Floor area limited to 50% of principal, or 1,000 sf, whichever is less</u>	<u>N/A</u>	<u>N/A</u>	<u>30' (c)</u>	<u>15'</u>	<u>5'</u>

Section 16. Section 26-312 of the Wheat Ridge Code of Laws, concerning planned residential development (PRD) district regulations, is hereby amended by the addition of a new subsection L, as follows:

L. Any planned residential development approved on and after August 15, 2022, which allows single detached dwelling units as a primary use shall allow accessory dwelling units as an accessory use.

Section 17. Section 26-316.B of the Wheat Ridge Code of Laws, concerning planned mixed use development (PMUD) district regulations, is hereby amended as follows:

B. *Permitted uses.* Permitted uses shall be a mixture of residential and commercial uses governed by approval of the outline development plan. Extended stay lodging shall be permitted only in planned mixed use districts and planned commercial districts, and only as a special use subject to the standards in chapter 11, article XVI. **Any planned mixed use development approved on and after August 15, 2022 which allows single detached dwelling units as a primary use shall allow accessory dwelling units as an accessory use.**

Section 18. Section 26-414.A.2.b of the Wheat Ridge Code of Laws, concerning exemptions from the parkland dedication requirement, is hereby amended as follows:

b. Exemptions. ~~Nursing homes and similar confined care or skilled nursing facilities are exempt from the requirements of this section.~~

i. Nursing homes and similar confined care or skilled nursing facilities.

ii. Accessory dwelling units.

Section 19. Section 26-625 of the Wheat Ridge Code of Laws, concerning accessory buildings and structures, is hereby amended by deletion of subsection C.1.c.iv as follows:

~~iv. *Dwelling unit restriction.* Except as otherwise expressly allowed, no dwelling unit shall be located in any accessory.~~

Section 20. Section 26-626 of the Wheat Ridge Code of Laws, concerning residential uses in commercial zones; conditions, is hereby amended by the deletion of subsection D, revision of subsection E, and appropriate re-lettering of the remaining subsections:

~~D. Residential dwelling units shall be no less than five hundred (500) square feet each.~~

~~DE. Parking shall be supplied at the rate of one (1) space per three hundred (300) square feet of floor area.~~ **Parking shall be supplied at the rate of one (1) space per dwelling unit.**

Section 21. Section 26-646.C of the Wheat Ridge Code of Laws, concerning allowances for short-term rental hosts, is hereby amended as follows:

C. *Maximum number per short-term rental host:* A short-term rental host, as defined in Section 26-123 (“short-term rental host”), may operate a short-term rental in up to one (1) dwelling unit not occupied by the host (**a “whole-home” rental**), and in up to one (1) dwelling unit occupied by the host (**a “partial-home” rental**) where a portion of the dwelling unit, such as a room or rooms, functions as a short-term rental, so long as the host continuously resides in the dwelling unit **or on the same property in either the primary or accessory dwelling unit** through the duration of the rental. This maximum shall apply to all types of dwelling units in all zone districts, except for the following:

1. *Apartments and mixed use developments:* A short-term rental host, as the owner of an apartment or mixed-use development in the Mixed Use – Neighborhood (MU-N), Mixed Use – Commercial (MU-C) series, and Commercial-One (C-1) zone districts, may operate a maximum of four (4) dwelling units as short-term rentals within that development. For apartment and mixed-use developments with greater than forty (40) dwelling units in these zone districts, additional short-term rentals are permitted at a rate of five (5) percent of the total number of dwelling units, in addition to the four already permitted by this section. For the purposes of this subsection, an apartment or mixed-use development shall mean one or multiple contiguous properties under one ownership with one or more multifamily or mixed-use buildings.
2. *Condominium developments:* For condominium developments (those which have a recorded condominium plat allowing for individually-owned dwelling units) in any zone district, each individual dwelling unit owner is eligible, as a short-term rental host, to operate a short-term rental as provided by subsection C of this section, provided that the maximum number of such rentals allowed by subsection C.1 is not exceeded in the development.
3. **Accessory dwelling units: A short-term rental shall be permitted to operate within an accessory dwelling unit and shall be considered an owner-occupied or partial-home short-term rental.**

Section 22. A new Section 26-646 (Accessory dwelling units) is hereby adopted within Chapter 26, Article VI, Supplementary Regulations, to read as follows:

Sec. 26-646. – Accessory dwelling units

Accessory dwelling units, as defined in Section 26-123, are subject to the following requirements:

- A. *Eligible zone districts:* An accessory dwelling unit (ADU) shall be permitted as an accessory use to single detached dwellings in all residential and agricultural zone districts and in the mixed use-neighborhood (MU-N) zone district. Planned residential developments and planned mixed use developments that are approved on and after August 15, 2022 and that allow single detached dwelling units as a primary use shall also allow ADUs as an accessory use.
- B. *Development standards:*
- a. Detached accessory dwelling units shall be subject to the accessory building development standards for the zone district in which they are located, set forth in sections 26-205 to 26-214 and this section, including bulk plane requirements for ADUs located in residential zone districts.
 - b. Attached accessory dwelling units shall be subject to the principal building development standards for the zone district in which they are located, set forth in sections 26-205 to 26-214 and this section, including bulk plane requirements for ADUs located in residential zone districts.
 - c. *Size:* The floor area of an accessory dwelling unit shall not exceed fifty (50) percent of the gross floor area of the primary dwelling unit, or one thousand (1,000) square feet, whichever is more restrictive. As an exception to this rule, an attached accessory dwelling unit in a basement or second floor may exceed this allowance, provided the area does not exceed the area of the first floor of the same structure.
 - d. *Height:* A detached accessory dwelling unit in any zone district may not exceed 25 feet in height.
- C. *Parking:* No additional parking spaces shall be required. Parking requirements for short-term rentals may apply if the ADU is being operated as a short-term rental, subject to the standards in section 26-645.D.6.
- D. *Maximum number:* A maximum of one (1) accessory dwelling unit shall be permitted per property.
- E. *Owner occupancy:*
- a. The property owner, as reflected in title records and evidenced by voter registration, vehicle registration or other similar means, must occupy either the primary dwelling unit or the ADU.
 - b. *Deed restriction:* As a condition of and prior to approval of an ADU, or issuance of building permit for the ADU (or at a later time if determined by the director as appropriate for the proposed initial or later use of the property), the property owner shall be required to execute a declaration of restrictions, binding upon successors and assigns, in a form approved by the City Attorney, to be recorded by the City with the Jefferson County Clerk and Recorder, which requires that:
 1. The ADU shall not be sold separately from the primary dwelling unit, nor shall the lot on which it is situated be subdivided unless such subdivision can be accomplished in accordance with all provisions of this Code;

2. The primary dwelling unit or the ADU shall be occupied by the property owner; and
 3. Failure to continuously comply with deed restrictions may subject the owner of the property to penalties provided for in this Code, including the revocation of the certificate of occupancy or completion.
- c. *Removal of deed restriction:* In the event the ADU is demolished or modified such that it no longer functions as an ADU, the community development director shall record appropriate documentation releasing such encumbrance upon written request of the property owner.
- F. *Nonconforming properties:*
- a. Owners of property currently containing structures or portions of structures which may fall within the definition of ADU under section 26-123, are hereby granted the right to apply to the City for approval of the same until August 15, 2024. Following that date, and in the absence of City approval of an ADU under this section, unapproved or unpermitted ADUs shall be subject to enforcement as provided by law. Upon review and approval of such applications by the City, the deed restriction requirement of subsection E shall apply. Development standards of subsection B do not apply.
 - b. A building permit shall be required for any construction or modification of the ADU to bring the structure into compliance with applicable building codes, to the extent practical, as determined by the community development director, in consultation with the chief building official. A building permit is not required to the extent the ADU is determined to be legally nonconforming pursuant to Section 26-120 as documented by proof provided by the owner and to the satisfaction of the community development director.
 - c. If a property contains more than one (1) ADU, deemed lawful pursuant to subsections F.a and F.b by August 15, 2024, those ADUs shall be allowed to remain until voluntarily demolished or converted to other uses, consistent with the provisions of Code Section 26-120.C.
 - d. The owner occupancy requirement of this section shall not apply to properties which, on August 15, 2022 (as documented by proof provided by the owner and to the satisfaction of the community development director), contain a primary dwelling and ADU, neither of which are occupied by the owner. In the event the property is sold or the owner commences occupancy of either the primary dwelling or ADU, this exemption from the application of the owner occupancy requirements of this section shall expire.
 - e. Properties containing existing nonconforming accessory structures may be eligible for conversion of those structures to an ADU only to the extent a

variance to address nonconforming elements is first obtained pursuant to Section 26-115.

G. *Existing development on lot.* A single detached dwelling unit must exist as a primary dwelling unit on the lot or parcel or be constructed simultaneously with the ADU. A certificate of occupancy or completion for an ADU will only be issued after or coincident with issuance of the same for the primary dwelling unit.

Section 23. The “Permitted Uses” Chart set forth in Section 26-1111 of the Wheat Ridge Code of Laws, concerning permitted uses in mixed use zone districts, is hereby amended by inserting a new row concerning ADUs as follows:

<i>Permitted Uses</i>				
Use Group	<i>MU-C</i>	<i>MU-C Int</i>	<i>MU-C TOD</i>	<i>MU-N</i>
<i>Ancillary Uses</i>				
<u>Accessory dwelling unit (see § 26-646), as an accessory use to a single detached dwelling</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>P</u>

Section 24. The following definitions within Section 26-1119 of the Wheat Ridge Code of Laws, defining certain terms applicable to Article XI of Chapter 26 of the Code concerning mixed use zoning, are hereby amended, as follows:

Dwelling, duplex. A building designed for occupancy by two (2) families living in separate dwelling units as tenants from month to month or for a term longer than one (1) month. **A building containing two (2) separate primary dwelling units attached by one (1) or more common walls either in a stacked configuration or side-by-side configuration. Also referred to as two-unit dwelling.**

...

Dwelling, single detached. A single dwelling unit in a single building not attached to other buildings other than those accessory to the dwelling. **Also referred to as single-unit dwelling.**

Section 25. All references to the terms “single-family,” “two-family,” and “multi-family” within Chapters 21 and 26 are hereby replaced with the terms “single-unit” or “single detached”, “duplex,” and “multi-unit” as enumerated in the attached Exhibit 1.

Section 26. 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 27. Effective Dates; Compliance Required. This Ordinance shall take effect on August 15, 2022, as permitted by Section 5.11 of the Charter.

INTRODUCED, READ, AND ADOPTED on first reading by a vote of 8 to 0 on this 27th day of June, 2022, 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 11, 2022 at 7:00 p.m., as a virtual meeting and in the Council Chambers, 7500 West 29th Avenue, Wheat Ridge, Colorado if allowed to meet in person on that date per COVID-19 restrictions and that it takes effect on August 15, 2022.

READ, ADOPTED AND ORDERED PUBLISHED on second and final reading by a vote of 7 to 1, this 11th day of July, 2022.

SIGNED by the Mayor on this 13 day of July, 2022.



Bud Starker, Mayor


ATTEST:



Stephen Kirkpatrick, City Clerk



Approved as to Form:



Gerald E. Dahl, City Attorney

First Publication: June 30, 2022
Second Publication: July 14, 2022
Effective Date: August 15, 2022

Published:
Jeffco Transcript and www.ci.wheatridge.co.us

Exhibit 1

The terms “single-family”, “two-family”, and “multi-family” are hereby replaced in the listed sections, as follows:

26-103.B	Replace "single and two-family" with "single detached and duplex"
26-103.E	Replace "single-family" with "single-unit dwelling"
26-111.A	Replace "single-family dwelling or one-duplex dwelling" with "single-unit dwelling or two-unit dwelling"
26-117.C	Replace "multifamily" with "multi-unit"
26-117.D	Replace "multifamily" with "multi-unit" (three instances)
26-117.D	Replace "single-family or two-family" with "single-unit or two-unit"
26-120.B	Replace "single-family" with "single-unit" and “single-family residence” with “single-unit dwelling”
26-123	Definition of Bed and breakfast rooms: Replace "one-family" with "single detached" (both instances)
26-123	Definition of Manufactured Home: Replace "single-family" with "single-unit or accessory"
26-204 (Residential Table of Uses)	Replace "One-family dwelling" with "Single detached dwelling"
	Replace "Two-family dwelling" with "Duplex dwelling"
	Replace "Three-family dwelling" with "Three-unit dwelling"
	Replace "Four-family dwelling" with "Four-unit dwelling"
	Replace "Multifamily dwelling" with "Multi-unit dwelling"
	For Farmers' markets use, update notes: Replace "single- or two-family home" with "single- or two-unit dwelling"
26-204 (Agricultural and Public Facilities Table of Uses)	
	Replace "One-family dwelling" with "Single detached dwelling"
26-205.B (R-1)	Replace "One-family dwelling" with "Single detached dwelling"
26-206.B (R-1A)	Replace "One-family dwelling" with "Single detached dwelling"
26-207.B (R-1B)	Replace "One-family dwelling" with "Single detached dwelling"
26-208.A (R-1C)	Replace "single-family" with "single-unit"
26-208.B (R-1C)	Replace "One-family dwelling" with "Single detached dwelling"
26-209.B (R-2)	Replace "One-family dwelling" with "Single detached dwelling" and "Two-family dwelling" with "Duplex dwelling"
26-210.B (R-2A)	Replace "One-family dwelling" with "Single detached dwelling" and "Two-family dwelling" with "Duplex dwelling" and “Multifamily” with “Multi-unit dwelling”
	Footnote d: Replace "one- or two-family" with "single- or two-unit"
	Footnote e: Replace “multifamily” with “multi-unit”
	Footnote h: Replace “multifamily dwelling units” with “multi-unit dwellings”
26-210.C (R-2A)	Replace "single- or two-family homes" with "single- or two-unit dwellings"

26-211.B (R-3)	Replace "One-family dwelling" with "Single detached dwelling" and "Two-family dwelling" with "Duplex dwelling" and replace "Multifamily" with "Multi-unit dwelling"
	Footnote e: Replace "one- or two-family" with "single- or two-unit"
	Footnote f: Replace "multifamily" with "multi-unit"
	Footnote i: Replace "one-family" with "single detached"
	Footnote i (after bulk plane line): Replace "multifamily dwelling units" with "multi-unit dwellings"
26-211.C (R-3)	Replace "single- or two-family homes" with "single- or two-unit dwellings"
26-212.B (R-3A)	Replace "One-family dwelling" with "Single detached dwelling" and "Two-family dwelling" with "Duplex dwelling" and "Multifamily" with "Multi-unit dwelling"
	Footnote e: Replace "one- or two-family" with "single- or two-unit"
	Footnote f: Replace "multifamily" with "multi-unit"
	Footnote h: Replace "multifamily dwelling units" with "multi-unit dwellings"
26-212.C (R-3A)	Replace "single- or two-family homes" with "single- or two-unit dwellings"
26-213.A (A-1)	Replace "single-family" with "single-unit"
26-213.B (A-1)	Replace "One-family dwelling" with "Single detached dwelling"
	Footnote c: Replace "one-family or two-family dwelling" with "single-unit dwelling"
26-213.C (A-1)	Replace "single- or two-family homes" with "single- or two-unit dwellings"
26-214.B (A-2)	Replace "One-family dwelling" with "Single detached dwelling"
	Footnote c: Replace "one-family or two-family dwelling" with "single-unit dwelling"
26-214.C (A-2)	Replace "single- or two-family homes" with "single- or two-unit dwellings"
26-215.C (PF)	Replace "single- or two-family homes" with "single- or two-unit dwellings"
26-307.D	Replace "single- and two-family" with "single- and two-unit dwelling"
26-412.D.2.b	Replace "in a single family area" with "in an area predominately consisting of single detached dwellings"
26-417.E.2.b	Replace "Multifamily" in title with "Multi-unit" and in subset "i"
26-417.E.2.c	Replace "Single- or two-family" in title with "Single- or two-unit", in title and in subset "i"
26-420	Replace "multi-family" with "multi-unit residential" in the section heading. Replace all instances of "multi-family" throughout following the instructions below (in order of appearance):
	<ul style="list-style-type: none"> • A, 1st para: Replace "multi-family dwelling units" with "multi-unit dwellings" • A, 1st para: Replace "multi-family" with "multi-unit" • A, 1st para: Replace "multi-family" with "multi-unit" • A, 2nd para: Replace "MULTI-FAMILY DWELLING UNITS" with "MULTI-UNIT DWELLINGS" • A: 2nd para: Replace "MULTI-FAMILY" with "MULTI-UNIT" (both instances) • A, 3rd para: Replace all instances of "MULTI-FAMILY" with "MULTI-UNIT" • A, 4th para: Replace "MULTI-FAMILY" with "MULTI-UNIT" • A, 6th para: Replace all instances of "MULTI-FAMILY" with "MULTI-UNIT" • B, 1st para: Replace "multi-family" with "multi-unit"
26-501.B	Replace "single-family" with "single detached dwelling"
26-501.B.7	Replace "single and two-family" with "single- and two-unit"
26-501.E.1.c.iv	Replace "Multifamily" with "Multi-unit dwelling" (both instances)
26-501.E.2, Table 6	(Summary Chart)
	In Multifamily elderly housing... category, replace "Multifamily" with "Multi unit"

	In Multifamily residential category, replace "Multifamily" with "Multi unit"
	Replace "New single- and two-family residential" category with "New single- and two-unit dwellings"
	In Residential group homes category, replace "single-family residential" in requirements column with "single-unit"
26-501.E.4.a.i	Replace "multifamily" with "multi-unit dwelling"
26-501.E.4.b, Table 7	Replace "multifamily" with "multi-unit dwelling"
26-501.E.5	Replace "single-family" with "single detached", Replace "one- or two-family" with "single- or two-unit"
26-501.E.9	Replace "one- and two-family" with "single- and two-unit"
26-501.E.12.b	Replace "one- and two-family" with "single- and two-unit"
26-501.E.12.c	Replace "one- and two-family" with "single- and two-unit"
26-501.E.12.k	Replace "multifamily" with "multi-unit dwelling" (both instances)
26-501.E.12.l	Replace "one- and two-family" with "single- and two-unit"
26-501.F.1	Replace "one- or two-family" with "single- or two-unit"
26-501.F.2.a	Replace "one- and two-family" with "single- and two-unit"
26-501.F.2.b	Replace "one- and two-family" with "single- and two-unit"
26-501.G.3.d.iii	Replace "multi-family" with "multi-unit dwelling", replace next "multi-family" with "multi-unit", and replace "multifamily" with "multi-unit"
26-501.H.10	Replace "one- or two-family" with "single- or two-unit" (both instances)
26-502.B	Replace "multi-family" with "multi-unit dwelling"
26-502.C.5	Replace "single-family" with "single-unit"
26-502.D.1	Replace "Single- and two-family" with "Single detached and duplex"
26-502.D.1.c	Replace "single family and two family residences" with "single detached and duplex dwellings"
26-502.D.2	Replace "Multifamily" with "Multi-unit"
26-502.D.2.e	Replace "multi-family" with "multi-unit dwelling"
26-503.C.3, 8, and 9	Replace "multifamily" with "multi unit" (3 instances in Sec. 26-503)
26-603.B.2.c.v	Replace "single and two family homes" with "single- and two-unit dwellings"
26-608	Replace "one-family" with "single detached"
26-608.B.3	Replace "one-family" with "single detached"
26-614.A.2	Replace "one- or two-family" with "single- or two-unit"
26-614.B	Replace "One- and two-family" with "One- and two-unit"
26-614.D	Replace "multi-family" with "multi-unit dwelling"
26-615.D.7.b	Replace "single- or two-family" with "single- or two-unit"
26-615.D.7.d	Replace "multi-family with "multi-unit dwelling"
26-616.F.1.b	Replace "multifamily" with "multi-unit dwelling"
26-621.l	Replace "multi-family" with "multi-unit" and "multifamily" with "multi-unit"
26-638.A	Replace "one-family, two-family, or multi-family" with "single-unit, two-unit, or multi-unit"
26-639.C.7	Replace "family" with "unit" (both instances)
26-645.C.1	Replace "multifamily" with "multi-unit dwellings"

26-645.E.1	Replace "single- and two-family" with "single- and two-unit", Replace "single-family attached townhomes" with "single attached townhome"
26-709.B.1	Replace "single-family and duplex units" with "single detached and duplex dwellings"
26-709.B.2	Replace "Multifamily" with "Multi-unit"
26-709.C, Table 1	Replace "Multifamily" with "Multi unit"
26-709.C, Table 2	Replace "Multifamily" with "Multi unit"
26-710.J.6	Replace "multifamily" with "multi-unit dwelling"
26-711.I.3	Replace "multifamily" with "multi-unit dwellings" (both instances)
26-1104.G	Replace "single- or two-family" with "single- or two-unit"
26-1105.C	Replace "single- or two-family" with "single- or two-unit" (in table)
26-1106.H.1	Replace "single- or two-family" with "single- or two-unit"
26-1106.H.2	Replace "single- or two-family" with "single- or two-unit"
26-1109.J.2	Replace "multifamily" with "multi-unit"
26-1301.A	Replace "multi-family" with "multi-unit residential" in subsections 1 and 2.
26-1302	In "association", replace "multi-family" with "multi-unit" (both instances) In "homeowner", replace "multi family" with "multi-unit" and "multifamily" with "multi-unit residential"
26-1303	Replace "multi-family" with "multi-unit" and "multifamily" with "multi-unit residential"
21-124.a(3)	Replace "Multifamily" with "Multi-unit dwellings"
21-124.b	Replace "single family residential homes" with "single detached dwellings"
21-182.2	Replace "single-family residence" with "single detached" and replace "two-family" with "duplex"