

**CITY OF WHEAT RIDGE, COLORADO**  
**INTRODUCED BY COUNCIL MEMBER NOSLER BECK**  
**COUNCIL BILL NO. 08**  
**ORDINANCE NO. 1760**  
**Series 2023**

**TITLE: AN ORDINANCE AMENDING ARTICLE IV OF CHAPTER 26 OF THE WHEAT RIDGE CODE OF LAWS, CONCERNING REQUIREMENTS FOR DEDICATION OF PUBLIC PARKS AND SITES AND MAKING CONFORMING AMENDMENTS THEREWITH**

**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, or welfare; and

**WHEREAS**, the Council adopted the Affordable Housing Strategy and Action Plan in January 2023 to establish a foundation and framework for the City to address affordable housing issues; and

**WHEREAS**, the Council finds it necessary to reduce the burden of developing income-restricted affordable housing 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 26-123 of the Wheat Ridge Code of Laws, defining certain terms applicable to Chapter 26 of the Code concerning zoning, is hereby amended by adding a new definition in the appropriate alphabetical location, as follows:

**Dwelling unit, deed-restricted affordable: A dwelling unit required to be used as affordable housing for income-qualified residents for a specified number of years pursuant to a restrictive covenant. This term shall include, but not be limited to, HUD multi-unit housing and Low-Income Housing Tax Credit project authorized by applicable law.**

**Section 2.** Section 26-414.A.2 of the Wheat Ridge Code of Laws, concerning exemptions from the parkland dedication requirement for residential development, is hereby amended by the addition of a new item iii in subsection b, as follows:

b. *Exemptions.*

- i. Nursing homes and similar confined care or skilled nursing facilities.
- ii. Accessory dwelling units.
- iii. **DEED-RESTRICTED AFFORDABLE DWELLING UNITS.**

**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 Severability, Conflicting Ordinances Repealed.** If any section, subsection or clause of this Ordinance shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections,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; Application to Developments in Process** This Ordinance shall take effect immediately upon adoption at second reading and signature by the Mayor, as permitted by Section 5.11 of the Charter. This ordinance shall apply to projects containing deed-restricted affordable dwelling units which are under review or inspection by the Community Development Department as of the effective date of this Ordinance, but for which final certificate of occupancy has not yet been granted.

**INTRODUCED, READ, AND ADOPTED** on first reading by a vote of 7 to 0 on this 24<sup>th</sup> day of April 2023, 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 May 8, 2023, at 6:30 p.m., as a virtual meeting and in the Council Chambers, 7500 West 29th Avenue, Wheat Ridge, Colorado.

READ, ADOPTED AND ORDERED PUBLISHED on second and final reading by a vote of 6 to 0, this 8th day of May 2023.

SIGNED by the Mayor on this 8th day of May 2023.



Bud Starker, Mayor

ATTEST:

  
Stephen Kirkpatrick, City Clerk

Approved as to Form



Gerald E. Dahl, City Attorney

First Publication: April 27, 2023  
Second Publication: May 11, 2023  
Effective Date: May 8, 2023

Published:  
Jeffco Transcript and [www.ci.wheatridge.co.us](http://www.ci.wheatridge.co.us)