

**CITY OF WHEAT RIDGE, COLORADO
INTRODUCED BY COUNCIL MEMBER HOPPE
COUNCIL BILL NO. 16
ORDINANCE NO. 1768
Series 2023**

TITLE: AN ORDINANCE AMENDING ARTICLES I AND II OF CHAPTER 26 OF THE WHEAT RIDGE CODE OF LAWS, CONCERNING DEFINITIONS AND REGULATIONS FOR CHILDCARE FACILITIES, 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, in the exercise of this authority, the Council has previously adopted regulations pertaining to day care centers;

WHEREAS, the Council recognizes that these regulations can present barriers to new childcare facilities opening in the City of Wheat Ridge;

WHEREAS, the Council desires to allow childcare facilities in more locations and in underutilized or vacant nonresidential properties in residential zones such as places of worship, schools, or institutional buildings;

WHEREAS, the Council recognizes that the City’s regulation of childcare facilities should align with those of the State of Colorado to the greatest extent feasible.

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

Section 1. Section 26-123 (Definitions) of the Wheat Ridge Code of Laws is hereby amended as follows by revising the following definitions:

Day care center, large. A facility licensed by the State of Colorado which provides care of children with or without compensation, **for sixteen (16) or more than twenty-four (24) children, including preschools.**

Day care center, small. A facility licensed by the state of Colorado, which is used exclusively for the purpose of providing care, with or without compensation, for **five (5) seven (7) to fifteen (15) twenty-four (24) children, including preschools.**

Section 2. 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:

Uses	Notes	R-1	R-1A	R-1B	R-1C	R-2	R-2A	R-3	R-3A
<u>Day care home, large</u>		<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>P</u>	<u>P</u>
<u>Day care center, small or large</u>	<u>If the property contains a vacant nonresidential primary structure</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>
	<u>If the property is currently occupied by a nonresidential use</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>

Accessory Uses For Residential Districts	Notes
<u>Day care home, large</u>	<u>See § Sec 26-613; shall not be located adjacent to one another; in addition, the City may require a parking and traffic flow management plan prior to approval</u>
<u>Day care home, small</u>	<u>See § Sec 26-613</u>

Section 3. 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:

Uses	Notes	A-1	A-2	PF
<u>Day care center, large</u>		<u>S</u>	<u>S</u>	
<u>Day care center, small or large</u>		<u>S</u>	<u>S</u>	<u>P</u>
	<u>If the property contains a vacant nonresidential primary structure</u>	<u>P</u>	<u>P</u>	<u>P</u>

Agricultural and Public Facilities Districts Accessory Uses	Notes
<u>Day care home, large</u>	<u>See § Sec 26-613; shall not be located adjacent to one another; in addition, the City may require a parking and traffic flow management plan prior to approval</u>
<u>Day care home, small</u>	<u>See § Sec 26-613</u>

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

Uses	Notes	NC	RC	C-1	C-2	I-E
Day care center, large				P	P	P
Day care center, small				P	P	P
<u>Day care center, small or large</u>		<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
Day care center and preschools, large				P	P	P
Day care center and preschools, small				P	P	P

Section 5. Subsection 26-613.11.i of the Code, concerning home occupations, is hereby amended as follows:

11. Home occupations are limited to the following business or commercial activities:

[...]

- i. ~~Small day care home.~~ **Small and large day care homes, however large day care homes shall not be located adjacent to one another, and a parking and traffic flow management plan may be required at the sole discretion of the Community Development Director prior to approval of a business license.**

Section 6. The table of permitted uses set forth in Section 26-1111.B of the Wheat Ridge Code of Laws, concerning uses in mixed use zone districts, is hereby amended as follows:

Permitted Uses				
Use Group	MU-C	MU-C Interstate	MU-C TOD	MU-N
...				
Ancillary Uses				
<u>Day care home, small or large, as an accessory use to a single detached, duplex, or single attached dwelling</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>

Section 6. 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 7. Effective Date. This Ordinance shall take effect 15 days after final publication.

INTRODUCED, READ, AND ADOPTED on first reading by a vote of 7 to 0 on this 12th day of June 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 June 26, 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 7 to 0, this 28th day of June, 2023.

SIGNED by the Mayor on this 28th day of June, 2023.



Bud Starker, Mayor

ATTEST:


Stephen Kirkpatrick, City Clerk

Approved as to Form



Gerald E. Dahl, City Attorney

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