

**CITY OF WHEAT RIDGE, COLORADO
INTRODUCED BY COUNCIL MEMBER BERRY**

Council Bill No. 19

Ordinance No. 1448

Series of 2009

**TITLE: AN ORDINANCE AMENDING VARIOUS SECTIONS OF CHAPTER 26
OF THE WHEAT RIDGE CODE OF LAWS CONCERNING
RESIDENTIAL DEVELOPMENT STANDARDS (CASE NO. ZOA-09-02)**

WHEREAS, the City Council of the City of Wheat Ridge is authorized by the Home Rule Charter and the Colorado Constitution and statutes to enact and enforce ordinances for the preservation of the public health, safety and welfare; and

WHEREAS, the City Council of the City of Wheat Ridge finds that the proposed amendments implement recommendations from the adopted Neighborhood Revitalization Strategy; and

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

Section 1: Section 26-120 of the Code is amended to read:

Sec. 26-120. Nonconforming lots, uses and structures.

...

C. Nonconforming structures and uses: Where a structure or use lawfully existed at the time of the adoption or amendment of this chapter which could not be built under the current requirements of this chapter because of lot area, lot coverage, required yards or the location of the structure on the lot, such structure or use may be continued so long as it remains otherwise lawful, subject to the following.

1. Any one- or two-family dwelling structure or customary accessory structures 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. In instances of corner lots, no enlargement, alteration or addition shall be permitted to encroach within the minimum sight distance triangle as set forth in section 26-603B. In addition, no enlargement, alteration or addition which extends within the nonconforming area shall result in the development of any additional dwelling units.
2. If any structure or nonconforming portion thereof is demolished or reconstructed by the owner to an extent of more than fifty (50) percent of its replacement cost, it shall not be reconstructed except in conformity with the applicable provisions of this chapter.
3. If any structure should for any reason be moved from its location at the time of adoption or amendment of this chapter, it shall conform to the provisions of the district in which it is located after it is moved.
4. No existing structure devoted to a use not permitted by this chapter in the district in which located shall be enlarged, extended, constructed, reconstructed, moved or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.
5. Any nonconforming use may be extended throughout any part of the building which was designed or arranged for such use at the time of adoption or amendment of this chapter, but no such use shall be

extended to occupy any land outside such building. In addition, no such use shall be extended to any portion of the property outside of any building which was not used for said nonconforming use at the time of the adoption or amendment of this chapter creating said nonconforming use.

6. Whenever any nonconforming use of a structure, or land, or a structure and land in combination is discontinued for sixty (60) consecutive days or six (6) months during any three-year period (except when government action impedes access to the property) the structure, or structure and premises in combination shall not thereafter be devoted to a use not permitted in the district in which is located. Nonconforming residential structures and uses are exempt from the provisions of this subparagraph. Rezoning or special use permit applications for properties which are nonconforming uses at the time of application, and where these applications are intended to bring the nonconforming use into use conformance, shall not be charged application fees or be required to reimburse the city for direct expenses related to the application review process.

7. Setback encroachments for accessory buildings may be allowed where the principal structure encroaches into required setbacks in accordance with Section 26-625.

Section 2: Sections 26-205 – 26-214 of the Code are amended to read:

Sec. 26-205. Residential-One District (R-1)

A. *Intent and purpose:* This district is established to provide high quality, safe, quiet and stable low-density residential neighborhoods, and to prohibit activities of any nature which are incompatible with the low-density residential character.

B. *Development standards:*

TABLE INSET:

		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)
Principal Buildings	One-family dwelling	35'	25%	12,500 sf	100'	30' (c)	15'	15'
	Group home	35'	25%	12,500 sf	100'	30' (c)	15'	15'
	Churches, schools, government and quasi-government buildings, golf courses, small day care center, and nursing, elderly and congregate care homes	35'	25%	1 acre	200'	30' (c)	15' (e)	20'
Accessory Buildings (d)	Major	15'	1,000 sf	N/A	N/A	30' (c)	15'	15'
	Minor	10'	400 sf	N/A	N/A	30' (c)	15'	15'

	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)
All Other Uses	35'	25%	12,500 sf	100'	30' (c)	5' (e)	15'

Notes:

- (a) Front setback reductions may be allowed in accordance with Section 26-611.
- (b) Any side or rear yard which abuts a public street shall have a minimum setback of thirty (30) feet for all structures.
- (c) Front setbacks for structures on lots or portions of lots which abut cul-de-sacs may be reduced to ten (10) feet for those portions of lots which abut a cul-de-sac bulb. (See Figure 26-123.3 at the end of section 26-123)
- (d) See Section 26-625 for additional regulations pertaining to accessory buildings.
- (e) Fifteen-foot setback for the first story and five (5) feet for each additional story. (Ord. No. 2001-1215, § 1, 2-26-01; Ord. No. 1313, § 1, 10-27-03)

Sec. 26-206. Residential-One A District (R-1A).

A. *Intent and purpose:* This district is established to provide high quality, safe, quiet and stable low-density residential neighborhoods, and to prohibit activities of any nature which are incompatible with the low-density residential character.

B. *Development standards:*

TABLE INSET:

		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)
Principal Buildings	One-family dwelling	35'	30%	9,000 sf	75'	25' (c)	10'	15'
	Group home	35'	30%	9,000 sf	75'	25' (c)	10'	15'
	Churches, schools, government and quasi-government buildings, golf courses, small day care center, and nursing, elderly and congregate care homes	35'	30%	1 acre	200'	25' (c)	15' (e)	20'
Accessory Buildings (d)	Major	15'	1,000 sf	N/A	N/A	25' (c)	5' if ≤ 10' in height, 10' if > 10'	5' if ≤ 10' in height, 10' if > 10'

	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)
						in height	if > 10' in height
Minor	10'	400 sf	N/A	N/A	25' (c)	5'	5'
All Other Uses	35'	30%	9,000 sf	75'	25' (c)	10'	15'

Notes:

- (a) Front setback reductions may be allowed in accordance with Section 26-611.
- (b) Any side or rear yard which abuts a public street shall have a minimum setback of twenty five (25) feet for all structures.
- (c) Front setbacks for structures on lots or portions of lots which abut cul-de-sacs may be reduced to ten (10) feet for those portions of lots which abut a cul-de-sac bulb. (See Figure 26-123.3 at the end of section 26-123)
- (d) See Section 26-625 for additional regulations pertaining to accessory buildings.
- (e) Fifteen-foot setback for the first story and five (5) feet for each additional story.

Sec. 26-207. Residential-One B District.

A. *Intent and purpose:* This district is established to provide high quality, safe, quiet and stable small lot, low-density residential neighborhoods, and to prohibit activities of any nature which are incompatible with the low-density residential character.

B. *Development standards:*

TABLE INSET:]

		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)
Principal Buildings	One-family dwelling	35'	40%	7,500 sf	60'	25' (d)	5' (e)	10'
	Group home	35'	40%	7,500 sf	60'	25' (d)	5' (e)	10'
	Churches, schools, government and quasi-government buildings, golf courses, small day care center, and nursing, elderly and congregate care homes	35'	40%	1 acre	200'	25' (d)	15' (g)	20'

		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'
All Other Uses		35'	40%	9,000 sf	60'	25' (d)	5' (e)	10'

Notes:

- (a) Corner lots shall have a minimum lot width of eighty (80) feet for both street frontages.
- (b) Front setback reductions may be allowed in accordance with Section 26-611.
- (c) Any side or rear yard which abuts a public street shall have a minimum setback of twenty five (25) feet for all structures.
- (d) Front setbacks for structures on lots or portions of lots which abut cul-de-sacs may be reduced to ten (10) feet for those portions of lots which abut a cul-de-sac bulb. (See Figure 26-123.3 at the end of section 26-123)
- (e) A total of fifteen (15) feet side yard setback for every individual lot with a minimum of five (5) feet on one (1) side.
- (f) See Section 26-625 for additional regulations pertaining to accessory buildings.
- (g) Fifteen-foot setback for the first story and five (5) feet for each additional story.
(Ord. No. 2001-1215, § 1, 2-26-01; Ord. No. 1313, § 3, 10-27-03)

Sec. 26-208. Residential-One C District (R-1C).

A. *Intent and purpose:* This district is established to provide high quality, safe, quiet and stable, medium-density single-family residential neighborhoods, and to prohibit activities of any nature which are incompatible with the medium-density residential character.

B. *Development standards:*

TABLE INSET:

		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)
Principal Buildings	One-family dwelling	35'	40%	5,000 sf	50'	20' (d)	5'	5'
	Group home	35'	40%	5,000 sf	50'	20' (d)	5'	5'
	Churches, schools, government and quasi-government buildings, golf courses, small day care center, and nursing, elderly and	35'	40%	1 acre	200'		15'	20'

		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)
	congregate care homes							
Accessory Buildings (e)	Major	15'	600 sf	N/A	N/A	20' (d)	5'	5'
	Minor	10'	300 sf	N/A	N/A	20' (d)	5'	5'
All Other Uses		35'	40%	9,000 sf	60'	20' (d)	5' (e)	10'

Notes:

- (a) Corner lots shall have a minimum lot width of eighty (80) feet for both street frontages.
- (b) Front setback reductions may be allowed in accordance with Section 26-611.
- (c) Any side or rear yard which abuts a public street shall have a minimum setback of twenty (20) feet for all structures.
- (d) Front setbacks for structures on lots or portions of lots which abut cul-de-sacs may be reduced to ten (10) feet for those portions of lots which abut a cul-de-sac bulb. (See Figure 26-123.3 at the end of section 26-123)
- (e) See Section 26-625 for additional regulations pertaining to accessory buildings.

(Ord. No. 2001-1215, § 1, 2-26-01; Ord. No. 1313, § 3, 10-27-03)

Sec. 26-209. Residential-Two District (R-2).

A. *Intent and purpose:* This district is established to provide high quality, safe, quiet and stable low to moderate-density residential neighborhoods, and to prohibit activities of any nature which are incompatible with the residential character.

B. *Development standards:*

TABLE INSET:

		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)
Principal Buildings	One-family dwelling	35'	40%	9,000 sf	75'	25' (d)	5' (e)	10'
	Two-family dwelling	35'	40%	12,500 sf	100'	25' (d)	5' per story (e)	10'
	Group home	35'	40%	9,000 sf	75'	25' (d)	5' per story (e)	10'
	Churches, schools, government and quasi-government buildings, golf courses, small day care center, and nursing,	35'	40%	1 acre	200'	25' (d)	15' (g)	20'

		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)
	elderly and congregate care homes							
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'
All Other Uses		35'	40%	9,000 sf	75'	25' (d)	5' (e)	10'

Notes:

- (a) Corner lots shall have a minimum lot width of eighty (80) feet for both street frontages.
- (b) Front setback reductions may be allowed in accordance with Section 26-611.
- (c) Any side or rear yard which abuts a public street shall have a minimum setback of twenty five (25) feet for all structures.
- (d) Front setbacks for structures on lots or portions of lots which abut cul-de-sacs may be reduced to ten (10) feet for those portions of lots which abut a cul-de-sac bulb. (See Figure 26-123.3 at the end of section 26-123)
- (e) A total of fifteen (15) feet side yard setback for every individual lot with a minimum of five (5) feet on one (1) side.
- (f) See Section 26-625 for additional regulations pertaining to accessory buildings.
- (g) Fifteen-foot setback for the first story and five (5) feet for each additional story.

Sec. 26-210. Residential-Two A District (R-2A).

A. *Intent and purpose:* This district is established to provide high quality, safe, quiet and stable medium-density residential neighborhoods, and to prohibit activities of any nature which are incompatible with the medium-density residential character.

B. *Development standards:*

TABLE INSET:

		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)
Principal Buildings	One-family dwelling	35'	40%	7,500 sf	60'	25' (d)	5' (d)	10'
	Two-family dwelling	35'	40%	9,000 sf	75'	25' (d)	5' per story	10'
	Multifamily (3/more dwelling units)	35'	40%	13,050 sf (e)	100'	25' (d)	5' per story	10' for one or two story buildings; 15' for three story
	Group home	35'	40%	9,000 sf	75'	25' (d)	5' per story	10'

		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)
	Churches, schools, government and quasi-government buildings, golf courses, small day care center, and nursing, elderly and congregate care homes	35'	40%	1 acre	200'	25' (d)	15' (f)	20'
Accessory Buildings (g)	Major	15'	600 sf (per unit)	N/A	N/A	25' (d)	5'	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'
All Other Uses		35'	40%	9,000 sf	75' (g)	25' (d)	5'	10'

Notes:

- (a) Corner lots shall have a minimum lot width of eighty (80) feet for both street frontages.
- (b) Front setback reductions may be allowed in accordance with Section 26-611.
- (c) Any side or rear yard which abuts a public street shall have a minimum setback of twenty five (25) feet for all structures.
- (d) Front setbacks for one-or two-family dwelling structures on lots or portions of lots which abut cul-de-sacs may be reduced to ten (10) feet for those portions of lots which abut a cul-de-sac bulb. (See Figure 26-123.3.)
- (e) A minimum of four thousand three hundred fifty (4,350) square feet of land area shall be required for each dwelling unit for multifamily buildings.
- (f) Fifteen-foot setback for the first story and five (5) feet for each additional story.
- (g) See Section 26-625 for additional regulations pertaining to accessory buildings.

The requirements of section 26-120C.2. shall not apply to require compliance with minimum lot area and/or minimum land area per unit requirements otherwise applicable to the reconstruction of multifamily dwelling units in the R-2A district, where such structures and their reconstruction meet all of the following requirements:

1. The structure was legally in existence on September 8, 1997,
2. The structure is located upon a lot which does not meet the then-applicable minimum lot area and/or minimum land area per unit requirements for such proposed reconstruction, and
3. Such reconstruction is restricted to replacement of the structure which has been destroyed.

This exemption shall not apply to:

1. New construction where no replacement of a preexisting structure takes place or
2. Reconstruction of structures which were not legally in existence (as distinguished from legal nonconforming structures).

(Ord. No. 2001-1215, § 1, 2-26-01; Ord. No. 1313, § 6, 10-27-03)

Sec. 26-211. Residential-Three District (R-3).

A. *Intent and purpose:* This district is established to provide high quality, safe, quiet and stable medium to high-density residential neighborhoods, and to prohibit activities of any nature which are incompatible with the medium to high-density residential character.

B. *Development standards:*

TABLE INSET:

		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)
Principal Buildings	One-family dwelling	35'	40%	7,500 sf	60' (g f)	25' (e)	5'	10'
	Two-family dwelling	35'	40%	9,000 sf	75' (g f)	25' (e)	5' per story	10'
	Multifamily (3/more dwelling units)	35'	40%	12,500 sf (e)	100'	25' (e)	15' (c)	15' (c)
	Group home	35'	40%	9,000 sf	75'	25' (e)	5' per story	10'
	Churches, schools, government and quasi-government buildings, golf courses, small day care center, and nursing, elderly and congregate care homes	35'	40%	1 acre	200'	25' (e)	15' (b)	20'
Accessory Buildings (g)	Major	15'	600 sf (per unit)	N/A	N/A	25' (e)	5'	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'
All Other Uses		35'	40%	7,500 sf	60'	25' (e)	5' per story	10'

Notes:

- (a) Corner lots shall have a minimum lot width of eighty (80) feet for both street frontages.
- (b) Front setback reductions may be allowed in accordance with Section 26-611.
- (c) Side and rear yard setback shall be fifteen (15) feet for the first two (2) stories and an additional five (5) feet for each additional story over two (2) stories.
- (d) Any side or rear yard which abuts a public street shall have a minimum setback of twenty five (25) feet for all structures.

- (e) Front setbacks for one- or two-family dwelling structures on lots or portions of lots which abut cul-de-sacs may be reduced to ten (10) feet for those portions of lots which abut a cul-de-sac bulb. (See Figure 26-123.3.)
- (f) A minimum of three thousand six hundred thirty (3,630) square feet of land area shall be required for each dwelling unit for multifamily buildings.
- (g) See Section 26-625 for additional regulations pertaining to accessory buildings.

The requirements of section 26-120C.2. shall not apply to require compliance with minimum lot area and/or minimum land area per unit requirements otherwise applicable to the reconstruction of multifamily dwelling units in the R-3 district, where such structures and their reconstruction meet all of the following requirements:

1. The structure was legally in existence on September 8, 1997,
2. The structure is located upon a lot which does not meet the then-applicable minimum lot area and/or minimum land area per unit requirements for such proposed reconstruction, and
3. Such reconstruction is restricted to replacement of the structure which has been destroyed.

This exemption shall not apply to:

1. New construction where no replacement of a preexisting structure takes place or
2. Reconstruction of structures which were not legally in existence (as distinguished from legal nonconforming structures).

(Ord. No. 2001-1215, § 1, 2-26-01; Ord. No. 1313, § 7, 10-27-03)

Sec. 26-212. Residential-Three A District (R-3A).

A. *Intent and purpose:* This district is established to provide high quality, safe, quiet and stable medium-density residential neighborhoods, and to prohibit activities of any nature which are incompatible with the medium-density residential character.

B. *Development standards:*

TABLE INSET:

		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)
Principal Buildings	One-family dwelling	35'	40%	7,500 sf	60' (g)	25' (e)	5'	10'
	Two-family dwelling	35'	40%	9,000 sf	75' (g)	25' (e)	5' per story	10'
	Multifamily (3/more dwelling units)	35'	40%	12,500 sf (f)	100'	25' (e)	15' (c)	15' (c)
	Group home	35'	40%	9,000 sf	75'	25' (e)	5' per story	10'
	Churches, schools, government buildings, golf courses, small day care center, & nursing, elderly and congregate care homes	35'	40%	1 acre	200'	25'	15'(c)	20'

	Minor	10'	400 sf/4 d.u.	N/A	N/A	25' (e)	5'	5'
All Other Uses		35'	40%	7,500 sf	60'	25' (e)	5' per story	10'

Notes:

- (a) Corner lots shall have a minimum lot width of eighty (80) feet for both street frontages.
- (b) Front setback reductions may be allowed in accordance with Section 26-611.
- (c) Side and rear yard setback shall be fifteen (15) feet for the first two (2) stories and an additional five (5) feet for each additional story over two (2) stories.
- (d) Any side or rear yard which abuts a public street shall have a minimum setback of twenty five (25) feet for all structures.
- (e) Front setbacks for one- or two-family dwelling structures on lots or portions of lots which abut cul-de-sacs may be reduced to ten (10) feet for those portions of lots which abut a cul-de-sac bulb. (See Figure 26-123.3.)
- (f) A minimum of three thousand six hundred thirty (3,960) square feet of land area shall be required for each dwelling unit for multifamily buildings.
- (g) See Section 26-625 for additional regulations pertaining to accessory buildings.

The requirements of section 26-120C.2. shall not apply to require compliance with minimum lot area and/or minimum land area per unit requirements otherwise applicable to the reconstruction of multifamily dwelling units in the R-3A district, where such structures and their reconstruction meet all of the following requirements:

1. The structure was legally in existence on September 8, 1997,
2. The structure is located upon a lot which does not meet the then-applicable minimum lot area and/or minimum land area per unit requirements for such proposed reconstruction, and
3. Such reconstruction is restricted to replacement of the structure which has been destroyed.

This exemption shall not apply to:

1. New construction where no replacement of a preexisting structure takes place or
2. Reconstruction of structures which were not legally in existence (as distinguished from legal nonconforming structures).

(Ord. No. 2001-1215, § 1, 2-26-01; Ord. No. 1313, § 7, 10-27-03)

Sec. 26-213. Agricultural-One District (A-1).

A. *Intent and purpose:* This district is established to provide a high quality, safe, quiet and stable residential estate living environment within a quasi-rural or agricultural setting. In addition to large lot, single-family residential and related uses, agricultural uses and activities will exist and be encouraged to continue.

B. *Development standards:*

TABLE INSET:

		Maximum Height	Maximum Building Coverage	Minimum Lot Area (d b)	Minimum Lot Width	Minimum Front Yard Setback	Minimum Side Yard Setback (a)	Minimum Rear Yard Setback (b)
Principal Buildings	One-family dwelling	35'	25%	1 acre	140'	30' (c)	15'	15'
	Group home	35'	25%	1 acre	140'	30' (c)	15'	15'
	Churches, schools, government and quasi-government buildings, golf courses, small day care center, and nursing, elderly and congregate care homes	35'	25%	1 acre	200'	30' (c)	15'	20'
Accessory Buildings (e)	Major	35'	25%	N/A	N/A	30' (c)	15'	5'
	Minor	35'	25%	N/A	N/A	30'	15'	5'
All Other Uses		35'	25%	1 acre	140'	30'	15'	15'

Notes:

- (a) Any side yard which abuts a public street shall have a minimum setback of thirty (30) feet for all structures.
- (b) Any rear yard which abuts a public street shall have a minimum setback of thirty (30) feet for all structures, except where greater setbacks are specifically required.
- (c) Front setbacks for one-family or two-family dwelling structures on lots or portions of lots which abut cul-de-sacs may be reduced to ten (10) feet for those portions of lots which abut a cul-de-sac bulb. (See Figure 26-123.3.)
- (d) Lots smaller than one (1) acre may be used only for residential purposes.
- (e) See Section 26-625 for additional regulations pertaining to accessory buildings.

(Ord. No. 2001-1215, § 1, 2-26-01)

Sec. 26-214. Agricultural-Two Zone District (A-2).

A. *Intent and purpose:* This district is established to provide a reasonably compatible transition between residential and more intensive agricultural land uses. It provides for large-lot, residential estate living while allowing more commercially oriented, yet still agricultural operations. Design standards have been included where possible to provide a reasonable interface between the two (2) extremes.

B. *Development standards:*

TABLE INSET:

		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)
Principal Buildings	One-family dwelling	35'	25%	1 acre	140'	30' (c)	15'	15'
	Group home	35'	25%	1 acre	140'	30' (c)	15'	15'

	Churches, schools, government and quasi-government buildings, golf courses, small day care center, and nursing, elderly and congregate care homes	35'	25%	1 acre	200'	30' (c)	15'	20'
Accessory Buildings (f)	Major	35'	25%	N/A	N/A	30' (c)	15'	5'
	Minor	35'	25%	N/A	N/A	30' (d)	15'	5'
All Other Uses		35'	25%	1 acre	140'	30'	15'	15'

Notes:

- (a) Any side yard which abuts a public street shall have a minimum setback of thirty (30) feet for all structures.
- (b) Any rear yard which abuts a public street shall have a minimum setback of thirty (30) feet for all structures, except where greater setbacks are specifically required.
- (c) Front setbacks for one-family or two-family dwelling structures on lots or portions of lots which abut cul-de-sacs may be reduced to ten (10) feet for those portions of lots which abut a cul-de-sac bulb. (See Figure 26-123.3.)
- (d) Accessory buildings housing livestock (including poultry, kennels and rabbits) shall be set back one hundred (100) feet from the front property line. All other accessory buildings not listed shall have a minimum front setback of seventy-five (75) feet.
- (e) Lots smaller than one (1) acre may be used only for residential purposes.
- (f) See Section 26-625 for additional regulations pertaining to accessory buildings.

(Ord. No. 2001-1215, § 1, 2-26-01)

Section 3: Section 26-123 of the Code is amended to read:

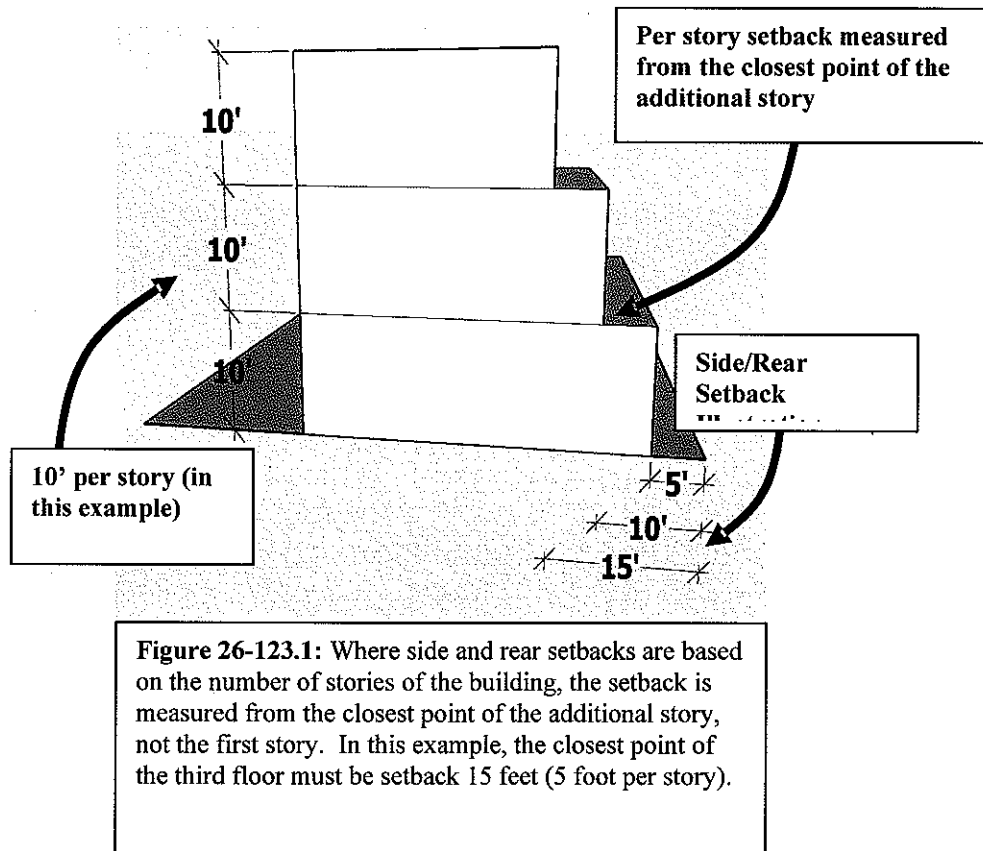
Sec. 26-123. Definitions.

For the purpose of this zoning code, and as used or referred to in other sections, chapters or articles of the Wheat Ridge Code of Laws, unless specifically defined otherwise, the following words and terms are defined as follows. Words used in the present tense include the future; words in the singular number include the plural, and words in the plural number include the singular; the word "building" includes the word "structure" and the word "shall" is mandatory and not directory. Any word or term used in this chapter not specifically defined above shall be interpreted as that word is defined elsewhere in the Wheat Ridge Code of Laws, or if not defined elsewhere in the Code of Laws, as defined in Colorado Revised Statutes, or if not defined in the statutes, as defined in Webster's Dictionary.

Setback line, rear. A line parallel with a rear lot line of a lot, tangent to that part of a building situated on such lot which is closest to such side lot line and intersecting two (2) other lot lines of such lot. In instances where rear setbacks are based on the number of stories, the setback shall be measured from a line parallel with the applicable lot line to the closest point of the additional story. (See Figure 26-123.1).

Setback line, side. A line parallel with a side lot line of a lot, tangent to that part of a building situated on such lot which is closest to such side lot line and intersecting two (2) other lot lines of such lot. In ZOA-09-02/ Residential Development Standards

instances where rear setbacks are based on the number of stories, the setback shall be measured from a line parallel with the applicable lot line to the closest point of the additional story. (See Figure 26-123.1).



Section 4: Section 26-306 of the Code is amended to read:

Sec. 26-611. Building setbacks.

A. Generally, building setback shall be measured at right angles from the closest property line to the outermost wall of a building. In residential zone districts only, encroachments into required setback areas shall not be permitted except as follows, provided however, that no encroachment into a side or rear yard is allowed in the NC, RC, C-1, C-2, or I zone districts when adjacent to a residentially zoned property:

1. Porches, patios, decks and balconies

Porches, patios, decks and balconies which are open on at least two (2) sides may encroach into a front setback up to eight feet or into a side or rear yard a maximum of one-third the distance to the closest property line.

2. Architectural features

Cornices, eaves, beltcourses, sills, canopies or other similar architectural features, including bay windows, may extend or project into a required front, side or rear yard not more than thirty (30) inches.

3. Chimneys

Chimneys may project into a required front, side or rear yard not more than two (2) feet, provided the width of such yard is not reduced to less than three (3) feet.

4. Fire escapes, open stairways

A fire escape or open stairway may extend into any front, side or rear yard, provided the width of such yard is not reduced to less than three (3) feet.

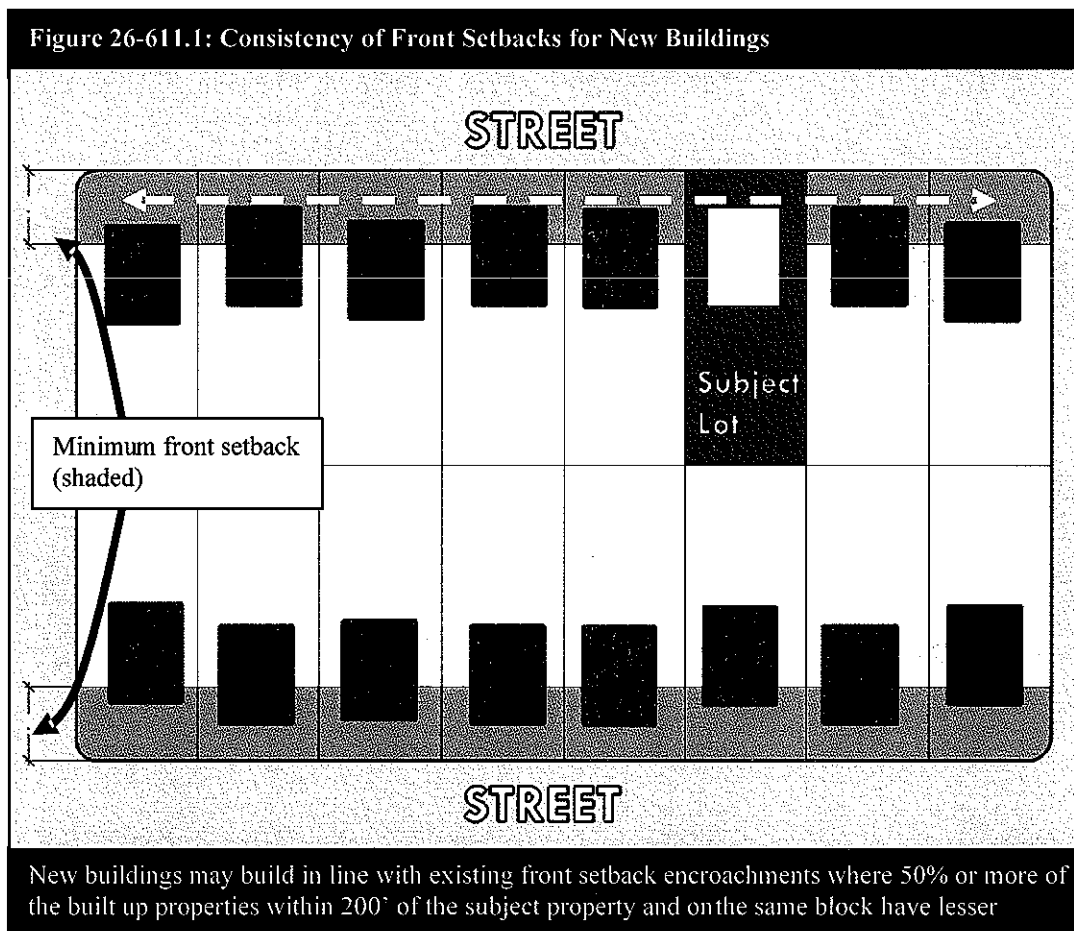
5. Nonconforming setbacks

Where there are existing setback encroachments that lawfully existed in accordance with Section 26-120 (Nonconforming lots, uses and structures), additions and new buildings may be allowed setback encroachments in accordance with Section 26-120 and Section 26-625, (Accessory Buildings).

B. Allowed Front Yard Setback Encroachments for Principal Buildings

If fifty (50) percent or more of the main buildings within a built-up area in any district have more or less than the required front yard, each new main building may have a front yard consistent with the average building setbacks in the immediate area, except that for the purpose of computing such average, a front yard setback less than fifteen (15) feet shall be deemed to be fifteen (15) feet. For the purpose of this regulation, an immediate area shall be deemed "built-up" if fifty (50) percent or more of the lots within the same block and within two hundred (200) feet on each side lot line within the same block of any particular lot have been improved with buildings (See Figure 26-611.1). However, in no instance shall a structure encroach into a required sight distance triangle.

(Ord. No. 2001-1215, § 1, 2-26-01; Ord. No. 1313, § 9, 10-27-03)



Section 5: Section 26-625 of the Code is amended to read:

Section 26-625 Accessory Buildings

A. Purpose

The purpose of this section is to allow accessory buildings that are incidental and subordinate to the principal use and structure on a property and to set forth standards that help to minimize adverse impacts of these buildings on adjacent property. The purpose of this section is also to allow flexibility to construct accessory buildings on challenging properties relative to size and existing physical improvements while minimizing adverse impacts on surrounding properties.

B. Applicability

All accessory buildings on residentially zoned property shall be subject to the provisions set forth in this section, and those in Sections 26-205 to 26-214 (residential and agricultural zone district regulations). In the event of a conflict between the accessory building standards in this section and any other requirements of this Code, this section shall control.

C. Accessory Building Standards

1. General Standards

a. Location

- i. No accessory building shall be located on a vacant lot devoid of any primary or main building.
- ii. No accessory building shall be located within any platted or recorded easement or over any utility, except as otherwise expressly agreed to in writing by the City or utility provider, as applicable.

b. Size and Height

The size and height of accessory buildings shall be as set forth in the residential zone district regulations in Sections 26-205 to 26-214.

c. Miscellaneous Provisions

i. Metal Accessory Building Restriction

Metal accessory buildings over 120 square feet are not permitted in any residential zoning district. Frame-built residential accessory structures over 120 square feet in size may be allowed to have metal siding as long as the material has a textured wood grain appearance similar to horizontal clapboard. Vertically placed vinyl-clad siding is not allowed.

ii. Buildings Housing Animals

Any building that houses animals, except a residence, shall be setback a minimum of fifteen (15) feet from property lines and at least thirty (30) feet from a residential structure on an adjacent property, except as otherwise specified in any zone district.

iii. Gates and Guard Houses

Gates and guard houses are only allowed as part of an approved planned development.

iv. Dwelling Unit Restriction

Except as otherwise expressly allowed, no dwelling unit shall be located in any accessory.

2. Major and Minor Accessory Buildings

Major and minor accessory buildings shall be as defined in Sections 26-205 to Section 26-214 based on size and height.

3. Allowable Setback Encroachments for Accessory Buildings

Accessory buildings may encroach into required setbacks as set forth below:

a. Front Yards and Side and Rear Yards Abutting Public Streets

Where an existing principal building that lawfully existed at the time of the adoption or amendment of this section encroaches into a required front yard setback or a required side or rear yard setback abutting a public street, an accessory building may encroach into the required setback as follows, provided that there shall be no encroachment into the minimum sight distance triangle as set forth in section 26-603B:

i. Detached Garages and Carports

Detached garages and carports may build in line with the nonconforming principal building, as long as the detached garage is located behind the front or street-facing façade of the principal building, except as follows:

a) Where the garage door or main vehicular access is located parallel to the street, the

setback cannot be between five (5) feet and eighteen (18) feet.

The purpose of this regulation is to allow setback encroachments where there will be not be the possibility of vehicles parked in the driveway in conflict with public rights-of-way. (See Figures 26-625.1)

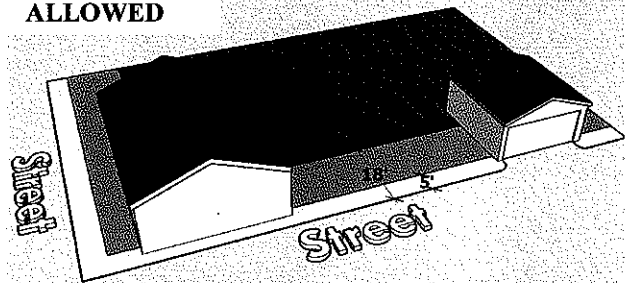
- b) Where the garage door or main vehicular access is located perpendicular to the street, the detached garage or carport may be built in line with the principal building. The purpose of this regulation is to allow setback encroachments where there will be not be the possibility of vehicles parked in the driveway in conflict with public rights-of-way.

- c) Where the garage door or main vehicular access is located parallel to and accessed off of an arterial street, the detached garage may not encroach into the required setback.

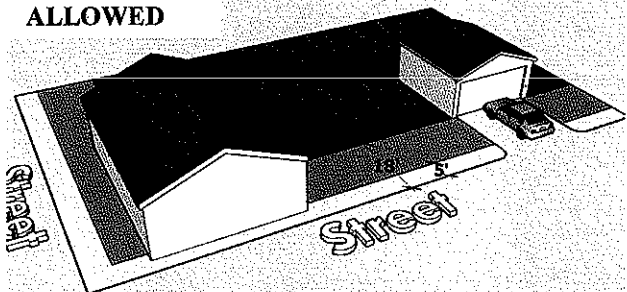
- d) The Community Development Director may require modified setbacks in these instances where there may be potentially hazardous conditions.

Figure 26-625.1: Allowed Setback Encroachments, Detached Garages

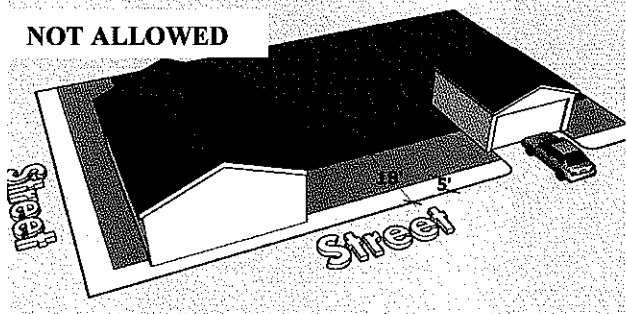
ALLOWED



ALLOWED



NOT ALLOWED



ii. All Other Accessory Buildings

Accessory buildings that do not have any vehicular access may build in line with the nonconforming principal structure in front yards and side and rear yards abutting public

streets, as long as the accessory building is located behind the front or street-facing façade of the principal structure.

Section 6. Safety Clause. The City of Wheat Ridge hereby finds, determines, and declares that this ordinance is promulgated under the general police power of the City of Wheat Ridge, that it is promulgated for the health, safety, and welfare of the public and that this ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The City Council further determines that the ordinance bears a rational relation to the proper legislative object sought to be attained.

Section 7. Severability. If any clause, sentence, paragraph, or part of this Zoning Code or the application thereof to any person or circumstances shall for any reason be adjusted by a court of competent jurisdiction invalid, such judgment shall not affect application to other persons or circumstances.

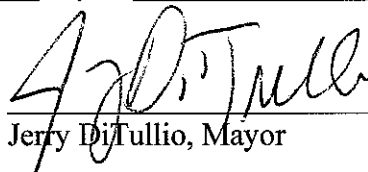
Section 8. Supersession Clause. If any provision, requirements or standard established by this Ordinance is found to conflict with similar provisions, requirements or standards found elsewhere in the Code of Laws of the City of Wheat Ridge, which are in existence as of the date of adoption of this Ordinance, the provisions, requirements and standards here shall supersede and prevail.

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


INTRODUCED, READ, AND ADOPTED on first reading by a vote of 8 to 0 on this 3rd day of August, 2009, 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 August 24, 2009, at 7:00 o'clock p.m., 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 6, this 24th day of August, 2009.

SIGNED by the Mayor on this 25th day of August, 2009.


Jerry DiTullio, Mayor

ATTEST:


Michael Snow, City Clerk

Approved as to form by City Attorney

Gerald Dahl, City Attorney

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Wheat Ridge Transcript
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