

CITY OF WHEAT RIDGE, COLORADO
INTRODUCED BY COUNCIL MEMBER DAVIS
Council Bill No. 22
Ordinance No. 1646

Series 2018

TITLE: AN ORDINANCE CREATING A NEW SECTION 26-643 OF THE WHEAT RIDGE CODE OF LAWS PROHIBITING THE USE OF FREESTANDING EMERGENCY ROOM FACILITIES

WHEREAS, the City of Wheat Ridge ("City") is a home rule municipality operating under a charter adopted pursuant to Article XX of the Colorado Constitution and vested with the authority by that article and the Colorado Revised Statutes to enact laws to govern and regulate the use of land within its territory; and

WHEREAS, pursuant to this authority, the Wheat Ridge City Council ("Council") previously adopted local land use regulations, codified as Chapter 26 of the Wheat Ridge Code of Laws ("Code"); and

WHEREAS, City staff has previously interpreted the City's current zoning regulations as permitting freestanding emergency room facilities to locate within the Mixed Use-Commercial and Planned Hospital Development zone districts only; and

WHEREAS, the Council found that freestanding emergency room facilities may cause land use impacts that are different than those caused by other detached health care facilities due to the extended hours that emergency facilities may be open; and

WHEREAS, approximately two years ago, in response to the increase in the number and popularity of freestanding emergency room facilities over the past several years, the Council determined that it was necessary and desirable to examine the City's zoning laws and business licensing regulations governing freestanding emergency room facilities; and

WHEREAS, additionally, the Council and City staff held a reasonable belief that the state legislature might adopt statewide legislation governing freestanding emergency room facilities that could potentially affect the desired parameters of local regulations on the topic, during either the last few legislative sessions; and

WHEREAS, as a result, by and through the adoption of Ordinance No. 1595, the Council previously acted to impose a one-year moratorium on the submission, acceptance, processing, and approval of all applications and requests for a permit, license, land use approval or other approval for any freestanding emergency room facility; and

WHEREAS, the Council and City staff learned that it was unlikely that the state legislature will adopt such legislation during the current session; and

WHEREAS, the Council therefore found it prudent and desirable to extend the moratorium, to permit the careful study and evaluation of various local regulatory options with an expectation that such regulations would operate without an additional state regulatory gloss; and

WHEREAS, the Council has now determined that it is in the best interests of the safety, health and welfare of the citizens of Wheat Ridge to prohibit the use of freestanding emergency room facilities within the City.

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

Section 1. Findings. The above and foregoing findings are hereby incorporated by this reference as specific findings and determinations of the Council.

Section 2. Chapter 26 of the Wheat Ridge Code of Laws is amended by the adoption of a new section 26-643 as follows:

Sec. 26-643. – Freestanding Emergency Room Facilities.

- A. For purposes of this Section, *freestanding emergency room facilities* shall mean and include a medical facility that is not physically attached to a hospital facility that has the capability of providing medical care and services to patients with emergency medical conditions in a manner similar to emergency rooms located within hospitals. Features of a freestanding emergency room facility may include, but are not limited to, expanded hours of operation, drive-lanes or vehicle bays to accommodate ambulance arrivals and departures, board-certified emergency physicians, board-certified emergency nurses, on-site lab and imaging capabilities and similar equipment, services and treatments not commonly available in urgent-care facilities.
- B. The use of freestanding emergency room facilities, as defined in this Section, is strictly prohibited in all zone districts within the City.

Section 3. The “Table of Uses – Commercial and Industrial Districts” Chart set forth in Section 26-204 of the Wheat Ridge Code of Laws, regarding “zone district use schedule,” is hereby amended by inserting a new row in the appropriate alphabetical order concerning freestanding emergency room facilities as follows:

Table of Uses – Commercial and Industrial Districts						
Uses	Notes	NC	RC	C-1	C-2	I-E
Freestanding emergency room facilities						

Section 4. 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 in the appropriate alphabetical order concerning freestanding emergency room facilities as follows:

Permitted Uses				
Use Group	MU-C	MU-C Interstate	MU-C TOD	MU-N
Freestanding emergency room facilities	NP	NP	NP	NP


Section 5. The moratorium on the submission, acceptance, processing, and approval of all applications and requests for a permit, license, land use approval or other approval for any freestanding emergency room facility imposed by Ordinance 1595 and extended by Ordinance 1616 and Ordinance 1634 is hereby repealed, upon the effective date of this ordinance.

Section 6. Effective Date. This Ordinance shall take effect upon adoption and signature by the Mayor and City Clerk, 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 23rd day of July, 2018, 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 13, 2018, 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 7 to 0, this 13th day of August, 2018.

SIGNED by the Mayor on this 13th day of August, 2018.



 Bud Starker, Mayor

ATTEST:

Janelle Shaver
Janelle Shaver, City Clerk



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Approved As To Form
Gerald E. Dahl
Gerald E. Dahl, City Attorney