

CITY OF WHEAT RIDGE, COLORADO
INTRODUCED BY COUNCIL MEMBER JAY
COUNCIL BILL NO. 20
ORDINANCE NO. 1526
Series 2012

TITLE: AN ORDINANCE APPROVING THE COMPREHENSIVE REZONING OF PROPERTY ALONG WEST 38TH AVENUE BETWEEN SHERIDAN AND WADSWORTH TO THE MIXED USE-NEIGHBORHOOD (MU-N) ZONE DISTRICT (CASE NO. WZ-12-04)

WHEREAS, the City Council of the City of Wheat Ridge is authorized by Section 26-113 of the Wheat Ridge Code of Laws to initiate rezoning of property; and

WHEREAS, the City Council of the City of Wheat adopted a resolution on July 9, 2012 initiating the rezoning of property located along 38th Avenue to Mixed Use-Neighborhood (MU-N); and

WHEREAS, the Envision Wheat Ridge comprehensive plan was adopted in 2009 and the 38th Avenue Corridor Plan was adopted in 2011; and

WHEREAS, both plans recommend that the 38th Avenue corridor redevelop into a mixed use main street with commercial, retail, and residential uses; and

WHEREAS, the existing zoning designations in this area are outdated and make mixed use development difficult to achieve; and

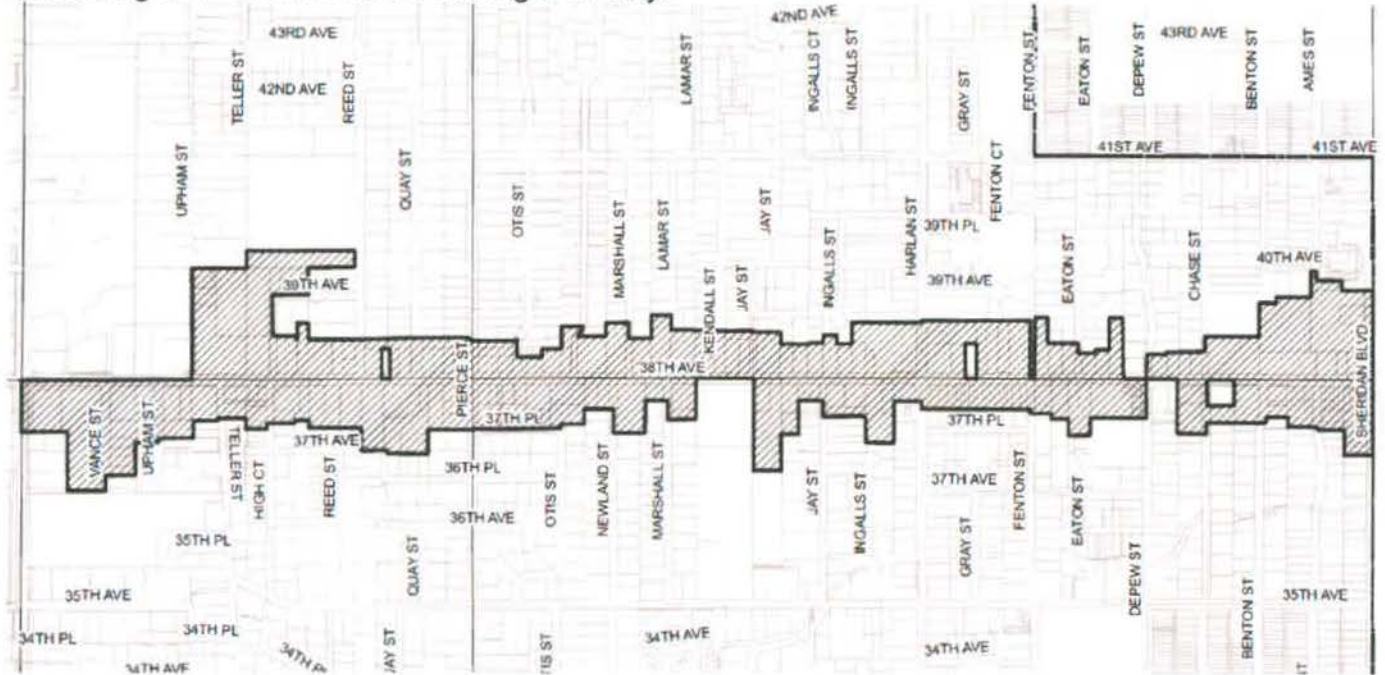
WHEREAS, the rezoning of the property to Mixed Use-Neighborhood (MU-N) would support City's adopted policies for the corridor to redevelop over time with a mix of uses; and

WHEREAS, the City of Wheat Ridge Planning Commission held a public hearing on September 6, 2012 and voted to recommend approval of rezoning to Mixed Use-Neighborhood (MU-N).

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

Section 1: Pursuant to the findings made based on testimony and evidence presented at the public hearing before the Wheat Ridge City Council, Mixed Use-Neighborhood (MU-N) zoning is approved for the following land:

The area located generally along West 38th Avenue between Sheridan and Wadsworth, as shown on the map below. The area to be rezoned includes adjacent right-of-way, extending to the centerline of that right-of-way.



Section 2: Approval of this zoning does not create a vested property right. Vested property rights may only arise and accrue pursuant to the provisions of Section 26-121 of the Code of Laws of the City of Wheat Ridge.

Section 3: Safety Clause. The City Council 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 objective sought to be attained.

Section 4: Severability; Conflicting Ordinances Repealed. If any section, subsection or clause of the 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 the ordinances in conflict with the provisions of this ordinance are hereby repealed.

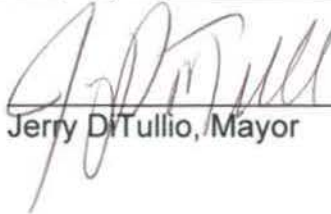
Section 5: Effective Date. This Ordinance shall take effect 30 days after final publication, as permitted by Section 5.11 of the Charter. Prior to said effective date, any owner of real property within the area rezoned described in Section 1 hereof may request that his or her property be removed from the area rezoned. Such request shall be in writing, shall describe with particularity the property requested to be removed from the area rezoned, shall be signed by all owners of record of said real property, and shall be delivered to the Director of Community Development. Upon receipt of a proper,

signed request within the time period specified in this Section 5, said property shall be removed from the area rezoned and shall retain the zone designation applicable to it prior to the passage of this Ordinance.

INTRODUCED, READ, AND ADOPTED on first reading by a vote of 7 to 0 on this 24th day of September, 2012, ordered it published with Public Hearing and consideration of final passage set for **Monday, October 22nd, 2012 at 7:00 p.m.**, in the Council Chambers, 7500 West 29th Avenue, Wheat Ridge, Colorado, and that it takes effect 30 days after final publication

READ, ADOPTED AND ORDERED PUBLISHED on second and final reading by a vote of 7 to 0, this 22nd day of October, 2012.

SIGNED by the Mayor on this 22nd day of October, 2012.

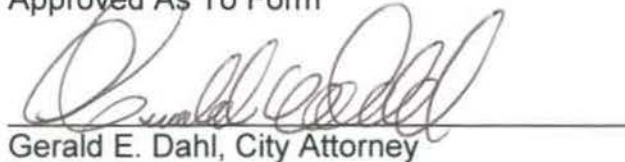

Jerry DiTullio, Mayor

ATTEST:


Janelle Shaver, City Clerk



Approved As To Form


Gerald E. Dahl, City Attorney

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Wheat Ridge Transcript:
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