

CITY OF WHEAT RIDGE, COLORADO
INTRODUCED BY COUNCIL MEMBER POND
COUNCIL BILL NO. 10
ORDINANCE NO. 1575
Series 2015

TITLE: AN ORDINANCE AMENDING ARTICLES II AND VI OF CHAPTER 26 OF THE CODE OF LAWS, CONCERNING RESIDENTIAL SIDE AND REAR YARD SETBACKS (CASE NO. ZOA-15-02)

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, in the exercise of that authority, the City Council of the City of Wheat Ridge has previously enacted Chapter 26 of the Wheat Ridge Code of Laws (the Code) pertaining to zoning, land use, and development; and

WHEREAS, the Wheat Ridge City Council (Council) has previously enacted regulations concerning residential setback requirements; and

WHEREAS, the City has identified a need to update these requirements specifically to reduce the burden on substandard corner lots; and

WHEREAS, the City believes that this update does not diminish the quality or character of its neighborhoods;

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

Section 1. Footnote (b) of Subsection 26-205 of the Code, concerning the Residential-One (R-1) zone district, is hereby amended as follows:

(b) Any side or rear yard which abuts a public street shall have a minimum setback of thirty (30) feet for all structures- **WITH THE FOLLOWING EXCEPTION: FOR CORNER LOTS THAT ARE 60 FEET OR NARROWER IN WIDTH, THIS REQUIREMENT SHALL BE REDUCED BY HALF.**

Section 2. Footnote (b) of Subsection 26-206 of the Code, concerning the Residential-One A (R-1A) zone district, is hereby amended as follows:

(b) Any side or rear yard which abuts a public street shall have a minimum setback of twenty-five (25) feet for all structures-, **WITH THE FOLLOWING EXCEPTION: FOR CORNER LOTS THAT ARE 60 FEET OR NARROWER IN WIDTH, THIS REQUIREMENT SHALL BE REDUCED BY HALF.**

Section 3. Footnote (c) of Subsection 26-207 of the Code, concerning the Residential-One B (R-1B) zone district, is hereby amended as follows:

(c) Any side or rear yard which abuts a public street shall have a minimum setback of twenty-five (25) feet for all structures-, **WITH THE FOLLOWING EXCEPTION: FOR CORNER LOTS THAT ARE 60 FEET OR NARROWER IN WIDTH, THIS REQUIREMENT SHALL BE REDUCED BY HALF.**

Section 4. Footnote (c) of Subsection 26-208 of the Code, concerning the Residential-One C (R-1C) zone district, is hereby amended as follows:

(c) Any side or rear yard which abuts a public street shall have a minimum setback of twenty (20) feet for all structures-, **WITH THE FOLLOWING EXCEPTION: FOR CORNER LOTS THAT ARE 60 FEET OR NARROWER IN WIDTH, THIS REQUIREMENT SHALL BE REDUCED BY HALF.**

Section 5. Footnote (c) of Subsection 26-209 of the Code, concerning the Residential-Two (R-2) zone district, is hereby amended as follows:

(c) Any side or rear yard which abuts a public street shall have a minimum setback of twenty-five (25) feet for all structures-, **WITH THE FOLLOWING EXCEPTION: FOR CORNER LOTS THAT ARE 60 FEET OR NARROWER IN WIDTH, THIS REQUIREMENT SHALL BE REDUCED BY HALF.**

Section 6. Footnote (c) of Subsection 26-210 of the Code, concerning the Residential-Two A (R-2A) zone district, is hereby amended as follows:

(c) Any side or rear yard which abuts a public street shall have a minimum setback of twenty-five (25) feet for all structures-, **WITH THE FOLLOWING EXCEPTION: FOR CORNER LOTS THAT ARE 60 FEET OR NARROWER IN WIDTH, THIS REQUIREMENT SHALL BE REDUCED BY HALF.**

Section 7. Footnote (d) of Subsection 26-211 of the Code, concerning the Residential-Three (R-3) zone district, is hereby amended as follows:

(d) Any side or rear yard which abuts a public street shall have a minimum setback of twenty-five (25) feet for all structures-, **WITH THE FOLLOWING EXCEPTION: FOR CORNER LOTS THAT ARE 60 FEET OR NARROWER IN WIDTH, THIS REQUIREMENT SHALL BE REDUCED BY HALF.**

Section 8. Footnote (d) of Subsection 26-212 of the Code, concerning the Residential-Three A (R-3A) zone district, is hereby amended as follows:

(d) Any side or rear yard which abuts a public street shall have a minimum setback of twenty-five (25) feet for all structures-, **WITH THE FOLLOWING EXCEPTION: FOR CORNER LOTS THAT ARE 60 FEET OR NARROWER IN WIDTH, THIS REQUIREMENT SHALL BE REDUCED BY HALF.**

Section 9. Subsection 26-611.B of the Code, concerning permitted setback encroachments, is hereby amended as follows:

B. *Allowed front yard setback encroachments for principal buildings.* **THE FOLLOWING SETBACK REDUCTION SHALL APPLY TO FRONT YARDS AND TO SIDE OR REAR YARDS WHICH ABUT A PUBLIC STREET.** 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 ~~SETBACK~~~~front yard~~, each new main building may have a ~~front yard~~ **SETBACK** consistent with the average building setbacks in the immediate area., ~~except that for~~ **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~~ **FRONT YARD SETBACKS**, 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). **FOR THE PURPOSE OF SIDE OR REAR YARD SETBACKS WHICH ABUT A PUBLIC STREET, AN IMMEDIATE AREA SHALL BE DEEMED "BUILT-UP" IF FIFTY (50) PERCENT OR MORE OF THE LOTS ON THE SAME SIDE OF THE STREET AND WITHIN THREE HUNDRED (300 FEET) OF THE SUBJECT PARCEL HAVE BEEN IMPROVED WITH BUILDINGS.** However, in no instance shall a structure encroach into a required sight distance triangle.

Section 10. 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 object sought to be attained.

Section 11. 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 12. Effective Date. This Ordinance shall take effect fifteen (15) days after final publication, as provided by Section 5.11 of the Charter.

INTRODUCED, READ, AND ADOPTED on first reading by a vote of 8 to 0 on this 8th day of June, 2015, ordered published with Public Hearing and consideration on final passage set for Monday, July 13, 2015 at 7:00 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 8 to 0, this 13th day of July, 2015.

SIGNED by the Mayor on this 13th day of July, 2015.



Joyce Jay

Joyce Jay, Mayor

ATTEST:

Janelle Shaver

Janelle Shaver, City Clerk

Approved as to form
Gerald E. Dahl

Gerald E. Dahl, City Attorney

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