

**CITY OF WHEAT RIDGE, COLORADO**  
**INTRODUCED BY COUNCIL MEMBER SANG**  
**Council Bill No. 21**  
**Ordinance No. 1449**  
**Series of 2009**

**TITLE: AN ORDINANCE AMENDING SECTION 26-501 OF THE  
WHEAT RIDGE CODE OF LAWS CONCERNING OFF-  
STREET PARKING SURFACE REQUIREMENTS.**

**WHEREAS**, the City of Wheat Ridge (the "City"), acting through its City Council (the "Council"), has authority to enact ordinances for the protection of public health, safety and welfare; and

**WHEREAS**, exercising this authority, the Council has previously enacted Chapter 26, Article V, Section 26-501 of the Wheat Ridge Code of Laws (the "Code") concerning off street parking requirements; and

**WHEREAS**, Subsection 26-501(D) requires certain materials to be used for parking surfaces in off-street parking areas throughout the City but has limited application and does not apply to existing residences through an exemption in Subsection 26-501(A); and

**WHEREAS**, concern has been expressed that vehicles are being parked off-street at existing residences on unimproved soft surfaces like yards or other landscaping materials; and

**WHEREAS**, Council, in responding to this concern, finds that it is necessary to prohibit the parking of vehicles on landscaping or other soft surfaces in residential areas; and

**WHEREAS**, Council finds that some existing residences have driveways that consist of soft surfaces and have existed in such a manner for a significant period of time and that requiring those residents to update their driveways to hard surfaces would be cost prohibitive and therefore finds that an exemption is appropriate; and

**WHEREAS**, Council finds that all other residential off-street parking should consist of hard surfaces that can bear the weight for the storage of vehicles; and

**WHEREAS**, Council finds that amending Subsections A and B of Section 26-501 to incorporate these changes will protect the health, safety and welfare of the citizens of Wheat Ridge.

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

**Section 1.** Subsection (A) of Section 26-501 of the Wheat Ridge Code of Laws is hereby amended as follows:

## **Sec 26-501. Off-street parking requirements**

A. *Scope.* In all zoning districts, off-street parking facilities for the parking or storage of self propelled motor vehicles and/or licensed trailers for the use of occupants, employees and patrons of building, structures or premises hereafter erected, altered, used or extended after the effective date of this chapter shall be provided and maintained as herein prescribed, unless otherwise specifically provided.

This section shall apply only to new development, major change of uses (e.g. single family to office; office to restaurant) or substantial extension or expansion of uses or structures for which a building permit of site use approval is required, established subsequent to the adoption of this provision, PROVIDED, HOWEVER, IN RESIDENTIAL DISTRICTS ON AND AFTER AUGUST 31, 2009, IT SHALL BE UNLAWFUL TO PARK MOTOR VEHICLES IN AREAS MEETING THE DEFINITION OF LANDSCAPING AS DEFINED IN SEC. 26-502, ON UNCONTROLLED WEEDS, OR ON COMPACTED DIRT SURFACES, UNLESS SUCH SURFACES MEET THE DEFINITION OF RESIDENTIAL DRIVEWAY AS DEFINED HEREIN AND SAID DRIVEWAYS EXISTED PRIOR TO AUGUST 31, 2009. If an increase of less than twenty-five (25) percent in parking area is needed as a result of a change of use or substantial extension or expansion of uses or structures, the new parking area shall be required to meet only the following design standards: surfacing; sight distance triangle requirements; usable parking spaces; marking of spaces; truck-tractor/semi-trailer parking; small car parking; parking space and aisle dimensions; and use and maintenance of parking areas.

If an increase of twenty-five (25) percent to fifty (50) percent in parking area is needed as a result of a change of use or substantial extension or expansion of uses or structures, the new parking area shall meet all design standards as required by subsection G D., of this section. If an increase of more than fifty (50) percent in parking area is needed as a result of a change of use or substantial extension or expansion of uses or structures, all parking areas shall come into conformance with the design standards as required by subsection G D., of this section.

**Section 2.** Subsection (B) of Section 26-501 of the Wheat Ridge Code of Laws, setting forth definitions relative to off-street parking requirements, is hereby amended by the addition of two new definitions, to be numbered 7 and 8, to read in their entirety as follows:

7. *RESIDENTIAL DRIVEWAY.* AN AREA PROVIDING DIRECT ACCESS FROM A PUBLIC OR PRIVATE STREET OR ACCESS EASEMENT AND LEADING DIRECTLY TO A GARAGE OR OTHER HARD SURFACE MOTOR VEHICLE PARKING AREA AND NOT EXCEEDING THE WIDTH OF THE GARAGE DOOR OR DOORS OR THE WIDTH OF THE MOTOR VEHICLE PARKING AREA BY MORE THAN TWO FEET ON EITHER SIDE.

8. *HARD SURFACE.* DURABLE AND DUSTLESS MATERIALS DESIGNED TO BEAR THE WEIGHT LOAD FOR THE STORAGE OF MOTOR VEHICLES, INCLUDING CONCRETE, ASPHALT, COMPACTED CRUSHED STONE, COMPACTED GRAVEL, RECYCLED ASPHALT, OPEN AND CLOSED PAVERS, INCLUDING TURF BLOCK PAVERS AND OTHER SIMILAR MATERIALS.

**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 object sought to be attained.


**Section 4. 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 5. Effective Date.** This Ordinance shall take effect on August 31, 2009 as authorized by Section 5.11 of the Charter.


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 7 to 1, this 24th day of August, 2009.

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

  
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Jerry DiTullio, Mayor

ATTEST:

  
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Michael Snow, City Clerk

Approved As To Form

  
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Gerald E. Dahl, City Attorney

First Publication: August 6, 2009

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Wheat Ridge Transcript August 27, 2009

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