

**CITY OF WHEAT RIDGE, COLORADO**  
**INTRODUCED BY COUNCIL MEMBER GOKEY**  
**Council Bill No. 24**  
**Ordinance No. 1452**  
**Series of 2009**

**TITLE: AN ORDINANCE SUBMITTING TWO BALLOT QUESTIONS TO THE VOTERS OF THE CITY AT THE NOVEMBER 3, 2009 REGULAR MUNICIPAL ELECTION, TO AMEND THE WHEAT RIDGE HOME RULE CHARTER TO EXEMPT CERTAIN AREAS OF THE CITY FROM THE HEIGHT AND RESIDENTIAL DENSITY LIMITATIONS OF CHARTER SECTION 5.10.1**

**WHEREAS**, pursuant to Charter Section 16.8 and C.R.S. 31-2-210, the City Council of the City of Wheat Ridge, Colorado has the authority to refer ballot questions amending the City's Home Rule Charter to the electorate; and

**WHEREAS**, the Council wishes to refer two (2) ballot questions amending the Charter to exempt two (2) areas of the City from the Charter limitations upon building height and residential density; and

**WHEREAS**, the Council wishes to set ballot titles for the same.

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

**Section 1. Ballot question referred and ballot title set.**

The following ballot question is hereby referred to the electorate of the City at the November 3, 2009 regular municipal election:

SHALL SECTION 5.10.1 OF THE HOME RULE CHARTER OF THE CITY OF WHEAT RIDGE, COLORADO, BE AMENDED BY THE ADDITION OF A NEW SUBSECTION G, EXEMPTING THE FOLLOWING AREAS OF THE CITY FROM THE LIMITATIONS OF THAT SECTION UPON BUILDING HEIGHT AND RESIDENTIAL DENSITY: (1) THAT AREA DESCRIBED IN THE WEST 44<sup>TH</sup> AVENUE/WARD ROAD REDEVELOPMENT PLAN, ADOPTED OCTOBER 22, 2001, AND (2) THAT AREA DESCRIBED IN THE I-70/KIPLING CORRIDORS URBAN RENEWAL PLAN, ADOPTED AUGUST 10, 2009, EXCLUDING THEREFROM ALL PROPERTIES IN THE PLAN AREA ALONG THE KIPLING STREET CORRIDOR SOUTH OF 44<sup>TH</sup> AVENUE AND ALL PROPERTIES IN THE PLAN AREA EAST OF INTERSTATE 70, NORTH OF 32<sup>ND</sup> AVENUE, WEST OF WARD ROAD AND SOUTH OF THE WEST 44<sup>TH</sup> AVENUE/WARD ROAD REDEVELOPMENT PLAN AREA, WITHOUT MODIFYING ANY CURRENT ZONING ON ANY PROPERTY AND PRESERVING EXISTING HEIGHT AND DENSITY LIMITATIONS IN THE WHEAT RIDGE CODE OF LAWS UNLESS AND UNTIL MODIFIED THROUGH FUTURE ORDINANCES APPROVED BY CITY COUNCIL AFTER PUBLIC HEARINGS?

Yes: \_\_\_\_\_

No: \_\_\_\_\_

Full Text of Amendment:

**Amend Section 5.10.1 of the Charter to add a new subsection f to read as follows:**

**Sec. 5.10.1 Building height and density limitations.**

g. NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION 5.10.1, THE LIMITATIONS UPON BUILDING HEIGHT AND RESIDENTIAL DENSITY CONTAINED HEREIN SHALL NOT APPLY WITHIN THE FOLLOWING AREAS OF THE CITY: (1) THAT AREA DESCRIBED IN THE WEST 44<sup>TH</sup> AVENUE/WARD ROAD REDEVELOPMENT PLAN, ADOPTED OCTOBER 22, 2001, AND (2) THAT AREA DESCRIBED IN THE I-70/KIPLING CORRIDORS URBAN RENEWAL PLAN, ADOPTED AUGUST 10, 2009, EXCLUDING THEREFROM ALL PROPERTIES IN THE PLAN AREA ALONG THE KIPLING STREET CORRIDOR SOUTH OF 44<sup>TH</sup> AVENUE AND ALL PROPERTIES IN THE PLAN AREA EAST OF INTERSTATE 70, NORTH OF 32<sup>ND</sup> AVENUE, WEST OF WARD ROAD AND SOUTH OF THE WEST 44<sup>TH</sup> AVENUE/WARD ROAD REDEVELOPMENT PLAN AREA, WITHOUT MODIFYING ANY CURRENT ZONING ON ANY PROPERTY AND PRESERVING EXISTING HEIGHT AND DENSITY LIMITATIONS IN THE WHEAT RIDGE CODE OF LAWS UNLESS AND UNTIL MODIFIED THROUGH FUTURE ORDINANCES APPROVED BY CITY COUNCIL AFTER PUBLIC HEARINGS.

Ballot Title:

AMEND SECTION 5.10.1 OF THE WHEAT RIDGE HOME RULE CHARTER TO EXEMPT CERTAIN AREAS OF THE CITY FROM THE LIMITATIONS UPON BUILDING HEIGHT AND RESIDENTIAL DENSITY CONTAINED IN CHARTER SECTION 5.10.1, WITHOUT MODIFYING ANY CURRENT ZONING ON ANY PROPERTY AND PRESERVING EXISTING HEIGHT AND DENSITY LIMITATIONS IN THE WHEAT RIDGE CODE OF LAWS UNLESS AND UNTIL MODIFIED THROUGH FUTURE ORDINANCES APPROVED BY CITY COUNCIL AFTER PUBLIC HEARINGS.

**Section 2. Ballot question referred and ballot title set.**

The following ballot question is hereby referred to the electorate of the City at the November 3, 2009 regular municipal election:

SHALL SECTION 5.10.1 OF THE HOME RULE CHARTER OF THE CITY OF WHEAT RIDGE, COLORADO, BE AMENDED BY THE ADDITION OF A NEW SUBSECTION F, EXEMPTING THE FOLLOWING AREAS OF THE CITY FROM THE LIMITATIONS OF THAT SECTION UPON BUILDING HEIGHT AND RESIDENTIAL DENSITY: (1) THAT AREA DESCRIBED IN THE WHEAT RIDGE TOWN CENTER PROJECT URBAN RENEWAL PLAN, ADOPTED DECEMBER 14, 1981 AND AMENDED BY RESOLUTION 13-2001 ON APRIL 23, 2001,

SPECIFICALLY AS DIAGRAMED IN EXHIBITS 1 AND 2 AND DESCRIBED IN EXHIBIT 3 OF SAID RESOLUTION, AND (2) THAT AREA DESCRIBED IN THE WADSWORTH BOULEVARD CORRIDOR REDEVELOPMENT PLAN, ADOPTED OCTOBER 22, 2001, WITHOUT MODIFYING ANY CURRENT ZONING ON ANY PROPERTY AND PRESERVING EXISTING HEIGHT AND DENSITY LIMITATIONS IN THE WHEAT RIDGE CODE OF LAWS UNLESS AND UNTIL MODIFIED THROUGH FUTURE ORDINANCES APPROVED BY CITY COUNCIL AFTER PUBLIC HEARINGS?

Yes: \_\_\_\_\_

No: \_\_\_\_\_

Full Text of Amendment:

**Amend Section 5.10.1 of the Charter to add a new subsection f to read as follows:**

**Sec. 5.10.1 Building height and density limitations.**

f. NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION 5.10.1, THE LIMITATIONS UPON BUILDING HEIGHT AND RESIDENTIAL DENSITY CONTAINED HEREIN SHALL NOT APPLY WITHIN THE FOLLOWING AREAS OF THE CITY: (1) THAT AREA DESCRIBED IN THE WHEAT RIDGE TOWN CENTER PROJECT URBAN RENEWAL PLAN, ADOPTED DECEMBER 14, 1981 AND AMENDED BY RESOLUTION 13-2001 ON APRIL 23, 2001, SPECIFICALLY AS DIAGRAMED IN EXHIBITS 1 AND 2 AND DESCRIBED IN EXHIBIT 3 OF SAID RESOLUTION, AND (2) THAT AREA DESCRIBED IN THE WADSWORTH BOULEVARD CORRIDOR REDEVELOPMENT PLAN, ADOPTED OCTOBER 22, 2001, WITHOUT MODIFYING ANY CURRENT ZONING ON ANY PROPERTY AND PRESERVING EXISTING HEIGHT AND DENSITY LIMITATIONS IN THE WHEAT RIDGE CODE OF LAWS UNLESS AND UNTIL MODIFIED THROUGH FUTURE ORDINANCES APPROVED BY CITY COUNCIL AFTER PUBLIC HEARINGS.

Ballot Title:

AMEND SECTION 5.10.1 OF THE WHEAT RIDGE HOME RULE CHARTER TO EXEMPT CERTAIN AREAS OF THE CITY FROM THE LIMITATIONS UPON BUILDING HEIGHT AND RESIDENTIAL DENSITY CONTAINED IN CHARTER SECTION 5.10.1, WITHOUT MODIFYING ANY CURRENT ZONING ON ANY PROPERTY AND PRESERVING EXISTING HEIGHT AND DENSITY LIMITATIONS IN THE WHEAT RIDGE CODE OF LAWS UNLESS AND UNTIL MODIFIED THROUGH FUTURE ORDINANCES APPROVED BY CITY COUNCIL AFTER PUBLIC HEARINGS.

**Section 3.Challenges to ballot titles and content.** For purposes of C.R.S. § 1-11-203.5 and § 31-10-1308(2), this Ordinance shall serve to set the titles and content of the ballot issues set forth herein. Any petition to contest the form or content of the ballot titles must be filed with the Jefferson County District Court and a copy served on the

City Clerk within five days after the titles of the ballot issue are set by the City Council upon final adoption of this Ordinance on second reading.

**Section 4. 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 5. Effective Date.** This Ordinance shall take effect immediately upon adoption at second reading, as permitted by the Charter.

INTRODUCED, READ, AND ADOPTED on first reading by a vote of 8 to 0 on this 10<sup>th</sup> 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  8  to  0 , 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:

  
\_\_\_\_\_  
Michael Snow, City Clerk

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

First Publication: August 13, 2009  
Second Publication: August 27, 2009  
Wheat Ridge Transcript  
Effective Date: August 24, 2009