

**CITY OF WHEAT RIDGE, COLORADO
 INTRODUCED BY COUNCIL MEMBER WEAVER
 COUNCIL BILL NO. 08-2019
 ORDINANCE NO. 1670
 Series 2019**

TITLE: AN ORDINANCE AMENDING CHAPTER 26 OF THE WHEAT RIDGE CODE OF LAWS CONCERNING THE REGULATION OF ANIMAL-RELATED FACILITIES (CASE NO. ZOA-19-01)

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 City Council has identified a need to clarify regulations pertaining to animal-related uses and outdoor activities associated therewith; and

WHEREAS, the City Council has determined it appropriate to allow by special use animal daycare facilities in certain commercial zone districts; and

WHEREAS, the City Council finds that this amendment does not diminish the quality or character of its commercial corridors or neighborhoods.

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

Section 1. Code Section 26-123 (Definitions) of the Code is amended by the addition of a new definition in its appropriate alphabetical location:

ANIMAL DAYCARE FACILITY. A FACILITY LICENSED BY THE STATE OF COLORADO AND THE CITY OF WHEAT RIDGE POLICE DEPARTMENT WHERE ANIMALS MAY BE GROOMED, TRAINED, EXERCISED, AND/OR SOCIALIZED.

Section 2. Section 26-204 of the Code, entitled Table of Uses for Agricultural and Public Facilities and Table of Uses for Commercial and Industrial Districts, is amended as follows with the rows in their appropriate alphabetical locations:

Table of Uses—Agricultural and Public Facilities

<i>Uses</i>	<i>Notes</i>	<i>A-1</i>	<i>A-2</i>	<i>PF</i>
ANIMAL DAYCARE FACILITY	SEE § 26-644	S	S	
...				

Dog kennels, catteries, veterinary hospitals	Provided that outside runs, PLAY YARDS, PENS, OR TRAINING AREAS which are adjacent to residentially zoned or used property are no closer than 25 feet to a side or rear lot line	S	S		
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Table of Uses—Commercial and Industrial Districts

<i>Uses</i>	<i>Notes</i>	<i>NC</i>	<i>RC</i>	<i>C-1</i>	<i>C-2</i>	<i>I-E</i>
ANIMAL DAYCARE FACILITY	SEE § 26-644			S	S	
...						
Kennels	SEE § 26-644					S
...						
Animal veterinary hospitals and clinics VETERINARY HOSPITAL	With outside runs, PLAY YARDS, PENS, OR TRAINING AREAS; no cremation				P	P
	WHERE THERE ARE NO OUTSIDE RUNS, PLAY YARDS, PENS, OR TRAINING AREAS; NO CREMATION	S	P	P	P	P
Animal veterinary hospitals and clinics VETERINARY HOSPITAL (SMALL ANIMAL, ENCLOSED)	Where there are no outside pens or runs for dogs, RUNS, PLAY YARDS, OR TRAINING AREAS; no cremation	S	P	P	P	P

Section 3. Section 26-644 (Animal-related facilities) is hereby added to Article VI. Supplementary Regulations:

SEC. 26-644. ANIMAL-RELATED FACILITIES.

- A. ALL KENNELS AND ANIMAL DAYCARE FACILITIES SHALL OBTAIN A KENNEL LICENSE FROM THE CITY OF WHEAT RIDGE POLICE DEPARTMENT.**
- B. ANIMAL DAYCARE FACILITIES IN MIXED USE ZONE DISTRICTS ARE SUBJECT TO THE FOLLOWING REGULATIONS:**
 - 1. ANIMALS SHALL NOT BE KEPT OR BOARDED OVERNIGHT, BRED, SOLD, OR LET FOR HIRE.**
 - 2. NO OUTDOOR PLAY YARDS, RUNS, PENS, OR TRAINING AREAS ARE ALLOWED.**
- C. ANIMAL DAYCARE FACILITIES IN THE C-1 AND C-2 ZONE DISTRICTS ARE SUBJECT TO THE FOLLOWING REGULATIONS:**
 - 1. NO MORE THAN 15 ANIMALS SHALL BE OUTSIDE AT ANY GIVEN TIME.**
 - 2. OUTDOOR PLAY YARDS SHALL BE SETBACK AT LEAST 20 FEET FROM SIDE AND REAR PROPERTY LINES WHERE THEY ARE ADJACENT TO RESIDENTIALLY ZONED OR USED PROPERTY.**
 - 3. OUTDOOR PLAY YARDS SHALL BE SCREENED FROM VIEW SO AS NOT TO BE VISIBLE FROM ANY PUBLIC STREET OR ADJACENT PROPERTY.**
 - 4. ANY OUTDOOR PLAY YARD SHALL ONLY BE USED FROM DAWN UNTIL DUSK FOR SUPERVISED EXERCISE AND TRAINING USE. THIS SHALL NOT PROHIBIT THE OCCASIONAL USE OF OUTDOOR AREAS FOR SUPERVISED ANIMAL RELIEF OUTSIDE OF THESE HOURS.**
 - 5. OVERNIGHT BOARDING SHALL NOT EXCEED TWENTY-FIVE (25) PERCENT OF THE GROSS FLOOR AREA OF THE STRUCTURES ASSOCIATED WITH THE ANIMAL DAYCARE. OVERNIGHT BOARDING SHALL BE ENCLOSED WITHIN A SOUNDPROOF BUILDING.**
- D. KENNELS AND ANIMAL DAYCARE FACILITIES WHICH ARE SUBJECT TO THE SPECIAL USE PERMIT PROCESS, PER SECTIONS 26-114 AND 26-204, IN ZONE DISTRICTS WHERE INDICATED IN THIS CHAPTER ARE, IN ADDITION TO THE REQUIREMENTS OF THIS SECTION, SUBJECT TO THE CONDITIONS OF APPROVAL ATTACHED TO THE SPECIAL USE PERMIT.**

Section 4. Section 26-1111 of the Code, Permitted Uses, is amended as follows with the rows in their appropriate alphabetical location:

<i>Uses</i>	<i>Permitted Uses</i>			
	<i>MU-C</i>	<i>MU-C Interstate</i>	<i>MU-C TOD</i>	<i>MU-N</i>
Animal daycare, indoor with no outdoor runs or pens FACILITY (SEE § 26-644)	P	P	P	P
...				

Veterinary clinics and hospitals, no outdoor runs or pens, PLAY YARDS, PENS, OR TRAINING AREAS	P	P	P	P
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Section 5. Code Section 26-1119 (Definitions) of the Code is amended as follows in the appropriate alphabetical location:

Animal daycare facility. A facility licensed by the State of Colorado **AND THE CITY OF WHEAT RIDGE POLICE DEPARTMENT** where animals may be groomed, trained, exercised, and socialized, ~~but not kept or boarded overnight, bred, sold, or let for hire.~~

Section 6. 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 7. 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 8. 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 7 to 0 on this 10th day of June, 2019, ordered published with Public Hearing and consideration on final passage set for Monday, June 24, 2019 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 24th day of June, 2019.

SIGNED by the Mayor on this 24th day of June, 2019.



 Bud Starker, Mayor

ATTEST:

Janelle Shaver
Janelle Shaver, City Clerk

Approved as to form

Gerald E. Dahl
Gerald E. Dahl, City Attorney

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