AGENDA

CITY COUNCIL MEETING
CITY OF WHEAT RIDGE, COLORADO

Monday, November 09, 2026
6:30 p.m.

This meeting will be conducted as a virtual meeting, and in person, at: 7500 West 29th Avenue, Municipal Building, Council Chambers.

City Council members and City staff members will be physically present at the Municipal building for this meeting. The public may participate in these ways:

- Attend the meeting in person at City Hall. Use the appropriate roster to sign up to speak upon arrival.
- Provide comment in advance at www.wheatridgespeaks.org (comment by noon on November 09, 2026)
- Virtually attend and participate in the meeting through a device or phone:

  Click here to pre-register and provide public comment by Zoom (You must preregister before 5:00 p.m. on November 09, 2026)

- View the meeting live or later at www.wheatridgespeaks.org, Channel 8, or YouTube Live at https://www.ci.wheatridge.co.us/view

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Individuals with disabilities are encouraged to participate in all public meetings sponsored by the City of Wheat Ridge. The City will upon request, provide auxiliary aids and services leading to effective communication for people with disabilities, including qualified sign language interpreters, assistive listening devices, documents in Braille, and other ways of making communications accessible to people who have speech, hearing, or vision impairments. To request auxiliary aid, service for effective communication, or document in a different format, please use this form or contact ADA Coordinator, (Kelly McLaughlin at ada@ci.wheatridge.co.us or 303-235-2885) as soon as possible, preferably 7 days before the activity or event.

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL OF MEMBERS

APPROVAL OF MINUTES

- Study Session Notes, October 19, 2026

APPROVAL OF AGENDA

PROCLAMATIONS AND CEREMONIES

- Proclamation – National Veterans and Military Families Month
- Proclamation – Small Business Saturday
- Acknowledgement – National Native American Heritage Month

PUBLICS' RIGHT TO SPEAK

a. Public may speak on any matter not on the agenda for a maximum of 3 minutes under Publics' Right to Speak. Please speak up to be heard when directed by the mayor.

b. Members of the Public who wish to speak on a Public Hearing item or Decision, Resolution, or Motion may speak when directed by the mayor at the conclusion of the staff report for that specific agenda item.

c. Members of the Public may comment on any agenda item in writing by noon on the day of the meeting at www.WheatRidgeSpeaks.org. Comments made on Wheat Ridge Speaks are considered part of the public record.

CONSENT AGENDA

None

PUBLIC HEARINGS AND ORDINANCES ON SECOND READING

1. Council Bill No. 20-2026 – an ordinance amending the Wheat Ridge Code of Laws to address the regulation of social clubs and making conforming amendments in connection therewith
2. Council Bill No. 21-2026 – an ordinance amending Chapter 26 of the Wheat Ridge Code of Laws concerning sign and billboard regulations

ORDINANCES ON FIRST READING

3. Council Bill No. 22-2026 – an ordinance amending the Wheat Ridge Code of Laws concerning the operation of e-mobility devices
4. Council Bill No. 23-2026 – an ordinance amending Article V of Chapter 16 of the

Wheat Ridge Code of Laws concerning noise regulation

DECISIONS, RESOLUTIONS, AND MOTIONS

None

ADJOURN TO SPECIAL STUDY SESSION

STUDY SESSION NOTES

CITY COUNCIL MEETING
CITY OF WHEAT RIDGE, COLORADO

Monday, October 19, 2026, 6:30 p.m.

This meeting was conducted as a virtual meeting, and in person, at: 7500 West 29th Avenue, Municipal Building, Council Chambers.

CALL TO ORDER
Mayor Korey Stites called the City Council Study Session of October 19, 2026, to order at 6:30 p.m.

ATTENDANCE
Councilmembers Present: Rachel Hultin; Dan Larson; Kathleen Martell via Zoom; Mike Okada; Patrick Quinn; Susan Wood; Scott Ohm; and Jenny Snell

ABSENT:
None

STAFF IN ATTENDANCE:
Community Development Director Lauren Mikulak; Senior Planner Stefı Szerk; Deputy City Clerk Lucy Spalenka.

Public Comment on Agenda Items
No public comment

1. **Site Triangles and Clear Zones**

   Director Mikulak reviewed the City's visibility standards for intersections and driveways. The site triangle is the horizontal area to be kept clear of visual obstructions. The clear zone is the vertical area above it that limits the height of fences, walls, landscaping and signs. Wheat Ridge's clear zone has an 8-foot upper limit and two lower limits: 36 inches for arterials and collectors, and 42 inches for other intersections. Both are measured from the base of the curb. The dual standard has been in place since the 2001 zoning code overhaul. Staff presented three options: a single citywide lower limit, a further reduction, or retaining the current standards. Permanent features such as fences, boulders and signs would become legally nonconforming and would not have to be changed. Landscaping could be required to be cut back where a safety concern exists. Enforcement is complaint-based and would not be proactive. In response to Council Member Snell, staff noted the standard was 48 inches in 1970, 42 inches in 1989, and the current approach has been in place since 2001. The upper limit was raised in 2012.

Council Member Ohm, who brought the topic forward, advocated a single, lower standard on health, safety and welfare grounds. He said the 42-inch standard is too high for children, pets and scooters on local streets. He described a past incident in which a child on a bicycle was struck by a car at an offset intersection, and said the City should not be an outlier among Denver-area communities. He asked staff to verify Denver's lower limit, which he believed was closer to 24 to 30 inches. Council Member Martell (participating remotely) said she was willing to be an outlier and supported making the limit as low as possible. Council Member Wood asked how many existing walls and fences might become nonconforming. Staff responded that no survey of driveways and intersections had been done. Mayor Pro Tem Hultin supported 30 or 32 inches on all street types with no change to the upper limit, and asked whether the standards would affect the 30th Avenue corridor plan west of Kipling. Staff said the effect was possible and that staff would be informed of the consensus. Council Member Quinn supported a uniform 30 to 32 inches. Staff stated that fences that are 80 percent open are allowed within the site triangle with design approval and that large mailbox monuments could be an issue but have not often arisen. Council Member Snell supported the lowest feasible limit and asked about Teller Street at 38th Avenue. Staff said the City has broader authority in the right-of-way and that the issue is being looked at in the 38th Avenue refresh. Council Member Larson confirmed that the proposal was a single height with no change to the upper limit, and staff confirmed that violations could result in an administrative citation if a property owner did not comply. Council Member O'Connor supported 30 inches measured from the pavement. Council Members Wood, Martell and Hultin voiced support for 30 inches measured from the base of the curb or pavement. Council Member Ohm noted that most problems he sees involve landscaping. Council Member Ohm had asked whether the City Attorney, Attorney Dahl, was available online. No comments from Attorney Dahl were recorded.

Council Member Ohm requested consensus on a 30-inch lower limit measured from the base. The Mayor confirmed that Council had consensus. Staff will bring a code amendment to Planning Commission and City Council.

2. **Updates to Appendix F of the City Plan**

Director Mikulak introduced Senior Planner Stephanie Schreck, who joined the department in June and coordinates City Plan implementation. Ms. Schreck explained that Appendix F addresses state comprehensive plan requirements under Senate Bill 24-174, including water supply and strategic growth elements. The Department of Local Affairs (DOLA) conducted a courtesy review and made minor recommendations. Staff responded by expanding the discussion of strategic growth tools and policies, noting that growth will occur as infill, adding the state language, and adding a memo on outreach to water providers. All

changes are shown in red in the packet. No changes were proposed to the annual 3 Mile Plan other than regional updates..

Council Member Wood and Mayor Pro Tem Hultin expressed appreciation for the redline format, the call-out of diverse housing types, and the early opportunity to review. Council Member Larson noted that the Front Range is semi-arid rather than arid and asked about early involvement of water districts. Ms. Schreck confirmed that staff meets regularly with water providers. Council Member Quinn asked about the utility outreach memo. Director Mikulak explained that it summarizes the 2025 outreach by the City Plan consultant team to wet and dry utilities and informed the City Plan recommendation for a coordinated utility plan. No concerns were raised.

The item will go to Planning Commission in November and return to Council in December. The updated appendix is due to DOLA's portal by the end of the year. No consensus was required

3. **Zoning Code Updates – 2026 and Beyond**

Director Mikulak previewed a multi-year zoning code update effort to implement the City Plan, about 25 percent of whose recommendations have a zoning code connection. A consultant team will begin with an audit of residential and commercial regulations and will identify barriers and provisions at odds with the City Plan. Amendments will be brought forward in phases. Early priorities include revisiting special use permit requirements for businesses with potential noise impacts and examining 24/7 businesses without on-site operators. The consultant kickoff was expected within one to two weeks, and Council study sessions were expected in 2027 or 2028.

Mayor Pro Tem Hultin asked how non-operator and 24-hour businesses would be addressed. She cited trash containment, light pollution, and a posted contact number as concerns. She also asked for a discussion on how aggressively to limit noise-impacting uses near neighborhoods and supported overlay districts, including for transportation cut-through access. Director Mikulak said the zoning code does not currently regulate hours of operation and that the consultant would advise on best practice. She also said overlays would be a departure from the City's Euclidean zoning approach. Council Member Ohm asked that shade impacts on neighbors be considered and asked about aligning growth with existing infrastructure. Director Mikulak responded that zoning would be calibrated to infrastructure capacity. Council Member Quinn raised unintended consequences of short-term rental (STR) regulations, including outdoor events and large-occupancy rentals. Director Mikulak said STRs would be discussed

sooner by the licensing team and City Attorney's Office, tentatively at a November study session. Council Member Wood asked whether that session would cover licensing and building permit topics. Director Mikulak said zoning, licensing and building division topics could all be covered. Council Member Larson asked about the following items identified in the staff memo:

- **Temporary and short-term commercial uses: greater flexibility for pop-ups and similar uses.**
- **R4 district: a townhome-oriented zone district.**
- **Lot size and width requirements: relaxing lot width requirements for duplexes in R2.**
- **Housing preservation: a "no net loss" provision and retention of the limits on consolidating nonconforming lots.**

Council Member Ohm raised the concern of lot mergers in R2 areas, and Mayor Pro Tem Hultin expressed enthusiasm for the process. No consensus was required.

4. **Staff Report(s)**

None.

5. **Elected Officials' Report(s)**

Council Member Wood announced a District 3 meeting on Tuesday, October 27 at 5:30 PM at the Rec Center, open to all.

Council Member Larson announced that he and Council Member Okada will host office hours on Friday, November 13 from 10:30 AM to noon at the Starbucks at 50th and Kipling. He also noted that the Jefferson County Library Foundation's used book sale runs Friday through Sunday at the Jefferson County Fairgrounds, with $5 admission.

Council Member Quinn reminded attendees of the District 3 meeting. He also relayed a resident's concern about the lack of a bus stop along Wadsworth between 32nd and 38th Avenues. Director Mikulak said she would consult the Public Works Director and follow up.

Mayor Pro Tem Hultin highlighted regional visitors to Wheat Ridge businesses such as Get Rights, noting that local businesses grow from small spaces to larger ones. She also shared a door-to-door canvassing anecdote about a resident who makes custom disco balls and offered to donate one as a prize.

Council Member Martell thanked the City for Zoom access. She invited the community to the Energy Efficiency Open House on Tuesday, October 20 from 4:30 to 6:30 PM at the Active Adult Center, hosted by the Sustainable Wheat Ridge Committee and the IDEA Committee.

Council Member Snell apologized for missing the October 5 meeting and thanked attendees of the October 4 District 1 meeting. She said she and Council Member Martell are scheduling office hours for the rest of the year. She thanked Wheat Ridge for Equity for hosting the ballot voter information forum and announced Trunk or Treat on Saturday from 2 to 4 PM at the Green, with a Cultural Commission trunk in partnership with the Atomic Theater.

Council Member O'Connor reported on the IDEA Committee's neurodiversity forum on Friday, which featured three panel experts, and commended the committee for organizing it on short notice.

The Mayor thanked Wheat Ridge for Equity for the ballot initiatives panel, Local Works for its October Invest event, and Jeffco EDC for the mayors' roundtable. He highlighted Little Brazil, Get Rights, and the opening of Clear Creek Crossing. He announced that next week's regular meeting will be lengthy, with about 17 agenda items, and noted that Everett Middle School's 60th anniversary celebration is on Friday.

Council Member Okada did not give a report.

Mayor Stites adjourned the Study Session at 8:00 pm

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Rachel Hultin, Mayor Pro Tem

_____

Lucy Spalenka, Deputy City Clerk

WHEAT RIDGE, CO



EST. 1969

PROCLAMATION
NATIONAL VETERANS AND MILITARY FAMILIES MONTH

WHEREAS, during National Veterans and Military Families Month, we salute the brave and dedicated patriots who have worn the uniform of the United States, and we celebrate the extraordinary military families whose selfless service and sacrifice make our military the finest in the world; and

WHEREAS, our Nation's veterans represent the best of America. Generation after generation, men and women have answered the call to defend our country and our freedom, facing danger and uncertainty with uncommon courage; and

WHEREAS, our heroes have always relied on their families for strength and support. Serving alongside our men and women in uniform are spouses, siblings, parents, and children who personify the ideals of patriotism, pride, resilience, service above self, and honor; and

WHEREAS, as we approach this season of thanksgiving, we send our gratitude to millions of service members, veterans, military families, caregivers, and survivors who have served and continue to serve our nation; and

WHEREAS, it is not only the person who wears the uniform serving our country but also their families who make enormous sacrifices for our nation; and

WHEREAS, we honor them and their invaluable contributions; we share their pride in our armed forces; and we will never forget what they and their loved ones do for us.

NOW, THEREFORE, I, Korey Stites, Mayor of the City of Wheat Ridge, with the City Council do hereby proclaim November 2026 as

NATIONAL VETERANS AND MILITARY FAMILIES MONTH

Throughout November, a grateful nation and the City of Wheat Ridge can show appreciation to the spouses, partners, children, caregivers, and survivors of our service members and veterans for their selfless sacrifice on behalf of our nation.

IN WITNESS THEREOF, on this 9th day of November 2026.

Janeece Hoppe, City Clerk

Korey Stites, Mayor

WHEAT RIDGE, CO



EST. 1969

PROCLAMATION
SMALL BUSINESS SATURDAY

WHEREAS, small businesses are the backbone of our local economy, creating jobs, supporting families, and contributing to the economic vitality and character of our community; and

WHEREAS, small businesses in Wheat Ridge provide valuable goods, services, employment opportunities, and unique experiences that strengthen our neighborhoods and enhance our quality of life; and

WHEREAS, locally owned businesses are invested in the success of our community, supporting local organizations, schools, charitable causes, and community events; and

WHEREAS, supporting small businesses helps keep dollars circulating within our local economy, encourages entrepreneurship, and contributes to a vibrant and resilient business community; and

WHEREAS, Small Business Saturday, celebrated nationally on the Saturday following Thanksgiving, encourages residents to shop small and recognize the important contributions of independent businesses; and

WHEREAS, the City of Wheat Ridge recognizes the dedication, innovation, and entrepreneurial spirit of our local business owners and encourages residents to support the businesses that make Wheat Ridge a great place to live, work, and do business.

NOW THEREFORE, I, Korey Stites, Mayor of the City of Wheat Ridge, with City Council do hereby proclaim Saturday, November 28, 2026, as Small Business Saturday in Wheat Ridge and encourage all residents to celebrate and support our local small businesses throughout the holiday season and year-round.

IN WITNESS THEREOF, on this 9th day of November 2026.

Janeece Hoppe, City Clerk

Korey Stites, Mayor

ITEM NUMBER: 1
DATE: November 9, 2026

REQUEST FOR CITY COUNCIL ACTION

COUNCIL BILL NO. 20-2026

TITLE: AN ORDINANCE AMENDING THE WHEAT RIDGE CODE OF LAWS TO ADDRESS THE REGULATION OF SOCIAL CLUBS AND MAKING CONFORMING AMENDMENTS IN CONNECTION THEREWITH

☒PUBLIC HEARING
☐BIDS/MOTIONS
☐RESOLUTIONS

☐ORDINANCES FOR 1st READING
☒ORDINANCES FOR 2nd READING

QUASI-JUDICIAL ☐YES ☒NO

ISSUE:

The proposed ordinance makes updates to the city's existing "social club" regulations in Chapters 11 and 26. The ordinance repeals the existing social clubs regulations in Chapter 11 (Licensing) and amends Chapter 26 (the zoning code) to define types of "event venues" and to establish where event venues are permitted. Conforming amendments are required in Chapters 11, 15, and 26 to ensure appropriate enforcement strategies are available to the city.

PRIOR ACTION:

At the June 2, 2025 Study Session, staff presented a proposal to amend the existing social club code by reducing application requirements for "low-impact" social clubs. City Council then directed staff to return with a proposal to eliminate the Chapter 11 social club licensing requirements altogether and establish an alternative framework for regulating event venues.

At the June 15, 2026 Study Session, staff presented a proposal to repeal the existing social club regulations and define event venues in the zoning code (Chapter 26), thereby establishing a zoning framework as the primary mechanism for regulating event venues. Council gave consensus to proceed with creating an outline for an ordinance to be presented at a follow-up study session, along with additional clarification on enforcement and communication to businesses.

At the October 5, 2026 Study Session, staff provided an update on the proposed enforcement strategies and received consensus to move forward with a combined zoning, licensing, and enforcement ordinance.

On October 15, 2026, Planning Commission recommended approval of the ordinance by a vote of 5 to 0.

City Council approved this ordinance on first reading on October 26, 2026. A motion was made by Councilmember Quinn and seconded by Councilmember Hultin and approved by a vote of 8 to 0.

FINANCIAL IMPACT:

The anticipated financial impact is limited. No new licensing fees are proposed; an event venue would obtain a business license under the existing licensing framework, and if applicable, would also pay review fees for a special use permit.

BACKGROUND:

The city's current "social club" regulations were originally adopted in 2007 to address potential impacts of private event venues and relies heavily on licensing for enforcement. However, the licensing and operational requirements apply uniformly regardless of a venue's size, frequency of use, or actual community impact. As a result, the existing framework creates unnecessary barriers for small businesses while providing limited flexibility to address the varying characteristics of modern event venues. The purpose of the code amendment is to streamline event venue regulations and to ensure proper enforcement mechanisms are available.

Because of the nature of events and event venues, Planning and Zoning staff have coordinated closely with the city's Licensing Division, Police Department, Liquor Licensing, Building Division, and City Attorney on the regulatory and enforcement approach, which resulted in conforming code amendments in Chapter 11 (Licensing) and Chapter 15 (Nuisance). A separate update to the city's noise ordinance, which is broader than the topic of event venues, will be coordinated by the City Attorney separately.

Proposed Code Amendment

The proposed ordinance takes a regulatory approach through the zoning code, with applicable amendments to licensing and nuisance codes to ensure that bad actors of venues and related uses can be cited appropriately. Under the new approach, each chapter more clearly serves its purpose:

- Chapter 26 (Zoning) determines where event-related uses are allowed and under what land use approvals.
- Chapter 16 (Noise) regulates how outdoor events operate with respect to amplified sound, hours, and neighborhood impacts.
- Chapter 11 (Business & Liquor Licensing) regulates what license is required for operating a business or serving alcohol.
- Chapter 15 (Nuisance) regulates how a nuisance or other code violation is enforced.

The city code is proposed to be amended as follows:

- Repeal the existing "social club" regulations from Chapter 11, Article XI and remove the definition of "social club" from Chapter 26 and its associated permitted use charts.
- Zoning Code Regulatory Approach (Chapter 26): Create definitions for various type of "event venues" following the four-tiered categories:
    - Indoor Event Venues
        - Fully contained within a building
        - Primary use of property or tenant space
        - Allow in commercial, mixed-use, and industrial zones
        - Limit capacity in lower-intensity zones
        - Business license required
    - Outdoor Event Venues
        - Outdoor only, or hybrid of indoor and outdoor
        - Primary use of property or tenant space
        - Allow in more intensive commercial, mixed-use, and industrial zones
        - Require Special Use Permit (SUP) or Conditional Use Permit (CUP) if adjacent to residential use
        - Amplified noise permit required (if applicable)
        - Business license required (plus SUP/CUP if applicable)
    - Accessory Outdoor Entertainment
        - Accessory use of a property to a primary commercial use (such as eating/drinking establishment or retail)
        - Event area must be clearly delineated and on all-weather surface
        - Amplified noise permit required (if applicable)
        - Covered by primary use's business license
    - Residential/agricultural properties with Accessory Outdoor Entertainment
        - Accessory use of a property to a primary residential or agricultural use
        - Only applicable to properties of one (1) acre or greater
        - Require Special Use Permit (SUP) to allow public input and staff to review site plan and business model against SUP criteria; not all sites will be approvable
        - Business license required (after SUP approval)
- Zoning Conforming Amendments (Chapter 26):
    - Update SUP enforcement provisions for clarity. Because SUPs are being expanded to include some event venues, there is the need to refine some enforcement proceedings.
- Licensing Conforming Amendments (Chapter 11):
    - Sec. 11-31: Move applicable old social club language to the general business license section to expressly allow revocation of a business license if operations continue during a period of suspension.
    - Sec. 11-22: Add to violations section that it is unlawful to operate without a liquor license if necessary for operations. This section already states it

is unlawful to operate a business without a business license.
    - Sec. 11-52: Add to liquor licensing/permit section that it is a violation to sell alcohol beverages without the applicable liquor license/permit.
- Nuisance Conforming Amendments (Chapter 15):
    - Modify definition of "Nuisance Violation" to include violations of Chapter 5 (Building Code) and Chapter 11 (Licensing).

From a practical standpoint, this approach is more straightforward for event venue operators. The approach is also context sensitive with additional review required for outdoor venues or those adjacent to residential uses. Council's request to address event venues in residential and agricultural zones has been addressed as well; these will likely be rare and will include discretionary review. There is no regulatory change to how businesses host occasional events; the code now expressly permits this to occur where it was previously silent. There is no impact on residential events, such as block parties or neighborhood barbecues; this change affects commercial events.

RECOMMENDATION:

Staff recommend approval of the ordinance.

RECOMMENDED MOTION:

"I move to approve Council Bill No. 20-2026, an ordinance amending the Wheat Ridge Code of Laws to address the regulation of social clubs and making conforming amendments in connection therewith, on second reading, order it published, and that it take effect 15 days after final publication as required by the charter."

Or,

"I move to postpone indefinitely Council Bill No. 20-2026, an ordinance amending the Wheat Ridge Code of Laws to address the regulation of social clubs and making conforming amendments in connection therewith, for the following reasons: …."

REPORT PREPARED/REVIEWED BY:

Scott Cutler, Senior Planner
Jana Easley, Planning Manager
Lauren Mikulak, Community Development Director
Patrick Goff, City Manager

ATTACHMENTS:

1. Council Bill No. 20-2026
2. Draft Planning Commission Minutes – October 15, 2026

CITY OF WHEAT RIDGE, COLORADO
INTRODUCED BY COUNCIL MEMBER
Council Bill No. 20
Ordinance No. 1853
Series 2026

TITLE: AN ORDINANCE AMENDING THE WHEAT RIDGE CODE OF LAWS TO ADDRESS THE REGULATION OF SOCIAL CLUBS AND MAKING CONFORMING AMENDMENTS IN CONNECTION THEREWITH

WHEREAS, the City of Wheat Ridge (the "City") is a home rule municipality having all powers conferred by Article XX of the Colorado Constitution; and

WHEREAS, pursuant to its home rule authority and C.R.S. § 31-23-101, the City, acting through its City Council (the "Council"), is authorized to adopt ordinances for the protection of the public health, safety or welfare; and

WHEREAS, in the exercise of this authority, the City Council has previously adopted Chapter 11 of the Wheat Ridge Code of Laws ("Code") entitled licenses, permits, and miscellaneous business regulations; and

WHEREAS, the Council wishes to clarify and update specific sections of that chapter regulating social clubs and associated business and liquor licenses; and

WHEREAS, the City Council has previously adopted regulations concerning the definition and permitted location of social clubs, codified within Chapter 26 of the Code; and

WHEREAS, the City Council wishes to clarify and update specific sections of that chapter to modernize and simplify regulations for businesses holding events to coordinate the chapter 26 applicability to the underlying use of the business property.

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

Section 1. Section 11-22 of the Code is amended to read as follows:

Sec. 11-22. - Violations.

It shall be a violation of the City Code to conduct business within the city without a valid business license unless specifically exempted from the provisions of this article. Businesses which have an "economic nexus" within the city, as defined at Code section 22-21 are exempt from the licensing requirements of this article but must maintain a sales and or use tax license pursuant to chapter 22, **and, if necessary, a liquor license or**

other license required under this Code for the relevant business operation. A business license shall be considered valid if it is current and complies with the requirements of the City Code. Penalties for violations of this section shall be as set forth in sections 1-5 and 1-6 of the City Code. Each day that a business is conducted in violation of the City Code shall be a separate offense.

Section 2. Code section 11-31 is amended by the renumbering of existing subsection (5) as (6) and the addition of a new subsection 5 to read as follows:

11-31 Suspension, conditional suspension or revocation.

A business license may be suspended, conditionally suspended or revoked by the City Treasurer pursuant to section 11-32:

(1) . . .

(5) **When a business was operated and open during a period of time when the business license was suspended.**

(6) Upon any other grounds provided by this code.

Section 3. Section 11-52 of the Code is amended to read as follows, with an updated section title and the addition of subsections:

11-52. Purpose; Violation.

(a) In pursuance of the authority conferred by C.R.S. title 44, articles 3, 4 and 5, this chapter is enacted for the purpose of promoting the health, safety and welfare of the present and future inhabitants of the city by regulating, controlling and licensing the sale of malt, vinous or spirituous liquors and fermented malt beverages.

(b) No person may engage in the sale of malt, vinous, spiritus, liquors, or fermented malt beverages (hereinafter "alcohol beverages") within the city without first obtaining and continuously maintaining in force a license from the liquor licensing authority under this Article III.

(c) Any person who shall sell or attempt to sell alcohol beverages as described herein, without the required license under this Article III is in violation of this Article and may be charged and prosecuted in the municipal court pursuant to Sections 1-5 and 1-6 of this Code. In addition, the alcohol beverage license of such person may be suspended or revoked by the liquor licensing authority as provided in this Article.

Section 4. Article XI of Chapter 11 of the Code, titled "Social Clubs," is hereby repealed, and the entire article listed as "Reserved".

Section 5. Section 15-26 of the Code is amended to read:

The keeping of any dwelling, boardinghouse, rooming house or other residential property in violation of any provision of this chapter or of chapter**s 5, 11 or** 26, including any violation of maximum occupancy limitations imposed by **chapters 5 or 26** or any condition of approval of the use of property imposed by action of the city, is a nuisance**, and may be enforced and abated as provided in chapter 15**. A disorderly house shall also include keeping any such property in a condition or manner which generates law enforcement calls disproportionate to other properties in the neighborhood or which negatively affects neighboring properties and/or residents, whether by continuous or excessive noise or by maintenance of the property in an unsightly or unwholesome manner, noxious or offensive to others or injurious to public health, safety or welfare.

Section 6. Section 15-51 of the Code is amended to read:

Nuisance violation. Any nuisance citation issued by the Wheat Ridge Police Department or any non-traffic conviction of the laws of, respectively, the city, county or state, which disturbs the peace of the neighborhood or otherwise harms the health, safety, or welfare of the residents of the city, to specifically include any and all convictions pursuant to chapters 4, **5,** 8, **11,** 15, 16, 21, 24, **and** 26 of this Code.

Section 7. Section 26-114.F of the Wheat Ridge Code of Laws, regarding enforcement of Special Use Permit (SUP) approvals, is hereby amended as follows:

F. Enforcement. All conditions and stipulations imposed by the community development director or city council shall be maintained during the entire term of the special use. If at any time the stipulations or conditions are not adhered to**,** or ~~are~~ **if the special use is** found to have been materially altered in scope, ~~application~~ **operation** or design, the director of community development shall investigate and, if appropriate, initiate **the following procedures:** ~~revocation proceedings which shall include the following~~:

~~1. Notice of violation following procedures as set forth, in sections 26-1005 or 26-1006 of this Code.~~

1. Notice. The community development director shall provide written notice to the holder of the special use permit identifying the nature of the noncompliance, the corrective action required, and a reasonable period for correction. The director may establish an immediate correction period when necessary to address an imminent threat to health, safety, or welfare.

2. Administrative authority. Following notice, the community development director is authorized to modify or supplement the conditions of the special use permit when reasonably necessary to bring the special use into compliance with this section or the applicable criteria for review. Any modification shall be limited to conditions reasonably related to the special use and the impacts or noncompliance identified in the notice. A modification of conditions by the community development director may be appealed to the city council; such appeal shall be made in writing within ten (10) days of such administrative decision.

~~2.~~**3. City council authority.** Upon **appeal, or upon** a finding of noncompliance after the prescribed correction date, the community development director shall schedule a ~~revocation~~ **public** hearing before the city council. The purpose of the ~~revocation~~ hearing shall be for the city council to hear evidence concerning the nature and extent of the alleged noncompliance **or material alteration** ~~with the conditions~~ of the special use ~~permit~~. The council shall have the power, upon good cause being shown, to cancel or revoke the previously issued special use permit, to require certain corrective measures to be taken, and/or to direct the city's agents to enter upon the premises and take corrective measures required by the city council, and to modify the conditions which apply to the special use permit.

4. Notice of public hearing under shall be in the manner provided in subsections 26-109.B, C and D.

Section 8. Section 26-123 of the Wheat Ridge Code of Laws, defining certain terms applicable to Chapter 26 of the Code, is hereby amended in the appropriate alphabetical location, as follows:

Accessory outdoor entertainment. **Occasional and temporary outdoor events held on a property containing a primary use, such as an eating or drinking establishment or retail store.**

Event venue, indoor. **A nonresidential building or tenant space leased or rented for private parties and other various social or business gatherings, such as banquet halls, reception halls, dance halls, and private event centers, and not associated with another permitted primary use such as a hotel, school, city-owned property, or place of worship.**

Event venue, outdoor. **A nonresidential building or tenant space leased or rented for private parties and other various social or business gatherings that includes, entirely or partially, outdoor areas as part of the usable event space. This may include, but is not limited to, outdoor patios or reception areas, outdoor amphitheaters, or other outdoor performance spaces or stages, and not associated with another permitted primary use such as a hotel, school, city-owned property, or place of worship.**

~~*Social club*. A business whose sole, exclusive, or principal service provided is the leasing of space to persons or groups for private events such as parties or fundraisers. Social clubs do not include liquor licensed establishments, private clubs or lodges, hotels, public and private schools, colleges or universities, or churches.~~

Section 9. The "Table of Uses – Residential" set forth in Section 26-204 of the Code, concerning uses in residential zone districts, is hereby amended by making the following addition:

Uses	Notes	R-1	R-1A	R-1B	R-1C	R-2	R-2A	R-3	R-3A
Residential Use with Accessory Outdoor Entertainment	**Limited to properties one (1) acre or greater**	**S**	**S**	**S**	**S**	**S**	**S**	**S**	**S**

Section 10. The "Table of Uses – Agricultural and Public Facilities" set forth in Section 26-204 of the Code, concerning uses in agricultural and public facilities zone districts, is hereby amended by making the following addition:

Uses	Notes	A-1	A-2	PF
Residential or Agricultural Use with Accessory Outdoor Entertainment	**Limited to properties one (1) acre or greater**	**S**	**S**	**S**

Section 11. The "Table of Uses – Commercial and Industrial Districts" set forth in Section 26-204 of the Code, concerning uses in commercial and industrial zone districts, is hereby amended by doing making the following additions and deletions in the appropriate alphabetical location:

Uses	Notes	NC	RC	C-1	C-2	I-E
Event Venue, Indoor	**Capacity limited to 100 in NC and RC**	**P**	**P**	**P**	**P**	**P**
Event Venue, Outdoor				**P**	**P**	**P**
	If adjacent to residential use			**S**	**S**	**S**
Private clubs **or lodge**~~, social clubs~~, bingo parlors and similar uses		**P**	**P**	P	P	P
~~Social club~~	~~In accordance with Wheat Ridge Code of~~			~~P~~	~~P~~	~~P~~

	~~Laws, Chapter 11, Article XI~~					

Commercial and Industrial District Accessory Uses	Notes
Accessory outdoor entertainment	**Permitted on properties containing a primary use. Event area must be clearly delineated and on all-weather surface.**

Section 12. The "Permitted Uses" table set forth in Section 26-1111.B of the Code, regarding permitted uses in the mixed-use zone districts, is hereby amended as follows:

Use Group	MU-C	MU-C Interstate	MU-C TOD	MU-N
[…]				
Commercial Services and Retail				
Event Venue, Indoor	**P**	**P**	**P**	**P**
Event Venue, Outdoor	**P**	**P**	**P**	**C**
Event Venue, Outdoor (if adjacent to residential use)	**C**	**C**	**C**	**NP**
Temporary Uses				
Accessory outdoor entertainment	**P**	**P**	**P**	**P**

Section 13. "Table 5: Permitted Uses Within MU-LLC Overlays and Sub-Districts" set forth in Section 26-1410.B of the Code, regarding permitted uses in the MU-LLC zone district, is hereby amended as follows in the appropriate alphabetical location:

Use Group	Low-Density Overlay	Sub-district 1 (outside of Low-Density Overlay)	Sub-district 2	Sub-district 3	Sub-district 4 (outside of Low-Density overlay)
[…]					
Commercial Services and Retail					
Event Venue, Indoor	**NP**	**NP**	**P**	**P**	**NP**

Event Venue, Outdoor	**NP**	**NP**	**P**	**P**	**NP**
Event Venue, Outdoor (if adjacent to residential use)	**NP**	**NP**	**C**	**C**	**NP**
Temporary Uses					
Accessory outdoor entertainment	**NP**	**NP**	**P**	**P**	**C**

Section 14. 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 15. 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 26th day of October 2026, ordered published in full on the City's website as provided by the Home Rule Charter, and Public Hearing and consideration on final passage set for November 9, 2026, at 6:30 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 ___ to ___, this 9th day of November 2026.

SIGNED by the Mayor on this _____ day of _____, 2026.

_____

Korey Stites, Mayor

ATTEST:

_____

Janeece Hoppe, City Clerk

Approved as to Form:

_____

Gerald Dahl, City Attorney

First Publication: October 27, 2026
Second Publication: November 10, 2026
Effective Date: November 25, 2026

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PLANNING COMMISSION
Draft Minutes of Meeting
October 15, 2026

CALL THE MEETING TO ORDER

The meeting was called to order by Chair DISNEY at 6:31 p.m. This meeting was held in person and virtually, using Zoom video-teleconferencing technology.

1. ROLL CALL OF MEMBERS

Commission Members Present:	Kristine Disney Jennifer Gibbs Daniel Graeve Simon McGowan Syrma Quinones
Commission Members Absent:	Krista Holub Michael Moore Anna Sparks
Staff Members Present:	Jana Easley, Planning Manager Scott Cutler, Senior Planner Tammy Odean, Recording Secretary

2. PLEDGE OF ALLEGIANCE

3. APPROVE ORDER OF THE AGENDA

It was moved by consensus to approve the order of the agenda.

4. APPROVAL OF MINUTES – August 20, 2026

It was moved by Commissioner GIBBS and seconded by Commissioner GRAEVE to approve the minutes of August 20, 2026, as written. Motion approved 4-0-1 with Commissioner QUINONES abstaining.

5. PUBLIC FORUM (This is the time for any person to speak on any subject not appearing on the agenda.)

No one wished to speak at this time.

6. PUBLIC HEARING

DRAFT

dedicated to the city, with first right of refusal for non-emergency uses such as promoting the Carnation Festival. Two slots would be set aside for emergency messaging.

Commissioner GRAEVE also noted that the draft language still contained the adjacent-jurisdiction wording without the orientation carve-out.

Ms. Easley confirmed this was a typo in the draft.

In response to a question from Commissioner QUINONES, Ms. Easley clarified that only four digital billboards, all on the I-70 corridor, would be introduced and that they would be converted from existing billboards.

Commissioner GIBBS asked whether the billboards are on private property and if the city would receive financial benefit.

Ms. Easley replied that they are on private property under lease agreements. The city would collect electrical and building permit fees but no billboard revenue, though it could benefit from use of the city's advertising slot.

Chair DISNEY asked how removal of outdated signs is monitored and enforced.

Ms. Easley replied that enforcement is generally complaint-driven because of limited field staff, and that sign clutter is addressed through maximum square footage allowances for wall and freestanding signs and condition standards for temporary signs.

Chair DISNEY closed the public hearing.

It was moved by Commissioner MCGOWAN and seconded by Commissioner QUINONES to recommend approval of the proposed ordinance amending Chapter 26 of the Wheat Ridge Code of Laws regarding digital billboards and general sign code amendments.

Motion carried 5-0.

B. **<u>Case No. ZOA-26-4</u>:** An ordinance amending the Wheat Ridge Code of Laws to address the regulation of social clubs and making confirming amendments therewith.

Chair DISNEY opened the public hearing.

DRAFT

Mr. Cutler gave a short presentation regarding the ordinance. He entered the public hearing information and presentation into the record.

Public Comment

No one wished to speak at this time.

Commissioner QUINONES inquired whether a property of one acre or less would need rezoning to host events.

Mr. Cutler replied that commercial event venues have no property size limit and that the one-acre threshold applies only to residential or agricultural properties. No rezoning is required, but a special use permit is, and it includes a neighborhood meeting and notice requirements. Properties under one acre are not considered appropriate for commercial event operations in a residential context, though private family gatherings remain allowed. Ms. Easley added that special use notice gives neighbors the opportunity to contact the city and comment.

Chair DISNEY closed the public hearing.

It was moved by Commissioner QUINONES and seconded by Commissioner GRAEVE to recommend approval of the proposed ordinance amending Chapter 26 of the Wheat Ridge Code of Laws to address the regulation of social clubs and making conforming amendments in connection therewith.

Motion carried 5-0.

7. OLD BUSINESS

8. NEW BUSINESS

A. Update on Appendix F of City Plan

Ms. Easley gave a preview of an item coming to the Commission on November 19. Appendix F of the City Plan, adopted last year, contains the strategic growth element, the water supply element, and the three-mile plan. Because additional information and new state direction have been received, Appendix F must be updated to comply with state statute. State law also requires the three-mile plan, which governs annexation, to be updated annually. Senior Planner Stefi Szreck will present the details on November 19, and the Commission will make a recommendation on a related resolution.

DRAFT

ITEM NUMBER: 2
DATE: November 9, 2026

REQUEST FOR CITY COUNCIL ACTION

COUNCIL BILL NO. 21-2026

TITLE: AN ORDINANCE AMENDING CHAPTER 26 OF THE WHEAT RIDGE CODE OF LAWS CONCERNING SIGN AND BILLBOARD REGULATIONS

☒PUBLIC HEARING
☐BIDS/MOTIONS
☐RESOLUTIONS
☐ORDINANCES FOR 1st READING
☒ORDINANCES FOR 2nd READING

QUASI-JUDICIAL ☐YES ☒NO

ISSUE:

This ordinance amends Chapter 26 of the Wheat Ridge Code of Laws to allow up to four digital billboards within the city and to make general amendments to the sign code for clarity and content neutrality.

PRIOR ACTION:

City Council first considered digital billboards during a February 3, 2025 study session. At that time, it was decided to bring the digital billboard discussion back to Council for a separate study session.

The City Council was presented with the background on this ordinance at the February 2, 2026 study session, at which time Council provided consensus for staff to proceed with a code amendment.

On October 15, 2026, the Planning Commission recommended approval of the ordinance by a vote of 5 to 0. A copy of the draft Planning Commission minutes is attached.

City Council approved this ordinance on first reading on October 26, 2026. A motion was made by Councilmember Ohm and seconded by Councilmember Snell and approved by a vote of 8 to 0.

FINANCIAL IMPACT:

The proposed ordinance is not anticipated to have a direct financial impact on the city.

BACKGROUND:

The sign code was last amended in 2023, specifically related to billboards. In response to inquiries from the billboard industry, City Council considered digital billboards and electronic message boards and a public-private partnership related to digital ad sales during a February 3, 2025 study session. At that time, it was decided to bring the digital billboard discussion back to Council for a separate study session.

At the February 2, 2026, study session, Council was asked to provide direction on the following:

- Whether there is interest in allowing digital billboards in Wheat Ridge;
- If so, what limitations should apply (e.g., quantity, spacing, and selection method); and
- Whether Council supports moving forward with other proposed sign code amendments that are intended to be more business friendly.

After extensive discussion, Council reached consensus on allowing digital billboards with the following parameters:

- 2,500-foot minimum distance between digital billboards, including measurements from existing digital signage in adjacent jurisdictions
- Maximum of four (4) single-sided conversions (no new billboards)
- Regulations for a minimum message hold time
- Regulations for light adjustment in residential-adjacent neighborhoods
- Some form of public benefit requirement to be researched by staff
- 30-day period for billboard operators to negotiate an equitable distribution of licenses before implementing a lottery system

After the February 2026 study session, staff worked with the City Attorney to draft the proposed regulations. Staff also consulted with CDOT and the owners of the city's existing billboards to better understand best practice and existing regulations. The intent of this ordinance and Council's policy direction has been to reasonably accommodate the billboard industry's request for digital billboard conversations in an equitable way. It was not possible to retain a 2,500-foot as-the-crow-flies separation and achieve equitable distribution of the four digital billboards among the four operators. For that reason, the final ordinance establishes a 2,500-foot line-of-sight separation meaning no two digital billboards facing the same direction may be closer than 2,500 feet. This approach is also more customary in CDOT's billboard regulations. Staff believe the intent of the code amendment is upheld and recommend this approach.

Council further reached consensus to move forward with the following general sign code amendments which were recommended by staff to allow more flexibility for local businesses:

1. Wall signs: Allow signs to face any direction rather than only public streets or major internal drives, while maintaining the maximum total square footage.

2. Painted murals: Allow murals that include business-related imagery, addressing content neutrality requirements.
3. Roof signs: Allow roof signs in cases where there is no other practical alternative for signage.
4. Window signage: Allow window signs on exterior glass for spandrel windows that cannot be accessed from inside.
5. Changeable copy signs: Clarify regulations to exempt signs showing fixed character and functional data fields (examples of these would be time, temperature, fuel prices, and lottery amounts).

RECOMMENDATION:

Staff recommend approval of the ordinance.

RECOMMENDED MOTION:

"I move to approve Council Bill No. 21-2026, an ordinance amending Chapter 26 of the Wheat Ridge Code of Laws, concerning sign and billboard regulations on second reading, order it published, and that it take effect immediately."

Or,

"I move to postpone indefinitely Council Bill No. 21-2026, an ordinance amending Chapter 26 of the Wheat Ridge Code of Laws, concerning sign and billboard regulations for the following reason(s): _____."

REPORT PREPARED/REVIEWED BY:

Jana Easley, Planning Manager
Lauren Mikulak, Community Development Director
Patrick Goff, City Manager

ATTACHMENTS:

1. Council Bill No. 21-2026
2. Draft Planning Commission Minutes

CITY OF WHEAT RIDGE, COLORADO
INTRODUCED BY COUNCIL MEMBER
Council Bill No. 21
Ordinance No. 1854
Series 2026

TITLE: AN ORDINANCE AMENDING CHAPTER 26 OF THE WHEAT RIDGE CODE OF LAWS CONCERNING SIGN AND BILLBOARD REGULATIONS

WHEREAS, the City of Wheat Ridge (the "City") is a home rule municipality having all powers conferred by Article XX of the Colorado Constitution; and

WHEREAS, pursuant to its home rule authority and C.R.S. § 31-23-101, the City, acting through its City Council (the "Council"), is authorized to adopt ordinances for the protection of the public health, safety or welfare; and

WHEREAS, in the exercise of this authority, the City Council has previously adopted Article VII of Chapter 26 of the Wheat Ridge Code of Laws ("Code") entitled sign code; and

WHEREAS, the Council recognizes that from time to time the City's zoning code needs to be updated to establish standards not included in original regulations, to include modern terms and uses, and to provide clarity to City staff and the public; and

WHEREAS, the Council wishes to modernized definitions and provide clarity to other sections of Article VII of Chapter 26; and

WHEREAS, the Council wishes to allow a restricted number of digital billboards within the city; and

WHEREAS, the four (4) existing billboard owners have requested a thirty (30) day period to negotiate an equitable distribution of digital billboard licenses in lieu of an initial lottery process.

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

Section 1. Section 26-702 of the Code regarding sign-related definitions is amended by the removal, addition, and revision of the following definitions in the appropriate alphabetical locations:

Sec. 26-702. Definitions.

For the purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

ATTACHMENT 1

***Ambient Light Sensor (Photocell)*. A control device that automatically changes the brightness of a sign based on the amount of light in the surrounding environment (e.g., dimming the sign at sunset or during a heavy storm).**

…

~~*Artistic mural or sculpture.* A freestanding statue or sculpture or a graphic illustration or design, or an architectural design or relief applied directly to or incorporated within a wall of a building, which does not advertise or promote a particular business, service or "branded" product.~~

***Artistic Mural*. A visual design, graphic, or image painted directly onto an exterior wall of a structure that is clearly separate from the business name and logo. Artistic murals are not considered signs. Business name and logo are considered Wall signs.**

***Artistic Sculpture*. A three-dimensional work of art, including but not limited to statues, reliefs, or architectural installments, that is created by shaping or combining materials such as stone, metal, wood, or glass that is clearly separate from the business name and logo. Artistic sculptures are not considered signs.**

…

***Billboard, digital*. A billboard that utilizes digital display technology—including, but not limited to, Light Emitting Diodes (LEDs), Liquid Crystal Displays (LCDs), plasma screens, or similar electronic media—capable of displaying static or moving images, text, or graphics, where the message is changed through electronic or remote means.**

Blade sign. A sign which is affixed to any building, wall or structure and which extends beyond the building wall more than fifteen (15) inches**, and which has a sign face that is generally perpendicular to the building façade.**

Building front. The exterior wall(s) of a building facing a public street**(s)** or ~~streets or other public~~ right-of-way other than alleys, or one (1) exterior wall containing the primary entrance to the building if not directly facing upon a public street.

***Candela (cd)*. The standard unit of luminous intensity. One candela is roughly equivalent to the light produced by a single common candle.**

Canopy sign. A sign mounted to a **freestanding** roof-like structure serving the purpose of protecting vehicles and/or pedestrians ~~and which may be freestanding or attached to a building, is provided with supports, and~~ **that** is open on **all** ~~three (3)~~ sides ~~if attached and on all sides if freestanding~~. **Signs on a canopy structure attached to the principal building or structure are considered Wall signs.**

Changeable copy sign. A sign, either illuminated or nonilluminated, which is designed so that the message or any part of the message may be periodically changed, either mechanically or electronically~~, however, where a change in message occurs no sooner than every eight (8) seconds~~. This includes signs that utilize computer-generated messages or some other electronic means of changing copy, including displays using incandescent lamps, LEDs, LCDs or a flipper matrix. Messages shall be static and a change in message shall be instantaneous.

The following shall not be considered Changeable Copy Signs:

Static Data Updates: Fixed-character fields where the alphanumeric data is updated no more than four (4) times per 24-hour period (for example, a gas price sign).

Functional Data Fields: A single display area not exceeding two (2) square feet that provides continuous updates of numerical data (such as time or decimal-based measurements), provided the transition is instantaneous and contains no flashing or scrolling (for example, a digital clock).

…

***Footcandle (fc)*. A unit of illuminance equal to one lumen per square foot. In this code, it is used to measure Light Trespass (light falling onto a neighboring property) and Ambient Contrast (the brightness of a sign relative to its surroundings).**

…

~~*Lot.* A tract, building site, parcel or portion of land separated from other parcels or portions by description, as on a subdivision plat of record or survey map or by metes and bounds, for the purpose of sale, lease or use.~~

Major interior drive. A drive aisle located on private property which connects two (2) public streets or provides access to two (2) or more parcels of land or developments. ~~Where the regulations allow "one sign per major interior drive," the intent is that the sign allowed is placed upon or facing the major interior drive, unless specifically otherwise permitted.~~

***Nit*. A unit of measurement of luminance. One nit is equal to one candela per square meter.**

…

~~*Off-premise sign.* A commercial sign advertising a land use, business, product or service not located or available as the primary business, product or service upon the premises whereon the sign is located.~~

…

***Photocell (Ambient Light Sensor)*. A control device that automatically**

changes the brightness of a sign based on the amount of light in the surrounding environment (e.g., dimming the sign at sunset or during a heavy storm).

…

Roof sign. A sign erected, constructed and maintained above the eaves and attached to the roof **(excluding mansard roofs)** of a building.

…

***Sign face*. The surface of the sign upon, against, or through which the message is displayed or illustrated.**

…

Street frontage. For the purpose of signage, frontage upon a street is obtained by ownership, easement or leasehold **and as determined by the city based on a relationship between building, lot and street** ~~only if used for vehicular access to the property, or if not used for vehicular access, only if such street frontage is at least fifty (50) feet in width. Where the regulations allow "one sign per street frontage," the intent is that the sign allowed is placed upon or facing the street, unless specifically otherwise permitted.~~

…

Size of sign. When two (2) identical sign faces are placed back to back so that both faces cannot be viewed from any point at the same time, and are part of the same sign structure, the sign area shall be computed as the measurement of one (1) of the two (2) faces. For a sign which is framed, outlined, painted or otherwise prepared and intended to provide a background for a sign display, the area and dimensions shall include the entire portion within such background or frame. For a sign comprised of individual letters, figures or elements on a wall of a building or surface of a structure, the area and dimensions of the sign shall encompass a regular geometric shape (rectangle, circle, trapezoid, triangle, etc.) or a combination of regular geometric shapes, which form or approximate the perimeter of all elements in the display, the frame and any applied background that is not part of the architecture of the building or structure. When separate elements are organized to form a single sign but are separated by open space, the sign are**a** and dimensions shall be calculated by determining the geometric form, or the combination of forms, which comprises all of the display areas, including the space between different elements. For a freestanding sign, the sign area shall include the frame, if any, but shall not include the pole or other structural support unless such pole or structural support is internally illuminated or otherwise so designed to constitute a display, or part of a display device. Architectural features that are either part of the building or part of a freestanding structure, and not an integral part of the sign, and which may consist of landscaping, building, or structural

forms completing the site in general shall also not be in the sign area. **May also be referred to as Sign area.**

…

*Traffic **control** and regulatory signs.* Signs, signals or markings placed or erected by federal, state or local authority for the purpose of regulating, warning or guiding traffic.

…

Wall sign. A sign constructed of durable materials or painted and which is permanently affixed to an exterior surface of any building, wall or structure and which does not extend more than fifteen (15) inches beyond the building wall~~,~~ ~~except that s~~**S**ignage placed upon **awnings,** marquees, **or** canopies **attached to the principal building or structure, or signage on mansard roofs,** ~~or awnings~~ shall **also** be considered ~~as~~ wall signs.

Window or door sign. Any sign or decal affixed to, painted on, applied to, or hanging within twelve (12) inches of the interior of a window and that can be seen through the window from the exterior of the structure, but excludes merchandise included in a window display. **Window signs also include signs affixed to, painted on, or applied to the exterior of a window.**

…

Section 2. Section 26-705 of the Code subsections D. through F. are regarding permit required is amended to read:

Sec. 26-705. Permit required.

D. Fees for the erection of signs are assessed as part of building permit review and issuance. ~~Permit fees and city~~ **Building** use tax will be waived where a nonconforming sign is removed and replaced by a sign conforming with these regulations.

E. The property owner, principal lessee, or authorized agent of the platted or otherwise recognized as legally developable parcel on which the sign will be located shall be the same person applying for the sign permit. Documentation shall accompany the permit for verification. **Building permit applications for single tenant signs on multitenant properties shall include property owner authorization with the building permit application.**

F. A ~~copy~~ **sign face** change **or copy change** with no modifications to the sign structure, support, cabinets, electricity, or other features shall be exempt from **a** building permit.

Section 3. Section 26-706 is amended by the removal of subsection C. and minor clarification:

Sec. 26-706. Nonconforming signs.

A. Nonconforming signs. …

1. …

4. Normal maintenance which does not require modification of the sign structure, supports or members shall be permitted. A **sign** face change is considered normal maintenance.

5. …

B. …

~~C. *Nonconforming electronic changeable copy signs.* Such signs which are made nonconforming by the adoption of ordinance no. 1641 shall be brought into conformance with the requirements of this article on or before May 11, 2019.~~

Section 4. Section 26-707 is amended to with edits to subsections B. and G. as follows:

Sec. 26-707. General provisions/performance standards.

…

B. *Location of signs.*

1. ~~All signs allowed by this article, except billboards, public signs, and signs permitted under the criteria in section 26-708 E. must be owned by the property/building owner, or principal lessee of the property/building on which the sign is placed.~~ **Refer to Sections 26-710 and 26-711 for permitted sign locations on private property.**

C. …

G. *Illumination.*

1. …

5. In the MU-N **and MU-LLC** district**s**, illuminated signs are encouraged to be turned off when businesses are not in operation.

6. …

9. The nighttime illumination of changeable copy signs shall **comply with Section 26-710.F**. ~~conform with the following criteria:~~

~~a. Illumination measurement methods shall be consistent with established city policy.~~

~~b. Illumination limits. The difference between the off and solid-message measurements using the measurement criteria shall not exceed 0.3 footcandles at night.~~

~~c. Dimming capabilities. All permitted changeable copy signs shall be equipped with a sensor or other device that automatically determines the ambient illumination and programmed to automatically determines the ambient illumination and programmed to automatically dim according to the ambient light conditions, or that can be adjusted to comply with the 0.3 footcandle measurements.~~

Section 5. Section 26-708.B.2. is amended to add clarifying language as follows:

Sec. 26-708. Miscellaneous provisions.

…

B. *Signs located on bus benches and bus stop shelters.*

1. Signs located on bus benches shall be in conformance with section 21-124 of the Code.

2. Signs located on a bus stop shelter shall be in conformance with section 21-151 of the Code. Such signs shall be limited to two (2) **sign** faces per shelter with a maximum **sign area** of twenty-four (24) square feet per face.

Section 6. Section 26-709 is amended to update Table 1 by the removal and edits of the following rows as follows:

Table 1. Permanent Signs by Land Use

Type of Sign	Low Density Residential Use	Multi-Unit Residential Use	Nonresidential Use
Blade	NP	~~NP~~ **L**	P
~~Off-premise~~	~~NP~~	~~NP~~	~~NP~~
Roof	NP	NP	~~NP~~ **L**
~~Vehicle~~	~~P~~	~~P~~	~~P~~
Wall ~~or painted~~	L	P	P
Window or door	~~P~~ **L**	P	P

Section 7. Section 26-710 is amended to remove definitions from each of the permanent sign types, renumber as needed, add a table for freestanding signs, and update language to provide clarity and consistency as follows:

Sec. 26-710. Permanent sign standards.

A. …

C. *Arcade signs.*

~~1. Definition: Any sign projecting beneath and attached to the underside of any balcony, canopy, awning or other structural overhang or passageway.~~

1.~~2.~~ Maximum number: one (1) per business.

2.~~3.~~ Maximum size: four (4) square feet.

3.~~4.~~ Height: minimum height above street frontage or sidewalk level is ~~seem~~ **seven** (7) feet.

4.~~5.~~ Location: may not extend above the bottom of eave, balcony, canopy, awning or other structural overhang or passageway to which it is affixed. Can extend into right-of-way with an approved right-of-way permit.

D. *Barber shop poles.*

~~1. Definition: A sign with a striped interior which may or may not rotate, which is traditionally utilized to signify the presence an establishment within which the practice of barbering is engaged or carried out.~~

1.~~2.~~ Maximum number: one (1) per street frontage or major interior drive.

2.~~3.~~ Height: pole height cannot exceed five (5) feet in total, **and** may not exceed height of building to which it is attached.

3.~~4.~~ Location: must be wall mounted. May extend into the right-of-way with an approved right-of-way permit.

E. *Blade signs.*

1. ~~Definition: a sign which is affixed to any building, wall or structure and which extends beyond the building wall more than fifteen (15) inches.~~ **The outermost edge of the sign shall project** ~~Projection shall extend~~ no more than forty-eight (48) inches away from the structure to which the sign is attached.

2. …

4. ~~H~~eight:

   a. May not extend above the top of the wall or parapet or~~; not to~~ be roof mounted.

   b. …

6. Additional standards:

   a. Blade signs are encouraged in the traditional overlay areas, as defined by the architectural and site design manual**, and in mixed-use zones.**

   b. …

   e. Blade signs are allowed for multi-unit buildings but are not allowed for single-unit attached dwellings.

F. *Canopy signs.*

1. ~~Definition: a sign mounted to a roof-like structure serving the purpose of protecting vehicles and/or pedestrians and which may be freestanding or attached to a building, is provided with supports, and is open on three (3) sides if attached and on all sides if freestanding.~~

1.~~2.~~ Maximum number: one (1) per street frontage or major interior drive.

2.~~3.~~ Maximum size: **The total allowed square footage of all canopy signs on a canopy structure shall be based on one-half (0.5) square foot for every linear foot of the canopy that faces streets or major internal drives, as determined by the community development director. Canopy signage is allowed in addition to primary building signage.** ~~canopy signs may use up to fifty (50) percent of the allowed wall sign allowance the size of the canopy sign is to be subtracted from the allowable wall signage.~~

3. **Canopy signs are permitted to be affixed to any side of a canopy.**

G. *Changeable copy signs.*

1. ~~Definition: a sign, either illuminated or nonilluminated, which is designed so that the message or any part of the message may be periodically changed, either mechanically or electronically, however, where a change in message occurs no sooner than every eight (8) seconds. This includes signs that utilize computer-generated messages or some other electronic means of changing copy, including displays using incandescent lamps, electronic message centers (EMCs), LEDs, LCDs or a flipper matrix. Messages shall be static and a change in message shall be instantaneous.~~

1.~~2.~~ Prohibition: changeable copy signs are not ~~be~~ permitted in the MU-N district**,** or the MU-C TOD sub-district. **See section 26-1412 for changeable copy regulations in the MU-LLC district.**

2.~~3.~~ Maximum number: one (1) per street frontage, but no more than two (2) per development.

3.~~4.~~ Maximum size:

a. **Nonresidential uses i**~~I~~n residential zone districts, a maximum of thirty**-two** (32) square feet per sign.
b. **Nonresidential uses i**~~I~~n nonresidential zone districts, the freestanding and wall signage size regulations (subsections 26-710 J. and 26-710 **M.**~~L.~~) apply.

4.~~5.~~ Height:

a. In residential zone districts, a maximum of seven (7) feet.
b. In nonresidential zone districts, freestanding and wall signage height regulations (subsections 26-710 J. and 26-710 **M.**~~L.~~) apply.

5.~~6.~~ Location: for freestanding changeable copy signs, the minimum setback is five (5) feet from any property line.

6.~~7.~~ The time lapse between **changes** ~~the change~~ in information shall not be less than eight (8) seconds.

7. The nighttime illumination of changeable copy signs shall conform with the following criteria:

a. Illumination measurement methods shall be consistent with established city policy.

b. Illumination limits. The difference between the off and solid-message measurements using the measurement criteria shall not exceed 0.3 footcandles at night.

c. Dimming capabilities. All permitted changeable copy signs shall be equipped with a sensor or other device that automatically determines the ambient illumination and programmed to automatically determines the ambient illumination and programmed to automatically dim according to the ambient light conditions, or that can be adjusted to comply with the 0.3 footcandle measurements.

H. *Directional signs.*

~~1. Definition: a freestanding or wall-type sign, not located within the public street right-of-way, providing necessary directional information to motor vehicle operators or pedestrians, such as entrance, exit, parking limitations or location of onsite buildings or facilities. Directional signs shall be clearly incidental to the primary signage on a property, in both height and sign area.~~

1.~~2.~~ Maximum number: no limit.

2.~~3.~~ Maximum size:

a. Eight (8) square feet per side; or

b. ~~f~~**F**our (4) square feet per side **if located within a required sight distance triangle**.

3.~~4.~~ Height:

a. ~~If freestanding, s~~**S**hall not exceed **six (6) feet in height; or**

b. Shall not exceed thirty-six (36) inches in height **as measured from the flow line or edge of pavement** if within a required sight distance triangle~~, or forty-eight (48) inches where outside of a sight distance triangle~~.

I. *Flag.*

~~1. Definition: any fabric or other flexible material attached to or designed to be flown from a flagpole or similar device.~~

1.~~2.~~ **Maximum Height:** ~~Maximum flagpole height of~~ thirty-five (35) feet.

J. *Freestanding signs.*

~~1. Definition: a sign that is permanent and self-supporting, being nondependent on support from a building or other structure, including signs placed upon fences or nonsupporting walls. This includes pole-mounted or monument signs.~~

1.~~2.~~ Owner authorization required: building permit applications for single tenant signs on multitenant properties shall include property owner authorization with the building permit application.

2. Sign Height. The height shall be measured from the lowest point of the sign base to the top of the sign. In instances of significant grade difference between the site grade and adjacent sidewalk or similar feature, as determined by the community development director, the sign height may be measured from the finished grade from the nearest pedestrian walk or similar feature.

3. …

4. Multiple signs: where multiple freestanding signs are permitted pursuant to this section, the following standards shall apply:

   a. ~~Where two (2) freestanding signs are permitted by virtue of multiple street frontages, e~~**E**ach permitted sign shall be allowed to have the maximum square footage allowed as noted in this subsection. In addition, the **permitted** sign area ~~allowed~~ may be transferred from one (1) sign to another; provided, that no freestanding sign shall exceed four hundred (400) square feet in **sign** area.

   b. …

~~5. For low density residential uses:~~

~~a. Not permitted, except for as allowed by the home occupation regulations.~~

~~6. For multi-unit dwelling uses, including single-unit attached dwellings:~~

~~a. Maximum number: One (1) per street frontage, not to exceed two (2).~~
~~b. Maximum size: thirty-two (32) square feet.~~
~~c. Minimum setback: five (5) feet from any property line.~~
~~d. Maximum height: seven (7) feet.~~

~~7. For nonresidential uses in residential zone districts:~~

~~a. Maximum number: one (1) per street frontage, not to exceed two (2).~~
~~b. Maximum size: thirty-two (32) square feet.~~
~~c. Minimum setback: five (5) feet from any property line.~~
~~d. Maximum height: seven (7) feet.~~

~~8. For nonresidential uses in nonresidential zone districts:~~

~~a. Maximum number: one (1) per street frontage, not to exceed two (2).~~
~~b. Maximum size: based upon table 3 below.~~
~~c. Minimum setback, based upon height and adjacent zoning:~~

~~(1) Ten (10) feet if adjacent to residentially zoned properties.~~
~~(2) Five (5) feet from ROW if under seven (7) feet tall.~~
~~(3) Ten (10) feet from ROW if seven-fifteen feet in height.~~
~~(4) Thirty (30) feet for signs over fifteen (15) feet in height.~~

~~d. Maximum height: based upon zoning and location:~~
~~(1) Seven (7) feet in all mixed use zone districts.~~
~~(2) Fifty (50) feet for retail and service businesses within one quarter (¼) mile of an interstate highway measured from the property line.~~
~~(3) Fifteen (15) feet for all other freestanding signs.~~

5. Freestanding signs for the following uses shall comply with the standards in Table 3:

Table 3. Freestanding Sign Standards by Use Type

Use Type	Max. Number	Max. Size (sf)	Min. Setback from ROW (ft.)[2]	Max. Height (ft.)
Low-density residential uses	1 non-illuminated sign[1]	2 sf	0 ft.	4 ft.
Multi-unit residential uses	1 per street frontage, maximum 2 per development	32 sf	5 ft.	7 ft.
Nonresidential uses in residential zone districts		32 sf	5 ft.	7 ft.
Nonresidential uses in nonresidential zone districts		Per Table 4	5 ft. for signs ≤7 ft. in height; 10 ft. for signs > 7 ft. to ≤15 ft. in height; 30 ft. for signs > 15 ft. in height	Mixed Use districts: 7 ft. Retail/Service business within ¼ mile of an interstate highway[3]: 50 ft. All other: 15 ft.

1. For home occupations only; refer Section 26-613.
2. 10 ft. side/rear setback also required when adjacent to a residentially zoned property.
3. Measured from the property line to the interstate right-of-way.

Table 43. Maximum sign area for freestanding signs for nonresidential ~~NONRESIDENTIAL~~ uses in nonresidential zone districts

Floor Area of Building*	Single Tenant Sign	Multiple Tenant Sign
0—1,500 square feet	35 square feet	60 square feet
1,501—5,000 square feet	35 square feet plus 1 square foot per each additional 50 square feet of floor area over 1,501.	60 square feet plus 1 square foot per each additional 40 square feet of floor area over 1,501.
5,001—50,000 square feet	100 square feet plus 1 square foot per each additional 500 square foot of floor area over 5,001.	150 square feet plus 1 square foot per each 300 square feet of floor area over 5,001.
Over 50,001 square feet	190 square feet plus 1 square foot per each additional 1,000 square feet of floor area over 50,001 up to a maximum size of 300 square feet	300 square feet plus 1 square foot per each additional 1,000 square feet of floor area over 50,001 up to a maximum size of 400 square feet
*In computing allowable sign size, only the footprint of the **principal building** ~~structure~~ can be used. The floor area of **any freestanding canopies or accessory structures on the property** ~~gas station canopies and drive-thru canopies~~ cannot be applied toward the freestanding sign allowance.		

~~9. Home occupations:~~

~~a. Must be in compliance with section 26-613 of the Municipal Code.~~
~~b. Must have an approved business license through the city.~~
~~c. Permitted one (1) non-illuminated sign not to exceed two (2) square feet in size.~~

6. ~~10.~~ 3D signs: three-dimensional (3D) signs, as defined in section 26-702, are permitted the sign allowances listed in this subsection multiplied by one and seventy-five one-hundredths (1.75), as measured in cubic feet.

K. *Sign oriented to a drive-through lane.*

~~1. Definition: a freestanding or wall-mounted sign, oriented predominantly towards a drive-through or drive-up lane, which is clearly incidental to the primary signage on a property, in both height and sign area.~~

1. ~~2.~~ Maximum size: thirty-five (35) square feet per drive-through lane

2. ~~3.~~ Maximum height: six (6) feet

3. ~~4.~~ Additional standards

a. May be illuminated by internal lighting only.

b. Must be screened from the right-of-way such that signs do not violate subsection 26-707 D.

L. *Traffic control ~~or~~ **and** regulatory signs.*

~~1. Definition: signs, signals or markings placed or erected by federal, state or local authority of the purpose of regulating, warning or guiding traffic~~

1.~~2.~~ Location: may be placed by the federal, state or local authority within the public right-of-way.

M. *Wall ~~or painted~~ signs.*

1. **The purpose of these regulations is to establish a maximum size allowance and to allow flexibility in wall sign location**. ~~Definition: a sign constructed of durable materials which is permanently affixed to an exterior surface of any building, wall or structure or painted directly on the exterior surface of a building, wall or structure which does not extend more than fifteen (15) inches beyond the building wall, except that signage placed upon marquees, canopies or awnings shall be considered wall signs.~~

2. Maximum size:

a. **Single tenant building allowance. The total allowed square footage of all wall signs on a building shall be based on one (1) square foot for every linear foot of the walls that face streets or major internal drives, as determined by the community development director.** ~~Total size for any single or combined wall sign is no larger than one (1) square foot for every linear foot of the side of the building to which it is affixed.~~

b. Multiple tenant building allowance. The total allowed square footage of tenant signs on a multiple tenant building shall be based on one (1) square foot for every linear foot of the tenant's space that faces streets or major internal drives, as determined by the community development director.

c. No individual wall sign shall exceed one and one-half (1.5) the size allowed by the length of the wall it is placed upon.

3.~~3.~~ Location:

a. ~~Signs may only be affixed to walls which face public streets or major interior drives, as determined by the community development director~~ **Wall signs are permitted to be affixed to any exterior wall of the building.**

b. For buildings with flat roofs, wall signs shall not extend above the top of the parapet **wall.**

c. For buildings with mansard roofs, wall signs shall not extend above the top of the mansard roof by more than three (3) feet.~~, and if placed upon a parapet or mansard shall not extend more than three (3) feet above the deck line~~.

d. The community development director may approve a roof sign, in lieu of a wall sign, in limited circumstances where there is not another visible or practical location for a wall sign, such as on a small kiosk.

e.~~c.~~ For uses which have a rear entry or **rear** delivery door, one (1) nonilluminated wall sign not to exceed four (4) square feet per tenant is permitted.

~~4. Other: signs affixed to canopies shall be considered wall signs and shall be calculated based upon the length of the wall to which they are attached or adjacent~~.

4.~~5.~~ Home occupations:

a. …

5.~~6.~~ Additional standards:

a. ~~Building~~ ~~w~~**W**all signs shall complement the building's architecture and fit within the architectural features of the façade so they do not overlap windows or columns.

N. *Window or door signs.*

~~1. Definition: any sign or decal affixed to, painted on, applied to, or hanging within twelve (12) inches of the interior of a window and that can be seen through the window from the exterior of the structure, but excludes merchandise included in a window display.~~

1.~~2.~~ Maximum size: sign shall not obstruct more than twenty-five (25) percent of the door or window area

2.~~3.~~ Additional standards:

a. …

c. Exterior applied window signs shall be made of durable materials appropriate for Colorado's climate, such as vinyl, and maintained in good condition at all times.

d. Exterior window signs are allowed only if the interior of the window is inaccessible by the tenant.

Section 8. Section 26-711 is amended to remove definitions within the sign types, renumber as needed, and provide clarification as follows:

Sec. 26-711. Temporary sign standards.

A. …

B. *Balloon or inflatable.*

~~1. Definition: any sign consisting of material intended to be filled with air or helium, or have air blown through in order to create a visual attraction; this is inclusive of air dancers, inflatables caricatures, all types and sizes of balloons, and similar devices.~~

1.~~2.~~ Height: cannot exceed twenty-five (25) feet above existing grade.

2.~~3.~~ Location: may not be located within the public right-of-way.

3.~~4.~~ Additional standards:

a. …

C. *Banner.*

~~1. Definition: a sign or advertising display constructed of cloth, canvas, fabric or other light material that is mounted with no enclosing framework intended to be displayed for a short period of time.~~

1.~~2.~~ Maximum size: …

2.~~3.~~ Location: may be placed upon a building wall but shall not be attached to fencing, landscaping, freestanding posts or utility poles. Banners may be placed only on walls facing a ~~public~~ street or major interior drive.

3.~~4.~~ Other: …

D. *Pennant, streamer, and other similar device.*

~~1. Definition: a sign made of flexible materials intended to create a visual attraction through movement. This is inclusive of flutter flags.~~

1.~~2.~~ Location: …

F. *Portable.*

~~1. Definition: any sign which is supported by one (1) or more uprights or braces upon the ground and which is of portable design, such as A-frame or pedestal style signs.~~

1.~~2.~~ Maximum size: …

2.~~3.~~ Setback: …

3.~~4.~~ Location: …

G. *Signs carried by persons.*

~~1. Definition: any sign, which is carried or worn by any person, typically in or along the right-of-way for the purpose of attracting and directing traffic to a particular place of business.~~

1.~~2.~~ Maximum size: …

2.~~3.~~ Location: …

H. *Yard—Small.*

~~1. Definition: a temporary, ground-mounted, portable sign constructed of paper, vinyl, plastic, wood, metal or other comparable material, and designed or intended to be displayed for a limited period of time.~~

1.~~2.~~ Maximum number: …

2.~~3.~~ Maximum size: shall not exceed four (4) square feet ~~in size per sign~~.

3.~~4.~~ Location: …

I. *Yard—Large.*

~~1. Definition: a temporary, ground-mounted, portable sign constructed of paper, vinyl, plastic, wood, metal or other comparable material, and designed or intended to be displayed for a limited period of time.~~

1.~~2.~~ Maximum number: …

2.~~3.~~ Maximum size:

a. …

c. For nonresidential uses: thirty-two **(**32**)** square feet.

3.~~4.~~ Minimum setback: …

4.~~5.~~ Maximum height: shall not exceed seven (7) feet ~~in height~~.

5.~~6.~~ Location: …

Section 9. Section 26-712 is amended to add a new subsection D. regarding regulations for digital billboards, renumbered as needed, and to clarify language therein:

Sec. 26-712. Billboards; specifications and regulations.

A. General provisions. …

2. *Billboard district.* For the purpose of this section, the city has one (1) billboard district, as shown on the official billboard **district** ~~zoning~~ map of the city, **Figure 26-712.1**, and incorporated herein, as shown below as the shaded area.

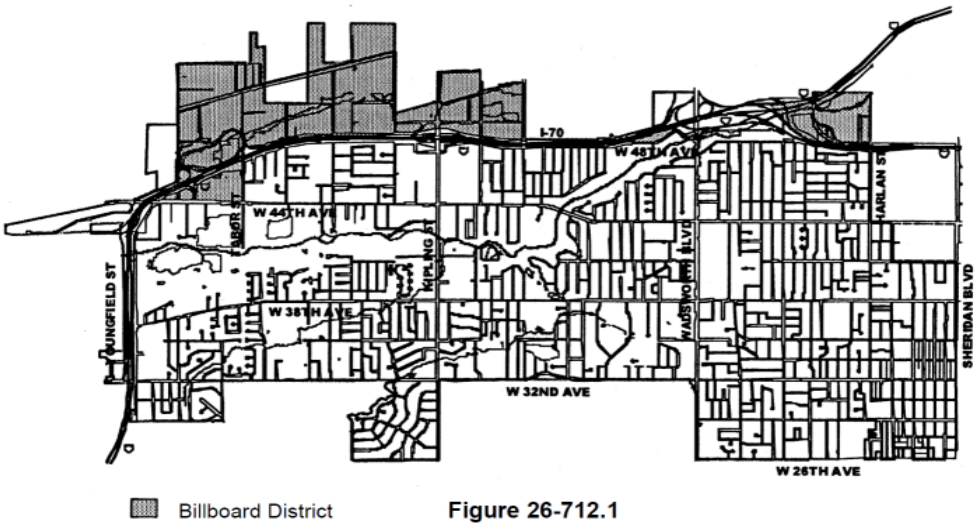


Figure 26-712.1

Official Billboard ~~Zoning~~ District Map

3. …

B. *Maximum number of billboards permitted.*

1. …

2. When a billboard is fully abandoned, as described in subsection **G.**~~F.~~, below, the maximum number of billboards within the city shall automatically be reduced accordingly.

C. *Design standards.*

1. …

~~2. Changeable copy billboard signs are not allowed.~~

2.~~3.~~ Billboards shall be located within two hundred and fifty (250) feet of a highway, excluding on- and off-ramps, as measured radially from the leading edge of the billboard to the closest edge of the highway right-of-way line.

3.~~4.~~ Structure setbacks shall be as required for a principal structure in the zoning district where the billboard is located and shall be measured perpendicularly from the property line to the leading edge of the billboard or structure, whichever is closest.

4.~~5.~~ All replacement billboards shall be of the pedestal type, unless prohibited by soil conditions as certified by a professional engineer. As used herein, "pedestal" type signs are freestanding signs supported by one (1) or more columns, poles, or support structures.

5.~~6.~~ The maximum sign face size for a single-sided, two-sided, or V-shaped sign with an angle of less than sixty (60) degrees shall not exceed seven hundred fifty (750) square feet per sign face. For V-shaped signs with greater than a 60-degree angle, the combined size of both sign faces shall not exceed seven hundred fifty (750) square feet, and the total length of both sign faces shall not exceed six (6) times the height of the sign face.

6.~~7.~~ The maximum height to the highest point of the billboard shall not exceed thirty-two (32) feet.

D. Digital billboards.

1. **Up to four (4) of the 15 previously permitted billboards may convert one (1) face each to a digital billboard.**
2. **The size, height, orientation, and location of each converted billboard face shall remain unchanged from its previously permitted configuration.**
3. **There shall be at least 2,500 feet between digital billboards oriented in the same direction within the city, including from existing digital**

billboards in adjacent jurisdictions, as measured in a straight line from the closest point of the support structure.

4. Illumination
   a. Nighttime luminance of the digital display shall not exceed 250 candelas per square meter (cd/m²), or nits, as measured at the surface of the display with a luminance meter oriented perpendicular to the sign face. The city may request a billboard sign owner to provide evidence this measurement is being met.
   b. The difference between the "off" and "solid-message" measurements shall not exceed 0.3 footcandles when measured at a distance determined by the formula: Distance = square root of (Area of Sign Face x 100).
   c. All permitted digital billboard shall be equipped with a functional photocell or ambient-light sensor that automatically adjusts brightness in real-time according to ambient light conditions (e.g., sunset, heavy cloud cover).
5. Digital billboards shall use utilize shielding technology, such as strategically placed louvers or optically down-angled LEDs, to direct illumination only toward the intended viewing audience.
6. Digital display.
   a. All parts of a digital message shall remain static.
   b. Messages may be changed no sooner than every ten (10) seconds.
   c. Copy changes shall be instantaneous and shall not include motion, animation, flashing, fading, or any special effects.
7. Location selection process. The permitted digital billboard locations will be determined through a lottery process, as follows:
   a. If an abandonment or other event results in fewer than the maximum permitted number of digital billboards to be located within the city under Section 26-712.D.1, , the city shall declare that a vacancy exists and publish notice of the vacancy on the city's website and post such notice at the city's official posting places. The determination and declaration of a vacancy shall be in the city's sole and absolute discretion. The notice of vacancy shall provide that interested parties must file a preliminary application with the city within thirty (30) days of the date of notice.
   b. The city shall accept preliminary applications from interested parties for thirty (30) days from the date of the notice of vacancy. Preliminary applications must include, at a minimum, the following information:
      i. A letter of intent from the applicant;

ii. The proposed location of the billboard, including either property address or assessor parcel identification number; and

iii. Written permission of the property owner to locate the billboard, if the property owner is not the named applicant.

c. The community development director will determine whether preliminary applications are complete and proposed locations are eligible pursuant to chapter 26 of the code of laws.

d. In the event more than one complete and eligible preliminary application is timely filed, the city shall select one preliminary application to continue processing by lottery. All potential applicants in the lottery shall be notified of the time and place that lots shall be drawn and may attend and observe the process . If the city does not receive any preliminary applications within the initial thirty (30) day response period, the city shall maintain the notice of vacancy on the city's website. The notice of vacancy shall be amended to reflect that the initial response period has lapsed and that preliminary applications will now be accepted and processed by the city in the order received . If more than one preliminary application is thereafter received by city on the same date , the lottery process set forth above shall be used to select one application to continue processing .

e. The sole or selected applicant must file a complete building permit application within one hundred eighty (180) days of:

i. The date the applicant is selected by lottery, if so selected;

ii. The expiration of the initial thirty (30) day response period if the applicant is the only party that has filed a timely letter of intent; or

iii. The date of the applicant's preliminary application if submitted after the initial thirty (30) day response period; provided, however, that the community development director may authorize an extension of not more than one hundred eighty (180) additional days upon a showing by the applicant that it is making substantial progress towards filing a complete application , as determined by the director in his or her sole and absolute discretion .

f. An applicant's failure to meet deadlines or to timely file materials and information necessary to comply with the permit process , as determined by the community development director in their sole and absolute discretion , shall result in the rejection of his or her application and the generation of a new notice of vacancy, in accordance with paragraph (a.) above.

8. Public Service Access

a. As a condition of any permit for the conversion of a static billboard to a digital display, the billboard owner shall enter into a public benefit agreement with the city. This agreement shall include, but is not limited to, the following operational requirements:

i. Non-Commercial Message Slot: The billboard owner shall provide the city with one (1) dedicated message slot within every standard rotation loop at no cost to the city for noncommercial, public service use.

ii. Emergency Override: The city shall have the right to immediate and total access to the digital display for the purpose of broadcasting emergency alerts (e.g., Amber Alerts or imminent weather hazards). Emergency messaging shall supersede all scheduled commercial copy for the duration of the alert.

iii. Content Management: The city's city manager or their designee shall provide the digital creative. The billboard owner shall upload and display such messaging within twenty-four (24) hours of receipt, or within one (1) hour for emergency alerts.

E.~~D.~~ *Maintenance. …*

F.~~E.~~ *Temporary removal and replacement.*

1. …
2. Failure to comply with any of the conditions under which temporary removal is permitted under subsection ~~E~~**F.**1., above, shall be considered abandonment.

G.~~F.~~ *Abandonment.*

1. A billboard may be deemed fully abandoned if one (1) of the following occurs:

   a. …
   b. Following notice from the city based on failure of the billboard owner to adequately maintain the sign pursuant to subsection **E.**~~D.~~, above;
   c. Following notice from the city based on repeated failure of the billboard owner to adhere to the regulations contained herein; or
   d.~~c.~~ Removal without following the temporary removal and replacement process outlined in subsection **F.**~~E.~~, above.

Section 10. Initial application process. Within thirty (30) days of the effective date of this ordinance and in lieu of an initial lottery process, the four billboard owners within the city may submit preliminary applications proposing an equitable distribution of digital billboard conversions that collectively meet the requirements of Section 26-712. The contents of a preliminary application are provided in Section 26-712.D.7.b. After this deadline, the lottery provisions of Section 26-712 shall apply. Notwithstanding

the foregoing, the city shall have final determination of the allowed locations and may at any time open the lottery process.

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 immediately.

INTRODUCED, READ, AND ADOPTED on first reading by a vote of 8 to 0 on this 26th day of October 2026, ordered published in full on the City's website as provided by the Home Rule Charter, and Public Hearing and consideration on final passage set for November 9, 2026, at 6:30 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 ___ to ___, this 9th day of November 2026.

SIGNED by the Mayor on this _____ day of _____, 2026.

_____
Korey Stites, Mayor

ATTEST:

_____
Janeece Hoppe, City Clerk

Approved as to Form:

_____
Gerald Dahl, City Attorney

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Effective Date: November 9, 2026

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PLANNING COMMISSION
Draft Minutes of Meeting
October 15, 2026

CALL THE MEETING TO ORDER

The meeting was called to order by Chair DISNEY at 6:31 p.m. This meeting was held in person and virtually, using Zoom video-teleconferencing technology.

1. ROLL CALL OF MEMBERS

Commission Members Present:	Kristine Disney Jennifer Gibbs Daniel Graeve Simon McGowan Syrma Quinones
Commission Members Absent:	Krista Holub Michael Moore Anna Sparks
Staff Members Present:	Jana Easley, Planning Manager Scott Cutler, Senior Planner Tammy Odean, Recording Secretary

2. PLEDGE OF ALLEGIANCE

3. APPROVE ORDER OF THE AGENDA

It was moved by consensus to approve the order of the agenda.

4. APPROVAL OF MINUTES – August 20, 2026

It was moved by Commissioner GIBBS and seconded by Commissioner GRAEVE to approve the minutes of August 20, 2026, as written. Motion approved 4-0-1 with Commissioner QUINONES abstaining.

5. PUBLIC FORUM (This is the time for any person to speak on any subject not appearing on the agenda.)

No one wished to speak at this time.

6. PUBLIC HEARING

DRAFT

A. <u>Case No. ZOA-26-1</u>: an ordinance amending Article VII, Sign Code, of the Wheat Ridge Code of Laws.

Chair DISNEY opened the public hearing

Ms. Easley gave a short presentation regarding the ordinance. She entered the case file, packet materials, zoning ordinance, and presentation into the record.

Public Comment

Chair DISNEY opened the public comment.

Steve Cecil, Lamar Advertising
12301 Grant St #240, Thornton

Mr. Cecil spoke on behalf of the industry. He described the proposal as a partnership with the city and said the digital displays would run eight slots, each static for eight seconds, compared with CDOT's four-second static dwell time. One slot would be designated for city use, and additional slots would carry emergency messages such as Amber Alerts or fires until the emergency is lifted.

Chair DISNEY closed the public comment.

Commissioner MCGOWAN asked about the 11 billboards not being converted.

Ms. Easley replied that they may remain as they are, unless deemed abandoned under the code.

Commissioner GRAEVE asked whether existing billboards use the louvered lighting.

Ms. Easley replied that none do yet, but the draft code requires it for digital billboards.

Commissioner GRAEVE asked for confirmation that the existing uplighting on static billboards is not changed by the ordinance and also asked whether the public benefit approach described by Mr. Cecil was the benefit contemplated by Council.

Ms. Easley confirmed that the existing uplighting on static billboards is not changed will not be changed by the ordinance and said the specifics would come in a later agreement. She added that one of the eight slots would be

DRAFT

dedicated to the city, with first right of refusal for non-emergency uses such as promoting the Carnation Festival. Two slots would be set aside for emergency messaging.

Commissioner GRAEVE also noted that the draft language still contained the adjacent-jurisdiction wording without the orientation carve-out.

Ms. Easley confirmed this was a typo in the draft.

In response to a question from Commissioner QUINONES, Ms. Easley clarified that only four digital billboards, all on the I-70 corridor, would be introduced and that they would be converted from existing billboards.

Commissioner GIBBS asked whether the billboards are on private property and if the city would receive financial benefit.

Ms. Easley replied that they are on private property under lease agreements. The city would collect electrical and building permit fees but no billboard revenue, though it could benefit from use of the city's advertising slot.

Chair DISNEY asked how removal of outdated signs is monitored and enforced.

Ms. Easley replied that enforcement is generally complaint-driven because of limited field staff, and that sign clutter is addressed through maximum square footage allowances for wall and freestanding signs and condition standards for temporary signs.

Chair DISNEY closed the public hearing.

It was moved by Commissioner MCGOWAN and seconded by Commissioner QUINONES to recommend approval of the proposed ordinance amending Chapter 26 of the Wheat Ridge Code of Laws regarding digital billboards and general sign code amendments.

Motion carried 5-0.

B. Case No. ZOA-26-4: An ordinance amending the Wheat Ridge Code of Laws to address the regulation of social clubs and making confirming amendments therewith.

Chair DISNEY opened the public hearing.

DRAFT

Mr. Cutler gave a short presentation regarding the ordinance. He entered the public hearing information and presentation into the record.

Public Comment

No one wished to speak at this time.

Commissioner QUINONES inquired whether a property of one acre or less would need rezoning to host events.

Mr. Cutler replied that commercial event venues have no property size limit and that the one-acre threshold applies only to residential or agricultural properties. No rezoning is required, but a special use permit is, and it includes a neighborhood meeting and notice requirements. Properties under one acre are not considered appropriate for commercial event operations in a residential context, though private family gatherings remain allowed. Ms. Easley added that special use notice gives neighbors the opportunity to contact the city and comment.

Chair DISNEY closed the public hearing.

It was moved by Commissioner QUINONES and seconded by Commissioner GRAEVE to recommend approval of the proposed ordinance amending Chapter 26 of the Wheat Ridge Code of Laws to address the regulation of social clubs and making conforming amendments in connection therewith.

Motion carried 5-0.

7. OLD BUSINESS

8. NEW BUSINESS

A. Update on Appendix F of City Plan

Ms. Easley gave a preview of an item coming to the Commission on November 19. Appendix F of the City Plan, adopted last year, contains the strategic growth element, the water supply element, and the three-mile plan. Because additional information and new state direction have been received, Appendix F must be updated to comply with state statute. State law also requires the three-mile plan, which governs annexation, to be updated annually. Senior Planner Stefi Szreck will present the details on November 19, and the Commission will make a recommendation on a related resolution.

DRAFT

In response to a question from Chair Disney, Ms. Easley said the city has no known plans to annex any territory.

B. Upcoming Dates

Ms. Easley announced that there will be no Planning Commission meeting on November 5, but there will be cases to be heard at the November 19 Commission meeting.

C. Project and Development Updates

Ms. Easley reported that Bank of America at Clear Creek Crossing received its certificate of occupancy but will not open to the public for about a month pending corporate approvals. Hashtag, also at Clear Creek Crossing, received its certificate of occupancy and is open for breakfast.

D. Commissioner Updates

Commissioner GIBBS said she has been participating in Wheat Ridge 101 and called it an informative and valuable program.

Chair DISNEY agreed and noted she completed the Civic Academy in 2012.

10. ADJOURNMENT

It was moved by Commissioner GRAEVE and seconded by Commissioner QUINONES to adjourn the meeting at 7:30 p.m. Motion approved 5-0.

_____ _____

Kristine Disney, Chair **Tammy Odean, Recording Secretary**

DRAFT

ITEM NUMBER: 3
DATE: November 9, 2026

REQUEST FOR CITY COUNCIL ACTION

COUNCIL BILL NO. 22-2026

TITLE: AN ORDINANCE AMENDING THE WHEAT RIDGE CODE OF LAWS CONCERNING THE OPERATION OF E-MOBILITY DEVICES

☐PUBLIC HEARING
☐BIDS/MOTIONS
☐RESOLUTIONS

☒ORDINANCES FOR 1st READING
☐ORDINANCES FOR 2nd READING

QUASI-JUDICIAL ☐ YES ☒NO

ISSUE:

The City of Wheat Ridge has experienced increased use of e-mobility devices, including e-bikes, electric scooters, electric skateboards, one-wheels, and other electric personal transportation devices. Existing City regulations do not provide a comprehensive framework addressing device operation, permitted areas, speed restrictions, and the responsibilities of riders and potential commercial vendors, or the responsibilities of parents or guardians. This ordinance revises the Wheat Ridge Code of Laws to offer guidance on the use and operation of e-mobility devices.

PRIOR ACTION:

City Council discussed this issue at the August 17, 2026, study session and provided consensus to bring forward an ordinance for final consideration.

FINANCIAL IMPACT:

There is presently no fiscal impact on the City of Wheat Ridge. Should the City Council adopt the ordinance, any associated expenditures are anticipated to be modest and limited to public education materials, signage, and related communications.

BACKGROUND:

E-mobility devices provide an alternative mode of transportation that is accessible, cost-effective, and environmentally sustainable. As use of these devices has increased within the City, staff have identified several operational and safety considerations. These include interactions with pedestrians and motor vehicles, higher speeds on multi-use paths, sidewalk use that may affect pedestrian movement, unpredictable

roadway behavior, operation by underage individuals, nighttime use without lighting, and distracted operation. The absence of specific regulations limits the City's ability to address these issues consistently.

E-mobility devices vary widely in speed, operational characteristics, and legal classification. Colorado law and local codes distinguish among electric bicycles, electric scooters, skateboards, one-wheels and electric unicycles, electric mopeds, and devices used for mobility assistance under the Americans with Disabilities Act (ADA). Class 1 and Class 2 electric bicycles appear to be the most common devices in use in Wheat Ridge. This ordinance accounts for these distinctions and ensures that ADA-compliant mobility devices remain unrestricted in accordance with federal requirements.

Several nearby jurisdictions have adopted regulations addressing similar topics. Denver regulates speed, permitted operating locations, parking, and commercial fleet responsibilities. Lakewood has rules specific to its trail system. Arvada regulates sidewalk operation, speed, and vendor permitting. Golden restricts device use in designated high-pedestrian areas. Westminster uses traffic and park rules to address speed limits, permitted routes, and nighttime operation.

The proposed ordinance adds a new Article VII to Chapter 13 of the Wheat Ridge Code of Laws to establish regulations for electric bicycles, electric motorized devices, low-speed conveyance vehicles, bicycles, and human-powered devices such as scooters and skateboards. It defines device classifications based on motor power and operating characteristics and establishes where devices may be operated. Electric bicycles would be permitted on streets, bicycle lanes, and multi-use paths where bicycles are allowed, subject to posted restrictions. Electric bicycles and other covered electric devices would generally be prohibited on sidewalks, with limited exceptions.

The ordinance also authorizes permanent or temporary dismount zones, requires safe speeds and yielding to pedestrians, and requires a valid driver license or other applicable state-recognized license to operate covered electric devices capable of traveling 20 miles per hour or faster. Riders and passengers under age 18 would be required to wear helmets on bicycles and other covered devices. Parents and guardians could be held responsible for allowing or facilitating violations by minors.

RECOMMENDATION:

Staff recommend approval of the ordinance.

RECOMMENDED MOTION:

"I move to approve Council Bill No. 22-2026, an ordinance amending the Wheat Ridge Code of Laws concerning the operation of e-mobility devices, on first reading, order it published and set for public hearing at 6:30 p.m. on November 23, 2026, and, if adopted,

to take effect 15 days after final publication."

Or,

"I move to table indefinitely Council Bill No. 22-2026, an ordinance amending the Wheat Ridge Code of Laws concerning the operation of e-mobility devices for the following reason(s)."

REPORT PREPARED/REVIEWED BY:

E. Kellogg, Division Chief of Police
Chris Murtha, Police Chief
Jerry Dahl, City Attorney
Patrick Goff, City Manager

ATTACHMENTS:

1. Council Bill No. 22-2026

CITY OF WHEAT RIDGE, COLORADO
INTRODUCED BY COUNCIL MEMBER
Council Bill No. 22
Ordinance No. 1855
Series 2026

TITLE: AN ORDINANCE AMENDING THE WHEAT RIDGE CODE OF LAWS CONCERNING THE OPERATION OF E-MOBILITY DEVICES

WHEREAS, the City of Wheat Ridge (the "City") is a home rule municipality having all powers conferred by Article XX of the Colorado Constitution; and

WHEREAS, pursuant to its home rule authority and C.R.S. § 31-23-101, the City, acting through its City Council (the "Council"), is authorized to adopt ordinances for the protection of the public health, safety or welfare; and

WHEREAS, in the exercise of this authority the Council previously adopted Chapter 13 of the Wheat Ridge Code of Laws (the "Code") concerning motor vehicles and traffic; and

WHEREAS, the Council now wishes to amend Chapter 13 of the Code to address and include the use of electric bicycles, electric motorized devices, low-speed conveyance vehicles, and operating requirements associated therewith.

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

Section 1. Article VII of Chapter 13 enacted.

The Council hereby enacts a new Article VII of Chapter 13 of the Code, to read in its entirety as follows:

ARTICLE VII. ELECTRIC CONVEYANCE VEHICLES

Sec. 13-101. Findings and purpose.

The city council finds that regulation of electric conveyance vehicles under this Article is necessary for the following reasons:

(a) Electric bicycles and similar devices provide useful transportation and recreation options.

(b) Reasonable regulations are necessary to protect pedestrians, promote safe operation, clarify device classifications, and assign responsibility for violations involving minors.
(c) The purpose of this Article is to regulate the operation of electric bicycles, electric motorized devices, low-speed conveyance vehicles, and similar devices within the city in a manner that promotes public safety, protects pedestrians, and aligns local regulation with applicable state law.

Sec. 13-102. Definitions.

For purposes of this Article, the following words and phrases shall have the meanings set forth below:

Bicycle means a vehicle propelled by human power applied to pedals upon which a person may ride, having two tandem wheels or two parallel wheels and one forward wheel.

Electric bicycle or e-bike means a vehicle that meets the definition of an electric bicycle under Colorado state law, as amended, including a device with two or three wheels, fully operable pedals, and an electric motor of not more than seven hundred fifty (750) watts, classified under state law as Class 1, Class 2, or Class 3.

Class 1 electric bicycle means an electric bicycle equipped with a motor that provides assistance only when the rider is pedaling and that ceases to provide assistance when the bicycle reaches twenty (20) miles per hour.

Class 2 electric bicycle means an electric bicycle equipped with a motor that may provide assistance whether or not the rider is pedaling and that ceases to provide assistance when the bicycle reaches twenty (20) miles per hour.

Class 3 electric bicycle means an electric bicycle equipped with a motor that provides assistance only when the rider is pedaling and that ceases to provide assistance when the bicycle reaches twenty-eight (28) miles per hour.

Electric moto or electric motor-driven device means an electric two-wheeled or three-wheeled device that exceeds the state definition of an electric bicycle, including because it has a motor rated at more than seven hundred fifty (750) watts, and that is not otherwise classified as a low-speed electric vehicle, motorcycle, or other vehicle under state law.

Motorcycle means a motor vehicle that is designed to travel on not more than three wheels in contact with the ground and that has a motor rated at more than four

thousand five hundred (4,500) watts, or that otherwise meets the definition of motorcycle under state law.

Low-speed conveyance vehicle means a low-speed electrically powered device or similar conveyance intended for personal transportation, whether standing or seated, including devices recognized or regulated under state law or this Code, but excluding an electric bicycle, electric moto or motorcycle.

Self-powered device means a skateboard, scooter, push scooter, or similar device propelled solely by human power.

Dismount zone means any sidewalk, crosswalk, trail segment, plaza, corridor, park area, or other public area designated by ordinance, sign, marking, or official traffic control device where a person must dismount and walk the device.

Parent or guardian means a parent, legal guardian, custodian, or other adult responsible for the care or supervision of a minor.

Sec. 13-103. Applicability of state law.

In addition to the requirements of this Article, bicycles, electric bicycles, low-speed conveyance vehicles, electric motor-driven devices, motorcycles, and self-powered devices shall be subject to all applicable provisions of Colorado law and other applicable provisions of this Code. If a term used in this Article is defined by Colorado law, that state-law definition shall control unless this Article expressly provides a more specific term, definition, or as appropriate, local operating rule that is not inconsistent with state law.

Sec. 13-104. Classification of devices.

(a) A device meeting the Colorado state-law definition of an electric bicycle, including the limitation of not more than seven hundred fifty (750) watts, shall be regulated as an electric bicycle.

(b) A device with electric propulsion that exceeds seven hundred fifty (750) watts shall not be considered an electric bicycle for purposes of this Code and shall instead be regulated according to its applicable classification under state law and this Code, including as an electric moto, low-speed conveyance vehicle, or motorcycle.

(c) A device with a motor rated at more than four thousand five hundred (4,500) watts shall be treated as a motorcycle, unless state law requires a different classification.

(d) Low-speed conveyance vehicles are included within the scope of this Article to the extent not preempted by state law.

Sec. 13-105. Places of operation.

(a) *Bicycles and self-powered devices***.** A person may operate a bicycle or self-powered device on streets, paths, and other areas where permitted by law, subject to the restrictions of this Article.

(b) *Electric bicycles***.** A person may operate an electric bicycle on streets, bicycle lanes, and multi-use paths where bicycles are permitted, except where prohibited by this Article or by posted sign, marking, or traffic control device.

(c) *Electric motos and low-speed conveyance vehicles***.** A person may operate an electric moto or low-speed conveyance vehicle only in areas where such operation is expressly authorized by state law or this Code and is not prohibited by sign, marking, or traffic control device.

(d) *Sidewalks***.** No person shall operate an electric bicycle, electric moto, or low-speed conveyance vehicle on a sidewalk, unless specifically authorized by posted city designation or as necessary to enter or leave adjacent property in a safe manner.

(e) *Dismount zones***.** No person shall ride a bicycle, electric bicycle, self-powered device, electric moto, or low-speed conveyance vehicle in a designated dismount zone. Any such person shall dismount and walk the device through the designated area.

Sec. 13-106. Dismount zone designation; prohibited locations

(a) The city may establish permanent or temporary dismount zones by ordinance, resolution, sign, pavement marking, barricade, or other official traffic control device.

(b) The city manager or their designee is authorized to designate additional dismount zones when necessary to protect pedestrian safety, address congestion, or respond to site-specific operational conditions.

(c) Notice of a dismount zone shall be sufficient if indicated by a sign, marking, barricade, or other official traffic control device placed in or near the affected area.

(d) Nothing in this section shall be construed to authorize operation of a device in a location where that device is otherwise prohibited.

Sec. 13-107. Speed and license requirements.

(a) No person shall operate any device governed by this Article at a speed greater than is reasonable and prudent under the conditions then existing.

(b) Any electric bicycle, electric moto, low-speed conveyance vehicle, or similar electrically powered device capable of operating at twenty (20) miles per hour or higher

shall be operated only by a person holding a valid driver license or other license recognized by Colorado law for lawful operation of the applicable device classification.

(c) If state law requires registration, licensing, endorsement, insurance, or other equipment for a device classified above an electric bicycle, compliance with such state-law requirements is mandatory.

Sec 13-108. Helmets required.

(a) Any person under eighteen (18) years of age operating or riding upon an electric bicycle, low-speed conveyance vehicle, electric moto, self-powered device, or bicycle shall wear a properly fitted and fastened bicycle or motorized-device helmet meeting any standards required by state law.

(b) No parent or guardian shall knowingly permit a person under eighteen (18) years of age to operate or ride a device governed by this Article without the helmet required by this Section.

Sec. 13-109. Yield to pedestrians.

(a) Every person operating or riding a bicycle, electric bicycle, self-powered device, low-speed conveyance vehicle, or electric moto shall yield the right-of-way to pedestrians.

(b) When approaching or overtaking a pedestrian on a path, trail, sidewalk-access crossing, or other shared-use area, the operator shall exercise due care, give an audible signal when reasonably necessary, and pass only when it is safe to do so.

(c) No person shall operate any device governed by this Article in a manner that endangers or interferes with pedestrian travel.

Sec. 13-110. Responsibility for minors.

(a) It shall be unlawful for any parent or guardian to authorize, allow, direct, assist, encourage, or knowingly permit a minor to operate or ride a bicycle, electric bicycle, self-powered device, low-speed conveyance vehicle, or electric moto in violation of this Article.

(b) A parent or guardian who violates this Section shall be subject to the same penalties under the Code applicable to the underlying violation, in addition to any other remedy authorized by law.

Sec. 13-111. Penalties.

Any person violating any provision of this Article shall be subject to the penalties and enforcement procedures set forth in Section 1-5 of this Code. Each separate occurrence

or each day of a continuing violation may be treated as a separate offense to the extent permitted by law.

Sec. 13-112. Exceptions.

This Article shall not apply to peace officers, emergency responders or City employees acting within the course and scope of official duties, except that all such persons shall yield to pedestrians whenever reasonably necessary for public safety.

Section 2. 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 3. 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 ___ to ___ on this 9th day of November 2026, ordered published in full on the City's website as provided by the Home Rule Charter, and Public Hearing and consideration on final passage set for November 23, 2026, at 6:30 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 ___ to ___, this _____ day of _____ 2026.

SIGNED by the Mayor on this _____ day of _____, 2026.

_____
Korey Stites, Mayor

ATTEST:

_____
Janeece Hoppe City Clerk

Approved as to Form:

_____
Gerald E. Dahl, City Attorney

First Publication: November 10, 2026
Second Publication: November 24, 2026
Effective Date: December 9, 2026

Published:
Jeffco Transcript and www.ci.wheatridge.co.us

ITEM NUMBER: 4
DATE: November 9, 2026

REQUEST FOR CITY COUNCIL ACTION

COUNCIL BILL NO. 23-2026

TITLE: **AN ORDINANCE AMENDING ARTICLE V OF CHAPTER 16 OF THE WHEAT RIDGE CODE OF LAWS CONCERNING NOISE REGULATION**

☐PUBLIC HEARING
☐BIDS/MOTIONS
☐RESOLUTIONS

☒ORDINANCES FOR 1st READING
☐ORDINANCES FOR 2nd READING

QUASI-JUDICIAL ☐ YES ☒NO

ISSUE:

This ordinance responds to the Supreme Court's decision in *Hobbs v City of Salida,* revising the City's noise standards to conform with the statute which allows City regulation to be "no less restrictive" than the state noise law. The ordinance also amends the City's amplified sound permit system to limit any such permits (other than those the City issues to itself for use on City property or permits issued by special districts and nonprofits on land they own, for an authorized purpose) to the state noise standards.

PRIOR ACTION:

Council most recently amended the noise ordinance in 2021.

FINANCIAL IMPACT:

None

BACKGROUND:

The City's noise ordinance dates from 1977. The ordinance has been amended several times, most recently to revise the limits on noise produced by industrial properties and by the addition of a subsection permitting the City Manager to issue outdoor amplified sound event permits. Both of these subsections were enacted after extensive public engagement, and in response to noise generated by commercial and industrial activities.

The industrial noise regulation created both a table for industrial noise limits and a system whereby the business owner in an industrial zone district could apply for a permit for a different decibel level, responsive to local conditions. This system was put in place and effectively used for noise complaints from neighbors adjacent to the Rocky Mountain

Bottle Company.

The outdoor amplified sound permit program, also recently enacted, has been used primarily by businesses wishing to provide live outdoor amplified music. This system was put in place in response to neighbor complaints around these businesses. While no permit system and noise level regulation is perfect, it has served to address the primary concern of neighbors and businesses. The amplified sound permit regulation allows noise in excess of the standard limits, and in excess of the state noise standards at CRS 25-12-103.

In September 2025, the Colorado Supreme Court entered its opinion in *Hobbs v. City of Salida*. In that case, a private property owner challenged the City's issuance of an amplified noise permit to a private business for outdoor entertainment in excess of the state noise standards. The Court held that an exception in the state statute for sound associated with events permitted by the state or its political subdivisions (and a narrow category of nonprofits) did not extend to a permit which the City had granted to a private business on private property.

The proposed ordinance amends Section 16-103 of the Wheat Ridge Code of Laws concerning noise regulation to align with Colorado's Noise Abatement Act and the Colorado Supreme Court's September 2025 decision in *Hobbs v. City of Salida*. The ordinance clarifies enforcement options, revises noise limits, and updates requirements for outdoor amplified sound permits.

The ordinance allows officers, at their discretion, to use state noise restrictions as guidance when determining whether noise is unreasonable under City code or to cite violations of the state statute into county court. It updates limits for noise originating on industrial properties based on the receiving property's classification, with daytime hours of 7 a.m. to 7 p.m. and nighttime hours of 7 p.m. to 7 a.m.

For outdoor amplified sound permits issued to nongovernmental entities, the ordinance prohibits sound exceeding state limits when measured at least 25 feet from the source property line. The City Manager may impose lower limits. The ordinance also clarifies that state noise exemptions apply only to the extent required by state law and preserves the City's independent authority to regulate noise.

RECOMMENDATION:

Staff recommend approval of the ordinance.

RECOMMENDED MOTION:

"I move to approve Council Bill No. 23-2026, an ordinance amending Article V of Chapter 16 of the Wheat Ridge Code of Laws concerning noise regulation, on first reading, order it published and set for public hearing at 6:30 p.m. on November 23, 2026, and, if adopted, to take effect 15 days after final publication."

Or,

“I move to table indefinitely Council Bill No. 23-2026, an ordinance amending Article V of Chapter 16 of the Wheat Ridge Code of Laws concerning noise regulation for the following reason(s).”

REPORT PREPARED/REVIEWED BY:

Gerald Dahl, City Attorney
Patrick Goff, City Manager

ATTACHMENTS:

1. Council Bill No. 23-2026

CITY OF WHEAT RIDGE, COLORADO
INTRODUCED BY COUNCIL MEMBER
COUNCIL BILL NO. 23
ORDINANCE NO. 1856
Series 2026

TITLE: AN ORDINANCE AMENDING ARTICLE V OF CHAPTER 16 OF THE WHEAT RIDGE CODE OF LAWS CONCERNING NOISE REGULATION

WHEREAS, the City of Wheat Ridge is a home rule municipality having all powers conferred by Article XX of the Colorado Constitution; and

WHEREAS, pursuant to its home rule authority and C.R.S. § 31-23-101, the City, acting through its City Council (the "Council"), is authorized to adopt ordinances for the protection of the public health, safety or welfare; and

WHEREAS, in the exercise of this authority the Council has previously adopted Article V of Chapter 16 of the Wheat Ridge Code of Laws (the "Code") concerning unreasonable noise and disturbing the peace; and

WHEREAS, City Council finds it necessary to amend section 16-103 to conform the same to the state statute on noise abatement, as interpreted by the Colorado Supreme Court in the recent decision of *Hobbs v City of Salida* (September 8, 2025).

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

Section 1. Section 16-103 is amended by the addition of new subsection (b) (5) to read as follows:

Sec. 16-103. – *Unlawful noise; residential and commercial properties* disturbing the peace.

(b) *Unlawful noise; residential and commercial properties.* It is unlawful for any person to make, continue or cause to be made or to permit or assist another to make, continue or cause to be made, any unreasonable noise which, under all of the circumstances presented, would annoy, injure or endanger the comfort, repose or peace of a person of ordinary sensitivities including but not limited to the following: the sounding of any horn, signaling device, or similar device on any automobile, motorcycle or other vehicle; any amplified signal from any bell, chime, siren, whistle or similar device intended for nonemergency purposes; any signaling device including fire, burglar, siren, whistle unless in an emergency; radios, televisions, boom boxes, phonographs, stereos, musical instruments and similar devices. Unavoidable noise does not qualify as unreasonable noise.

The FOLLOWING noises and circumstances shall be deemed as unreasonable:

ATTACHMENT 1

(1) . . .

(5) IN THEIR SOLE DISCRETION, OFFICERS IN THE FIELD MAY CONSIDER THE NOISE RESTRICTIONS ESTABLISHED IN CRS 25-12-103 AS A GUIDE TO DETERMINE WHETHER A NOISE IS UNREASONABLE UNDER THIS CODE SECTION, AND ALTERNATIVELY, MAY WRITE A VIOLATION OF STATE STATUTE INTO COUNTY COURT UNDER CRS 25-12-103.

Section 2. Code section 16-103 (c) is amended to adjust the times and dba limits in Table A as follows:

(c) *Unlawful noise; industrial properties.* It shall be unlawful for any person to emit or cause to be emitted any noise which leaves the premises on which it originates, crosses a property line, and enters onto any other premises in excess of the sound pressure levels during the time periods as specified in Table A.

(1) . . .

Table A: Allowable Noise Levels (in DBA) with Time of Day Allowance

Receptor premises 7:00 a.m.—**7:00 p.m./7:00 p.m**.—7:00 a.m.			
Source premises			
	Residential	Commercial	Industrial
Industrial	55/50	**60/55**	80/75

Section 3. Section 16-103(d) of the Code of Laws is amended by repealing and replacing subparagraph (d)(3)c as follows:

(d) *Permit for outdoor amplified sound event.* No person shall conduct an outdoor amplified sound event without first obtaining the permit to do so. The event sponsor must apply for and receive a permit for the event, on forms provided by the city clerk. An outdoor amplified sound event is permitted under this section, under the following conditions:

(1) . . .

(3) All outdoor amplified sound event permits, shall be subject to the following requirements in addition to those imposed by the city manager in each case:

a. . . .

c. UNLESS ISSUED TO THE STATE, THE CITY, OR A POLITICAL SUBDIVISIION OF THE STATE, THE PERMIT SHALL NOT AUTHORIZE, ALLOW, OR OTHERWISE PERMIT THE PRODUCTION, REPRODUCTION, OR AMPLIFICATION OF SOUND WHICH EXCEEDS THE MAXIMUM PERMISSIBLE NOISE LEVELS SET FORTH AT CRS 25-12-103(1), MEASURED AT A DISTANCE OF TWENTY-FIVE FEET OR MORE FROM THE PROPERTY LINE OF THE SOURCE PREMISES, AND ARE:

Zone	7:00 a.m. -7:00 p.m.	7:00 p.m. – 7:00 a.m.
Residential	55 db(A)	50 db(A)
Commercial	60 db(A)	55 db(A)
Light Industrial	70 db(A)	65 db(A)
Industrial	80 db(A)	75 db(A)

THE CITY MANAGER MAY IMPOSE SOUND LIMITS LOWER THAN THE STATE MAXIMUMS ON SUCH PERMIT.

Section 4. Section 16-103 is amended by the addition of new subsection (i) to read:

(i) State law exemptions.

ACTIVITIES EXPRESSLY EXEMPT FROM THE COLORADO NOISE ABATEMENT ACT PURSUANT TO CRS 25-12-103, AS AMENDED, SHALL BE TREATED AS EXEMPT FROM THE STATE LAW NOISE LIMITS ONLY TO THE EXTENT REQUIRED BY STATE LAW. SUCH EXEMPTION SHALL NOT BE CONSTRUED TO LIMIT THE CITY'S INDEPENDENT AUTHORITY TO REGULATE NOISE PURSUANT TO THIS CHAPTER.

Section 4. 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 ___ to ___ on this 9th day of November 2026, ordered published in full on the City's website as provided by the Home Rule Charter, and Public Hearing and consideration on final passage set for November 23, 2026, at 6:30 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 ___ to ___, this _____ day of _____ 2026.

SIGNED by the Mayor on this _____ day of _____, 2026.

Korey Stites, Mayor

ATTEST:

_____

Janeece Hoppe, City Clerk

Approved as to Form:

_____

Gerald E. Dahl, City Attorney

First Publication: November 10, 2026
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