

Ordinance No. 256

AN ORDINANCE RELATING TO ZONING THE CITY OF GOLDEN, REGULATING THE USES OF LAND; THE LOCATION, SIZE, BULK, AND HEIGHT OF BUILDINGS; THE SIZE OF LOTS AND OPEN SPACE ABOUT BUILDINGS; AND THE DISTRIBUTION OF POPULATION; PROVIDING FOR CHANGES IN THE REGULATIONS AND BOUNDARIES OF SUCH DISTRICTS; PROVIDING FOR ENFORCEMENT AND PRESCRIBING PENALTIES FOR THE VIOLATION OF ITS PROVISIONS; AND ESTABLISHING A BOARD OF ADJUSTMENT.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GOLDEN, COLORADO:

Section 1. In pursuance of the authority conferred by Article 2, Section 16, Chapter 26 Colorado Statutes Annotated 1935, and amendments thereto, this ordinance is hereby enacted for the preservation and promotion of the public health, welfare, and safety of the inhabitants of the City of Golden, and of the public; and for the preservation and promotion of the convenience, good order, tranquility, prosperity, happiness, morals, best interests, and general welfare of said people; and to encourage and facilitate the orderly growth and expansion of said City.

Section 2. DEFINITIONS.

For the purpose of this Ordinance, certain terms and words are herewith defined as follows:

Words used in the present tense include the future; words in the singular number include the plural and words in the plural include the singular; the word "building" includes the word "structure"; and the word "shall" is mandatory and not directory.

ACCESSORY BUILDING: A subordinate building the use of which is incidental to that of the main building but not including living or sleeping uses.

ALLEY: A minor public thoroughfare within a block upon which the rear of building lots generally abuts and which is generally used for service purposes.

APARTMENT HOUSE: A building or portion thereof used or designed as a dwelling for five (5) or more families or households living independently of each other.

AUTO COURT OR MOTOR COURT: A group of cottages detached or connected of which each unit contains not less than one living and sleeping room, bathroom, kitchen and garage and facing on a common court, place or street.

BUILDING, HEIGHT OF: The perpendicular distance from the average mean elevation of the building site to the average roof elevation.

BUILDING: Any structure built for the housing of persons, animals, or movable property of any kind.

COURT: Unoccupied space on the same lot other than a side yard, rear yard, or setback.

CURB CUT: A cut in a curb line for the passage of vehicles not to exceed twelve (12) feet in residential, nor twenty (20) feet in commercial or industrial districts.

DWELLING: A structure or a part thereof used as a residence and containing not less than a living room, a bedroom, a kitchen and a bathroom consisting of not less than a basin, stool, and bath or shower. The total ground floor area of a single family dwelling as measured on the outside walls shall not be less than Five hundred fifty (550) square feet, exclusive of garage; and Three hundred sixty (360) square feet, exclusive of garage, for multiple families. A dwelling shall not be permitted to front on the alley.

DWELLING, ONE-FAMILY: One building designed for or occupied exclusively by one family.

DWELLING, MULTIPLE FAMILY: One building designed for or occupied exclusively by not to exceed four families, living independently of each other.

FRONT OR FRONTAGE: The extent of a lot along a front street.

GRADE, ESTABLISHED: The grade of the street curb line fixed by the City.

HOME OCCUPATION: A home occupation shall mean any occupation by one member of a family, without employees and located in one or two rooms of a residence or its accessory buildings and without storage of materials or stock of finished products for sale on the premises, or any outside indication of such occupation.

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LOT: Land occupied or to be occupied by a building and its accessory buildings, together with such open spaces as are required under this ordinance, and having its principal frontage on a street.

LOT, CORNER: A lot situated at the intersection of a front street and a side street.

LOT, INTERIOR: A lot other than a corner lot.

LOT, THROUGH: An interior lot having frontage on two streets, which are parallel or nearly so.

NON-CONFORMING USE: A building or land occupied by a use that does not conform with the regulations of the use district in which it is situated.

REVERSE FRONTAGE: The extent of a corner lot along a side street when such corner lot or the building on it faces the side street.

SETBACK: The minimum horizontal distance between the street line and the front line of the building or any projection thereof exclusive of steps.

STREET: A public thoroughfare sixty-six (66) feet or more in width.

STREET, FRONT: A street on which the lots, or a subdivision, of a city block generally face.

STREET, SIDE: A street intersecting a front street.

STRUCTURAL ALTERATIONS: Any change in the supporting members of a building, such as bearing walls, columns, beams, girders, or roof.

TRAILER CAMP: A court opening on a street, equipped with sanitary facilities for the parking of house trailers.

YARD: An open space on the same lot with a building unoccupied and unobstructed from the ground upward except as otherwise provided herein.

YARD, REAR: A yard, unoccupied except by accessory buildings, as hereinafter permitted, extending across the full width of the lot between the rear line of the building or structure and the rear line of the lot.

YARD, SIDE: A yard between the building and the side line of the lot and extending from the street line to the rear of the lot.

Section 3. DISTRICT REGULATIONS.

In order to regulate the uses of the land; the location, size, bulk, and height of buildings hereafter erected or structurally altered; the size of lots and open space about buildings and the distribution of population, the City of Golden is hereby divided into districts of which there shall be Five (5) known as:

- R1—Residential One District.
- R2—Residential Two District.
- R3—Residential Three District.
- C—Commercial District.
- I—Industrial District.

The City of Golden is hereby divided into Five (5) districts, aforesaid, and the boundaries of such districts are shown upon the map attached hereto and made a part of this ordinance, being designated as the "District Map," and said map and all the notations, references, and other things shown thereon shall be as much a part of this ordinance as if the matters and things set forth by said map were fully described herein.

Except as hereinafter provided:

a. No building shall be erected, reconstructed or structurally altered, nor shall any building or premises be used for any purpose other than is permitted in the said District in which such building or premises is located.

b. No building shall be erected or structurally altered to exceed in height the limit herein established for any district in which such building is located.

c. No lot area shall be so reduced or diminished that the yards or other open space shall be smaller than prescribed by this ordinance nor shall the lot area per family be reduced in any manner except in conformity with the area regulations hereby established for the Districts in which such building is located.

Section 4. R1—RESIDENTIAL ONE DISTRICT REGULATIONS.

A. USE REGULATION.

No building or land shall be used and no building shall hereafter be erected, converted, or structurally altered unless otherwise permitted herein, except for one or more of the following uses:

- 1. Single family dwelling.
- 2. Office of physician (but not including hospital facilities), dentist, or other professional person when located in a dwelling used as such by the professional person.
- 3. Private garage.

B. HEIGHT REGULATION.

No building shall be constructed having a height above the average mean elevation of the building site of less than Twelve (12) feet and no building shall be constructed having a height above the average mean elevation of the building site exceeding Thirty-five (35) feet.

C. AREA REGULATION.

1. Area and Minimum Width of Lot. Every building hereafter erected or structurally altered shall provide a lot area of not less than Four thousand five hundred (4500) square feet and a width of lot along the front line of not less than Forty-five (45) feet, provided, however, that a lot having less area or frontage at time of passage of this ordinance may be occupied by one (1) family.

2. Front Yard. For every dwelling or other main or necessary building, there shall be provided a front yard of not less than Fifteen (15) feet in depth from property line.

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3. Side Yard. For every dwelling, there shall be provided a minimum side yard of Five (5) feet on each side.
4. Back Yard. For every dwelling or other main or necessary building, there shall be provided a setback of not less than Ten (10) feet from the alley line, except garage facing street.

Section 5. R2—RESIDENTIAL TWO DISTRICT.

A. USE REGULATION.
and no building or land shall be used or no building shall be hereafter erected, converted, or structurally altered, unless otherwise provided herein, except for one or more of the following uses:

1. Any use permitted in the R1—Residential One District.
2. Multiple family dwellings not to exceed four (4) units.

B. HEIGHT REGULATION.

Same as R1—Residential One District.

C. AREA REGULATION.

Aver and Minimum Width of Lot, Front Yard, Side Yard, and Back Yard. Shall follow regulations of R1—Residential One District.

Section 6. R3—RESIDENTIAL THREE DISTRICT.

A. USE REGULATION.

No building or land shall be used and no building shall be hereafter erected, converted, or structurally altered, unless otherwise provided herein, except for one or more of the following uses:

1. Any use permitted in the R1 Residential One District, and any use permitted in the R2 Residential Two District.
2. Apartment Houses.
3. College and University Buildings.

4. Community Buildings, Athletic Field, Fraternity Buildings and Houses, Private and Public Schools, Churches, Home for the Aged, Convalescent Homes and Hospitals (but not hospitals for contagious or infectious diseases).

B. HEIGHT REGULATION.
No height limit, provided adequate fire fighting equipment is provided by the property owner; otherwise R1 Residential One District restrictions prevail.

C. AREA REGULATION.

1. Area and Minimum Width of Lot. The minimum site area and width of lot shall be the same as in the R1 Residential One District, for structures permitted under R1 and R2. A minimum site area of seven thousand (7,000) square feet shall be provided for all other structures permitted under R3.

2. Front Yard, Side Yard, and Back Yard. shall follow regulations of R1—Residential One District.

Section 7. COMMERCIAL DISTRICT.

A. USE REGULATION.
No buildings or land shall be used

and no building shall be hereafter erected, converted, or structurally altered, unless otherwise provided herein, except for one or more of the following uses:

1. Any use permitted in any Residential District.
2. Stores for retail or wholesale trade and distribution and processing of products.
3. Commercial billboards and electrical display or advertising signs (large).
4. Service establishments such as cleaning and pressing establishments, barber shops, beauty parlors, restaurants, food storage lockers, and cold storage lockers (not including slaughtering of animals on the premises).
5. Garage or motor fuel filling station.

6. Motor vehicle display and sales buildings, lot for display and sale of used or second hand motor vehicles (not including auto wrecking yards).

7. Storage in bulk of, or warehouse for, such items as building materials, construction equipment, and coal and wood sales.

8. Assembly hall, dance hall, skating rink and amusement hall.

9. Pipe Station, Office Buildings, Hotels, Taverns, and licensed tourist courts or camps including trailer camps, provided all sanitary regulations in effect in Golden are complied with.

10. Manufacturing or industrial operations of any kind not heretofore listed and exclusive of industrial operations listed hereafter, where not in excess of five (5) horse power is employed in the operation of each machine.

B. HEIGHT REGULATION.

No building shall exceed a height of sixty-five (65) feet, unless fire protection is provided by the building owner or operator.

C. AREA REGULATION.

1. Area and Minimum Width of Lot. For residential use, the regulations of the R3 Residential Three District shall apply. For commercial uses, no restrictions shall apply.

2. Front Yard. All buildings shall have a minimum front yard of thirty-five (35) feet in depth from the curb line or Twenty (20) feet from property line, except buildings constructed in a block in a zone which at the time of the adoption of this Ordinance had Commercial buildings constructed therein or buildings used as Commercial buildings therein, in which event buildings constructed or structurally altered may conform to construction therein erected at that time; except that when constructed in conformity with construction in said block a setback of Eight (8) feet shall be allowed, regardless of conformity, from the corner of said lot where Two (2) Streets intersect.

3. Side Yard. For residential uses, the regulations of the R1 Residential One District shall apply.

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For Commercial use, in Blocks in which Commercial buildings or buildings used as Commercial buildings have been constructed prior to the adoption of this Ordinance, the buildings may conform to construction therein erected at that time; when constructed in conformity with other construction, a setback of Eight (8) feet shall be allowed, regardless of conformity, from the corner of said lot where Two (2) Streets intersect; for Commercial uses, in areas not developed as Commercial areas at the time of the adoption of this Ordinance, a setback of Twenty (20) feet shall be required.

4. Back Yard. All buildings shall be set back a minimum of five (5) feet from the alley line on alleys having a width of less than Twenty (20) feet.

5. Parking and Loading Area. Sufficient parking and loading area shall be required to accommodate customers and employees.

Section 8. I. INDUSTRIAL DISTRICT.

A. USE REGULATION.

No building or land shall be used and no building shall be hereafter erected, converted, or structurally altered, unless otherwise provided herein, except for one or more of the following uses:

1. Any use permitted in a C Commercial District.
2. Foundry.
3. Rock crusher or gravel pit.
4. Storage of gasoline, oils, and other petroleum products.
5. Brick, tile, or terra cotta manufacture.
6. Light or power plant central station.
7. Grain drying or poultry feed manufacture or feed mill.
8. Auto wrecking yard.
9. Storage in bulk of, or ware house for, metals or machinery.
10. Manufacture or industrial operations of any kind not resulting in an noxious smoke, dust, or odor.
11. Such other uses which are no more detrimental to the highest and best uses of the land in said district than are the uses hereinbefore enumerated.

E. HEIGHT REGULATION.

No building shall exceed a height of Sixty-five (65) feet, unless adequate fire protection is provided by the building owner or operator.

C. AREA REGULATION.

1. Area and Minimum Width of Lot. For residential uses, the regulations of the R3 Residential Three District shall apply. For Commercial and Industrial uses, no restrictions shall apply.

2. Front Yard. Same as C Commercial District.

3. Side Yard. For residential and commercial uses, same as C Commercial District. For industrial uses, no side yard is required ex-

cept that on corner lots a side yard shall be provided of Twenty (20) feet measured from the street side of the property.

4. Back Yard. Same as C Commercial District.

5. Parking and Loading Area. Same as C Commercial District.

Section 9. NON-CONFORMING USES.

The lawful use of land or buildings existing at the time of the adoption of this Ordinance, although such use does not conform to the provision hereof, may be continued, but if such non-conforming use is discontinued for a period of Six (6) months, any further use of said premises shall be in conformity with the provisions of this Ordinance. Such use may be extended throughout the building, provided no structural alterations except those required by law or ordinance or as provided for herein, are made thereto. Any such building or structure may be repaired whenever such repair shall be necessary or convenient to the use of such building and in event any such building is destroyed or damaged to the extent of its assessed valuation, such non-conforming use may be continued provided that the building be reconstructed to conform to the setback, side and back yard and height provisions of the District in which it is located.

The non-conforming use of land, where no building of more than two hundred fifty (\$250.00) Dollars assessed valuation is in existence at the time of the passage of this ordinance, shall revert to a use conforming with this ordinance within a period of five (5) years after the adoption of this ordinance for residential use, and three (3) years for commercial use.

Section 10. EXCEPTIONS.

The height limits established herein for any district shall not apply to chimneys, stacks, water towers, radio towers (including antennae), grain elevators, windmills, silos, elevator pent houses, monuments, domes, spires, belfries, hangars, and necessary mechanical appurtenances.

A parapet wall not exceeding four (4) feet in height may be erected above the height limit of the building on which it rests.

Section 11. BOARD OF ADJUSTMENT.

A Board of Adjustment is hereby established. The word "Board" when used in this section shall be construed to mean the Board of Adjustment. The Board shall consist of Five (5) members, and shall be composed of all the members of the Planning Commission of the City of Golden.

Meetings of the Board shall be held at least once a month, or at the call of the Chairman, at such other times as the Board may determine. The Board shall adopt its own rules of procedure and keep a record of

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its proceedings showing the action of the Board and the vote of each member upon each question considered. The presence of three (3) members shall be necessary to constitute a quorum.

APPEAL: Appeal from the ruling of the Building Inspector concerning the enforcement of the provisions of this ordinance may be made to the Board of Adjustment within such time as shall be prescribed by the Board by general rule. The appellant shall file with the Building Inspector and with the Board of Adjustment a notice of appeal, specifying the grounds thereof. The Building Inspector shall forthwith transmit to the Board all papers constituting the record upon which the action appealed from was taken.

JURISDICTION: In specific cases, the Board of Adjustment may authorize by permit a variation of the application of the Use, Height and Area District regulations herein established in harmony with their general purpose and intent as follows:

1. Permit a temporary building for Commerce or Industry in a Residential District which is incidental to the residential development, such permit to be issued for not more than a period of one (1) year.
2. Permit the addition or extension of a building in accordance with original plans for such additions and extensions providing the said plans were in conformity with the zoning ordinance in effect at that time.
3. Permit the extension of Use, Height and Area District for a distance of not more than twenty-five (25) feet, where the boundary line of a district divides a lot in a single ownership at the time of the passage of this ordinance.
4. Permit the erection and use of a building or the use of a premises in any location for a public service corporation for public utility purpose which the Board admits reasonably necessary for the public convenience and welfare.
5. Interpret the provisions of this ordinance in such a way as to carry out the intent and purpose of the plan, as shown upon the district map, fixing the several districts accompanying and made a part of this ordinance where the street layout actually on the ground varies from the street layout as shown on the District Map aforesaid.
6. Where there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of this ordinance, the Board of Adjustment shall have the power in passing upon appeals to vary and modify the application of any of the regulations or provisions of this ordinance relating to the Use, Construction or Alteration of build-

ings or structures of the use of the land so that the spirit of the ordinance shall be observed, public safety and welfare secured and substantial justice done.

7. Adopt from time to time such rules and regulations as may be deemed necessary to carry into effect the provisions of this ordinance.

Section 12. CERTIFICATE OF OCCUPANCY.

It shall be the duty of the Building Inspector to see that this ordinance is enforced.

No vacant land shall be occupied and used and no buildings hereafter erected, or altered, shall be occupied or used until a certificate of occupancy has been issued by the Building Inspector.

Certificate of Occupancy for a Building: Certificate of occupancy of a new building or the alteration of an existing building, shall be applied for coincident with the application for a building permit and shall be issued within ten days after the erection or alteration of such buildings shall have been completed in conformity with the provisions of these regulations.

Certificate of occupancy shall state that the building or proposed use of a building or land, complies with all the building and health laws and ordinances and with the provisions of these regulations. A record of all certificates shall be kept on file in the office of the Building Inspector, and copies shall be furnished, on request, to any person having a proprietary or tenancy interest in the building affected. No fee shall be charged for an original certificate applied for coincident with the application for a building permit; for all other certificates or for copies of the original certificate, there shall be a fee charged of one (\$1.00) Dollar each.

No permit for excavation for any building shall be issued before application has been made for certificate of occupancy.

Certificate of Occupancy for Non-Conforming Use: Certificate of occupancy for non-conforming use existing at the time of the passage of this ordinance, shall be issued by the Building Inspector when such information shall come to his attention and the certificate shall state that the use is non-conforming and does not conform with the provisions of this ordinance.

Plats: All applications for building permits shall be accompanied by a plat in duplicate drawn to scale on standardized sheets furnished by the City, showing the actual dimensions of the lot to be built upon, the size of the building to be erected, and such other information as may be necessary to provide for the enforcement of these regulations. A careful record of such applications shall be kept in the office of the Building Inspector.

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Interpretation, Purpose and Conflict: In interpreting and applying the provisions of this ordinance, they shall be held to be the minimum requirements for the promotion of the public health, safety, morals, order, convenience, happiness, prosperity and general welfare. It is not intended by this ordinance to interfere with or abrogate or annul any easements, covenants, or other agreements between parties; provided, however, that whenever this ordinance imposes a greater restriction upon the use of buildings or premises or upon the height of buildings or required larger open spaces than are imposed or required by other ordinances, rules, regulations, or permits, or by easements, covenants or agreements, the provisions of this ordinance shall govern.

Section 13. BOUNDARIES OF DISTRICTS.

Where uncertainty exists with respect to the boundaries of the various districts, as shown on the District Map accompanying and made a part of this ordinance, the following rules shall apply.

a. The district boundaries are either streets or alleys unless otherwise shown, and where the designation on the map accompanying and made a part of this ordinance indicates that the various districts are approximately bounded by street or alley lines, said street or alley shall be construed to be the boundary of such district.

b. Where the district boundaries are not otherwise indicated, and where the property has been or may hereafter be divided into blocks and lots, the district boundaries shall be construed to be lot lines; and where the designation on the map accompanying and made a part of this ordinance indicates that the various districts are approximately bounded by lot lines, said lot lines shall be construed to be the boundary of such district unless said boundaries are otherwise indicated on the map.

c. In unsubdivided property, the district boundary lines on the map accompanying and made a part of this ordinance shall be determined by use of the said map with the streets and alleys as existing.

Section 14. CHANGES AND AMENDMENTS.

The Council may, from time to time, on its own motion or on petition, after public notice and hearings as provided by law, and after report by the Planning Commission, amend, supplement, or change the boundaries or regulations herein or subsequently established. Whenever the owners of fifty (50) per cent or more of the frontage in any district or part thereof present a petition duly signed and acknowledged to the Council requesting an

amendment, supplement or change in the regulations prescribed for such district or part thereof, it shall be the duty of the Council to vote upon such petition within ninety (90) days after the filing by the petitioners with the Clerk of the Council.

Section 14. VALIDITY.

Should any section, clause or provision of this ordinance be declared by the Court to be invalid, the same shall not affect the validity of the ordinance as a whole or any part thereof, other than the part declared to be invalid.

Section 15. VIOLATION AND PENALTY.

Any person, firm or corporation that violates, disobeys, omits, neglects, or refuses to comply with or resists the enforcement of any of the provisions of this ordinance shall be fined not less than Ten (\$10.00) Dollars nor more than One Hundred (\$100.00) for each offense. Any building erected, raised, converted, or land or premises used in violation of any provision of this ordinance or the requirements thereof, is hereby declared to be common nuisance, and such common nuisance may be abated in such manner as nuisances are now or may hereafter be abated under existing law.

Section 16. WHEN EFFECTIVE.

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Introduced, read and ordered published the 7th day of April, 1949.

Signed:

EVERETT L. BARNHARDT,
Mayor Pro-Tem.

Attest:

EARL P. WAGNER,

City Clerk-Treasurer.

Approved as to Form:

Signed: FRANK REINHARD, JR.
City Attorney.

I, Earl P. Wagner, City Clerk-Treasurer of the City of Golden, Colorado, do hereby certify that the foregoing ordinance was introduced and read at a regular meeting of the City Council of said City held on the 3rd day of March, 1949, and by order of the said City Council was published as a proposed ordinance as the law directs, and for more than ten days prior to its passage in the Colorado Transcript, legal newspaper; and that on the 7th day of April, 1949, the said proposed ordinance was read and passed by the City Council aforesaid, the said meeting being a regular meeting of said City Council, and ordered published in aforesaid newspaper as the law directs.

Witness my hand and official seal of the City of Golden, Colorado, this 8th day of April, 1949.

(SEAL) EARL P. WAGNER,
City Clerk-Treasurer.