

ORDINANCE NO. 682

AN ORDINANCE ESTABLISHING AND AMENDING LAND USE ZONING DISTRICTS WITHIN THE CORPORATE LIMITS OF THE CITY OF GOLDEN, COLORADO: ADOPTING A MAP OF SAID ZONING DISTRICTS: REGULATING THE USE OF THE LAND AND THE USE, LOT AREA, LOT WIDTH, HEIGHT, YARDS, SETBACK, AND FLOOR AREA OF AND ABOUT BUILDINGS: REQUIRING PARKING AND LOADING AREAS: PROVIDING FOR THE ADJUSTMENT, ENFORCEMENT AND AMENDMENT THEREOF; DEFINING CERTAIN TERMS USED HEREIN; PROVIDING FOR THE INTERPRETATION AND VIOLATIONS THEREOF; AND REPEALING ALL ORDINANCES IN CONFLICT HERewith.

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

Section 1. Chapter 18.04 of the Golden Revised Ordinances of 1965 is hereby repealed and re-enacted as follows:

CHAPTER 18.04 DEFINITIONS

- (1) 18.04.010 Grammer. When not inconsistent with the context, words used in the present tense include the future; words in the singular number include the plural number; words in the plural number include the singular number; and the masculine includes the feminine.
- (2) 18.04.020 Generally. For the purpose of this title certain terms and words shall have the meaning ascribed to them in this chapter.
- (3) 18.04.025 Accessory building. The term "accessory building" means a detached subordinate building, the use of which is customarily incidental to that of the main building or to the main use of the land and which is located on the same lot with the main building or use.
- (4) 18.04.030 Accessory use. The term "accessory use" means a use naturally and normally incidental to, subordinate to, and devoted exclusively to the main use of the premises.
- (5) 18.04.035 Alley. The term "alley" means a public thoroughfare, not exceeding thirty-five feet in width which affords only a secondary means of access to abutting property.
- (6) 18.04.040 Area, minimum lot. The term "minimum lot area" means the total area within the property lines of the lot, excluding adjacent streets.
- (7) 18.04.050 Boarding and rooming house. The term "boarding and rooming house" means a building or portion thereof which is used to accommodate, for compensation, one or more boarders or roomers, not including members of the occupant's immediate family who might be occupying such building. The word "compensation" shall include compensation in money, services or other things of value.
- (8) 18.04.055 Building. The term "building" means any permanent structure built for the shelter or enclosure of persons, animals, chattels or property of any kind and not including advertising sign boards or fences.
- (9) 18.04.060 Building height. The term "building height" means the vertical distance from the grade to the highest point of the roof surface.
- (10) 18.04.065 Building, principal. The term "principal building" means a building in which is conducted the main or principal use of the lot on which said building is situated.
- (11) 18.04.070 Dwelling. The term "dwelling" means any building or portion thereof which is used as the private residence or sleeping place of one or more human beings, but not including hotels, motels, tourist courts, resort cabins, clubs, hospitals, or similar uses.
- (12) 18.04.073 Dwelling, apartment. The term "apartment dwelling" means a building designed for and occupied by five or more families living independently of each other.
- (13) 18.04.075 Dwelling, one-family. The term "one-family dwelling" means a detached building designed exclusively for, and occupied by one family.
- (14) 18.04.077 Dwelling, two-family. The term "two-family dwelling" means a building designed for and occupied by two families living independently of each other.

(15) 18.04.080 Dwelling, multiple-family. The term "multiple-family dwelling" means a building designed for and occupied by three or more families living independently of each other. A multiple-family dwelling containing five or more dwelling units shall not be classified as an apartment dwelling provided it conforms to all of the requirements of the R2 density schedule specified by Section 18.28.130 of this ordinance.

(16) 18.04.085 Dwelling unit. The term "dwelling unit" means one or more rooms in a dwelling designed for or occupied by one family and cooking on the premises.

(17) 18.04.087 Dwelling unit, efficiency or buffet type. The term "efficiency dwelling unit" or "buffet dwelling unit" means an apartment dwelling unit having not less than 300 square feet of floor area with facilities for living, sleeping, cooking and eating as required by the Uniform Building Code.

(18) 18.04.090 Family. The term "family" means any number of persons living together on the premises as a single house-keeping unit, all persons being related by blood, marriage, or adoption. Foster children approved by a legally authorized agency shall be included within this definition of "family."

(19) 18.04.093 Floor area. The term "floor area" shall mean that area included within the periphery defined by the outer surfaces of the exterior walls of a building and shall include the aggregate area of all floors but exclude attached garages, car ports, patios, porches, or balconies; in the case of multiple dwelling units or other occupancies where the peripheral walls may consist partially of common walls, measurement shall be along the center line of such common walls.

(20) 18.04.095 Grade. The term "grade" (ground level) means the average of the finished ground level at the center of all walls of a building. In case walls are within twenty-five feet of a sidewalk, said grade shall be measured at the sidewalk.

(21) 18.04.100 Home occupation. The term "home occupation" means any use conducted principally within a dwelling and carried on by the inhabitants thereof, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof, provided that no article is sold or offered for sale except such as may be produced by members of the immediate family residing on the premises.

(22) 18.04.105 Hospital. The term "hospital" means any building or portion thereof used for the accommodation and medical care of sick, injured or infirm persons and including sanitoriums, but not including clinics, rest homes, and convalescent homes.

(23) 18.04.110 Hotels and motels. The term "hotels and motels" means any building or portion thereof containing six or more guest rooms used, designed to be used, let or hired out for occupancy by persons on more or less a temporary basis.

(24) 18.04.111 Household pets. Any trained or domesticated animal belonging to a family and kept at their place of residence but not including horses, cows, sheep, goats, pigs or other such animals, and not including chickens, ducks, geese, or other fowl and not including rabbits, mink, chinchilla, or other such animals. Household pets shall include dogs, cats, canaries, parrots, monkeys, hamsters, guinea pigs and similar rodents, fish, reptiles, and such other species as would normally be sold at a local pet shop but shall not include any species of fauna capable of inflicting substantial physical harm to man. This definition shall not preclude the legitimate use of any laboratory animals for scientific research or veterinarian purposes. This permitted use shall not exempt any animals from the provisions of any other ordinance of the City.

(25) 18.04.115 Lot. The term "lot" means a parcel of land occupied or to be occupied by a building or group of buildings and any accessory buildings identified with each, together with such open areas as are required under this title, and having its principal frontage on a public right of way.

(26) 18.04.120 Lot frontage. The term "lot frontage" shall mean the length of the front lot line.

(27) 18.04.125 Lot line, front. The term "front lot line" means the property line dividing a lot from a street. For purposes other than setback, a corner lot or other double frontage lot shall have only the shorter street frontage considered as the front lot line.

- (28) 18.04.130 Lot line, rear. The term "rear lot line" means the line opposite the front lot line.
- (29) 18.04.135 Lot line, side. The term "side lot line" means any lot lines other than front lot lines or rear lot lines.
- (30) 18.04.140 Membership club. The term "membership club" means an association of persons, whether incorporated or unincorporated for some common purpose, but not including groups organized primarily to render a service carried on as a business.
- (31) 18.04.145 Neighborhood retail store. The term "neighborhood retail store" means a use devoted exclusively to the retail sale of a commodity or commodities; the sales area of such use shall be indoors only, and the total enclosed area for such use shall not exceed four thousand square feet.
- (32) 18.04.150 Nonconforming building. The term "nonconforming building" means a building or structure or portion thereof built prior to the effective date of the ordinance codified in this title, or any amendment thereto and conflicting with the provisions of this title applicable to the zone in which it is situated.
- (33) 18.04.155 Nonconforming use. The term "nonconforming use" means the use of a structure or premises conflicting with the provisions of this title.
- (34) 18.04.160 Occupied. The word "occupied" includes arranged, designed, built, altered, converted, rented or leased, or intended to be occupied.
- (35) 18.04.165 Person. The word "person" shall also include association, firm, copartnership, or corporation.
- (36) 18.04.170 Setback. The term "setback" means the minimum distance, extending across the full width of the lot or site, between the center line of the adjoining street or alley and that part of the building or structure closest to the respective front or rear lot line (excluding measurement from any building surface which, by provision of this title, may occupy the respective front or rear setback area). Note that "setback" is applicable only to structures pertaining to residential-commercial, commercial, or industrial uses as opposed to "yard" requirements for residential uses.
- (37) 18.04.180 Street. The term "street" means any public or private thoroughfare which affords the principal means of access to abutting property, and including such terms as "public right of way", "highway", "road", and "avenue."
- (38) 18.04.185 Structure. The term "structure" means anything constructed or erected, which requires location on the ground or attached to something having a location on the ground, but not including fences or walls used as fences less than sixty feet in height, poles, lines, cables, or other transmission or distribution facilities of public utilities.
- (39) 18.04.190 Tourist home. The term "tourist home" means any building containing five or less guest rooms used, designed to be used, let or hired out for occupancy by persons on more or less a temporary basis.
- (40) 18.04.195 Use. The term "use" means the purpose for which land or building is designed, arranged, or intended, or for which either is or may be occupied or maintained.
- (41) 18.04.205 Yard. The term "yard" means an open space other than a court, on a lot, unoccupied and unobstructed from the ground upward, except as otherwise provided in this title.
- (42) 18.04.210 Yard, front. The term "front yard" means a yard extending across the full width of the lot between the front lot line and the nearest line or point of the building.
- (43) 18.04.215 Yard, rear. The term "rear yard" means a yard extending across the full width of the lot between the rear lot line and the nearest line or point of the building.
- (44) 18.04.220 Yard, side. The term "side yard" means a yard extending from the front yard to the rear yard between the side lot line and the nearest line or point of the building.

Section 2. Chapter 18.04 of the Golden Revised Ordinances of 1965 is hereby repealed and re-enacted as follows:

## CHAPTER 18.08 INTERPRETATION AND ENFORCEMENT

(1) 18.08.010 Interpretation. In their interpretation and application, the provisions of this title shall be held to be minimum requirements adopted for the promotion of the public health, safety and welfare. Whenever the requirements of this title are at variance with the requirements of any other lawfully adopted rules, regulations or ordinances, the more restrictive, or that imposing the higher standards shall govern.

(2) 18.08.020 Severability. Should any section, clause or provision of this title be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of this title as a whole, or any part thereof other than the part so declared to be invalid.

(3) 18.08.030 Enforcement. It shall be unlawful to erect, construct, reconstruct alter or change the use of any building or other structure within the City of Golden without obtaining a building permit from the city building official or his authorized representative, and no permit shall be issued unless the plans of and for the proposed erection, construction, reconstruction, alteration, or use fully conform to the zoning regulations then in effect. For all building permits required, a fee to be set by the city council shall be charged by the city of Golden, except that all construction with a total cost of less than one hundred dollars shall be exempt from paying a building permit fee. For all signs permitted under Chapter 18.32, a fee to be set by the city council shall be charged by the City of Golden.

(4) 18.08.040 Violations designated. It shall be unlawful to erect, construct, reconstruct, alter, maintain or use any building or structure or to use any land in violation of any provision of this title, or any amendment thereof. Any person, firm, or corporation, either as owner, lessee, occupant or otherwise, who violates or who interferes in any manner with any person in the performance of a right or duty granted or imposed upon him by the provisions of this title, shall be guilty of a misdemeanor.

(5) 18.08.050 Legal action. In case any building or structure is, or is proposed to be erected, constructed, reconstructed, altered, maintained or used, or any land is proposed to be used, in violation of any provision of this title, or any amendment thereof, the city council, the city attorney, or any owner of real estate within the city of Golden, in addition to other remedies provided by law, may institute injunction, mandamus, abatement or any other appropriate action or proceeding to prevent, enjoin, abate or remove such unlawful erection, construction, reconstruction, alteration, maintenance or use.

Section 3. Chapter 18.12 of the Golden Revised Ordinances of 1965 is hereby repealed and re-enacted as follows:

## CHAPTER 18.12 BOARD OF ADJUSTMENT, VARIANCES

(1) 18.12.010 Generally. The board of adjustment of the City of Golden shall have the following functions and powers in respect to this title.

(2) 18.12.030 Establishment and organization of board. The board of adjustment is established. "Board" when used in this chapter means the board of adjustment. The board shall consist of five members appointed by the mayor, which appointment shall be confirmed by a majority of the council. The term of appointment for the members shall be for three years; except that the respective terms of two of the members first appointed shall be three years, two of the members shall be two years, and one of the members shall be one year. 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 its proceedings showing the action of the board and a vote of each member upon each question considered. The board shall, at its first meeting and annually at their regular January meeting, choose one of its members to act as chairman and one member to serve as vice chairman. The chairman shall preside at all meetings of the board except that in the absence of the chairman, the vice chairman shall preside. The city clerk shall serve as secretary of the board but shall not be a member of the board.

The board shall hear and decide appeals from and review any order, requirement, decision or determination made by the building official or any administrative official concerning the enforcement of the provisions of this title or any amendment thereto. The board shall also hear and decide all matters referred to it or upon which it is required to pass under this title or any amendment thereto. The concurring vote of four members of the board shall be necessary to reverse any order, requirement, decision or determination of the

building official or any administrative official, or to decide in favor of the applicant any matter upon which it is required to pass under this title or to effect any variation in such title.

Such appeals shall be taken within such time as shall be prescribed by the board of adjustment by general rule by filing with the officer from whom the appeal is taken and with the board, a notice of appeal specifying the grounds thereof, and shall pay a fee as established by resolution of Council.

The official from whom the appeal is taken shall forthwith transmit to the board all papers constituting the record upon which the action appealed from was taken.

(3) 18.12.035 Meetings. Meetings of the board of adjustment shall be held once each month provided appeal cases have been filed for disposition by the board. In the event there are no appeal cases which have been filed with the proper authority of the city of Golden, the board of adjustment meeting may be dispensed with.

(4) 18.12.040 Appeals to the board of adjustment.

A. BY WHOM TAKEN. Appeals to the board of adjustment may be taken by any person aggrieved by his inability to obtain a building permit, or by the decision of any administrative officer or agency based upon or made in the course of the administration or enforcement of the provisions of this title. Appeals may be taken by any officer, department, board or bureau of the city affected by the granting or refusal of a building permit or other decision of an administrative officer or agency based on or made in the course of the administration or reinforcement of the provisions of this title.

B. TIME RESTRICTION. Appeals to the board of adjustment must be made in writing and filed with the board of adjustment within sixty days of the act or failure to act or decisions appealed from.

C. POWERS OF THE BOARD OF ADJUSTMENT UPON APPEALS. Upon appeals the board of adjustment shall have the following powers:

(1) To hear and decide where it is alleged by the appellant that there is error in any order, requirement, decision or refusal made by an administrative official or agency based on or made in the enforcement of this title.

(2) To hear and decide, in accordance with the provisions of this title as hereafter provided, requests for special exceptions or for interpretations of the zoning map. Exceptions pertaining to use regulations, other than the specific variances provided hereafter, shall not be within the powers of the board.

(3) Where by reason of exceptional narrowness, shallowness or shape of a specific piece of property at the time of the enactment of this title, or by reason of exceptional topographic conditions of such piece of property, the strict application of any regulation enacted under this title would result in peculiar and exceptional and undue hardship upon the owner of such property, to authorize, upon an appeal relating to said property, a variance from such difficulties or hardship; provided, however: that such relief may be granted without substantial detriment to the public good, without altering the essential character of the neighborhood, and without substantially impairing the intent and purpose of this zoning title or the master plan of the City of Golden.

(4) To permit the extension of an existing non-conforming use throughout a lot or any building thereon upon such terms and conditions as the board of adjustment shall deem just and proper; provided, that such extension may be granted without substantial detriment to the public good and without substantial detriment to the public good and without substantially impairing the intent and purpose of this zoning title.

(5) 18.12.050 Procedure.

A. OPEN MEETINGS. All meetings and hearings of the board of adjustment shall be open to the public.

B. HEARINGS AND NOTICES. All hearings of the board of adjustment upon any appeal shall be held not earlier than five days from the date that publication of the notice of the hearing in a newspaper of general circulation

in the city has been made. Such publication shall contain the name of the appellant, the description of the property involved, a statement of the nature of the request, and the time and place of the hearing.

(C) POSTING OF SITE. The site of a requested variance shall be posted with a sign not less than ten days prior to the date of hearing, said sign to be in a prominent location and to remain in place for the ten day period. Said sign shall contain the name of the applicant, description or street address of the property involved, a statement of the nature of the variance, and the time and place of the hearing; the design, sizing and material of the sign shall be approved by the board. Such sign shall be furnished and placed on the site by the clerk of the board.

18.12.060 Variance Requirements. Petitions for variances shall be filed with the City Clerk not less than fifteen days prior to the meeting at which said variance requests will be considered by the Board.

(A) USE VARIANCES. Initial applications for variances relating to the use requirements of this title shall be in writing upon form or forms provided by said Board and shall require the written approval of the owners of not less than eighty percent of the property owners within four hundred feet of the property line of the site of the requested nonconforming usage. The written approval of property owners having a common property line with the site of the requested nonconforming usage shall be included in the required eighty percent of the property owners. Such applications shall not be granted for periods exceeding two years. Initial use variances can be renewed every two years upon proper written application to the Board, including the written approval of not less than eighty percent of the property owners within four hundred feet of the property line of the site of the requested nonconforming usage. Use variances, whether initial or renewal, shall be granted only if the usage will not authorize or require any construction or alteration, in violation of any ordinances of the City of Golden including the Planning and Zoning ordinance and the City of Golden Building Code.

(B) OTHER VARIANCES. Application for variances relating to other than use requirements of this title shall be in writing upon a form or forms provided by said Board, and shall require the written approval of not less than eighty percent of the property owners within one hundred feet of the property line of the site of the requested nonconforming building. The written approval of property owners having a common property line with the site of the requested non-conforming building shall be included in the required eighty percent of property owners. No variance shall be granted to allow a building height to exceed the maximum height specified for that zoning district. The nonconforming buildings must comply with all ordinances of the City of Golden, including the Planning and Zoning Ordinance and the City of Golden Building Code except for the specific variance granted.

(C) VARIANCES FOR ANNEXED PROPERTY.

(1) Variances relating to use requirements of this title for areas annexed to the city of Golden shall, for a period of one year subsequent to the date of annexation, have the application made for such variance in writing upon the form or forms provided by the board, and shall require the written approval of not less than fifty percent of the number of property owners owning property within five hundred feet of the property lines of the site of the required nonconforming use. This provision shall be limited to those uses which county zoning of the annexed area would have allowed at the time of annexation but which are prohibited under this title.

(2) Variances related to other than use requirements for areas annexed to the City of Golden for a period of one year subsequent to the date of annexation shall have application made for such variance in writing upon form or forms provided by the board and shall require the written approval of those property owners having a common property line with the site for which the variance is requested. This provision shall be limited to those regulations other than use which county zoning of the annexed area would have allowed at the time of annexation.

Section 4. Chapter 18.20 of the Golden Revised Ordinances of 1965 is hereby repealed and re-enacted as follows:

CHAPTER 18.20 DISTRICTS AND MAP

(1) 18.20.010 Establishment of districts. In order to carry out the provisions of this title, the city of Golden is hereby divided into the following zoning districts:

RE, one-family.  
R1, one-family.  
R1A, one-family.  
R2, multiple family.  
R3, apartment dwellings.  
RC1, limited residential-commercial.  
RC2, general residential-commercial.  
C1, limited commercial.  
C2, general commercial.  
M1, limited industrial.  
M2, general industrial.  
PUD, planned unit development.

(2) 18.20.020 Zoning Map. The boundaries and zoning classifications of districts hereby established are as shown on a map entitled "Zoning District Map of the City of Golden, Colorado", dated the 10th of March, 1960, which map and all notations, references, data and other information shown thereon are by reference hereby made a part of this title.

In the event uncertainty shall be deemed to exist on the zoning district map, district boundaries shall be on section lines; lot lines; the center lines of highways, streets, alleys, railroad rights-of-way, or such lines extended; municipal corporated lines; natural boundary lines, such as streams; or other lines to be determined by the use of scales shown on the said map.

Where a lot is divided by a zoning district boundary line at the time of enactment of this title or by subsequent amendments, the less restrictive zone requirements may be extended within the lot into the more restrictive zoning district for a distance of not more than twenty-five feet.

The official zoning district map shall be kept up-to-date at all times by the city and copies of said map shall be available for public use.

Section 5. Chapter 18.24 of the Golden Revised Ordinances of 1965 is hereby repealed and re-enacted as follows:

CHAPTER 18.24 APPLICATION OF REGULATIONS

(1) 18.24.010 General application. Except as hereinafter otherwise provided:

(A) No building shall be erected and no existing building shall be moved, structurally altered, added to or enlarged, nor shall any land, building or premises be used, designated or intended to be used for any purpose or in any manner other than is included among the uses hereinafter listed as permitted in the district in which such building, land, or premises is located.

(B) No building shall be erected, reconstructed or structurally altered to exceed in height and maximum coverage of lot the limits hereinafter designated for the district in which such building is located.

(C) No building shall be erected, nor shall any existing building be structurally altered, enlarged or rebuilt, nor shall any open space surrounding any building be encroached upon and reduced in any manner, except in conformity with the building site area and width, building location, yard, and floor area regulations hereinafter designated by the density schedule prescribed for the use within the district in which such building or open space is located.

(D) No yard or other open space provided about any building for the purpose of complying with provisions of this title shall be considered as providing a yard or other open space for any other building, and no yard or other open space on one lot shall be considered as providing a yard or open space for a building on any other lot.

(E) A particular use in any given district shall be governed by the density schedule for which the building permit will be issued; e.g. - an R3 use in an RC2 district shall meet the requirements of the R3 density schedule.

(2) 18.24.020 Existing buildings. The regulations contained herein are not retroactive in their application on existing buildings.

Section 6. Chapter 18.28 of the Golden Revised Ordinances of 1965 is hereby repealed and re-enacted as follows:

CHAPTER 18.28 USE AND DENSITY REGULATIONS

(1) 18.28.010 Application of provisions. The following schedules of regulations applying to the use of the land, and the use, lot area, lot width, height, yards, setback and floor area of and about buildings, and all other matters contained herein, as indicated for the various districts established by this title, are hereby adopted and declared to be a part of this title and may be amended in the same manner as any other part of this title. The regulations listed for each district as designated read either from left to right or top to bottom of each schedule.

(2) 18.28.020 Listing of uses. The listing of any use in the schedule as being permitted in any particular district shall be deemed to be an exclusion of such use from a more restricted district, unless the use is specifically permitted in the more restricted district under the language set forth in the schedule.

(3) 18.28.030 Uses permitted in the RE and R1 districts. The following uses are permitted in the RE and R1 districts:

- (A) One-family dwellings;
- (B) Public schools for elementary and high school education;
- (C) Public parks and playgrounds and other public recreation facilities;
- (D) Churches and church schools;
- (E) Municipal building and uses;
- (F) Household pets provided that no more than three (3) of such pets are either dogs or cats, older than six (6) months, or any combination of both.

(G) Private poultry houses containing not more than 400 square feet of ground floor area; private rabbit and/or chinchilla hutches containing not more than 100 square feet of ground floor area; provided that any such use is approved by the Board of Adjustment acting upon an application for a use variance. Said variance application shall detail any accessory buildings or structures whose construction is contemplated for the requested usage; said structure shall have board of adjustment approval.

(H) Private stables and/or barns for the keeping of horses, cows, sheep, or milking goats. The total number of animals, as listed above, that may be kept is limited as follows: The minimum square footage of open lot area [not including the dwelling unit(s)] shall be 9,000 square feet for the first animal and 6,000 square feet thereafter for each additional animal; provided, however, that the total number of such animals that may be kept shall not exceed four animals per one acre; and all such animals shall be kept in a fenced area. The above use shall be approved by the board of adjustment acting upon an application for a use variance; said application shall detail all proposed accessory buildings or structures whose construction is contemplated for the requested usage.

(I) Home occupations;

(J) Public utility mains, lines and substations where no public office or no repair or storage facilities are maintained;

(K) Accessory buildings and uses;

(L) Fences, hedges and walls, provided the uses are located where they will not obstruct motorists' vision at street intersections.

(4) 18.28.040 Uses permitted in the R1A district. The following uses are permitted in the R1A district:

(A) All uses permitted in the R1 district as stated therefor;

(B) Not more than four roomers in any one dwelling.

(5) 18.28.050 Uses permitted in the R2 district. The following uses are permitted in the R2 district:

(A) All uses permitted in the R1A district as stated therefor;

(B) Multiple-family dwellings.



(6) 18.28.060 Uses permitted in the R3 district. The following uses are permitted in the R3 district:

- (A) All uses permitted in the R2 district as stated therefor;
- (B) Apartment dwellings;
- (C) Automobile parking areas;
- (D) Boarding and rooming houses;
- (E) College and university building and uses;
- (F) Community buildings;
- (G) Fraternity and sorority houses;
- (H) Hospitals;
- (I) Nursery schools and day-care centers for pre-school children;
- (J) Rest homes, convalescent homes and nursing homes.

(7) 18.28.070 Uses permitted in the RC1 district. The following uses are permitted in the RC1 district:

- (A) All uses permitted in the R3 district as stated therefor;
- (B) Medical and dental clinics;
- (C) Membership clubs;
- (D) Offices;
- (E) Private schools.

(8) 18.28.080 Uses permitted in the RC2 district. The following uses are permitted in the RC2 district:

- (A) All uses permitted in the RC1 district as stated therefor;
- (B) Personal services establishments such as cleaning and pressing establishments, barber shops, beauty parlors, and restaurants, provided the services of all such establishments are confined within a building;
- (C) Undertaking establishments;
- (D) Hotels, motels, and tourist homes;
- (E) Studios - art, photographic, dance, music, radio and television studios provided that such studio is in a building not exceeding 3,000 square feet of floor space.

(9) 18.28.090 Uses permitted in the C1 district. The following uses are permitted in the C1 district:

- (A) All uses permitted in the RC2 district as stated therefor except residential uses and tourist homes;
- (B) Places of amusement or recreation, provided they are used primarily for commercial purposes;
- (C) Places serving food or beverages having service either outdoors or indoors;
- (D) Veterinarian hospital, and kennels incidental thereto, subject to approval by the board of adjustment and conforming to all other applicable city ordinances;
- (E) Automobile service station;
- (F) Fermented malt beverage and malt, vinous or spirituous liquor outlets.
- (G) Neighborhood retail stores (see definition in Chapter 18.04).

(10) 18.28.100 Uses permitted in the C2 district. The following uses are permitted in the C2 district:

- (A) All uses permitted in C1 district as stated therefor;
- (B) Residential uses above ground floor;
- (C) Places for the conduct of any general business, commercial, wholesale, processing or distributing activity not of an industrial or manufacturing nature;
- (D) Places of assembly;
- (E) New and used car sales;
- (F) Automobile body and paint shops;
- (G) Automobile repair shops;
- (H) Bakeries;
- (I) Banks;
- (J) Bottling works;
- (K) Builders supply yards, sales of cement and concrete products, and lumber yards;
- (L) Cabinet making and carpenter shops;
- (M) Cleaning and dyeing establishments;
- (N) Dairy processing and distribution plants;
- (O) Drug stores;
- (P) Drygood stores;
- (Q) Frozen food lockers, not including slaughtering on the premises;
- (R) Grocery stores;
- (S) Hardware stores;
- (T) Ice and cold storage plants;
- (U) Laundries;
- (V) Machine shops;
- (W) Manufacture of handicraft products;
- (X) Plumbing shops;
- (Y) Printing and publishing establishments;
- (Z) Roofing shops;
- (AA) Sheetmetal shops;
- (BB) Theaters;
- (CC) Upholstery shops.

(11) 18.28.110 Uses permitted in the M1 district. The following uses are permitted in the M1 district:

(A) Any kind of scientific research or the manufacture, compounding, assembling, processing or treatment of products provided the following limitations are placed on all such uses:

- (1) All permitted uses shall be operated entirely within a completely enclosed structure;
- (2) Dust, fumes, odors, refuse matter, smoke, vapor, noise, lights and vibrations shall be confined to the premises of the lot upon which such use is located;

(3) Travel and parking portions of the lot shall be surfaced with asphalt, concrete or equivalent paving;

(B) Public parks and playgrounds and other public recreation facilities;

(C) Municipal buildings and uses;

(D) Public utility mains, lines and substations where no public office and no repair or storage facilities are maintained.

(12) 18.28.120 Uses permitted in the M2 district. The following uses are permitted in the M2 district:

(A) All uses permitted in the C2 district as stated therefor;

(B) Any industrial or manufacturing operation provided the following limitations are placed on all such uses:

(1) Dust, fumes, odors, smoke, vapor, noise, lights and vibration shall be confined within the M2 district;

(2) Outdoor storage, equipment and refuse areas shall be concealed from view from abutting rights-of-way and adjoining residential districts.

(13) 18.28.130 Density schedule for the RE, R1, R1A, R2 and R3 districts. All RE, R1, R1A, R2 and R3 districts shall comply with the following density schedule:

	<u>RE One- Family</u>	<u>R1 &amp; R1A One- Family</u>	<u>R2 One or Two Family</u>	<u>R2 Three or Four Family</u>	<u>R3 Apartment Dwellings</u>
A) Min. Lot Area Per dwelling (sq.ft.)	9000	7000	7000	7800	10500
B) Min. Lot Area Per dwelling unit (sq.ft.)	9000	7000	3500	2600	2100
C) Min. Lot Frontages (ft.)	75	60	60	75	75
D) Min. Front Yard (ft.)*	30	15	15	15	15
E) Min. Side Yard (ft.)*	10	5	5	5	5
F) Min. Rear Yard (ft.)*	20	5	5	5	5
G) Max. Height Principal Bldg.(ft.)	25	35	35	35	35
H) Max. Height Accessory Bldg.(ft.)	15	15	15	15	25
I) Min. Floor Area per dwelling (sq.ft.)	1000	700	700	700	700
J) Min. Floor Area per dwelling unit (sq.ft.)	1000	700	700	500	450**
K) Equiv. Density (units/acre)	4.8	6.2	12.5	16.8	20.8

\*Accessory buildings shall have the same yard requirements as the principal building.

\*\*A maximum of 50% of the dwelling units per building may be "efficiency dwelling units."

(14) 18.28.140 Density schedule for the RC1, RC2, C1, C2, M1 and M2 districts. All RC1, RC2, C1, C2, M1 and M2 districts shall comply with the following density schedule:

	RC1 - RC2-C1	C-2 General Commercial	M1 Limited Industrial	M2 General Industrial
(A) Maximum Height of Buildings (feet)	50	50	35	65
(B) Minimum Front Setback (feet from centerline of street)	55	35	55	55
(C) Minimum Side Yard (feet)	NR	NR	10	NR
(D) Minimum Rear Setback (feet from centerline of alley)	15	15	40	15

(NR - none required)

(15) 18.28.150 Land use and density schedules for PUD districts.

(A) Permitted uses:

- (1) Any uses permitted in any of the various districts established by this code;
- (2) Accessory uses and buildings customarily appurtenant to the permitted uses, together with any special uses necessary to the primary purpose of the PUD;
- (3) Mobile Home courts and travel trailer courts.

(B) Building heights: The height of structures shall be set by the PUD final plan.

(C) Lot width, lot area, floor area and yard requirements: Lot width, lot area, floor area, and yard requirements shall be established by the PUD final plan.

(D) Minimum area and density: The minimum area, density and minimum proportion of ground to remain in unobstructed open space shall be determined by the PUD final plan. The densities of the area surrounding the proposed PUD district shall be taken into consideration when setting the densities of the PUD final plan.

(16) 18.28.160 Specific Procedure-PUD District. Application and approval of a PUD District shall follow the specific procedures of one of the following schedules. Once the applicant has selected Schedule I and has presented a general proposal to the Planning Commission, said applicant is foreclosed from the procedures available under Schedule II. Once the applicant has selected Schedule II and has filed ten copies of his final plan with the City Clerk for presentation to the Planning Commission, said applicant is foreclosed from the procedures available under Schedule I.

A. SCHEDULE I.

(1) An application, in letter form, accompanied by a fee as established by Resolution of City Council shall be submitted to the City Clerk one week prior to the Planning Commission meeting at which it will receive consideration.

(2) First Meeting with Planning Commission

The applicant shall present a general proposal of such nature as he deems appropriate to the planning commission at a regular meeting of same. The purpose of this presentation shall be an exchange of information and objectives for the tentative plan. If the planning commission finds the proposal of sufficient merit, it shall establish a mutually acceptable date with the applicant for the purpose of having a public hearing on a tentative plan to be presented by the applicant at such hearing. Notice of such public hearing shall be published in the same manner as other city legal notices at least seven days prior to the hearing. The City Council shall be advised of and its members invited to attend the public hearing.

(3) Second Meeting with Planning Commission (Public Hearing)

The tentative plan shall be the subject of consideration at the public hearing. Action by the planning commission shall consist of its recommendations to the applicant as to what changes it would desire in the tentative plan. No

action need be taken regarding a recommendation to City Council at this meeting. A mutually agreed upon date for a third meeting with the planning commission, if needed, shall be set to review the revised tentative plan.

(4) Third Meeting with Planning Commission

The revised tentative plan shall be reviewed by the planning commission who shall forward said plan to the City Council with such recommendations as they deem proper. The applicant may withdraw his application at this point if he so desires; if the application is withdrawn, the recommendation shall be made a part of the planning commission records, but said recommendations, together with the revised tentative plan, shall not be forwarded to the City Council.

(5) Fourth Meeting with City Council

Upon payment of a fee as established by resolution of City Council the tentative plan with the planning commission recommendations shall be submitted to City Council together with an ordinance on first reading whose text shall be the rezoning to a PUD district of that land encompassed by said plan. Action by the City Council shall proceed in accordance with the City Charter procedure for any ordinance.

(6) Fifth Meeting with City Council

If said ordinance shall have passed at first reading, this meeting will be a public hearing. If City Council approves the tentative plan as presented or as amended and approves the ordinance on second reading, the applicant has completed the rezoning phase of his application. Within 90 days following approval of the PUD rezoning, unless City Council grants an extension of time, the applicant shall present his final plan to the Planning Commission.

(7) Sixth Meeting with Planning Commission

The final plan shall be presented, at a regular meeting, to the planning commission, who shall, within 45 days of such presentation, take action on the final plan in the form of a recommendation to City Council; and if they approve such final plan, shall authorize their chairman to sign the final plan. Failure of the planning commission to act on the final plan within the time limit specified shall be deemed as presumptive approval of the plan and the chairman shall sign approval of said plan. Where the planning commission deems additional information or the revision of any part or parts of the plan necessary to make a decision as to the desirability of the plan, the applicant may withdraw his final plan presentation and request a mutually acceptable date for formal presentation of the plan.

(8) Seventh Meeting with City Council

The final plan shall be presented to City Council who shall, within three regular meetings of such presentation, take such action as they deem appropriate. No building permits shall be issued unless and until City Council shall have approved the final plan and authorized the Mayor to sign same. Copies of the final plan shall be given the City Clerk for distribution to Council members one week prior to the meeting of presentation.

If Council does not approve the final plan, either upon first consideration or upon resubmittal, they shall instruct the City Attorney to prepare an ordinance rescinding the applicable PUD rezoning ordinance.

B. SCHEDULE II.

(1) An application in letter form, accompanied by a fee as established by resolution of City Council shall be submitted to the City Clerk one week prior to the joint meeting of City Council and Planning Commission at which it will receive consideration.

(2) Joint Meeting of City Council and Planning Commission

The applicant shall present a basic plan of sufficient detail to describe the purpose and intent of the planned unit development. The purpose of this presentation shall be for an exchange of information and objectives concerning the basic principles of the plan. If the joint meeting finds the basic plan of sufficient merit, it shall establish a mutually acceptable date with the applicant for the purpose of having a public hearing before the planning commission on a final plan. Notice of such public hearing shall be published in the same manner as other City legal notices at least seven days prior to the hearing. Unless the Planning Commission grants an extension of time, the applicant shall present his final plan to the planning commission within 90 days of approval of the basic plan.

(3) First Meeting with Planning Commission (Public Hearing)

The final plan shall be the subject of consideration at the Public Hearing. Action by the planning commission shall consist of its recommendations

to the applicant as to what changes it would desire in the final plan. No action need be taken regarding a recommendation to the City Council at this meeting. A mutually agreed upon date for a second meeting with the planning commission, if needed, shall be set to review the revised final plan.

(4) Second Meeting with Planning Commission

The revised final plan shall be reviewed by the planning commission who shall forward said plan to the City Council with such recommendations as they deem proper and, if they approve such final plan, shall authorized their chairman to sign the final plan. The applicant may withdraw his application at this point if he so desires; if the application is withdrawn, the recommendation shall be made a part of the planning commission records, but said recommendations together with the revised final plan shall not be forwarded to the City Council. The planning commission shall take action on the final plan within three regular meetings of said first meeting. Failure of the planning commission to act on the final plan within the time limit specified shall be deemed as presumptive approval of the plan and the chairman shall sign approval of said plan.

(5) First Meeting with City Council

At the last previous City Council Meeting while the final plan is still being considered by the planning commission, an ordinance on first reading shall be submitted whose text shall be the rezoning to a PUD District of that land encompassed by said plan. If said ordinance shall have passed at first reading, this meeting will be a public hearing. Action by the City Council shall consist of its recommendations to the applicant as to what changes are necessary in the final plan. No action need be taken regarding a final decision at this meeting; but if the city Council approves of the final plan subject to minor revision, it may approve the ordinance on second reading, thus completing the rezoning phase of the application.

(6) Second Meeting with City Council

The City Council shall, within three regular meetings of its first meeting on the final plan, take such actions as they deem appropriate. No building permits shall be issued unless and until the City Council shall have approved the final plan and authorized the Mayor to sign same. Copies of the final plan shall be given to the City Clerk for distribution to Council members one week prior to the meeting of presentation. If Council does not approve the final plan, they shall instruct the City Attorney to prepare an ordinance rescinding the applicable PUD rezoning ordinance.

(17) 18.28.165 Tentative Plan - PUD District. Applications for PUD zoning districts under Schedule I require the applicant to submit a tentative plan to the planning commission and the City Council. Ten copies of the tentative plan shall be filed with the City Clerk one week before presentation to the planning commission; similarly, ten copies of the revised tentative plan shall be filed for presentation to the City Council. The tentative plan shall be of a scale of one inch to one hundred feet or larger, shall be clearly and legibly reproduced, and shall contain the following information, as well as, other exhibits that the planning commission deems necessary to clarify the purpose and intent of the planned unit development.

(A) Proposed Name of the development;

(B) Name and address of owner; land planner; and the person, firm or organization preparing the plan;

(C) North point and date;

(D) Total acreage of the development, present zoning classification of the site, and the present zoning classifications of adjacent lands;

(E) Legal description;

(F) Vicinity sketch at a scale of five hundred feet to the inch or larger showing the street and tract lines of all abutting subdivisions, proposed streets and the outline of acreage parcels of land within at least one-half mile of the boundary of the proposed district, together with the names and/or numbers of all subdivision tracts between it and the nearest existing highways or thoroughfares. It may also be necessary to show the proposed land use and suggested street layout in any adjoining property in the same ownership particularly concerning developments of small portions of large holdings.

(G) Small scale insert maps showing the location of the development relative to major thoroughfares if not included on the vicinity sketch.

(H) Tentative street layouts with existing contours consistent with the steepness of topography and the tentative designation of proposed lots or usage areas and the boundaries thereof.

(I) The approximate boundaries of areas as shown by a qualified engineer subject to inundation or storm water overflows for a twenty-five year flood and a ten year flood and the locations, width and direction of flow of all water courses, lakes, marshy areas and swamps;

(J) Tentative schematic location and type of proposed structures and their height;

(K) Proposed densities in terms of dwelling units per acre or, in the case of commercial or industrial buildings, the area of proposed structures relative to total land areas;

(L) Tentative schematic location of all proposed common open space within the development and a written proposal for the development and maintenance of the common open space;

(M) Estimated annual water consumption and a statement concerning the water source;

(N) A certification statement to read as follows:

"I, \_\_\_\_\_, owner and developer of the property set forth herein, do hereby agree that the Final Plan for this development will be executed to those standards, densities, land uses and criteria specified by the Planning Commission and the City Council of the City of Golden, Colorado.

\_\_\_\_\_  
Signature

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, by the City of Golden Planning Commission.

\_\_\_\_\_  
Chairman

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, by the City Council of Golden, Colorado.

Attest: \_\_\_\_\_  
City Clerk Mayor \_\_\_\_\_."

(18) 18.28.167 Basic Plan - PUD District. Application for PUD zoning districts under Schedule II require the applicant to submit a basic plan to a Joint Meeting of the City Council and the Planning Commission. The basic plan shall consist of a non-detailed, general concept presentation adequate to define the purpose and intent of the planned unit development. Sixteen copies of the basic plan shall be filed with the City Clerk one week before presentation to the Joint Meeting. The basic plan shall contain the following information:

(A) Proposed name of the development and a description sufficient to define the location and boundaries of the development;

(B) Name and address of owner; land planner; and person, firm, or organization preparing the plan;

(C) Total acreage of the development, present zoning classification of the site, and present zoning classification of adjacent land;

(D) Small scale inset map showing location of the development relative to major thoroughfares;

(E) Plot plan showing tentative street layout and the tentative designation of proposed lot or usage areas and the boundaries thereof;

(F) The proposed schematic location and type of proposed structures and their height;

(G) Proposed densities in terms of dwelling units per acre or, in the case of commercial or industrial buildings, the area of proposed structures relative to total land area;

(H) Tentative schematic location of all proposed common open space within the development;

(I) The approximate boundaries of areas as shown by a qualified engineer subject to inundation or storm water overflows for a twenty five year flood and a ten year flood and the location, width and direction of flow of all water courses, lakes, marshy areas and swamps;

(J) Estimated annual water consumption and a statement concerning the water source;

(K) A certification statement to read as follows:

"I, \_\_\_\_\_, owner and developer of the property set forth herein, do hereby agree that the final plan for this development will be executed to those standards, densities, land uses and criteria specified by the Joint Meeting of the City Council and the Planning Commission of the City of Golden, Colorado.

\_\_\_\_\_  
Signature

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, by the Joint Meeting of the City Council and Planning Commission of the City of Golden.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Chairman

Attest: \_\_\_\_\_  
City Clerk

(18A) 18.28.170 Final Plan - PUD District. The final plan shall be prepared in a manner similar to a subdivision plat and consistent with standards required for the final subdivision plat. The final plan shall not be construed as a subdivision plat for any purpose and a final plat in full compliance with the subdivision regulations of the City of Golden must be filed when required prior to any building permit being issued on any property zoned PUD. Ten copies of the final shall be filed with the City Clerk one week before presentation to the Planning Commission; similarly ten copies shall be filed one week before presentation to the City Council. The final plan shall include the following information:

- (A) (1) The total acreage of the designated area;
- (2) The density of the designated area in dwelling units per acre for each portion of the PUD area, if more than one density is proposed; or the percentage coverage of building area to total acreage in the case of commercial or industrial buildings;
- (3) Original contours with intervals of two feet in broken lines and proposed finish contours with intervals of two feet shown in solid lines;
- (4) The proposed height of any structures;
- (5) The location of each existing and each proposed structure in the designated area, the use or uses to be contained therein, the number of stories, gross floor area and approximate locations of entrances and loading points thereof;
- (6) The locations, names, widths and approximate proposed grades of all streets; all curb cuts; loading areas; public transportation points; and facilities for illumination of same. Street names in the development shall be approved by the Planning Commission if such name is not a duplication of or so nearly the same as to cause confusion with the name of any existing street located in the metropolitan region and if such name is appropriate for a street name. Streets which are continuations of, or approximately continuations of existing dedicated streets shall be named the same as the existing streets.
- (7) All pedestrian walks, malls and open areas for use by tenants or other public;
- (8) The locations, height and type of all walls, fences and screen plantings;
- (9) The locations, size, area, height and orientation of all signs other than signs flat on building facades;
- (10) The types of surfacing, such as paving, turfing or gravel to be used at various locations;
- (11) The location of existing and proposed fire hydrants as approved by the Fire Chief of the Golden City Fire Department. The approximate width, location and uses of all existing or proposed easements for drainage, water mains, sewer mains and other public utilities;
- (12) The location of all common open spaces within the development, together with the proposed method of development, maintenance and ownership



of the common open spaces, together with legal documentation providing for development, maintenance and ownership of the common open space;

(13) Illustrations of proposed architectural style together with typical floor plan;

(14) A time schedule for completion of the project or each phase thereof;

(15) The location, design and capacity of storm drainage facilities;

(16) Two copies of any proposed covenants to be filed with the city when the final plan is submitted;

(17) A statement of provisions for sewerage and sewage disposal;

(18) Engineering geologic report concerning the geologic characteristics of the area that significantly affect the land use, and determine the impact of such characteristics on the proposed District;

(19) Other information that the planning commission or city council deems necessary to make a decision as to the desirability of the development, including tentative plan requirements not included under Schedule II;

(20) Certificates. The final plan, shall include space for certification of approval in accordance with the forms indicated in paragraph "D" of this section.

(B) When approved, two copies of the final plan, with all certifications executed, shall be filed with the planning commission and one with the city clerk.

(C) The city clerk shall cause to be executed and recorded in the office of the Clerk and Recorder of the County of Jefferson an instrument in the following form:

"Statement of establishment of Planned Unit Development under the Ordinances of the City of Golden

On this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, the City Council of the City of Golden zoned for and approved a Planned Unit Development on the following described property by Ordinance No. \_\_\_\_\_. The property shall be developed only in accordance with the Planned Unit Development Plan on file in the office of the city clerk of the City of Golden, 911-10th Street, Golden, Colorado.

(Legal Description)

Attest: \_\_\_\_\_ "
City Clerk Mayor

(D) The following certificates shall be executed and shown on the plan.

NAME OF PLANNED UNIT DEVELOPMENT

(Short Legal)

(1) Know all men by these presents: That \_\_\_\_\_ is the owner of the following described tract of land:

(Complete Legal Description)

Now, therefore, \_\_\_\_\_ has caused the above described tract of land to be laid out as a Planned Unit Development Plan, to be known as \_\_\_\_\_.

Witness my hand and seal this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

Signature

State of Colorado:

ss.

County of Jefferson:

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, by \_\_\_\_\_.

Witness my hand and Notarial Seal
My commission expires:

Notary Public

(2) I, \_\_\_\_\_, A Registered Land Surveyor, do hereby certify that the survey of \_\_\_\_\_ was made under my supervision and that the accompanying plan accurately and properly shows said plan.

(SEAL)

\_\_\_\_\_  
Registered Land Surveyor

(3) Approved for legal details by the City Attorney of Golden, Colorado, this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

\_\_\_\_\_  
City Attorney

(4) Approved by the Planning Commission of the City of Golden, Colorado, this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

\_\_\_\_\_  
Chairman

(5) Adopted and approved as a Planned Unit Development and passed by the City Council of the City of Golden, Colorado, this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

Attest: \_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Mayor

(6) Reviewed and checked for compliance with Planned Unit Development Procedures and Documentary Requirements.

Date \_\_\_\_\_

\_\_\_\_\_  
City Engineer

(19) 18.28.175 Criteria and procedure for amending PUD zoning.

(A) Amendments to the planned unit development plan shall be considered only when one or more of the following conditions exist:

- (1) A clear and obvious hardship would result unless an amendment to the plan is granted;
- (2) There was an error or mistake in the plan;
- (3) There has been a change in conditions in the surrounding area which would necessitate a change in the plan.

(B) The procedure to be followed for amending the PUD zoning shall be the same complete procedure as that prescribed for the original PUD zoning.

Section 7. Chapter 18.36 of the Golden Revised Ordinances of 1965 is hereby repealed and re-enacted as follows:

CHAPTER 18.36 PARKING AND LOADING REQUIREMENTS

(1) 18.36.010 Residential

(A) Each dwelling unit other than a single family residence shall be provided with two off-street parking spaces.

(B) For the purposes of this title, one parking space shall be that which is required to park a standard American automobile and to include that area which is required under the circumstances for means of safe ingress or egress to the parking space. If at the time of filing, plans for the construction of dwelling units other than single family residences, it is established to the satisfaction of the City Engineer of the City of Golden that a lesser area may be required, the engineer may designate specifically the area to be used by a person constructing such dwelling units for off street parking.

(2) 18.36.020 Commercial-Industrial

All uses in RC1, RC2, C1, C2, M1, and M2 districts shall provide, to the satisfaction of the city engineer, sufficient parking and loading area to accommodate customers and employees.

Section 8. Chapter 18.40 of the Golden Revised Ordinances of 1965 is hereby repealed and re-enacted as follows:

## CHAPTER 18.40 SPECIAL REGULATIONS

(1) 18.40.010 Uses permitted. Generally, in any zoning district where a building structure, or use is enumerated, any other building, structure or use which is similar to those enumerated and not more obnoxious or detrimental to the area in which it is located, shall be permitted. This shall also be interpreted to permit residential construction normally precluded from a zone because of number of dwelling units allowed per building provided the lesser densities are not exceeded. - e.g. R3 residential use would be permitted in an R2 zone provided R2 residential densities are not exceeded.

(2) 18.40.020 Minimum lot area and width.

(A) ESTABLISHED LOTS. Where an individual lot was held in separate ownership from adjoining properties or was platted and recorded at the time of passage of the ordinance codified in this title and has less area and/or less width than required in other sections of this title, such a lot may be occupied according to the permitted uses provided for the district in which such lot is located provided no such lot shall be less than five thousand square feet in area or less than fifty feet in width.

(B) REDUCTION. No part of an area or width required for a lot for the purpose of complying with the provisions of this title shall be included as an area or width required for another building.

(C) UNSUBDIVIDED AREAS. Every building hereafter erected upon a tract of ground that is not subdivided shall provide an area of not less than ten thousand square feet and a width of not less than one hundred feet.

(3) 18.40.030 Maximum height of buildings. The height limitations of this title shall not apply to church spires, belfries, cupolas, nor to chimneys, ventilators, skylights, water tanks, parapet walls, cornices without windows, antennas, or necessary mechanical appurtenances usually carried above the roof level.

(4) 18.40.040 Minimum height of buildings. Basement Structures. No dwellings shall be constructed with a height above grade of less than ten feet.

(5) 18.40.050 Minimum yards and setbacks.

(A) DEVELOPED AREAS. In an R1, R1A, R2 or R3 district, where lots comprising fifty percent or more of the frontage on one side of a street between intersecting streets have been improved with buildings at the time of passage of the ordinance codified in this title the average front yard or setback of such buildings shall be the minimum front yard or setback required for all new construction in such block.

(B) REDUCTION. No part of a yard or setback required for any building for the purpose of complying with the provisions of this title shall be included as a yard for another building, and all yards shall be open and unobstructed except as otherwise provided herein.

(C) ARCHITECTURAL FEATURES. Cornices, canopies, eaves or similar architectural features may extend into a required yard or setback not more than two feet.

(D) FIRE ESCAPES. Fire escapes may extend into a required yard or setback not more than six feet.

(E) CORNER LOTS. The side yard or setback along both street sides of a corner lot shall be not less than the required front yard or setback for principal buildings along such streets.

(F) ACCESSORY BUILDINGS. Permitted accessory buildings may be located in the required yard for a principal building.

(6) 18.40.070 Development plans - RC1, RC2, C1, C2, M1 and M2 districts.

(A) WHEN REQUIRED. No permits for use of land or construction or use of structures shall be issued with respect to land hereafter classified commercial or industrial until a development plan has been submitted and approved therefor, as set forth in the following section.

(B) WHEN SUBMITTED. Within a period of one year following classification of a tract of land as commercial or industrial, a development plan must

be submitted by the owner or owners of the land to the planning commission. The development plan shall contain all the information required in subsection D below. If no development plan is submitted, the zoning classification shall be reviewed by the planning commission and it may recommend appropriate reclassification by the council.

(C) TIME LIMIT FOR APPROVAL ACTION. The planning commission shall review any development plan and approve or disapprove such plan within 45 days after receipt. If the plan is disapproved, the owner may resubmit a revised plan within thirty days.

(D) INFORMATION REQUIRED ON PLAN. Elements to be set forth in a development plan and to be considered by the planning commission are the following:

- (1) Location of all existing and proposed structures, and the uses contained or to be contained therein;
- (2) Location and flow of all vehicular and pedestrian traffic-ways, malls and parking area;
- (3) Location and size of signs;
- (4) Barriers and screening designed to protect adjacent property from encroachment by lights and noise;
- (5) Drainage.

(E) BINDING. The development plan shall be binding upon the owner of the property and his successors and assigns. Amendments to the plan shall be made in the manner prescribed for the original plan.

(F) TIME LIMITATION FOR CONSTRUCTION. Construction of all structures shown in the development plan shall be completed within three years from the date of classification of the land as commercial or industrial. If construction is not completed within such period, the zoning classification shall be reviewed by the planning commission who may recommend appropriate reclassification by the council.

(7) 18.40.080 Zoning of annexed areas.

(A) When land is annexed to the city of Golden, which land has been zoned by the county of Jefferson in accordance with the zoning resolution of the county, the property shall be zoned in accordance with the following table to the appropriate zone classification within the city of Golden:

<u>COUNTY ZONE CLASSIFICATION</u>	<u>CITY ZONE CLASSIFICATION</u>
R-1 Residential One District	RE One Family
R-1A Residential One A District	RE One Family
R-1B Residential One B District	R1 One Family
R-2 Residential Two District	R2 Limited Multiple Family
R-3 Residential Three District	R3 General Multiple Family
R-T Residential Trailer District	PUD Planned Unit Development
A-1 Agricultural One District	RE One Family
A-2 Agricultural Two District	RE One Family
R-C1 Restricted Commercial One District	RC1 Limited Residential-Commercial
R-C Restricted Commercial District	RC2 General Residential-Commercial
C-1 Commercial One District	C2 General Commercial
C-2 Commercial Two District	C2 General Commercial
I-3 Industrial Three District	M2 General Industrial
P-D Planned-Development District	PUD Planned Unit Development

All other county zoning districts shall be rezoned in accordance with the applicable state laws and ordinances of the city of Golden

(B) The zoning district boundaries as established under the Jefferson County zoning resolution and maps prepared in accordance therewith shall remain as a zoning district boundary of the equivalent zone given in subsection (A) above.

Section 9. Chapter 18.44 of the Golden Revised Ordinances of 1965 is hereby repealed and re-enacted as follows:

CHAPTER 18.44 NONCONFORMING USES AND BUILDINGS

(1) 18.44.010 Application. Except as provided in this chapter, the lawful use and location of any building or land existing at the time of enactment of the ordinance codified in this title or of any amendments to this title, may be continued even though such use or location does not conform to the requirements of this title.

(2) 18.44.020 Repairs and maintenance. Ordinary repairs and maintenance of a non-conforming building shall be permitted.

(3) 18.44.030 Restoration. A nonconforming building which has been damaged by fire or other causes may be restored to its original condition, provided such work is commenced within one year of such calamity.

(4) 18.44.040 Abandonment. Whenever a nonconforming use has been discontinued for a period of six months, such use shall not thereafter be reestablished and any future use shall be in conformance with the provisions of this title.

(5) 18.44.050 Change in use. A nonconforming use shall not be changed to a use of less restrictive classification; such nonconforming use may, however, be changed to another use of the same or more restrictive classification.

(6) 18.44.060 Extensions. A nonconforming use shall not be extended.

(7) 18.44.070 Cessation. In all residential zones, each nonconforming commercial or industrial use of land not involving a building or involving a nonresidential building with an assessed value of less than one thousand dollars shall be discontinued within five years from the date of adoption of the ordinance codified in this title.

Section 10. Chapter 18.48 of the Golden Revised Ordinances of 1965 is hereby repealed and re-enacted as follows:

CHAPTER 18.48 AMENDMENTS

(1) 18.48.010 General procedure. Amendments to this title shall be in accordance with the laws of the state of Colorado and the following action before adoption of any such amendments:

(A) Application for rezoning to a residential-commercial, commercial, or industrial classification shall be accompanied by a preliminary development plan.

(B) Application for rezoning to a PUD district shall follow the procedures of Section 18.28.160 of this title.

(2) 18.48.020 Specific Procedure. Proposed amendments to this title shall be made using the following specific procedure:

(A) An application, in letter form, shall be filed with the City Clerk one week prior to the meeting of the planning commission at which it will receive consideration. A fee as established by resolution of City Council shall be paid prior to presentation of the amendment to the planning commission.

(B) At the first meeting with the planning commission the applicant shall speak to his proposed amendment using such data, exhibits, petitions, or other means as he deems necessary to present his case; the information so presented shall be made a part of the planning commission file. Action by the planning commission shall consist of setting a date for a public hearing; notice of such public hearing shall be published once in a newspaper of general circulation within the city at least seven days prior to the hearing date. If the proposed amendment should concern a change to the zoning district map, a written notice of said hearing shall also be sent by first class mail at least seven days prior to the hearing date to property owners within a three hundred foot radius of the area in question as such ownership is available to the city clerk's office; failure to mail such notice to every property owner shall not affect the validity of any proceedings before said planning commission.

(C) Posting of site. Where a proposed amendment to this title concerns a change in the zoning district map, the site in question shall be posted with a sign not less than seven days prior to the date of hearing, said sign to be in a prominent location and to remain in place for the seven day period. Said sign shall contain the name of the applicant, description or street address of the property concerned, a statement of the nature of the proposed amendment, and the time and place of the hearing; the design, sizing, and material of the sign shall be approved by the planning commission. Said sign shall be furnished and placed on the site by the City Clerk's office.

(D) The second meeting with the planning commission shall be a public hearing. At the conclusion of the hearing the planning commission shall forward to City Council their recommendations regarding the proposed amendment or may delay such recommendation for a period not to exceed 45 days. The applicant may withdraw his application at this point if he so desires; if the application is withdrawn, the recommendation shall be made a part of the planning commission records but shall not be forwarded to City Council

(E) Upon payment of a fee as established by resolution of City Council said City Council shall act on said recommendation from the planning commission by ordinance procedure as provided in the City Charter excepting that the notice of public hearing shall be published at least 15 days prior to said hearing.

Section 11. All ordinances or parts of ordinances in conflict herewith are hereby repealed. Chapters 18.06 and 18.32 of Title 18 of the Golden Revised Ordinances are specifically not repealed.

Introduced, read and ordered published this 25th day of January, 1973.