

ORDINANCE NO. 923

AN ORDINANCE ESTABLISHING A CLEAR CREEK
CORRIDOR OVERLAY ZONE WITHIN THE CITY OF
GOLDEN, DEFINING THE BOUNDARIES THEREOF,
AND PROVIDING REGULATION AND SPECIAL USE
REVIEW OF DEVELOPMENT THEREIN

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

Section 1. The Golden Revised Ordinances of 1965, as amended,
are hereby amended by the addition of Chapter 18.56 as follows:

" CHAPTER 18.56

CLEAR CREEK CORRIDOR OVERLAY ZONE

18.56.010 Definition. For the purpose of this chapter the following
terms are defined:

a. "Clear Creek Corridor" is defined as that land within the
City of Golden, 400 feet in width, being 200 feet either side of the
centerline of the creek bed of Clear Creek as shown on the 1" equals
100' base maps maintained by the City Engineer.

b. "Development" shall mean any activity for which a permit
is required pursuant to Title 15 of this Code or which would require
submission of a Development Plan, plat or replat, or rezoning appli-
cation to the City; provided ordinary repairs and maintenance of an
existing building are exempted from this definition.

18.56.020 Purpose. There is hereby established a Clear Creek Corridor
Overlay Zone which purpose is to regulate the development of land
within the Clear Creek Corridor in the best interests of the general
health, safety and welfare of the City, recognizing that the Clear
Creek Corridor is and has been the focal point and identity of the
City since its inception, and recognizing that special regulation is
needed to insure that the Clear Creek Corridor is preserved and main-
tained to assure this continuing identity. Specific purposes include:

a. To provide for the protection, maintenance and improvement
of the floodplain portion of the Clear Creek Corridor in support of
and superior to the existing floodplain regulations, with specific
reference to the September, 1982 Urban Drainage and Flood Control
Clear Creek - Phase B Report, and as amended.

b. To provide for the protection, maintenance, improvement and
conveyance of open space, parks and trails within the Clear Creek
Corridor with the ultimate goal of a continuous riverwalk on each side
of the stream bed within the Clear Creek Corridor.

c. To provide for an appropriate integration of development activities within the Clear Creek Corridor within the constraints and amenities unique to the Clear Creek Corridor. To this end, Planned Unit Development rezoning will be encouraged in the Clear Creek Corridor.

18.56.030 Clear Creek Corridor Overlay Zone Regulations. The following regulations shall apply to any development within the Clear Creek Corridor Overlay Zone:

a. No development shall be allowed in the Clear Creek Corridor Overlay Zone without Special Use review and approval by the Planning Commission and City Council. Any person, firm or corporation wishing to commence development in the Clear Creek Corridor shall apply for the same to the City's Department of Community Development, and upon staff review and comment on such request, the same shall be forwarded for Special Use review and approval by the Planning Commission and City Council.

b. The Special Use review by City staff, Planning Commission and City Council, shall be to determine the compatibility of the proposed development pursuant to the purposes of this chapter and as follows:

i. No development whatsoever shall be allowed in the floodway portion of the floodplain. As a condition to issuance of a Special Use review permit, the City may require that the floodway portion of the floodplain be dedicated to the City. Otherwise, all of the requirements of the floodplain regulations as delineated in Title 19 of this Code shall apply and the review thereof will be simultaneous with the Special Use review herein.

ii. Parkland dedication in the amount of 5% of the land encompassing the proposed development may be required, said dedication to insure that a continuous riverwalk along the creek bed will be maintained. This dedication shall be in addition to and abutting any dedication of floodway as required above. In addition to the required dedication, improved pedestrian access to the riverwalk shall be required.

iii. If the floodway and parkland dedications required above, and pedestrian access thereto, is determined to not be adequate for any particular development, the City may require additional dedication of parkland subject to just compensation to the developer which just compensation may include, but not be limited to, on-site density transfer within the development.

iv. Provision for improvements to the dedicated land, and generally the floodplain portion of the development will be required.

These improvements will include, but not be limited to, clean-up, grading, construction of trail/riverwalk, landscaping, and appropriate lighting.

v. The Special Use review as described herein shall be considered administrative in nature and where rezoning, platting or replatting, or a Development Plan is required by the development, the Special Use review shall be accomplished simultaneous with said rezoning, platting or development plan process. In all instances, the City shall proceed expeditiously in the Special Use review, and the Special Use review approval may be conditioned upon a Developer's Agreement being entered into between the City and the Developer as appropriate.

18.56.040 Judicial Review. In order to assure a plain, simple and prompt judicial remedy to persons or parties adversely affected or aggrieved by City action hereunder, the provisions of Section 24-4-106, C.R.S., 1973, shall apply, provided, however, venue for such action shall be Jefferson County.

18.56.050 Violation; Penalty; Abatement. Any person, firm or corporation that violates, disobeys, omits, neglects, or refuses to comply with or resist the enforcement of any of the provisions of these regulations, upon conviction thereof shall be subject to the penalties provided in Section 1.01.110 of this Code. Any building erected or converted, or any land or premises used in violation of any provision of these regulations or the requirements hereof is a nuisance, and such nuisance may be abated in such manner as nuisances are now or may hereafter be abated under existing law."

Section 2. Any ordinances or portions of ordinances in conflict herewith are hereby repealed.

Introduced, read and ordered published this 24th day of February, 1983.

Adopted, approved and ordered published this 10th day of March, 1983.

Dr. Ruth A. Maurer, Mayor

ATTEST:

Sharon L. Bennetts, City Clerk

Approved as to form:

Russell J. Sindt
City Attorney

I, Sharon L. Bennetts, City Clerk of the City of Golden, Colorado, do hereby certify that the foregoing ordinance was introduced on first reading and read at a regular meeting of the City Council of said city, held on the 24th day of February, 1983, and was published as a proposed ordinance in the Colorado Transcript, legal newspaper, as the law directs seven days or more prior to its passage. A public hearing was held and on the 10th day of March, 1983, the said proposed ordinance was read on second reading and passed by City Council and ordered published in the aforesaid newspaper as the law directs.

Witness my hand and official seal of the City of Golden, Colorado, this 15th day of March, 1983.

(SEAL)

Attest:

Sharon L. Bennetts, City Clerk
of the City of Golden, Colorado