

ORDINANCE NO. 769

AN ORDINANCE AMENDING TITLE 18 OF THE  
GOLDEN REVISED ORDINANCES OF 1965, AS  
AMENDED, CONCERNING PLANNING AND ZONING,  
BY ADOPTING NEW PLANNED UNIT DEVELOPMENT  
PROCEDURES AND REGULATIONS AND REPEALING  
ALL ORDINANCES IN CONFLICT THEREWITH.

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, as amended, is amended by adding the following new definitions:

- I. 18.04.057 Building Bulk. "Building Bulk" means the dimensional size or mass of structure(s) or building(s).
- II. 18.04.067 Cluster Development. "Cluster Development" means grouping the same number of units allowed in a given subdivision or zoning area into an area having lots smaller than the normal minimum lot size, with the remainder of land available as common open space and used for the preservation of its natural features.
- III. 18.04.167 Planned Unit Development (P.U.D.). "Planned Unit Development" means an overlay zone district which allows land to be developed under unified control or under a unified plan of development for a number of dwelling units, commercial, educational, recreational or industrial uses, or any combination thereof, the plan for which does not correspond in lot size, bulk, use, density, lot coverage, open space or other restriction of other land use controls. The underlying zone district restrictions and controls are not applicable to P.U.D. development except where specifically mentioned.

Section 2. Sections 18.28.150 through and including section 18.28.175 are hereby repealed and re-enacted, as follows:

- I. 18.28.150 Purpose. The purpose of P.U.D. zoning is:
  - A. To provide the citizens of Golden with a wider variety in type, design and layout of buildings and houses.
  - B. To provide for necessary shopping, working, recreational and educational facilities conveniently located to city residences.
  - C. To provide for well located, clean, safe and pleasant industry involving a minimum of impact on neighboring residences and transportation facilities.
  - D. To provide for phased development, the more efficient use of land and the public and private services needed therefor, and to reflect changes in the technology of land development so that the resulting economies may inure to benefit the citizens of Golden.
  - E. To provide for the necessary land development flexibility in dwelling type, bulk, density, intensity and open space, as a policy which Golden wishes to encourage; and, as a corollary, to regulate certain proposed land development which would distort the objective of Golden's zoning.
  - F. To encourage integrated planning in order to achieve the above purposes.
- II. 18.28.155 Use, density and intensity for P.U.D. districts. A P.U.D. district may be developed as a P.U.D. Community Development District or as a P.U.D. Neighborhood Development District subject to the following regulations:
  - A. P.U.D. Community Development District:

1. Permitted Uses: Uses of any nature (residential, commercial, industrial, public or quasi public) either as a single use or in any combination may be permitted, provided that commercial mining and mobile home and travel trailer court uses shall be subject to special regulations contained herein.
2. Density: The total number of dwelling units shall not exceed the total number permissible under the density restrictions of the underlying zone districts, but once the total number of units is determined the underlying density restrictions shall not apply to unit locations or otherwise impede cluster development.
3. Other Regulations: Building Bulk, setback, minimum parking and other regulations shall be established by the P.U.D. Final Development Plan after considering the specific limitations of the underlying zone districts, the best interests of the city and compatibility with the surrounding neighborhood.

B. P.U.D. Neighborhood Development District:

1. Restrictions: P.U.D. Neighborhood Development can only be granted for areas containing no more than four acres of land and located only within the underlying zone districts of RE, R1, R1A, R2, R3, RC1, RC2 and C1.
2. Permitted Uses: Only those uses permitted in the underlying zone districts and those accessory uses and buildings customarily appurtenant thereto. The most permissive use of the underlying zone districts is applicable to the entire P.U.D. district.
3. Density: The total number of dwelling units shall not exceed the total number permissible under the density restrictions of the underlying zone districts, but once the total number of units is determined the underlying density restrictions shall not apply to unit locations or otherwise impede cluster development.
4. Other Regulations: The maximum height of the buildings may not exceed the maximum height allowed in the most permissive of the underlying zone districts. Setback, minimum parking and other regulations shall be established by the P.U.D. Final Development Plan after considering the specific limitations of the underlying zone districts, the best interests of the city and compatibility with the surrounding neighborhood.

C. Special P.U.D. Community Development Uses:

1. Mobile Home and Travel Trailer Uses: P.U.D. Community Development for mobile home and/or travel trailer court uses is subject to the following regulations:
  - a. The maximum density shall be 14 units per acre for mobile homes.
  - b. The maximum density shall be 28 units per acre for travel trailers.
  - c. The maximum height shall be 25 feet for any building in the development.
  - d. Bulk requirements and other regulations shall be established by the P.U.D. Final Development Plan after considering the specific limitations of the underlying zone districts, the best interests of the city and compatibility with the surrounding neighborhood.

2. Open Mining: P.U.D. Community Development for open mining of commercial mineral deposits is permitted in any underlying zone district subject to the following regulations:

a. The P.U.D. Application shall contain the following documents and information in lieu of the standard application documents and information required by Section 18.28.160:

(1) All information and maps required by Section 34-32-110, 34-32-111 or Section 34-32-112, Chapter 149, 1976 Session Laws of Colorado, depending on which section is applicable.

(2) The reclamation plan required under (1) above shall also comply with the following requirements:

(a) All banks should be left with slopes no greater than 15 degrees except that a greater slope will be permitted if it is in substantial conformity to the surrounding topography.

(b) Upon the completion of the mining and reclamation, the land shall be left in a safe condition which provides drainage sufficient to prevent water pockets or undue erosion.

(c) Where top soil (overburden) is removed, sufficient available soil shall be set aside for replacement. Trees, shrubs, grasses or other ground cover shall be planted and maintained for the length of time needed to become established in order to avoid erosion.

(d) Within one year after completion of the mining operation all mining and processing equipment, including all buildings, structures (except fences) and scale houses shall be entirely removed from the site.

(3) A statement of mining operation containing:

(a) A description of the method or methods to be employed to avoid unreasonable depreciation or pollution of surface and subsurface water supplies; minimize slope hazard; minimize erosion, fugitive dust, airborne noise and seismic disturbances from blasting;

(b) A statement setting forth anticipated:

(i) haul routes including ingress and egress to the site

(ii) hours of haulage

(iii) size of trucks

(iv) anticipated number of trips per day both to and from site.

b. The continued operation of the open mine is contingent upon the operator submitting an annual reclamation plan to the City Council containing all of the information required by Section 34-32-116, Chapter 149, 1976 Session Laws of Colorado. If terms of the reclamation plan are

violated or if the report contains reclamation plans which violate or are contrary to the terms of the Final Development Plan the Council may institute enforcement procedures authorized by Section 18.28.190, or seek state enforcement assistance.

- c. In addition to the above requirements, the operator must obtain necessary state open mining permits pursuant to Colorado Mined Land Reclamation Act, Chapter 149, 1976, Session Laws of Colorado; and be subject to all laws contained therein.
- d. The opening mining P.U.D. application shall follow the standard processing procedure as set forth in Section 18.28.170. City Council shall apply the following standards in reaching their final decision on open mining P.U.D. applications.
  - (1) Does the application provide reasonable protection for the health, safety and welfare of the surrounding neighborhood from:
    - (a) Noise and seismic disturbances;
    - (b) Traffic hazards and congestion;
    - (c) Depreciation and pollution of surface and sub-surface water supplies;
    - (d) Other health or safety hazards not listed above.
  - (2) Does the application provide a reclamation plan reasonably designed to minimize as much as practicable the disruption of the ecology and provide for the rehabilitation of any surface resources adversely affected by such open mining operations or provide other reclamation measures appropriate for the subsequent beneficial use of such mined and reclaimed lands.

III. 18.28.160 P.U.D. Application. The P.U.D. application must be filed by persons having a legal interest in the property with written consent from the property owners. The application shall include:

- A. An Outline Development Plan for Neighborhood Development containing:
  - 1. A written statement containing the following minimum information:
    - a. The present ownership, legal description, existing zoning and total acreage of all the land within the planned unit development,
    - b. An explanation of the proposed character of the planned unit development and of the manner in which it has been designed to take advantage of the planned unit development regulations,
    - c. Proposed land uses and accessories including dwelling unit density, parking and noise emission,
    - d. A time schedule containing prospective completion dates for various stages of development, including major utility installation schedules,
    - e. An explanation of public facilities and service needs and availability, especially concerning water supply and distribution and sewage collection and treatment, and

- f. Where necessary, an explanation describing how geology, soil, flooding, and wildfire hazards on site will be dealt with.
2. A Site Plan Map consisting of a map to scale in draft form containing the following minimum information:
    - a. Existing topographic character, land uses and zoning districts of the site; proposed spacial location and building bulk or clusters as it relates to open space, parks, topography and adjoining land use.
    - b. Pedestrian paths and walks, vehicular streets and roads and off street parking and loading areas,
    - c. The approximate location of lighting, signs, fencing, screening, traffic control devices and landscaping, and
    - d. The general site grading and location of storm drains, water and sewer mains and taps, fire hydrants and easements.
- B. An Outline Development Plan for Community Development containing:
1. A written statement containing the following minimum information:
    - a. The present ownership, legal description, existing zoning and total acreage of all the land within the planned unit development,
    - b. An explanation of existing site characteristics describing soils, geology, surface and ground water, vegetation and adjoining land uses,
    - c. Sketches and reports by qualified persons or agencies as required to describe and document the planned unit development objectives,
    - d. An explanation of the proposed character of the planned unit development and the manner in which it has been designed to take advantage of the planned unit development regulations,
    - e. A description of the minimum and maximum environmental conditions such as dwelling unit densities; vehicular and pedestrian traffic intensity and parking both on site and in the surrounding neighborhood; and the anticipated effect of noise, vibrations, dust, heat, glare, radiation and fume emission both on site and in the surrounding neighborhoods.
    - f. A time schedule indicating prospective completion dates of various phases of development including major utility installation schedules,
    - g. An explanation of public facilities and service needs and availability, especially concerning water supply and distribution and sewage collection and treatment, and
    - h. Copies of any proposed special agreements, performance guarantees, conveyances, restrictions or covenants which will govern the development and use of land and building(s) maintainance and continued protection of the P.U.D. and any of its common use areas.
    - i. Where necessary, an explanation describing how geology, soil, flooding, and wildfire hazards on site will be dealt with.



IV. 18.28.165 P.U.D. Final Development Plan. The Final Development Plan shall be prepared in a manner consistent with the standards required of a subdivision plat. If the Final Development Plan, as approved, contains all of the information required in Chapter 17.12 then it shall be treated as a preliminary plat for subdivision purposes. The Final Development Plan shall contain a finalized version of all information required in the Outline Development Plan as well as additional information, restrictions and conditions felt to be reasonable and necessary by City Council. The Final Development Plan, in the form of an original mylar, and copies thereof shall be filed with the City Clerk seven days before either the Planning Commission, concerning Community Development Plans, and the City Council, concerning Neighborhood Development Plans, is to commence consideration of such plans. When the Final Development Plan is approved and the required signatures affixed, the original set of mylars will be recorded with the Clerk and Recorder of the County of Jefferson. The applicant shall pay all necessary filing fees. A photocopy set of mylars shall be filed with the City Clerk of the City of Golden.

A. The following certificates shall be executed and shown on the Final Development Plan:

OWNER'S AGREEMENT STATEMENT

I, \_\_\_\_\_, owner and/or developer of the property herein described, do acknowledge and agree that such property shall be developed in strict compliance with the P.U.D. Final Development Plan, the original of which is on file with the County Clerk and Recorder of Jefferson County, Colorado, and a copy of which is on file with the City Clerk of the City of Golden, Colorado. No variation from any provision of said Final Development Plan shall be permitted unless the plan is amended in accordance with procedures established by ordinance of the City of Golden. Any variation from provisions of said Final Development Plan without prior amendment or addendum of the Plan shall be grounds for revocation of the rezoning ordinance establishing this Planned Unit Development or other appropriate sanctions. I further agree that the Final Development Plan regulations and covenants for this P.U.D. Zone District will be executed to those standards, densities, land uses and criteria specified by the City Council of the City of Golden, Colorado.

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

B. 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.

(S E A L)

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

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

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

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

\_\_\_\_\_  
Chairman

(Not applicable to Final Neighborhood Development Plans)

E. 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

F. Reviewed and checked for compliance with Planned Unit Development Procedures and Documentary Requirements.

Date \_\_\_\_\_

\_\_\_\_\_  
City Planner

V. <sup>170</sup> 18.28.100 P.U.D. Procedure. Applications for P.U.D. zoning shall be processed as follows:

- A. Pre-application conference: Held with the City Planner and such other city officials as the Planner deems appropriate in order to acquaint the applicant with P.U.D. requirements and procedures.
- B. Outline Development Plan:
  - 1. Administrative Review: After the application is filed it shall be reviewed, as provided for below, to insure that the application is complete and for preparation of the initial administrative report. The report shall not make recommendations for approval of denial but shall contain factual statements pertaining to land use and planning principles. A copy of the report shall be sent to the Planning Commission and the applicant prior to Planning Commission consideration of the application.
    - a. Community Development P.U.D. applications shall be reviewed at a meeting attended by the City Manager, the City Planner, the City Engineer, the City Attorney and the applicant.
    - b. Neighborhood Development P.U.D. applications shall be reviewed at a conference attended by the applicant and the City Planner.
  - 2. Planning Commission: The Planning Commission shall conduct a public hearing on the application not more than 30 days after receipt of the Administrative Review Report. The Planning Commission shall, within 45 days of completion of the public hearing, make a written recommendation to the City Council for



approval or denial of the application. The recommendation may include suggested conditions, modifications and requirements felt to be necessary and reasonable.

15 day notice publication  
post 7 days prior

City Council: The City Council shall conduct a public hearing on the Outline Development Plan and within 30 days of the conclusion of such hearing make a final decision denying, approving, or approving with modifications the Outline Development Plan.

Final Development Plan. The applicant must submit a Final Development Plan for approval within one year following approval of the Outline Development Plan pursuant to the following procedure:

1. The City Planner shall review the plan to see that it is complete and properly submitted. It should be in substantial compliance with the Outline Development Plan and all modifications, requirements and conditions attached thereto by the Planning Commission and City Council.
2. The City Council shall take final action on complete, properly submitted Final Neighborhood Development Plans contemporaneously with their consideration of the P.U.D. rezoning ordinance for that piece of property.
3. Approval of the Final Community Development Plan requires Planning Commission review at a regularly scheduled meeting followed by appropriate recommendation to the City Council
4. The City Council shall take final action on complete, properly submitted Final Community Development Plans contemporaneously with their consideration of the P.U.D. rezoning ordinance for that piece of property.

D. Whenever a public hearing is held before the Planning Commission or the City Council for the purpose of considering either an Outline or Final P.U.D. Development Plan, public notice shall be published in a newspaper of general circulation within the city at least 15 days prior to such hearing and the property in question shall be posted by the city for a period of not less than 7 days prior to the hearing date. The notices shall include: Applicant's name and address, the date, time and location of the hearing, the body conducting the hearing, a brief description locating the subject property and the nature of the application. At least 7 days prior to the first public hearing before the Planning Commission, a written notice of said hearing shall be sent by first class mail 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.

Per Check H.  
3/16/77  
3/28/77  
Me! Public Notice  
pub.  
Yes

VI. 18.28.175 Performance Guaranty. If the subject property does not require subdivision platting before development, the applicant must provide a performance guarantee in an original sum sufficient to reasonably assure the successful construction and installation of all necessary public improvements as defined by Section 17.08.210, or, if the application is for open mining, to reasonably assure the faithful compliance with all rules, regulations and reclamation plans made in accordance with the provisions of this ordinance. The performance guarantee shall remain in effect until the City Engineer certifies that the construction and installation of the public improvements, or any distinct phase thereof, are completed and the applicant either transfers the old guarantee or provides a new guarantee in a sum not exceeding the existing guarantee amount, to assure the faithful compliance with all rules and regulations of this ordinance and the successful completion of all remaining conditions contained in the Final Development Plan. The applicant shall submit four (4) copies of the performance guarantee to the City Planner for administrative review at

least five (5) days prior to the City Council consideration of the Final Development Plan. The performance guarantee shall be subject to the following requirements and procedures:

- A. The amount of the performance guarantee shall be determined by City Council based on estimates of the cost of necessary public improvements or reclamation costs. If the open mining development is presently covered by a surety as required by the Colorado Mined Land Reclamation Board, City Council may require a supplemental performance guarantee meeting requirements set forth herein if the state surety is deemed insufficient.
- B. The performance guarantee can be met by a bond, an irrevocable letter of credit from a commercial bank, a cash escrow fund, or a cash deposit with the City. If in the form of a bond, it must be signed by the P.U.D. developer or operator, as principal, and by a good and sufficient corporate surety authorized to do business in the State of Colorado.
- C. The performance guarantee shall not be cancelled by the surety without giving at least ninety (90) days notice to the City Council prior to cancellation. In the event the surety is cancelled, the operator or developer shall provide a substitute performance guarantee or post cash surety in lieu thereof within thirty (30) days after receipt of such notification, to take effect upon the cancellation date of the performance guarantee.
- D. Whenever an operator or developer has completed all conditions and requirements under the provisions of this ordinance and the Final Development Plan, he shall notify the City Council in writing. The City Council shall release the performance guarantee after being satisfied that all regulations, conditions and reclamation required by this ordinance and the Final Development Plan have been satisfactorily complied with and completed.
- E. Alleged violations of or non-compliance with the terms of the performance guarantee shall be disposed of pursuant to Section 18.28.190.

VII. 18.28.180. P.U.D. District Use Map. All adopted P.U.D. rezonings shall be recorded on the P.U.D. District Use Map. The P.U.D. District Use Map may be used in conjunction with the City's official Zoning District Map as an overlay map. It shall contain and be classified by any combination of the following uses and include Natural Hazards areas and Water Service limit boundaries.

- A. Single Family Residential  
Multi-Family Residential  
Apartment Residential  
Mobile Home Residential
- B. Local Commercial  
Community Commercial
- C. Light Industrial  
Heavy Industrial
- D. Public and Semi-Public
- E. Urban Vacant
- F. Street and Highway
- G. Commercial Mineral Deposits

VIII. 18.28.185 Amending P.U.D. Final Development Plans. The applicant must develop the P.U.D. zone in strict compliance with the approved P.U.D. Final Development Plan. The City Planner and the City Engineer may permit minor changes in the Final Development Plan provided that such changes will not cause any of the following:

- A. Change in physical character of the development;
- B. Ten percent (10%) or more increase or decrease in gross floor area of any building.
- C. Increase in intensity of use;
- D. Changes which substantially increase the problems of circulation, safety or utility service;
- E. Reduction in the originally approved setbacks from perimeter property lines of the P.U.D. of buildings located adjacent to said property lines;
- F. Ten percent (10%) or more increase in the ground coverage by buildings.

Such approved changes shall be recorded as addendums to the Final Development Plan. Greater changes in approved Final Development Plans, including the change of developer or owner, must be approved by the City Council.

IX. 18.28.190 Review and Enforcement.

- A. All construction shall be in accordance with the Final Development Plan and shall be completed within a time limitation established by the City Council. Such time limitation will be based on the extent of proposed development in relation to size, amount of physical construction necessary, cost, and other time factors felt to be involved with the subject proposal. If in the opinion of the City Council, substantial construction of physical improvements have occurred at the end of this time limitation and is evidenced by the submission of documents by the applicant, the City Council may extend the initial time period.
- B. The City Planner or his authorized representative shall review all P.U.D. developments and shall present a six-month progress report to the Planning Commission. If he finds a violation of any of the regulations of this ordinance, a failure to comply with any condition of the Final Development Plan or failure to complete construction within the authorized time limit, he shall forward a report of this information to the City Building Official, the City Council and the City Planning Commission.
- C. The City Council shall notify the developer in writing of alleged violations or non-compliance and set the matter for hearing before the City Council not less than thirty (30) days after receipt of said notice. At the hearing, the City Council shall hear statements and take evidence concerning the alleged violation or non-compliance. At the conclusion of the hearing, the Council shall either withdraw the notice of violation or non-compliance; give the developer a reasonable amount of time to correct the violation, instruct the City Attorney to institute proceedings to have the guaranty forfeited, commence proceedings to rezone the subject property to a more restrictive zone or take such other action as may be deemed necessary.

Section 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Introduced, read and ordered published this 26th day of November, 1976.

Adopted, approved and ordered published this 23rd day of December, 1976.

\_\_\_\_\_  
David C. Crawford, Mayor

Attest:

Sharon L. Bennetts, City Clerk

Approved as to form:

Daniel T. Moyle, Jr., City Attorney

I, Sharon L. Bennetts, City Clerk 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 26th day of November, 1976, and by order of said City Council was published as a proposed ordinance as the law directs, and for more than seven days prior to its passage in the Golden Daily Transcript, legal newspaper; and that on the 23rd day of December, 1976, 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 28th day of December, A.D., 1976.

(S E A L)

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