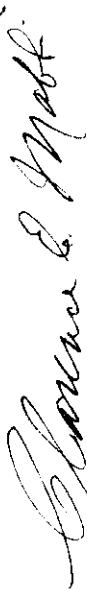


162 12 1960
I, Clarence E. Mabb, City Clerk-Treasurer of the City of Golden, do hereby certify that this is a true and correct copy of Ordinance No. 465 of the said City of Golden, Colorado.

Attest:



Clarence E. Mabb
City Clerk-Treasurer
November 23, 1960
City of Golden, Colorado

Ordinance No. 454 of the said City of Golden, and the Zoning Map is hereby amended to include the above described property to be shown on said map as zoned C-1.

Section 2. The City Clerk-Treasurer is hereby directed to file with the records of the City Clerk-Treasurer, the records of the Clerk and Recorder of Jefferson County, Colorado, and with the office of the Secretary of State, State of Colorado, a copy of the plat of this annexation, together with a copy of this ordinance.

Adopted and approved this 10th day of November, 1960.

CLARK B. CARPENTER,
Mayor.

Approved as to form:
LEO N. BRADLEY,
Deputy City Attorney.

Attest:
CLARENCE E. MABB,
City Clerk-Treasurer

I, Clarence E. Mabb, 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 of Golden held on the 13th day of October, 1960, and by order of said City Council was published as a proposed ordinance as the law directs and for more than ten days prior to its final passage in The Golden Transcript, a legal newspaper; and that on the 10th day of November, 1960, the said proposed ordinance was read and passed by the City Council aforesaid, the said meeting being a regular meeting of the said City Council.

Witness my hand and official seal of the City of Golden, Colorado, this 11th day of November, 1960.

Attest:
CLARENCE E. MABB,
City Clerk of the City
of Golden, Colorado

Published Nov. 17, 1960
GOLDEN TRANSCRIPT

ORDINANCE NO. 454
ZONING

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; regulating signs; requiring parking and loading areas; providing for the adjustment, enforcement and amendment thereof; defining certain terms used herein; prescribing penalties for the violation of its provisions; and repealing all ordinances in conflict herewith:

Be it ordained by the City Council of the City of Golden:

Section 1

DISTRICTS AND MAP

1.1 Establishment of Districts

In order to carry out the provisions of this ordinance, the City of Golden is hereby divided into the following zoning districts:

RE, One-Family
R1, One-Family
R1A, One-Family
R2, Limited Multiple-Family
R3, General Multiple-Family
RC1, Limited Residential-Commercial
RC2, General Residential-Commercial
C1, Limited Commercial
C2, General Commercial
M1, Limited Industrial
M2, General Industrial

1.2 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 day of March, 1960, which map and all notations, references, data and other information shown thereon are by reference hereby made a part of this ordinance.

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 ways, or such lines extended; municipal corporation 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 ordinance 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

25 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 II

APPLICATION OF REGULATIONS

2.1 General Application

Except as hereinafter otherwise provided:

- (1) 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.
- (2) 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.
- (3) 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 for the district in which such building or open space is located.
- (4) No yard or other open space provided about any building for the purpose of complying with provisions of this ordinance 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.

2.2 Existing Buildings

The regulations contained herein are not retroactive in their application on existing buildings.

Section III

USE AND DENSITY SCHEDULES

3.1 Reference

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 ordinance, are hereby adopted and declared to be a part of this ordinance,

and may be amended in the same manner as any other part of this ordinance. The regulations listed for each district as designated read either from left to right or top to bottom of each schedule.

3.2 Listing of Uses

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

3.3 Uses Permitted in the RE and R1 Districts

- (1) One-family dwellings;
- (2) public schools . . . for elementary and high school education;
- (3) public parks and playgrounds and other public recreation facilities;
- (4) churches and church schools;
- (5) municipal buildings and uses;
- (6) domestic animals . . . provided such animals are household pets and that kennels are not maintained;
- (7) home occupations;
- (8) public utility mains, lines and substations . . . where no public office or no repair or storage facilities are maintained;
- (9) accessory buildings and uses;
- (10) fences, hedges and walls . . . provided such uses are located where they will not obstruct motorists' vision at street intersections;
- (11) signs . . . subject to Section IV.

3.4 Uses Permitted in the R1A District

- (1) All uses permitted in the R1 District as stated therefor;
- (2) not more than four roomers in any one dwelling;

3.5 Uses Permitted in the R2 District

- (1) All uses permitted in the R1A District as stated therefor;
- (2) multiple-family dwellings . . . not exceeding four dwelling units.

3.6 Uses Permitted in the R3 District

- (1) All uses permitted in the R2 District as stated therefor;
- (2) multiple-family dwellings;
- (3) automobile parking areas;
- (4) boarding and rooming houses;
- (5) college and university building and uses;
- (6) community buildings;
- (7) fraternity and sorority houses;
- (8) hospitals;
- (9) nursery schools and day-care centers for pre-school age children;
- (10) rest homes, convalescent homes

and nursing homes.

3.7 Uses Permitted in the RC1 District

- (1) All uses permitted in a R3 District as stated therefor;
- (2) medical and dental clinics;
- (3) membership clubs;
- (4) offices;
- (5) private schools;
- (6) signs—subject to section IV.

3.8 Uses Permitted in the RC2 District

- (1) All uses permitted in the RC1 District as stated therefor;
- (2) personal service 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;
- (3) undertaking establishments;
- (4) hotels, motels, and tourist homes;
- (5) automobile service stations—see definition in Section XII;
- (6) neighborhood retail stores—see definition in Section XII;
- (7) signs—subject to section IV.

3.9 Uses Permitted in the C1 District

- (1) All uses permitted in the RC2 District as stated therefor;
- (2) places of amusement or recreation—provided they are used primarily for commercial purposes;
- (3) places serving food or beverages;
- (4) trailer courts—subject to approval by the Board of Adjustment and conforming to all other applicable City Ordinances;
- (5) signs—subject to section IV;
- (6) veterinarian hospital—subject to approval by the Board of Adjustment and conforming to all other applicable City Ordinances;
- (7) automobile service station—restrictions of section 12.2 (4a) not applicable;
- (8) fermented malt beverage and malt, vinous or spirituous liquor outlets.

3.10 Uses Permitted in the C2 District

- (1) All uses permitted in C1 District as stated therefor, except residential uses and tourist homes;
- (2) places for the conduct of any general business, commercial, wholesale, processing or distributing activity . . . not of an industrial or manufacturing nature;
- (3) places of assembly;
- (4) new and used car sales;
- (5) automobile repair shops;

- (6) bakeries;
- (7) banks;
- (8) bottling works;
- (9) builders supply yards, sale of cement and concrete products, and lumber yards;
- (10) cabinet making and carpenter shops;
- (11) cleaning and dyeing establishments;
- (12) dairy processing and distribution plants;
- (13) drug stores;
- (14) drygood stores;
- (15) frozen food lockers . . . not including slaughtering on the premises;
- (16) grocery stores;
- (17) hardware stores;
- (18) ice and cold storage plants;
- (19) laundries;
- (20) machine shops;
- (21) manufacture of handicraft products;
- (22) plumbing shops;
- (23) printing and publishing establishments;
- (24) roofing shops;
- (25) sheetmetal shops;
- (26) fermented malt beverage and malt, vinous or spirituous liquor outlets;
- (27) studios;
- (28) theaters;
- (29) upholstery shops;
- (30) automobile service stations—restrictions of section 12.2 (4a) not applicable.

3.11 Uses Permitted in the M1 District

- (1) Any kind of scientific research or manufacture, compounding, assembling, processing or treatment of products provided

ed the following limitations are placed on all such uses;

- (a) all permitted uses shall be operated entirely within a complete enclosed structure;
 - (b) 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;
 - (c) travel and parking portions of the lot shall be surfaced with asphalt, concrete or equivalent paving.
- (2) public parks and playgrounds and other public recreation facilities;
 - (3) municipal buildings and uses;
 - (4) public utility mains, lines and substations . . . where no public office and no repair or storage facilities are maintained;
 - (5) signs . . . subject to Section IV.

3.12 Uses Permitted in the M2 District

- (1) All uses permitted in the C2 District as stated therefor;
- (2) any industrial or manufacturing operation provided the following limitations are placed on all such uses;
 - (a) dust, fumes, odors, smoke vapor, noise, lights and vibration shall be confined within the M2 District;
 - (b) outdoor storage, equipment and refuse areas shall be concealed from view from abutting rights of way and adjoining residential districts.

3.13 All RE, R1, R1A, R2 and R3 Districts Shall Comply with the Following Density Schedule:

	RE	R1 & R1A	R2 Limited Multiple- Family	R3 General Multiple- Family
	One-Family	One-Family		
(1) Minimum Lot Area (sq. feet)				
per dwelling	9000	7000	7000	7000
per ground floor dwelling unit			3500	1500
per dwelling unit other than ground floor				500
(2) Minimum Lot Width (feet)				
per dwelling	75	60	60	60
per ground floor dwelling unit			30	15
(3) Maximum Height of Buildings (feet)				
principal building	25	35	35	35
accessory building	15	15	15	25
(4) Minimum Front Yard (feet)				
principal building	30	15	15	15
accessory building	60	45	45	45
(5) Minimum Side Yard (feet)				
principal building	10	5	5	5
accessory building	10	5	5	5
(6) Minimum Rear Yard (feet)				
principal building	20	5	5	5
accessory building	5	5	5	5
(7) Minimum Floor Area (square feet)				
per dwelling	1000	700	700	700
per dwelling unit			500	400

3.14 All RC1, RC2, C1, C2, M1 and M2 Districts Shall Comply with the Following Density Schedule:

	RC1 - RC2 - C1	C2 General Commercial	M1 Limited Industrial	M2 General Industrial
(1) Maximum Height of Buildings (feet)	50	65	35	65
(2) Minimum Front Setback (feet from centerline of street)	55	35	55	55
(3) Minimum Sideyard (feet)	NR	NR	10	NR
(4) Minimum Rear Setback (feet from centerline of alley)	15	15	40	15

(NR—None Required)

Section IV SIGNS

The following regulations shall govern the location, area, and type of signs permitted within the City:

4.1 General Sign Requirements

- (1) All signs shall be structurally safe and shall be securely anchored or otherwise fastened, suspended, or supported so that they will not be a menace to the safety of persons or property.
- (2) No sign, outdoor commercial advertising device or lighting device constituting a nuisance to an adjacent residential district, because of lighting glare, focus, animation or flashing of a sign, lighting or advertising device, shall be erected or continued in operation.
- (3) No "revolving beacon" or "fountain" signs shall be permitted in any district.
- (4) No sign in any district shall conflict in any manner with the clear and obvious appearance of public devices controlling public traffic, nor with acceptable traffic sight distances.
- (5) Ground signs shall not be located on public property except by specific approval of the City Council.
- (6) Temporary signs or banners on or over public property may be authorized by the City Manager for a period not to exceed ten days.
- (7) Signs projecting over a street, alley, or other public space shall project not more than 10 feet and be no closer than 2 feet to a plumbline from curb line; clearance below such signs shall be a minimum of 9 feet.

4.2 Residential Districts

- (1) One identification sign shall be permitted per residential use provided such sign does not exceed 1 square foot in area; said sign may be wall, pedestal, ground, or projecting type (but not projecting over public property).
- (2) One sign of a temporary nature, such as "for Sale" or "for Rent", shall be permitted per residential use provided such sign does not exceed 6 square feet in area and is not lighted; said sign may be wall, pedestal, or ground type.

4.3 Public or Semi-Public Uses

- (1) One identification sign shall be permitted per public or semi-public use provided such sign does not exceed 10 square feet in area; said sign may be wall, pedestal, ground, or projecting type.

4.4 RC2 or C1 District

- (1) All signs shall be for the identification of a business or products sold on the premises or services affiliated with same.
- (2) Wall signs shall not be limited in area or number.
- (3) Roof or projecting signs shall be limited to a total area of each type of one square foot for each lineal foot of business frontage; no one sign of either type shall exceed 50 square feet in area.
- (4) Ground signs, or any type of free standing sign, shall be limited to a total area of one square foot for each lineal foot of business frontage; no one sign shall exceed 50 square feet in area when located 10 feet or less from any property line, for each additional 10 feet of setback from the closest property line the sign area may be increased by an additional 50 square feet; no one sign conforming to these requirements shall exceed 750 square feet in area and/or 15 feet in height.

4.5 RCI District

- (1) Regulations are the same as in section 4.2 except that the area of an identification sign shall not exceed 10 square feet for any building or use.

4.6 C2, M1, or M2 Districts

- (1) No restrictions except the general sign requirements of paragraph 4.1 above.

Section V

PARKING AND LOADING REQUIREMENTS

5.1 Reference

All City of Golden ordinances requiring off-street parking and loading and all amendments to such ordinances shall hereby be adopted by reference as a part of the zoning regulations of the City.

5.2 General Requirements

Prior to the adoption of a definite off-street parking and loading ordinance, all uses in the RC1, RC2, C1, C2, M1, and M2 Districts shall provide sufficient parking and loading area to accommodate customers and employees.

Section VI

SPECIAL REGULATIONS

6.1 Uses Permitted

- (1) general . . . 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.

**6.2 Minimum Lot Area
and
Minimum Lot Width**

- (1) 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 this ordinance, and has less area and/or less width than required in other sections of this ordinance, 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 5,000 square feet in area or less than 50 feet in width.
- (2) reduction . . . no part of an area or width required for a lot for the purpose of complying with the provisions of this ordinance shall be included as an area or width required for another building.
- (3) unsubdivided areas . . . every building hereinafter erected upon a tract of ground that is not subdivided shall provide an area of not less than 10,000 square feet and a width of not less than 100 feet.
- (4) street frontage . . . no lot shall have a front lot line or street frontage of less than 45 feet.

6.3 Maximum Height of Buildings

- (1) special exceptions . . . the height limitations of this ordinance shall not apply to church spires, belfries, cupolas, penthouses nor to chimneys, ventilators, skylights, water tanks, parapet walls, cornices without windows, antennas, or necessary mechanical appurtenances usually carried above the roof level.

6.4 Minimum Height of Buildings

- (1) basement structures . . . no dwellings shall be constructed with a height of less than 10 feet.

6.5 Minimum Yards and Setbacks

- (1) developed areas . . . in an R1, R1A, R2 or R3 District, where lots comprising 50 per cent 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 this ordinance, 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.
- (2) reduction . . . no part of a yard required for any building for the purpose of complying with the provisions of this ordinance shall be included as a yard for

another building, and all yards shall be open and unobstructed except as otherwise provided herein.

- (3) architectural features . . . cornices, canopies, eaves or similar architectural features may extend into a required yard not more than 2 feet.
- (4) fire escapes . . . fire escapes may extend into a required yard not more than 6 feet.
- (5) reversed corner lots . . . the side yard along the street side of a reversed corner lot shall be not less than the required front yard for principal buildings along such a side street.
- (6) accessory buildings . . . permitted accessory buildings may be located in the required yard for a principal building.

6.6 Minimum Floor Area

- (1) measuring . . . in determining the minimum floor area as required, all measurements shall be along outside walls of the living area, but not including garage or carport area, but including each floor of the dwelling.

6.7 Development Plans—RC1, RC2, C1, C2, M1 and M2 Districts

- (1) 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 sections, except that this requirement shall not apply to areas of less than one acre in size.
- (2) 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 Section 4 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.
- (3) The Planning Commission shall review any development plan and approve or disapprove such plan within thirty days after receipt. If the plan is disapproved, the owner may resubmit a revised plan within thirty days.
- (4) Elements to be set forth in a development plan and to be considered by the Planning Commission are the following:
 - A. Location of all existing and

proposed structures, and the uses contained or to be contained therein.

B. Location and flow of all vehicular and pedestrian trafficways, malls and parking areas.

C. Location and size of signs.

D. Barriers and screening designed to protect adjacent property from encroachment by lights and noise.

E. Drainage.

(5) 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.

(6) 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 and it may recommend appropriate reclassification by the Council.

Section VII

NON-CONFORMING USES AND BUILDINGS

Except as provided in this section, the lawful use and location of any building or land existing at the time of enactment of this ordinance or of any amendments to this ordinance, may be continued even though such use or location does not conform to the requirements of this ordinance.

7.1 Repairs and Maintenance

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

7.2 Restoration

(1) A non-conforming 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.

7.3 Abandonment

(1) Whenever a non-conforming 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 ordinance.

7.4 Change in Use

(1) A non-conforming use shall not be changed to a use of less restrictive classification; such non-conforming use may, however, be changed to another use of the same or more restrictive classification.

7.5 Extensions

(1) A non-conforming use shall not be extended.

7.6 Cessation

In all residential zones, each non-conforming commercial or industrial use of land not involving a building or involving a non-residential building with an assessed value of less than one thousand dollars (\$1,000.00) shall be discontinued within five (5) years from the date of adoption of this ordinance.

Section VIII

AMENDMENTS

8.1 General Procedure

Amendments to this ordinance shall be in accordance with the laws of the State of Colorado which require the following action before adoption of any such amendments:

- (1) Study and recommendation regarding the proposed amendment by the Planning Commission of the City of Golden.
- (2) Completion of a public hearing before the City Council after at least 15 days' notice of the time any place of such hearing shall have been given by at least one publication in a newspaper of general circulation within the City.
- (3) Application for rezoning to a residential - commercial, commercial, or industrial classification shall be accompanied by a preliminary development plan.

8.2 Special Procedure

Before submitting a report and recommendation on any proposed amendment to this ordinance, as required in 8.1(1) above, the City Planning Commission shall hold a public hearing on the proposed amendment in which event the following special conditions shall be required:

- (1) A notice of said hearing shall be published once in a newspaper of general circulation within the City at least 7 days prior to the hearing date.
- (2) For proposed amendments to the "Zoning District Map" a written notice of said hearing shall be sent by first class mail at least 7 days prior to the hearing date, to property owners within the area in question, and within 300 feet of the area in question as such ownership is available in the City Clerk's Office. Failure to mail such notice to every property owner shall not affect the validity of any proceeding before the said Planning Commission.
- (3) For proposed amendments to the "Zoning District Map," a fee of \$25.00 shall be charged to cover the cost of advertising

and processing. For all other proposed amendments, a fee of \$10.00 shall be charged to cover such costs.

**Section IX
BOARD OF ADJUSTMENT,
VARIANCES**

The Board of Adjustment of the City of Golden shall have the following functions and powers in respect to this ordinance.

9.1 Organization of the Board of Adjustment

The Board of Adjustment shall be organized according to the provisions of State of Colorado Enabling Statutes and previously adopted City ordinances.

9.2 Appeals to the Board of Adjustment

- (1) 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 ordinance. 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 ordinance.
- (2) Appeals to the Board of Adjustment must be made in writing and filed with the Board of Adjustment within sixty (60) days of the act or failure to act or decision appealed from.
- (3) Powers of the Board of Adjustment upon appeals . . . upon appeals the Board of Adjustment shall have the following powers:
 - (a) To hear and decide appeals 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 ordinance.
 - (b) To hear and decide, in accordance with the provisions of this ordinance as hereafter provided, requests for special exceptions or for interpretation of the zoning map or for conditional use permits as may be provided in this ordinance.
 - (c) where by reason of exceptional narrowness, shallowness

or shape of a specific piece of property at the time of the enactment of this ordinance, or by reason of exceptional topographic conditions of such piece of property, the strict application of any regulation enacted under this ordinance 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 and without substantially impairing the intent and purpose of this zoning ordinance or the "Guide for Growth" plan of the City of Golden; that there are exceptional circumstances applying to the specific piece of property which do not apply generally to the remaining property in the same zoning area or neighborhood.

(d) to permit the extension of a 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 substantially impairing the intent and purpose of this zoning ordinance.

9.3 Procedure

- (1) All meetings and hearings of the Board of Adjustment shall be open to the public.
- (2) All hearings of the Board of Adjustment upon any appeal shall be held not earlier than 5 days from the date that publication of the Notice of said hearing in a newspaper of general circulation in the City shall have 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. This appellant shall pay to the clerk of said Board a fee of three (\$3.00) dollars upon filing said Notice.
- (3) Application for variances relating to the use requirements of this ordinance 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 (80%) per cent of the property

owners within 400 feet of the property line of the site of the requested non-conforming usage.

- (4) Application for variances relating to other than use requirements of this ordinance shall be in writing upon a form or forms provided by said Board, and shall require the written approval of not less than eighty (80%) per cent of the property owners within 100 feet of the property lines of the site of the requested non-conforming 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 afore required eighty (80%) per cent of property owners.

Section X INTERPRETATION, VALIDITY, ENFORCEMENT

10.1 Interpretation

- (1) In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements adopted for the promotion of the public health, safety and welfare. Whenever the requirements of this ordinance 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.

10.2 Validity

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

10.3 Enforcement

- (1) 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 Inspector 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 \$50.00 shall be ex-

empt from paying a building permit fee. For all signs permitted under Section IV, a fee to be set by the City Council shall be charged by the City of Golden.

Section XI VIOLATIONS AND PENALTIES 11.1 General

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 zoning ordinance, or any amendment thereof. Any person, firm or corporation, either as owner, leasee, 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 ordinance, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not more than One Hundred Dollars (\$100.00) or imprisoned not more than ten (10) days, or both. Each day during which such violation shall continue shall be deemed to be a separate offense.

11.2 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 ordinance, or any amendment thereof, the City Council of the City of Golden, the City Attorney in and for the City of Golden, 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 XII

DEFINITIONS

12.1 General

When not inconsistent with the content, 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.

12.2 Terms and Words

For the purpose of this ordinance certain terms and words are hereby defined as follows:

(1) **"Accessory Building"**

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.
- (2) **"Accessory Use"**
A use naturally and normally incidental to, subordinate to, and devoted exclusively to the main use of the premises.
- (3) **"Alley"**
A public thoroughfare, not exceeding 35 feet in width which affords only a secondary means of access to abutting property.
- (4) **"Area, Minimum Lot"**
The total area within the property lines of the lot, excluding adjacent streets.
- (4a) **"Automobile Service Station"**
A building and such accessory structures as are necessary to supply motor fuel and oil to motor vehicles which complies with all of the following provisions:
- (a) is contained in a structure limited in size to two single car service bays, plus rest rooms and office and/or supply storage space;
 - (b) is limited in function to dispensing gasoline, oil, grease, anti-freeze, tires, batteries and automobile accessories directly to motor vehicles and to washing, polishing and servicing motor vehicles only to the extent of installation of the enumerated items;
 - (c) does not rent or sell motor vehicles, trailers or general replacement parts; does not overhaul or repair motors or bodies; does not provide brake relining service, wheel alignment, upholstery work, auto glass work, painting, welding, tire recapping or auto dismantling;
 - (d) is provided with barriers of such dimensions that occupants of adjacent structures are not unreasonably disturbed, either by day or night, by the movement of vehicles and light facilities are so arranged that they neither unreasonably disturb occupants of adjacent residential properties nor interfere with traffic;
 - (e) extinguishes all flood lights at close of business or 11:00 P.M., whichever is earlier;
 - (f) fuel pumps need not be enclosed.
- (5) **"Boarding and Rooming House"**
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.
- (6) **"Building"**
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.
- (7) **"Building Height"**
The vertical distance from the 'grade' to the highest point of the roof surface.
- (8) **"Building, Principal"**
A building in which is conducted the main or principal use of the lot on which said building is situated.
- (9) **"Dwelling"**
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.
- (10) **"Dwelling, One-Family"**
A detached building designed exclusively for, and occupied by one family.
- (11) **"Dwelling, Multiple-Family"**
A building occupied by two or more families living independently of each other, but not including motels or hotels. A "Limited Multiple-Family Dwelling" shall not be occupied by more than four families.
- (12) **"Dwelling Unit"**
One or more rooms in a dwelling designed for or occupied by one family living and cooking on the premises.
- (13) **"Family"**
A family is any number of persons living and cooking together on the premises as a single dwelling unit, but it shall not include a group of more than three individuals not related by blood or marriage.
- (14) **"Grade"**
Grade (ground level) is the average of the finished ground level at the center of all walls of a building. In case walls are within 25 feet of a sidewalk, said grade shall be measured at the sidewalk.
- (15) **"Home Occupation"**
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.
- (16) **"Hospital"**
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.
- (17) **"Hotels and Motels"**
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.
- (18) **"Kennel"**
Any lot or premises on which four or more animals at least four months of age, are harbored.
- (19) **"Lot"**
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 ordinance, and having its principal frontage on a public right of way.
- (20) **"Lot, Reversed Corner"**
A corner lot having its side street line substantially a continuation of the front lot line of the first lot to its rear.
- (21) **"Lot Line, Front"**
The property line dividing a lot from a street. On a corner lot only one street line shall be considered as a front line and the shorter street frontage shall be considered the front line.
- (22) **"Lot Line, Rear"**
The line opposite the front lot line.
- (23) **"Lot Line, Side"**
Any lot lines other than front lot lines or rear lot lines.
- (24) **"Membership Club"**
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.
- (24a) **"Neighborhood Retail Store"**
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 4,000 square feet. A mixed occupancy of this use with a residence is permissible.
- (25) **"Non-Conforming Buildings"**
A building or structure or portion thereof built prior to the effective date of this ordinance, or any amendment thereto and conflicting with the provisions of this ordinance applicable to the zone in which it is situated.
- (26) **"Non-Conforming Use"**
The use of a structure or premises conflicting with the provisions of this ordinance.
- (27) **"Occupied"**
The word "occupied" includes arranged, designed, built, altered, converted, rented or leased, or intended to be occupied.
- (28) **"Person"**
The word "person" shall also include association, firm, co-partnership, or corporation.
- (29) **"Setback"**
The distance extending across the full width of the lot between the center line of the adjoining street or alley and the nearest line or point of the building.
- (30) **"Signs"**
a) Wall Sign—any sign painted or otherwise depicted directly upon a wall, or affixed to a wall and not projecting more than 12 inches from such wall; any sign visible through a window or affixed to a window shall be deemed a wall sign.
b) Roof Sign—Any sign erected upon the roof of any building.
c) Projecting Sign—Any sign attached to a building or structure wall and extending horizontally outward from such wall more than 12 inches.
d) Ground Sign—Any sign supported by or directly attached to the ground; pole or pedestal type signs shall be deemed ground signs.
- (31) **"Street"**
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.'
- (32) **"Structure"**
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 six feet in height, poles, lines, cables, or other transmission or distribution facilities of public utilities.

- (32a) **"Tourist Home"**
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.
- (33) **"Use"**
The purpose for which land or building is designed, arranged, or intended, or for which either is or may be occupied or maintained.
- (34) **"Width of Lot"**
The distance parallel to the front lot line measured between side lot lines through that part of the building or structure where the lot is narrowest.
- (35) **"Yard"**
An open space other than a court, on a lot, unoccupied and unobstructed from the ground upward, except as otherwise provided in this ordinance.
- (36) **"Yard, Front"**
A yard extending across the full width of the lot between the front lot line and the nearest line or point of the building.
- (37) **"Yard, Rear"**
A yard extending across the full width of the lot between the rear lot line and the nearest line or point of the building.
- (38) **"Yard, Side"**
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 or accessory building attached thereto.

Section XIII

REPEALS AND ENACTMENT

13.1 Repeals

- (1) All ordinances of the City of Golden inconsistent herewith to the extent of such inconsistency, and no further, are hereby repealed.
- (2) The repeal of any of the above-mentioned ordinances does not revive any other ordinances or portions thereof repealed by said ordinance.
- (3) Such repeals shall not affect or prevent the prosecution or punishment of any person for the violation of any ordinance repealed hereby, for an offense

committed prior to the repeal.

13.2 Enactment

- (1) This ordinance shall be in full force and effect after its approval and adoption as provided by law.

Introduced, read and ordered published this 14th day of January, 1960, A. D.

Adopted and approved as amended and ordered published this 10th day of March, 1960, A. D.

CLARK B. CARPENTER
Mayor

Attest:

CLARENCE E. MABB
City Clerk

Approved as to form:

LEO N. BRADLEY,
Deputy City Attorney

I, Clarence E. Mabb, 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 14th day of January, 1960, and by order of said City Council was published as a proposed ordinance as the law directs, and for more than ten days prior to its passage in the Colorado Transcript, legal newspaper; and that on the 10th day of March, 1960, the said proposed ordinance was read, amended 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 11th day of March, 1960.

Attest:

(SEAL) CLARENCE E. MABB
City Clerk of the
City of Golden,
Colorado.