

ORDINANCE NO. 1299

AN ORDINANCE OF THE GOLDEN CITY COUNCIL RELATING
TO THE IMPLEMENTATION OF PEOPLE'S ORDINANCE NO. 95-1
REGARDING A 1% LIMITATION ON RESIDENTIAL GROWTH

WHEREAS, the electors of Golden, on November 7, 1995, adopted People's Ordinance No. 95-1, which ordinance requires that, beginning January 1, 1996, the issuance of residential building permits in Golden be allotted such that there shall be no more than a one percent (1%) annual increase in the number of dwelling units; and

WHEREAS, the City of Golden anticipates that a substantial number of residential building permits will be applied for prior to the end of calendar year 1995 and in the first quarter of 1996; and

WHEREAS, People's Ordinance No. 95-1 requires city council to implement the manner in which the limitations on residential building permits will be imposed and allocated; and

WHEREAS, city staff is currently developing a plan for City Council approval which is intended to allow the allocation of available residential building permits for 1996 on a fair and equitable basis, which plan is expected to be ready for city council action by March 1, 1996; and

WHEREAS, it is necessary and appropriate to enact regulatory measures to address the transition period through the end of 1995; and

WHEREAS, in order to insure and protect the health, safety and welfare of the citizens of Golden, city council hereby finds it is necessary to impose a moratorium on the acceptance and processing of residential building permit applications which may impact the implementation of People's Ordinance No. 95-1, until such time as the city has in place a plan which will allow for the orderly and equitable implementation of People's Ordinance No. 95-1.

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

Section 1. The city of Golden hereby declares a moratorium on the submission, acceptance and processing of building permit applications for residential construction within the city, except for residential construction upon Colorado School of Mines property, and except for expansion or remodeling of existing residential structures which will not result in an increase in the number of dwelling units. Such moratorium shall be effective at the end of regular office hours, December 18, 1995 and continue until March 1, 1996, unless earlier terminated by separate City Council action. During the period of the moratorium, the city will not accept or process applications for, nor will the city issue, building permits for such construction activities.

Section 2. Subject to available staff and resources, building permit applications for residential construction, except for residential construction upon Colorado School of Mines property and except for expansion or remodeling of existing residential structures which will not result in an increase in the number of dwelling units, which are submitted prior to the end of regular office hours on December 18, 1995, will be reviewed according to applicable city codes and requirements. All such building permit applications found to be in conformance with applicable city codes and requirements will be available for issuance upon payment of all required fees, taxes and costs, by the end of regular office hours on the last working day of 1995. The provisions of this section shall be applied retroactive to November 8, 1995.

Section 3. Any building permit for residential construction, except for residential construction upon Colorado School of Mines property, and except for expansion or remodeling of existing residential structures

which will not result in an increase in the number of dwelling units, which has not been issued by the city of Golden by the end of regular office hours on the last working day of 1995, shall be deemed to be void and shall not thereafter be issued except upon reapplication in accordance with the standards and procedures to be developed by the city to implement People's Ordinance No. 95-1.

Section 4. Special exceptions. The city council shall have the power to grant a special exception to the prohibition in Sections 1, 2 and 3 of this ordinance, and to order that a building permit issue where the following conditions are met.

- a. A written application for the special exception must be submitted, indicating the purpose of the building permit sought to be obtained, and stating with particularity the hardship which the applicant will suffer if the special exception is not granted.
- b. Within 30 days, the city council shall hold a public hearing on the application. Notice shall have been given at least seven days in advance of this public hearing. The owner of the property, or his agent, shall be notified by mail. Notice of said hearing shall be posted on the property and shall be published in newspaper with general circulation within the city of Golden, at least seven days prior to the public hearing.
- c. The city council may grant the special exception and order the building official to issue the requested building permit, if it finds all of the following:
 - 1) That the issuance of a building permit is necessary to prevent undue hardship on the applicant; and
 - 2) That the issuance of a building permit will not adversely affect the public interest or the purposes of this moratorium; and
 - 3) That the requested building permit would be proper and in accordance with all of the ordinances and regulations of the city of Golden, were this moratorium not in effect.

Section 5. This ordinance shall not preclude the extension of the expiration date of any duly issued building permit provided that such extension is appropriate under the provisions of the Uniform Building Code as adopted by the city of Golden.

Section 6. If any article, section, paragraph, sentence, clause or phrase of this ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this ordinance. The city council hereby declares that it would have passed this ordinance and each part or parts hereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

Section 7. All other ordinances or portions thereof inconsistent or conflicting with this ordinance or any portion hereof are hereby repealed to the extent of such inconsistency or conflict.

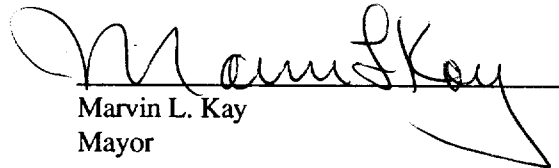
Section 8. The repeal or modification of any provision of the Municipal Code of the city of Golden by this ordinance shall not release, extinguish, alter, modify or change in whole or in part any penalty, forfeiture or liability, either civil or criminal, which shall have been incurred under such provision. Each provision shall

be treated and held as still remaining in force for the purpose of sustaining any and all proper actions, suits, proceedings and prosecutions for enforcement of the penalty, forfeiture or liability, as well as for the purpose of sustaining any judgment, decree or order which can or may be rendered, entered or made in such actions, suits, proceedings or prosecutions.


Section 9. This ordinance is deemed necessary for the protection of the health, welfare and safety of the community.

Introduced, read, passed and ordered published the 9th day of November, 1995.

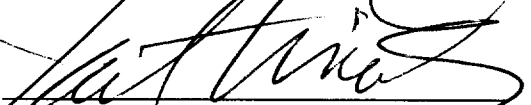
Passed and adopted upon second reading and ordered published the 27th day of November, 1995.


Marvin L. Kay
Mayor

ATTEST:


Susan M. Brooks, CMC/AAE
City Clerk

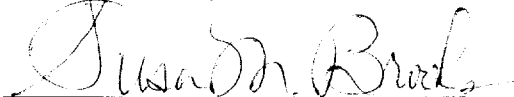
APPROVED AS TO FORM:


James A. Windholz
City Attorney

I, Susan M. Brooks, 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 9th day of November, 1995, and was published as a proposed ordinance in the Golden Transcript, legal newspaper, as the law directs seven days or more prior to its passage. A public hearing was held on November 27, 1995 and the said proposed ordinance was read on second reading and passed by the 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 28th day of November, 1995.

(SEAL)

ATTEST: 
Susan M. Brooks, City Clerk of the City
of Golden, Colorado