

City of Golden 2021 Moratorium

EFFECTIVE JULY 20, 2021. On July 13th, 2021, Council approved a revised Ordinance 2165, which establishes a temporary (180 day) moratorium that impacts the R1, R1A, R2 and R3 zone districts. The purpose of the moratorium is to allow the City to finalize the zoning code rewrite and conduct the public process that leads to formal adoption by City Council, which is targeted to occur by the end of 2021. The zoning code rewrite is intended to address the scale of development and better ensure that structures are appropriate for the neighborhood context. The moratorium prevents any new dwelling unit structures or the expansion of existing dwelling unit structures during this time, which impacts single family, accessory dwelling units, duplex and multifamily structures during the 180-day time period in the above-mentioned zone districts.

The moratorium does not impact non-household structures such as sheds, detached garages, fences, pergolas, decks, and similar structures. Remodels of existing structures are not impacted either, even those that include new dwelling units within existing square footage (e.g. basement finishes).

Timeline to Code Adoption and End of Moratorium

- July 20th Council Study Session on 2nd Draft
- August/September final draft and legal review of Title 17 and 18 code changes
- September neighborhood open house meeting to finalize zoning code map
- October through December zoning code adoption process

ORDINANCE NO. 2165

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GOLDEN, COLORADO, PROVIDING FOR A 180 DAY MORATORIUM ON THE ACCEPTANCE AND PROCESSING OF APPLICATIONS FOR BUILDING PERMITS FOR NEW HOUSEHOLD DWELLING UNIT STRUCTURES IN THE R1, R1A, R2 AND R3 ZONE DISTRICTS, BUILDING PERMITS FOR THE EXPANSION OF HOUSEHOLD DWELLING UNIT STRUCTURES IN THE R1, R1A, R2 AND R3 ZONE DISTRICTS, OR SITE DEVELOPMENT PLAN APPROVAL UNDER GMC CHAPTER 18.40 FOR HOUSEHOLD DWELLING UNIT STRUCTURES IN THE R1, R1A, R2 AND R3 ZONE DISTRICTS

WHEREAS, in 1960, the City of Golden enacted Ordinance 454 zoning much of the developed core of the community a combination of various zone districts, including R1, R1A, R2 and R3, thereby allowing a mix of single household and low and moderate density residential uses; and

WHEREAS, recent increased development activities in the state in general, and specifically in the City of Golden have resulted in the construction of structures of such mass and scale with densities that may be detrimental to the goals of maintaining the neighborhood character sought to be achieved as articulated in Golden Vision 2030 and the Comprehensive and Neighborhood Plans; and

WHEREAS, in 2019, the City of Golden amended Chapter 18 of the Golden Municipal Code (the “Code”), establishing new zoning controls on the scale of development in the R2 and R3 zone districts, including bulk plane requirements, lot coverage limits, and a reduction in the allowed height from 35 feet to 30 feet; and

WHEREAS, notwithstanding the 2019 Code amendments, residents and the City Planning Commission continue to raise concerns that development in the R1, R1A, R2 and R3 zone districts is inconsistent with the bulk, mass, and scale of existing structures; and

WHEREAS, the City currently is rewriting its zoning code, which rewrite (the “New Zoning Code”) will include, among other things, new standards for development in the R1, R1A, R-2 and R-3 zone districts; and

WHEREAS, the New Zoning Code will take effect only once the form zones included therein are mapped to the City and the new zoning map (the “New Zoning Map”) is adopted by City Council; and

WHEREAS, the City anticipates developing the New Zoning Map in phases and intends to initiate public engagement on the New Zoning Map for the R1, R1A, R2 and R3 zone districts in late summer/early fall 2021; and

WHEREAS, the City anticipates presenting the New Zoning Code and the New Zoning Map for the R2 and R3 zone districts for City Council’s review and formal adoption in fall 2021; and

WHEREAS, the City Council finds that there is a potential for, and the likelihood of, the continued submission of building permit and site development plan applications for household dwelling units during the next weeks and months prior to adoption of the New Zoning Code and the New Zoning Map for the R1, R1A, R2 and R3 zone districts; and

WHEREAS, the imposition of a 180-day moratorium on the acceptance and processing of applications for building permits for new one household, two household, multiple household, or accessory dwelling unit structures in the R1, R1A, R2 and R3 zone districts, building permits for the expansion of existing household dwelling unit structures in the R1, R1A, R2 and R3 zone districts, and site development plan approval under Code Chapter 18.40 for two household, multiple household, or accessory dwelling unit structures in the R1, R1A, R2 and R3 zone districts, will preserve the status quo and allow City Council to investigate, consider, and, if advisable, adopt the New Zoning Code and New Zoning Map for R1, R1A, R2 and R3 Zone Districts; and

WHEREAS, the duration of the moratorium imposed by this ordinance is reasonable in length and is no longer than is required for the City to properly develop, adopt and implement the New Zoning Code and New Zoning Map for R1, R1A, R2 and R3 Zone Districts; and

WHEREAS, owners and developers of real property affected by this ordinance desiring to construct new structures will not be unfairly prejudiced by the imposition of the short, temporary moratorium proposed by this ordinance.

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

Section 1. A moratorium is imposed upon the acceptance and processing of applications for: (i) building permits for new one household, two household, multiple household, or accessory dwelling unit structures in the R1, R1A, R2 and R3 zone districts, (ii) building permits for the expansion of an existing one household, two household, multiple household, or accessory dwelling unit structure in the R1, R1A, R2 and R3 zone districts, and (iii) site development plan approval under Code Chapter 18.40 for new or expanded two household, multiple household, or accessory dwelling unit structures in the R1, R1A, R2 and R3 zone districts. This moratorium applies only to applications for new structures and expansions to existing structures; it shall not apply to remodeling work that does not result in an expansion to an existing structure.

Section 2. The moratorium imposed by this ordinance shall commence as of the effective date of this ordinance and shall expire 180 days thereafter, unless sooner repealed.

Section 3. No new allocations will be granted under Chapter 18.70 of the Code for the projects described in Section 1 until the moratorium imposed by this ordinance expires or is repealed.

Section 4. The City Council shall have the power to grant a special exception to the moratorium established in this ordinance, and to order the acceptance and processing of the applications identified in Section 1, that would otherwise be prohibited by this moratorium, if the following conditions are met, as determined in the sole satisfaction and discretion of City Council:

a) A written application for a special exception must be submitted to the City Clerk indicating the exact nature of the project proposed and the building permit and/or site development plan sought to be submitted, stating with particularity the circumstances of the undue, substantial hardship that the applicant will suffer if the special exception is not granted;

b) Within thirty (30) days of the City Clerk's receipt of a written application for a special exception, the City Council shall hold a public hearing on the application for a special exception. Notice

of such hearing shall be given by mail to the owner of the property, or its agent, at least seven (7) days prior to the public hearing. Notice of such hearing also shall be posted on the property and published in a newspaper with general circulation within the City of Golden at least seven (7) days prior to the public hearing.

c) City Council may grant the special exception if it finds all of the following:

(i) The acceptance and processing of the building permit or the site development plan is necessary to prevent undue, substantial hardship for the applicant; and

(ii) The acceptance and processing of the building permit or the site development plan will not affect the public interest or the purpose and reasons for this moratorium; and

(iii) The acceptance and processing of the building permit or site development plan will be in accordance with all of the ordinances and regulations of the City of Golden as if the moratorium were not in effect.

Section 5. The provisions of this ordinance and the moratorium imposed hereby shall not affect or otherwise prohibit the processing of applications for uses and proposals outside of the specific scope defined herein.

Section 6. 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 7. The repeal or modification of any provision of the Golden Municipal Code 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 8. This ordinance is deemed necessary for the protection of the health, welfare and safety of the community.

Introduced, read, passed and ordered published this 15th day of June, 2021.

Passed and adopted upon second reading and ordered published this 13th day of July, 2021.



Laura M. Weinberg
Mayor

ATTEST:

Monica S. Mendoza
Monica S. Mendoza, CMC
City Clerk

APPROVED AS TO FORM:

Kathie Guckenberger
Kathie Guckenberger (Jul 21, 2021 09:38 MDT)
Kathie B. Guckenberger
City Attorney

I, Monica S. Mendoza, 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 business meeting of the City Council of said city, held on the 15th day of June, 2021 and was published as a proposed ordinance on the city website as the law directs seven days or more prior to its passage. A public hearing was held on the 13th day of July, 2021, and the said proposed ordinance was read on second reading. The ordinance was passed by the City Council and ordered published on the City of Golden website, as the law directs on the 13th day of July, 2021.

Witness my hand and official seal of the City of Golden, Colorado, on the 13th day of July, 2021.



ATTEST:

MONICA S. MENDOZA
Monica S. Mendoza, City Clerk of the City of Golden,
Colorado

2165 for Moratorium re Households in R1, R1A, R2 and R3 revised 071421

Final Audit Report

2021-07-22

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Agreement completed.

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