



City of  
Golden

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## Council Memorandum

**To:** The Honorable Mayor and City Council  
**From:** Rick Muriby, Director of Community and Economic Development  
**Through:** Jason T Slowinski, City Manager  
**Date:** December 14, 2021  
**Re:** Possible Extension of Temporary R1, R2 and R3 Moratorium Related to Completion of the Zoning Code Rewrite Adoption Process

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**Purpose of Memo:** This memo is presented to Council as background for a potential extension of the temporary 180 day moratorium put in place in July of 2021 through the enactment of Ordinance 2165. This moratorium has prevented staff from accepting and processing residential land use applications in the R1, R2 and R3 zone districts, in order to provide more time for staff to complete the zoning code rewrite draft, receive additional public input and complete the zoning code and zoning map adoption process through Council.

The primary reason for Council to consider the possible extension of the moratorium is due to the extensive legal review of the second draft document that was needed in order to ensure the language used is enforceable, succinct, and compatible with the other chapters of the Municipal Code. This back and forth exchange of edits between the City Attorney and staff has created a much stronger third draft code document, but the process has required more time than originally scheduled in the project timeline. In addition, as directed by Council in the July 2021 study session, Planning Commission spent two of their study sessions in late 2021 reviewing the guidelines and standards language in the new code, and staff spent time crafting new language for these revisions.

### **Background:**

**Zoning Code Rewrite Update and Timeline:** The third draft of the zoning code rewrite document, as well as the revised zoning map, will be released on Guiding Golden in the first half of January 2022 to allow the public to comment in preparation for public hearings at Planning Commission and City Council as part of the adoption process. This third draft is reflective of the direction received from Council and Commission during the July 2021 study session, as well as the legal review process through the City Attorney's Office mentioned above.

During the late summer and early fall of 2021, staff also held a series of neighborhood open houses to present the proposed new zoning code map to the public, answer questions, and collect input. These meetings and the opportunity for public input were duplicated electronically on Guiding Golden as well. The meetings covered the North Neighborhoods; the downtown neighborhoods, including the 8<sup>th</sup> and 9<sup>th</sup> Street Historic District and the 12<sup>th</sup> Street Historic District; and the Central Neighborhoods, which includes the East Street Historic District, the Jackson and Ford Street corridors, the Golden High School area and all adjacent areas. As a result of these meetings, staff was able to get input on all of the form zones proposed in the new Chapter 18.29 and make a number of adjustments to the draft zoning map. This revised zoning map will be uploaded to Guiding Golden in early January for public comment as well, and Planning Commission will be conducting a study session in January to discuss the map revisions in more detail.

Staff proposes that the month of January be used as an opportunity for additional public review and for any further refinement of the third draft and the revised zoning map prior to the public hearing process. Depending on the extent and nature of the comments received, staff could potentially bring the zoning code and map to Planning Commission for public hearing and recommendation as early as March, and then a potential second reading/hearing at Council in April. As a result of this revised timeline, staff recommends an extension of the current moratorium for an additional 120 days, in order to have enough time to get through the public hearing process. This extension could be shortened or lengthened as needed, but this is staff's best prediction at present.

**Moratorium Ordinance Parameters:** With the above in mind, staff and the City Attorney have created a draft ordinance for Council consideration that extends the current temporary moratorium for an additional 120 days, in order to create the space needed to complete the zoning code rewrite adoption process. The moratorium extension would do the following:

- Prevent the submittal of building permits for new single household, accessory dwelling units, duplex and multifamily residential unit construction in the R1, R2 and R3 zone districts until such time as the code rewrite document is complete and the mapping for the neighborhood has also been adopted.
- Block the acceptance and processing of requests for site plan approval for duplex and multi-family residential projects.
- Prevent the submittal of any addition or new structure that would expand the footprint of above grade habitable living space. The remodel of existing square footage, as well as basement finish projects, would be exempt from the moratorium and allowed to submit for building permit and proceed with construction once approved.
- Allow a property owner to request an exception based upon a specific hardship, as defined in the Ordinance.

- Establish a 120-day moratorium extension as described above, with the understanding that it could be extended, if necessary, or shortened as the zoning code and map adoption process allows.

**Fiscal Impact:** As with most regulatory actions of the City, it is difficult to predict whether or not the code changes referenced above might have an effect on the City's fiscal resources.

**Community Impact:** The proposed moratorium extension, if limited in scope and duration as drafted, would likely create a positive overall impact by giving the community and staff the time needed to focus on the draft zoning code and zoning map, and better calibrate the rules of development with the vision of the Comprehensive Plan and Golden's community values.

**Sustainability Impact:** The sustainability elements of development activities are addressed in the existing code, and will continue to be addressed into the future. These code provisions are regularly reviewed, and have been amended as recently as 2021.

**Recommendations:** Staff recommends that Council conduct the public hearing on Ordinance 2172 on January 25, 2022 and take appropriate action.

**Attachment:**

Ordinance 2172 re: R1, R2 and R3 temporary moratorium extension proposal