

ORDINANCE NO. 1914

**AN ORDINANCE OF THE CITY OF GOLDEN
AMENDING PORTIONS OF CHAPTERS 18.04, 18.28,
AND 18.30 OF THE GOLDEN MUNICIPAL CODE
PERTAINING TO USE AND DENSITY REQUIREMENTS
FOR PROPERTY**

WHEREAS, Chapters 18.04, 18.28, and 18.30 of the Golden Municipal Code were enacted to establish regulations pertaining to the use of land in the City; and

WHEREAS, City Council wishes to amend certain provisions of Chapters 18.04, 18.28, and 18.30 to address currently un-named uses and to clarify certain setback, lot width and accessory building height requirements.

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

Section 1. Chapter 18.04, Definitions, shall be amended by the repeal and reenactment of Section 18.04.020 as follows, and the reformatting of sections 18.04.025 through 18.04.205 to remove the section numbers for individual definitions, replacing the current formatting with an alphabetic listing of the definitions.

18.04.020. Definition of terms. For the purpose of this Title, the below listed terms and words shall have the meaning ascribed to them herein.

Section 2. Section 18.04.020 Definition of terms is hereby amended by the enactment of the following definitions and their insertion in the appropriate location within the alphabetic listing of definitions:

Micro brewery. "Micro brewery" means an establishment, licensed by the appropriate state and/or federal authorities, where malt liquors are manufactured, and packaged and distributed on or off-premises, with manufacturing not to exceed fifteen thousand (15,000) barrels of malt liquor on its licensed premises each calendar year.

Micro distillery. "Micro distillery" means a business, licensed by the appropriate state and/or federal authorities, typically known as a craft or designer distillery that manufactures spirituous liquors on site for distribution on or off premises in quantities not to exceed 200 barrels of finished product per year.

Micro winery. "Micro winery" means a facility, licensed by appropriate state and/or federal authorities, for the production of wine not to exceed 1,000 cases per year for distribution on or off premises.

Solar Garden. "Solar garden" means a solar energy system, other than as installed to serve a principal use on the property, composed of a solar energy collector which may include an energy storage facility, and components for the transmission and distribution of transformed energy.

Section 3. Section 18.28.030, Uses permitted in all zone districts, is hereby amended by the enactment of subsection (6) as follows:

- 18.28.030(6) Solar garden with a rated capacity of 100kW or less, subject to the following:
- a. Commercial and industrial districts must observe a 5 foot minimum front setback.
 - b. Streetscape improvements required as per site development regulations in Chapter 18.40 of the Municipal Code.
 - c. Ground-mounted solar energy collectors may not be located within utility easements or drainage easements unless authorized in writing by easement holder.
 - d. Roof-mounted systems may be mounted on any legally conforming structure, subject to review through the building permit process. Roof-mounted systems shall be mounted as flush as possible to the roof.

Section 4. Section 18.28.040, Uses permitted in all zone districts subject to a special use permit, is hereby amended by the enactment of subsection (9) as follows:

- 18.28.040(9) Solar garden with a rated capacity greater than 100kW, subject to the following:
- a. Commercial and industrial districts must observe a 5 foot minimum front setback.
 - b. Streetscape improvements required as per site development regulations in Chapter 18.40 of the Municipal Code.
 - c. Ground-mounted solar energy collectors may not be located within utility easements or drainage easements unless authorized in writing by easement holder.
 - d. A Planning Commission finding of no significant adverse visual impact on the natural features or neighborhood character of the surrounding area.
 - e. A Planning Commission finding that the proposal is located to minimize glare on adjacent properties and roadways.
 - f. Roof-mounted systems may be mounted on any legally conforming structure, subject to review through the building permit process.
 - g. The rated capacity shall not exceed 500kw, except that for properties within the R3, C1, C2, M1, and M2 districts, Planning Commission may authorize a Solar Garden with a rated capacity greater than 500kW that meets the criteria above and in Chapter 18.30, and further provided that the minimum lot size for an installation in the R3 district shall be one acre.

Section 5. Section 18.28.150, Uses permitted by right in the C-1 district, is hereby amended by the enactment of a new subsection (4) as follows and the renumbering of current subsections 4 through 11:

18.28.150(4) Micro breweries, micro distilleries and micro wineries.

Section 6. Section 18.28.200, Lot, bulk, and setback regulations for the AG, RE, R1, R1A, R2, R3, and RM districts is repealed and re-enacted in its entirety as follows:

18.28.200 Lot, bulk, and setback regulations for the AG, RE, R1, R1A, R2, R3 and RM districts. All AG, RE, R1, R1A, R2, R3 and RM, districts shall comply with the following density schedule as well as all relevant provisions in the subsections of this section:

Lot, Bulk and Setback

		AG Agriculture	RE-One Household	R1 & R1A One Household	R2-One or Two Household	R2-Three or Four Household	R3 One or Two Household	R3- Three and Four Household	R3 Multiple Household High	RM Mobile Home
(1)	Min. Lot Area (sq. ft. or acres)	3 acres	9,000	7,000	7,000	9,000	7,000	9,000	10,500	5 acres
(2)	Min. Lot area (per dwelling unit)	3 acres	9,000	7,000	3,500	3,000	3,500	3,000	2,100	3,500
(3)	Min. Lot Frontages (ft.)	150	75	50	50	75	50	75	75	40
(4)	Min. Front Setback (ft.)	20	20	15	15	20	15	20	20	10
(5)	Min. Side Setback (ft.)	15	10	5	5	10	5	10	20	5
(6)	Min. Rear Setback (ft.)	20	20	10	10	20	10	20	20	10
(7)	Max. Height Principal Bldg. (ft.)	35	25	30	30	35	30	35	35	35
(8)	Max Height Accessory	35	15	20	20	20	25	25	25	15

	ry Bldg. (ft.)									
(9)	Equivalen nt Density (units/ac re)	0.33	4.8	6.2	12.5	14.5	12.5	14.5	20.8	12.5

(a) Accessory buildings shall have the same front setback requirements as the principal building, except that private garage vehicle entrances shall be setback a minimum of 20 feet from the front property line.

(b) Accessory buildings may have side and rear setback of 5 feet from the property line.

(c) For properties within the RE, R-1, R-1A, R-2, and R-3 zone districts, individual accessory structures, and the aggregate total lot coverage of accessory structures shall not exceed 10% of the lot area.

(d) No dwellings shall be constructed with a height above grade of less than ten feet.

(e) The maximum structure height of the applicable zoning district shall not apply to commercial telecommunications sites permitted pursuant to Section 18.28.040 of the Golden Municipal Code.

(f) Minimum lot frontage, if applicable, for an attached wall, two household dwelling unit, in the R2 or R3 district, shall be thirty (30) feet, however, the combined lot frontage for both lots shall be at least sixty (60) feet.

(g) Minimum lot frontage, if applicable, for an attached wall, multiple household dwelling structure of more than two units, with each living unit located on separate but adjacent lots, in the R2 or R3 district shall be twenty (20) feet, however, the combined lot frontage for all lots upon which the structure is located shall be at least seventy-five (75) feet.

(h) Setbacks.

(1) Cornices, canopies, eaves or similar architectural features may extend into a required setback not more than two feet, provided that all applicable building code requirements are met. Similar architectural features shall not include bay windows or any form of usable living area.

(2) Fire escapes may extend into a required setback not more than six feet provided that all applicable building code requirements are met.

(3) The setback along both street sides of a corner lot shall be not less than the required front setback for principal buildings along such streets.

(4) The side setback for an attached wall, two household dwelling shall be zero (0) feet on the attached side of the lot, provided that all other setback requirements are met.

(5) The side and rear setback for an attached wall, multiple household dwelling structure of more than two units in the R-2 and R-3 districts shall be zero (0) feet, provided that all of the following conditions are met:

(a) Each dwelling unit is located on a separate and distinct lot.

(b) There is maintained an open space, free of other structures and public streets, between the structure and any other lot lines no less than the otherwise applicable

setback. Such open space shall be located only upon the lots upon which the structure is located and adjacent tracts which are designated as a common area, common open space or equivalent.

Section 7. Section 18.28.210, Bulk and height schedule for the RC, C1, C2, M1, and M2 districts, is repealed and re-enacted in its entirety as follows:

18.28.210 Bulk and height schedule for the RC, C1, C2, M1 and M2 districts.
All RC, C1, C2, M1 and M2 districts shall comply with the following density schedule:

		RC-C1	C2 General Commercial	M1 Limited Industrial	M2 General Industrial
(1)	Maximum Height of Buildings (feet)	50	50	35	65
(2)	Minimum Front Setback (ft. from property line)	5	5	5	5
(3)	Minimum Side Setback (feet)	-0-	-0-	0	0
(4)	Minimum Rear Setback	-0-	-0-	0	0
(5)	Minimum Rear Setback from Alley	5	5	5	5

(a) Where provided in the site development standards of Chapter 18.40, the front setback shall be 0 feet.

(b) When adjacent to a residential zoned area, an additional buffer area as required by Chapter 18.40 shall be provided.

(c) The height limitations of this section shall not apply to church spires, belfries, cupolas, nor to chimneys, ventilators, skylights, water tanks, parapet walls, cornices without windows, antennas or necessary mechanical appurtenances carried above the roof level.

(d) Setbacks.

(1) Cornices, canopies, eaves or similar architectural features may extend into a required setback not more than two feet.

(2) Fire escapes may extend into a required setback not more than six feet.

(3) The setback along both street sides of a corner lot shall be not less than the required front setback for principal buildings along such streets.

(e) The maximum structure height of the applicable zoning district shall not apply to non-commercial telecommunications sites permitted pursuant to Section 18.28.040 of the Golden Municipal Code.

Section 8. Section 18.30.020, Specific procedure, is hereby amended by the enactment of subsections (8)(i) and (8)(j) as follows:

18.30.020(8)(i) Lighting for outdoor facilities identified in Section 18.34.080.

18.30.020(8)(j) Solar Garden

Section 9 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 10 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 11 This ordinance is deemed necessary for the protection of health, welfare and safety of the community.

Section 12 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.

Introduced, read, passed and ordered published this 26th day of January, 2012.

Passed and adopted upon second reading and ordered published this 9th day of February, 2012.


Marjorie N. Sloan
Mayor

Ordinance No. 1914

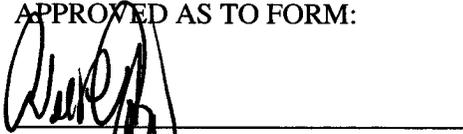
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ATTEST:



Susan M. Brooks, MMC
City Clerk

APPROVED AS TO FORM:



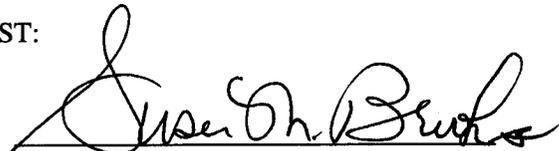
David S. Williamson
City Attorney

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 business meeting of the City Council of said city, held on the 26th day of January, 2012, 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 the 9th day of February, 2012, and the said proposed ordinance was read on second reading. The ordinance was passed by the City Council and ordered published in the aforesaid newspaper, as the law directs on the 9th day of February, 2012.

Witness my hand and official seal of the City of Golden, Colorado, this 10th day of February, 2012.

(SEAL)

ATTEST:



Susan M. Brooks, MMC, City Clerk of
the City of Golden, Colorado