



City of  
Golden

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## Council Memorandum

**To:** The Honorable Mayor and City Council

**From:** Cory Miller, City Planner

**Through:** Steve Glueck, Director of Community and Economic Development  
and Jason Slowinski, City Manager

**Date:** May 10, 2019

**Re:** Ordinance 2110 -- Title 18 Code Changes Pertaining to Residential Development

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### **Purpose of Agenda Item:**

This item is presented to City Council pursuant to ongoing efforts to improve the character of future residential development within the City of Golden. Further, this proposal was created in response to public feedback related to new two-family and multi-family development in the north R-2 neighborhood. All amendments contained within shall reduce the bulk, both vertical and horizontal, on new structural improvements in the R-2 and R-3 zone districts. Staff offers these amendments in conformance with the goals of the North Neighborhoods Plan which includes the following excerpts:

- New and infill development should complement existing character and enhance existing amenities and pedestrian connections
- Seek to maintain the character and integrity of the existing single-family areas
- Facilitate form based infill residential development based primarily upon design, scale and character, allowing the diversity of density permitted in adjacent or nearby portions of the specific sub areas.

The zoning amendments presented in this document represent Phase 1 of a larger rezoning effort. The Phase 1 updates are considered straightforward but carry broad support from both the public and Planning Commission members. Phase 2 of this effort, which will be presented at a later date, may include additional code changes related to the development of elevated decks (rooftop decks), lot consolidation and subdivisions, and additional regulations for the R-3 zone district. Commission felt that the topics identified in Phase 2 (see below) needed more research and discussion prior to making a proposal to Council, and therefore has chosen to move the Phase 1 updates forward at this time.

**Background:** In 2018, a group of residents met with members of the planning division and City Council to discuss concerns related to the design of recent duplexes and multi-household structures in the north neighborhoods. In a memo provided to the City of Golden Planning Division (dated 6-4-18), the citizen group expressed compatibility concerns and provided a list of concepts for the planning division to explore as potential updates to the R-2 zoning district in the area. In addition, it was discussed that the North Neighborhoods Plan calls for future development that conforms to the existing structures in the neighborhood.

Over the course of the fall of 2018 and into the spring of 2019, planning staff conducted a survey as well as a community meeting to evaluate new, performance based standards that could be applied to future two household and multi-household development. Several topics were surveyed for feedback from this neighborhood's residents and the results were discussed with the neighborhood during a community meeting held on March 14<sup>th</sup>.

In addition, planning staff met with Commission on three separate occasions to discuss potential zoning amendments, their impacts, and the results of the community outreach. A report, delivered to the Planning Commission in March, is attached to this memorandum that provides an in depth summary of the process, the survey and its results, the neighborhood meetings, and study sessions with Commission.

During the April 3rd study session, Commission discussed the results of the survey process, as well as staff's zoning recommendations, before offering specific zoning amendment recommendations to City Council. Prior to the commencement of this meeting, Planning Commission took public comment from the audience, as requested by the residents of the north neighborhoods. Those who provided comment were unanimously in favor of the proposal offered by staff at the March 14th community meeting.

It should also be noted that although this process began as an assessment of the zoning regulations in the north neighborhoods R2 zone district, it has since grown to include all of the R2 zoning in the City of Golden and some specific uses within the R3 zone district.

**Moratorium:** Residents from the Golden community met with staff, Commission, and individual Councilors on numerous occasions to discuss both the bulk concerns on new residential development as well as the moratorium that was enacted by Council in March (Ordinance 2104).

Since the Phase 1 code changes now before Council specifically address the concerns with duplex development, staff recommends that the moratorium on two-household development be lifted upon approval of these changes, which include the phase 1 zoning amendments. This would allow development for two-household structures in the R-2 and R-3 zone districts to proceed once the changes take effect.

**Section 8** of the draft ordinance provides language that authorizes the restriction on two-household development, as described above, be lifted from the active moratorium.

### **Proposed Zoning Amendments / Phase 1 Changes:**

Planning Staff, along with recommendations from the Planning Commission, offers the following code changes:

#### **Section 1 and Section 2 of the Ordinance amend Section 18.12, Appeals and Variances**

Section 18.12.50 will be updated to allow applicants, and residents entitled to public notice, to appeal a variance determination from the Planning Commission to City Council.

Section 18.12.60 shall be added to allow any determination of City Council to be appealed to municipal court. This provision was previously found under Section 18.12.50.

#### **Section 3 of the Ordinance amends Section 18.28.200, Lot, Bulk and Setback Regulations for the AG, RE, R1, R1A, R2, R3, and RM Districts**

##### **Maximum Lot Coverage**

A 50% maximum lot coverage on all development (single-family and multi-family) in the R-2 zone district, as well as duplex (two-family) developments in the R-3 zone district is recommended.

Section 18.28.200(4) Lot coverage, has been updated to add subsection (C) that will add the 50% maximum lot coverage to the properties described above.

##### **Multi-household 35' Building Height Bonus**

Staff and Planning Commission recommend elimination of the 5 foot height bonus on all two-household and multi-household development in the R-2 zone district. This will also apply to R-3 zoning, but an exception shall remain for developments in the R3 zone district that are developed on properties with more than 10,500 square feet. In this scenario, a maximum building height of 35 feet shall be granted if the height bonus criteria have been met and approved by Planning Commission.

The table found at the beginning of Section 18.28.200 has been updated to eliminate a maximum building height of 35 feet for three-household and four-household structures in the R-2 and R-3 zone districts. If the proposed ordinance is approved, the proposed building height shall read 30 [feet]. The column reserved for R3 *high density* properties shall remain 35 feet for a maximum building height.

To further explain the exception for higher density, R3 properties, Section 18.28.200(2) Building height, shall be updated to indicate a maximum building of 35 feet for principal buildings on properties greater than 10,500 square feet in the R-3 zone district if the height bonus criteria has been met and approved by Planning Commission. All previous references to a 35 maximum building height for three and four family households on properties less than 10,500 square feet in R3, have been eliminated.

#### *Graduated Setbacks (Bulk Plane Requirements)*

The Planning Division, with support from the Planning Commission, propose a bulk plane restriction to reduce the vertical bulk of future developments. The proposed regulation triggers a bulk plane slope of 45 degrees to be applied to the side property lines at a height of 15'. Per the regulation, no structural improvements shall be permitted above the bulk plane slope. 15' shall be the requirement for initiating the bulk plane slope on traditional 50' wide lots. For every 10' additional feet in lot width, it is proposed to lower the graduated setback initiation point by 5' above the property line.

Section 18.28.200 of the City of Golden code shall be updated to add subsection (6) to include the bulk plane slope requirements.

#### *Front Porch*

Planning Staff and Planning Commission recommend requiring a front porch construction on all residential developments in the R-2 zone district and for future two-family developments in the R-3 zone district.

Section 18.28.200 of the City of Golden code shall be updated to add subsection (7) to include the front porch requirements.

#### ***Section 4 of the Ordinance amends Section 18.40.020(1), Applicability of the Site Development Regulations***

Section 18.40.020 – Applicability of the site development regulations, shall be updated to require a site plan approval for the following scenario:

- Two-household dwellings or more located on adjoining lots under a single owner, common ownership or if there is affiliation with such ownership.

#### ***Section 5, 6, and 7 of the Ordinance amends Section 18.40.040, Site Development Regulations***

*Section 18.40.040(1) – Has been updated to correctly reference the procedures for notification upon receipt of site development plan application.*

*Section 18.40.040(2) – Review procedures and requirements for approval, shall be updated to eliminate reference to certain properties within the R-2 zone district from receiving a height bonus if they accommodate certain design standards. Specifically, Section 18.40.040(2) shall be amended.*

*Section 18.40.300 – Pre-application procedures, will be updated to require a neighborhood meeting prior to site development plan approval. This process shall follow the regulations established in other sections of the Code where neighborhood meetings are required (e.g. Special Use Permits). The requirement for a neighborhood meeting for site development plans may be waived by the director.*

**Fiscal Impact:** These updates are intended to improve neighborhood character, and should not result in a measurable negative fiscal impact to the City.

**Community Impact:** These updates are intended to respond to community values by addressing neighborhood concerns related to the zoning code to improve compatibility with neighborhood character, while remaining consistent with Golden Vision 2030, the Comprehensive Plan and the North Neighborhoods Plan.

**Community Outreach:** Many residents of the North Neighborhoods have been actively involved in this process, which includes written comments, meetings with staff, and attendance at Planning Commission meetings.

**Alternatives:** Any action by Council on this request is discretionary. Council may wish to consider adoption of any of the proposed code changes, or direct further review or discussion.

**Recommendations:** Staff recommends that City Council have first reading on May 23<sup>rd</sup>, and conduct a public hearing on an ordinance enacting the above phase 1 changes on June 13, 2019, and based upon that hearing take appropriate action regarding this matter.

Attachments:

- Ordinance 2110