



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: June 20, 2019

Re: Ordinance 2114 -- Title 17 & 18 Code Changes Pertaining to Subdivision and Residential Development

Purpose of Agenda Item:

This item is presented to City Council pursuant to ongoing efforts to improve the compatibility of future residential development within the City of Golden. This specific proposal was created in response to public feedback related to new two-family and multi-family development. In addition, Staff offers these amendments in conformance with the goals of Golden's Neighborhoods Plan, which prioritize the conformance of new development with the existing character of the community.

The zoning amendments presented in this document represent Phase 2 of 2 of the residential zoning code update. The Phase 1 updates were approved by City Council through Ordinance 2110 on June 13th, 2019.

Background:

During their April 3rd study session, Planning Commission discussed several zoning code updates to address concerns of new development in Golden's residential neighborhoods. Some of these recommendations were presented to Council in Ordinance 2110 that included: a maximum lot coverage requirement, front porch requirements, a height bonus elimination, and vertical bulk plane restrictions.

However, there were additional items discussed in the April 3rd study session that Commission felt needed more time to develop correctly prior to review by Council. These items were considered "phase 2" elements to be introduced later in the summer but before the expiration of the limited moratorium in early August.

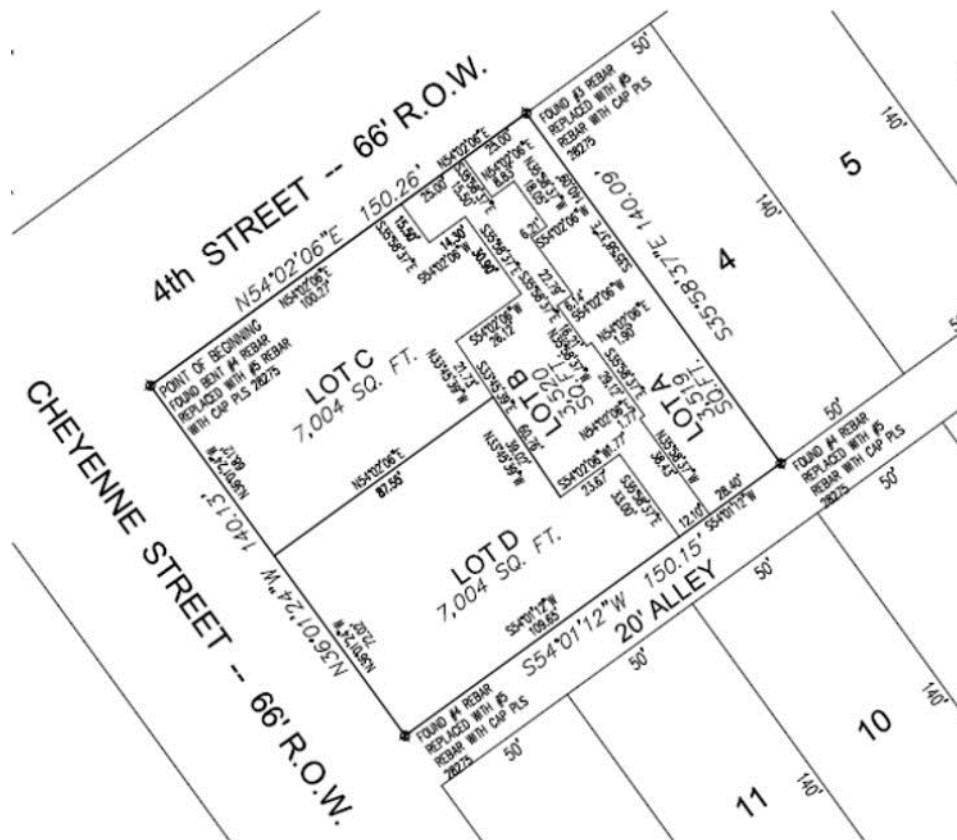
Commission convened again in a May study session to discuss phase 2 regulations. These items represent the remainder of Commission's recommendations for the code updates as they relate to Ordinance 2104 that placed a temporary moratorium on new multi-household development.

The following items are offered to Council as part of the phase 2 effort.

Minor subdivision restrictions

In the May 15th study session, Commission and staff discussed methods to prevent subdivisions of land that would result in oddly configured lots. Lot configurations with unique shapes (square and rectangle being the standard) are occasionally used in developments to side step prescriptive zoning requirements. The best example of this abuse is the Buscarello Subdivision identified in the example below. The lots approved in this development allowed the developer to create additional lot area along the side lot line that resulted in multiple lot widths and setback points.

In addition, the Buscarello Subdivision permits an access easement to serve a neighboring development. Rather than dedicating this area to the neighboring lot, the development cleverly created additional area for lot D and ultimately, a much larger duplex development. This type of subdivision abuse will make it difficult to enforce our new bulk standards approved in Phase 1. Therefore Staff and Commission propose to limit the overall number of lot boundaries to six (6) total for administratively processed minor plats. In addition, a regulation would be added to prevent the use of easements to increase the area of a lot in future subdivisions.



Buscarello Subdivision

Vertical Bulk Plane Encroachments

It is common for small structural elements of a residence to encroach into a building's setback. For instance, the eave of a structure's roof may at times encroach into the side yard setback, or the mechanical equipment on the roof may exceed the maximum building height for the zone district. Zoning codes including Golden's, permit these minor building elements to encroach into the bulk restrictions for the zone district by a few feet so long as the main bulk of the structure is conforming.

Staff with Commission's recommendation would permit certain architectural elements and mechanical equipment to encroach into the vertical bulk plan restriction that was enacted through phase 1 (Ordinance 2110), up to 2 feet and 5 feet respectively.

Rooftop Decks

Rooftop decks have been discussed during many of the previous Commission study sessions and with the community through our rezoning outreach process. Ultimately, Commission determined that they do not want decking areas permitted above the maximum building height of a residence (30 feet) in the R2 zone district. Further, the maximum building height for the decked area shall be no higher than 22 feet above grade. However, roof top decks will be permitted on any side of the structure (front,

side, and rear) so long as they do not encroach into the bulk plane. Finally, staff and Commission recommend roof top decks be permitted on both the primary and accessory structure of a property.

These standards shall be applied to all residential development in the R-2 zone district but be specifically limited to two-household (duplex) development in the R-3 zone district.

Special Use Permits in C-1 and C-2 for 100% Residential Developments

The C-1 and C-2 zone districts permit a mix of uses that includes both residential and commercial development. These mixed use zone districts state that at least 25% percent of any residential development must include a commercial component unless a SUP is approved by Planning Commission. Furthermore, the special use permit (SUP) process in the C-1 and C-2 zone districts permits 100% residential developments on commercially zoned lots, if Commission finds that the applicable code criteria are met.

In the past several years, developers have been taking advantage of the SUP process because it allows for a 100% residential development with less restrictive height and setback requirements than those found in the residential zone districts in Golden. Therefore, one is able to develop a much larger residential development in the commercial districts than would be permitted elsewhere in the City. The planning division has been striving to make the SUP process for these developments stricter as several commercial properties have developed residential in the past.

To counter this trend, Staff and Commission propose regulations that would require 100% residential developments (permitted through the SUP process) to conform to the bulk standards of the R3 zone district. This shall be required for both the C-1 and C-2 zone district where this type of SUP is permitted. Properties in the C-1 or C-2 district that are also located in Height Zone B and C of the downtown district shall specifically be required to follow the bulk standards of the CMU zoning as it is more reflective of downtown Golden's bulk and scale.

Moratorium:

On June 13th City Council adopted Ordinance No. 2110. Upon approval of this ordinance specific restrictions related to a temporary moratorium on new two household development were lifted. Specifically, the issuance of building permits for new two-household developments (duplexes) as well as the acceptance of applications for variances for two-household developments are now permitted. The remaining portions of the moratorium related to the acceptance of applications for site development plans and building permits for multi-household development (three or more) remain in place until the moratorium expires in early August, 2019. In addition, the acceptance of applications and/or issuance of a special use permit for a 100% residential development in the C1 and C2 zone districts shall also remain until early

August unless further action is required for the regulations presented in this Ordinance 2114.

Proposed Zoning Amendments / Phase 2 Changes:

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

Section 1 of the Ordinance shall amend Section 17.40.020, Residential Subdivision Standards

Staff recommends that future minor subdivisions of real property be restricted to simple lot shape configurations that are consistent with the established lot layout of the neighborhoods they occupy. This will prevent developers from utilizing convoluted lot formations as a tool to create excessively large developments.

Section 17.40.020 will be updated to limit Minor Subdivisions to no more than six (6) total lot lines.

For reference, one of the lots provided on the Buscarello Subdivision example has 20 total lot lines (sides).

Section 2 of the Ordinance amends Section 17.70.130, Required Information [on subdivision plats]

Staff recommends an update to Section 17.70.130 to require all subdivisions (major and minor) to identify private and public easements on the plat document when submitted.

This provision will aid staff in identifying situations where development seeks to utilize easements as tools to expand lot sizes and push back property setbacks.

Section 3 of the Ordinance amends Section 18.20.200, Lot, Bulk, and Setback Regulations for the AG, RE, R1, R1A, R2, and RM districts

Vertical Bulk Plane Encroachments

As mentioned above, it is common to allow smaller elements of architectural design to encroach into the standard building setback or the maximum building height. Staff and Planning Commission feel that these elements should also be permitted to extend into the new vertical bulk plane restriction approved in Ordinance 2110.

Section 18.28.200(6) has been updated to add subsection (e) to provide information on what types of elements shall be permitted to encroach into the Bulk Plane and to what degree.

Residential Roof Decks

Section 18.28.200 of the City of Golden code shall be updated to add subsection (7) to include regulations regarding the construction and installation for roof top decks per the description provided above.

Section 4 of the Ordinance amends Section 18.28.210, Bulk and height schedule for the RC, C1, C2, M1, and M2 districts (specifically as it relates to SUP permits in the C-1 and C-2 zone districts)

In order to enhance the presence of 100% multi-family developments in commercial districts, staff recommends requiring setback and open space regulations that will match Golden's residential zone districts. For the majority of the C-1 and C-2 zone districts, 100% multi-family SUPs will follow the bulk standards of the R3 zone district. However, for those properties located in Height Zone B & C of the downtown area, the CMU bulk standards related to setbacks and open space will be applied. This will ensure that residential development within the downtown area better conforms to the character of this more pedestrian focused environment. This change to residential SUPs in commercial zone districts does not impact residential structures within a horizontal mixed use project, as long as the 25% commercial requirement is achieved and the property is under unified ownership.

Section 18.28.210 shall be updated to add subsection (e) that requires residential multifamily uses permitted as a special use in C-1 and C-2 zone districts to meet the standards of the density schedule listed in section 18.28.200 (R-3 zone district). This section also specifies that properties located in Height Zones B and C of the downtown area shall meet the setback, building height, and opens space standards currently applied to CMU residential SUPs.

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 July 11, 2019, and conduct a public hearing on an ordinance enacting the above phase 2 changes on July 25, 2019 and, based upon that hearing, take appropriate action regarding this matter.

Attachments:

- Ordinance 2114
- Exhibit A