



City of  
Golden

911 10<sup>TH</sup> ST. GOLDEN, CO 80401  
TEL: 303-384-8000  
FAX: 303-384-8001  
WWW.CITYOFGOLDEN.NET

# Memo

To: Planning Commission  
From: Cory Miller, City Planner  
Date: May 28, 2019  
Re: Phase 2 Residential Zoning Amendments

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## **Purpose of Agenda Item**

During the study session meeting on May 15, 2019, Planning Commission considered additional changes to Chapter 18 of the Golden Municipal Code regarding residential zoning. In addition, changes to Chapter 17 of the Golden Municipal Code were discussed to improve lot design on future subdivisions. Commission provided direct guidance to staff to create draft code language to address these changes, which include the following topics:

- Lot design regulations for future subdivisions of land
- Regulations for permissible bulk plane encroachments
- Regulations for rooftop decks as permitted in the residential zone districts
- New density standards for residential multifamily uses permitted as a special use in the C-1 and C-2 zone district.

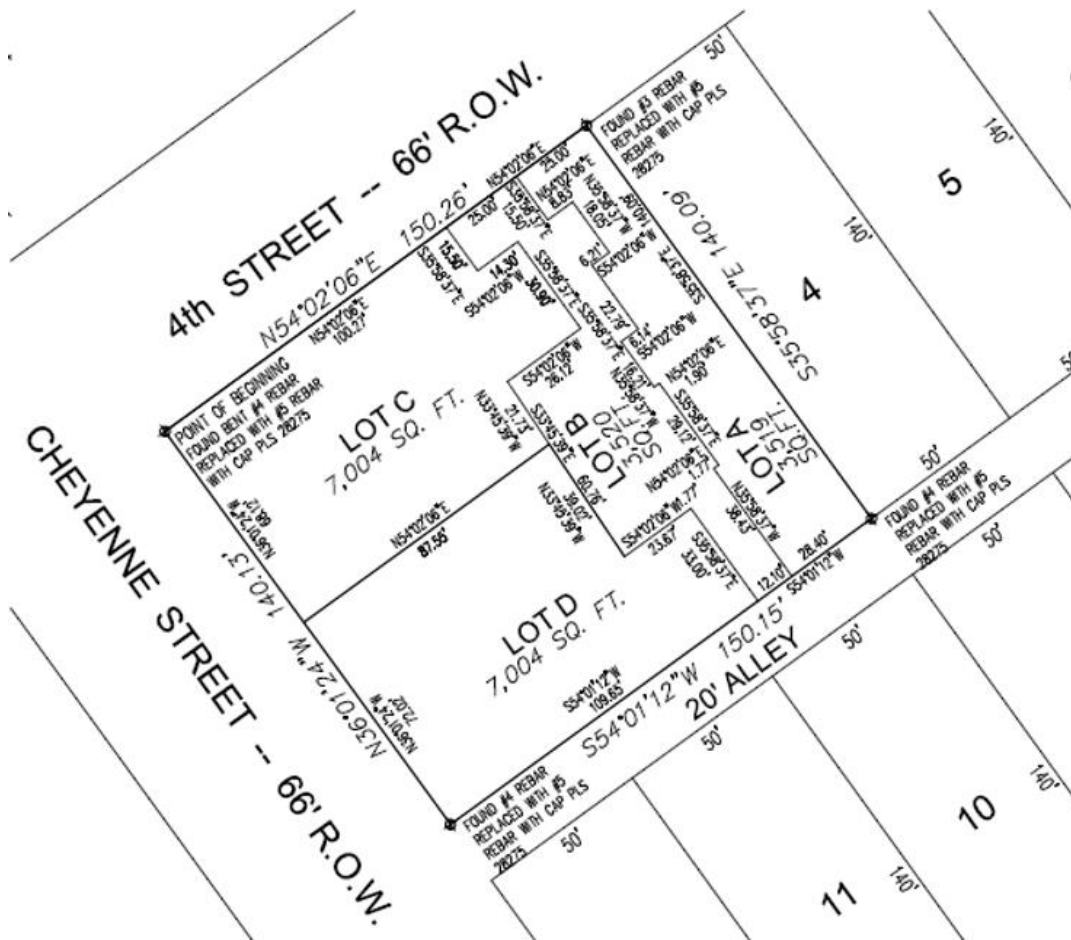
The requested code language has been included as an attachment to this memo with each updated addition and/or omission highlighted in red. Each code update has been briefly summarized below along with additional research regarding methods for regulating dormer design and preserving existing structures in the residential R2 neighborhoods.

## **Lot Form Restrictions – Subdivision Update (Amendments to Section 17.40.200)**

In the May 15<sup>th</sup> 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 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 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 for Buscarello.

This type of subdivision abuse will make it difficult to enforce our new bulk standards. Therefore Staff and Commission propose to limit the overall number of lot boundaries to six (6) total. In addition, a regulation will be added to prevent the use of easements to increase the area of a lot in future subdivisions.



**New density standards for residential multifamily uses permitted as a special use in the C-1 and C-2 zone district. (Amendments to Section 18.28.200(1)(j), 18.28.210 & 18.40.664)**

Planning Commission determined that 100% residential developments, permitted with a special use permit in the commercial mixed use zone districts, shall be required to follow the general zoning standards of either the R-3 zone district or the new CMU zoning in certain circumstances.

100% residential uses permitted by SUP in the C1 & C2 zone district shall follow the R-3 zone district's requirements for bulk and density unless those properties are located in Height Zone B and C of the downtown area. These properties shall meet the standards for density as prescribed in the CMU zone district (Section 18.40.724).

### **Permitted Bulk Plane Restrictions (Addition of Section 18.28.200(6)(e))**

As discussed on May 15<sup>th</sup>, Planning Commission recommended that a section be added to the new bulk plan restrictions (18.28.200(6)) to permit specific elements of a development to encroach into the new bulk plane restrictions. These elements include improvements such as cornices, canopies, eaves, or similar architectural features. Staff has included draft language through an update to Section 18.28.200(6) to address this issue.

Commission also requested staff provide examples from other jurisdictions or planning documents that indicate how the design of residential dormers can be regulated in zoning code. As long as proper restrictions are applied to their design, they may also be permitted to break the bulk plane. Staff has not provided specific code language with regard to dormers, but offers this approach for Commission discussion.

Please see the attached examples from the City of Cambridge Massachusetts and City of Boulder. The City of Boulder example specifically addresses dormer encroaching into the bulk plane.

### **Rooftop Decks (Addition of Section 18.28.200(7))**

Rooftop decks have been discussed during many of the previous Commission study sessions. Ultimately, Commission determined that they do not want decking areas permitted above the maximum building height of a residence. Further, the maximum building height for the decked area shall be no higher than 22 feet above grade, however, they are permitted on any side of the structure (front, side, and rear) so long as they do not encroach into the bulk plane.

A new section has been added to Section 18.28 to regulate Residential Roof Decks per previous discussion. Please find the referenced section in the attached code language update.

### **Incentives for Residential Preservation**

Planning Commission and Staff have discussed potential benefits of preserving existing housing stock in the R2 zone district. These benefits largely include the prevention of scraped homes replaced with new construction. It can be argued that if a home is repurposed with elements of the existing structure, it will aid in preserving character in the specific neighborhood.

Since the last study session staff has reviewed historic code examples to determine ways to incentivize the preservation of existing structures perhaps through a relaxation of the bulk standards that are to be considered by Council in phase 1. For example, historic review sometimes allows for improvements or alterations of a built structure to obtain a building permit if the proposed changes represent a small area or percentage of the overall structure's façade. If the proposed development exceeds the set percentage prescribed in the code, it then triggers conformance with historic design guidelines. This percentage is often set at 10% of the overall structure.

This scenario could be applied to the proposed code updates to relieve the applicant from the vertical bulk plane restriction and/or a maximum lot coverage regulation. These standards could be reduced/waived if the existing structure undergoing redevelopment does not exceed a set percentage of the overall structural area.

- Example
  - If at a minimum, 50% of the existing structure's foundation and façade are preserved, the applicant may forego the vertical bulk standards and maximum lot coverage regulations identified in section XXXXX

This style of incentive does not need to specifically apply to a percentage of the property. It could also specifically target relief from one of the established design standard so long as specific conditions are satisfied.

- Example 1
  - If the applicant wishes to build a vertical extension above an existing single-family household, they may forego the vertical bulk plane restrictions so long as the original foundation is not expanded beyond what is necessary to accommodate the structural load of the additional improvements.
- Example 2
  - If the applicant wishes to construct an extension to the ground floor improvements on an existing home, they may forego the maximum lot coverage restriction so long as the proposed extension is of a single-story design. [In other words, any additional improvements above 50% must be single-story.]

Regardless of the examples provided above, Staff does not support a relaxation of the vertical bulk plane restrictions to incentivize the preservation of existing structures. The results of the survey and community meeting were clear, residents in Golden do not wish to see any accommodation or relaxation of the zoning code that will increase the vertical scale, height, or bulk of residential developments in the R2 neighborhood.

Staff has not made a determination as to whether a relaxation of the vertical bulk standards could be considered for the R3 neighborhood where the intent of the zone district is higher density development.

With that said, staff feels more comfortable accommodating relief from the maximum lot coverage requirement. However, staff feels that any additional accommodation should remain finite. For example, the maximum lot coverage could be waived so long as the total finished floor area of the structure does not increase by more than 100% on lots where the existing structure is preserved. In addition, any horizontal extension of the building's footprint should remain single-story in design. Staff also envisions a scenario where the additional lot coverage may be granted to accommodate a second or third story if the original structure is single-story and remains single-story upon completion of the new improvements.

Staff recommends more time to research and expand these preservation concepts. They are important, but not directly tied to the key issues presented in the moratorium language or through the public outreach process.

### **Recommendation**

Staff is seeking any additional feedback from Commission regarding the proposed updates to Chapter 17 and 18, and, if appropriate, a recommendation to Council. Staff is also seeking feedback regarding future regulations for dormers encroaching into the bulk plane, as well as preservation of existing structures in residential zoned areas.

### **Attachments:**

Updated code language  
Dormer regulation examples