

ARTICLE 1: GENERAL

17-1-1. TITLE. This ordinance shall be known and cited as the "Zoning Ordinance" or the "Zoning Ordinance of the City of Lakewood, Colorado."

17-1-2. PURPOSE. Pursuant to statutory authority, this Ordinance is enacted for the following purposes:

- (1) To promote the health, safety, order, convenience, prosperity and welfare of the present and future inhabitants of the City of Lakewood.
- (2) To lessen the impact of traffic and congestion in the streets and roads, to secure safety from fire and other dangers, and to provide adequate sun, light and air.
- (3) To provide for the classification of land uses and the distribution of land development within and utilization of those land uses.
- (4) To avoid undue congestion of population, to facilitate the adequate provision of transportation, water, schools, sewerage, and other public requirements and to promote energy conservation.
- (5) To accomplish the purposes of the City's Comprehensive Plan and of the zoning maps adopted herein.
- (6) To promote vehicle and pedestrian safety.
- (7) To enhance the appearance of the City, promote good civic design and arrangement, protect the value of property and conserve the value of buildings.
- (8) To preserve open space and prevent the overcrowding of land.
- (9) To protect property from adverse influences of adjacent property where differing zone districts abut.
- (10) To provide planned and orderly use of land within the City.
- (11) To update and modernize the previously adopted zoning ordinance of the City.

17-1-3. INTERPRETATION AND EFFECT ON PRIVATE COVENANTS.

- (1) In interpreting and applying the provisions of this Ordinance, they shall be held to be the minimum requirements for the promotion of public health, safety, convenience, order, prosperity and the general welfare. It is not intended by this Ordinance to interfere with or abrogate or annul any easements, covenants or agreements between parties, provided, however, that wherever this Ordinance imposes a greater restriction upon the use of

buildings or land or upon the location or height of buildings or structures or requires larger open spaces about buildings than are imposed or required by other laws, ordinances or easements, covenants or agreements between parties, the provisions of this Ordinance shall govern.

- (2) Nothing herein contained shall be construed to render inoperative any restrictions established by covenants running with the land unless such restrictions are prohibited or are contrary to the provisions of this Ordinance.

17-1-4. SEVERABILITY. If for any reason any one or more sections, sentences, clauses or parts of this Ordinance are held invalid, such invalidity shall not affect, impair or invalidate the remaining provisions of this Ordinance. It is the intent of the City Council that the provisions of the Ordinance shall be severable.

17-1-5. REPEALER.

- (1) At the time all property not zoned PD (planned development), which is located within the City of Lakewood and which is subject to zoning regulation, is zoned or rezoned to a district created by this Ordinance 0-80-51, all portions of Ordinance 0-70-104, as amended, not previously repealed shall be automatically repealed. The City Council shall declare such occurrence by resolution which shall be conclusive as to the facts found by the Council therein.
- (2) The following sections of Ordinance 0-70-104, as amended, are repealed as of the effective date of this Ordinance 0-80-51: Sections 1-5, 1-6, 1-7, 1-8, 1-14(C)(1), the Board of Adjustment authority to allow side yard exceptions contained in 1-14(C)(3), 1-14(C)(4)(b), 1-15(E)(3), 3-2, 3-5, and 3-7.

17-1-6. EFFECTIVE DATE. This Ordinance 0-80-51 shall take effect thirty days after final publication and shall apply to property and uses of property at such times as provided in Section 17-1-7.

17-1-7. APPLICABILITY.

- (1) Any application for an initial zoning or rezoning of property filed on or after the effective date of this Ordinance shall be for a zone district created by this Ordinance. The application shall be governed by and approved or disapproved subject to Article 17 of this Ordinance, and this Ordinance shall in all respects govern the use of property so zoned or rezoned.
- (2) Any application for an initial zoning or a rezoning of property filed prior to and pending on the effective date of this Ordinance shall be amended to propose a zone district created by this Ordinance and shall otherwise conform to and be governed by this Ordinance 0-80-51, unless a hearing on the application has been conducted by the Planning Commission. If a hearing thereon has been conducted by the Planning Commission, the application shall be governed by and the zoning or rezoning shall be approved or

disapproved subject to the procedures and standards set forth in Ordinance 0-70-104, as amended, and for such purpose only, Sections 1-11 and 1-12(B) and (C) of Ordinance 0-70-104, as amended, shall remain effective until no such application is pending.

- (3) Notwithstanding any other provision of this Ordinance, the following portions of this Ordinance shall apply to all property on the effective date of this Ordinance, even though no rezoning of the property has occurred:
- (a) Article 4. All powers granted therein to the Board of Adjustment and Director may be exercised with respect to the various regulations set forth in Ordinance 0-70-104, as amended.
 - (b) Article 9. The parking requirements therein shall apply to uses of property under Ordinance 0-70-104, as amended, which are comparable to uses of property under this Ordinance, unless the conditions set forth in subparagraphs (e)(1) and (2) or (3) below exist, in which event the applicable parking requirements of Ordinance 0-70-104, as amended, shall apply.
 - (c) Article 13. Home occupations permitted therein shall be permitted only in the CO, A-1, A-2, R-1, R-1A, R-1B, and R-2 zone districts of Ordinance 0-70-104, as amended.
 - (d) Article 14. The flood hazard area regulations shall apply to flood hazard areas under Ordinance 0-70-104, as amended, unless the conditions set forth in subparagraphs (e)(1) and (2) or (3) below exist, in which event the applicable flood hazard area regulations of Ordinance 0-70-104, as amended, shall apply.
 - (e) Article 15. The site development regulations shall apply to construction of any new building, structure, parking area, or loading area, or any substantial alteration to an existing building, structure, parking area or loading area, which is located in an R-3A, R-3, R-4, R-T, R-C1, R-C, C-1, C-2, IT-1, IT-2, IT-3, IT-4, or PD zone district under Ordinance 0-70-104, as amended, unless:
 - (1) A completed building permit application for the particular use is on file with the City on the effective date of this Ordinance but not permit has been issued; and
 - (2) The building permit is issued within thirty days after that effective date; or,
 - (3) The requirements of any of the sections will specifically and directly conflict with standards for a particular planned development approved by the City Council prior to the effective date of this Ordinance. If such a conflict exists, the requirements of those sections shall be waived but only to the extent necessary to avoid the conflict.
 - (f) All definitions in Article 2 which are applicable to the articles listed in this subsection (3).

- (g) Article 7. Setbacks permitted herein shall be applied to the CO, A-1, A-2, R-1, R-1A, R-1B, R-2, R-3, R-3A, R-4, R-CI, RC, C-1, C-2, IT-1, IT-2, IT-3 zone districts of Ordinance 0-70-104, as amended. (As amended by 0-81-108.)
- (4) The legislative history of the City of Lakewood's use of the terms Mixed Use and Planned Development is as follows:
- (a) Pursuant to Ordinance 0-70-104, as amended, land had been zoned PD Planned Development and in some instances the zoning designation had further conditioned the zoning to designated uses, as defined within 0-70-104, as amended.
 - (b) Ordinance 0-80-51 subsequently eliminated the PD Planned Development District and generally replaced that district with the MU Mixed Use District.
 - (c) Ordinance 0-85-79 subsequently amended the term MU Mixed Use District and replaced it with the term MU Mixed Use District and replaced it with the term MU Mixed or Single Use District.
 - (d) This Ordinance 0-93-34 eliminates the MU Mixed or Single Use District and replaces it with the PD Planned Development District.
 - (e) When property develops, if the prior conditional uses referred to uses set forth in Ordinances 0-70-104, 0-80-51, or 0-85-79, as amended, then said property shall be permitted the uses pursuant to those ordinances. (As amended by 0-93-34.)
- (5)
- (a) Any property zoned R-1, pursuant to Ordinance 0-70-104, as amended, which retained such zoning classification as a result of a special referendum election held August 10, 1982, shall be subject to all regulations applicable to property within the 1-R District of this Ordinance.
 - (b) Any property zoned R-1A, pursuant to Ordinance 0-70-104, as amended, which retained such zoning classification as a result of a special referendum election held August 10, 1982, shall be subject to all regulations applicable to property within the 2-R District of this Ordinance.
 - (c) Any property zoned A-1, pursuant to Ordinance 0-70-104, as amended, which retained such zoning classification as a result of a special referendum election held August 10, 1982, shall be subject to all regulations applicable to property within the CN District of this Ordinance. (As amended by 0-82-140.)
- (6) Development of property located within the Villa Italia Activity Center shall be subject to review by the Villa Italia Design Review Committee. The Committee is advisory to the Planning Commission or the Director of Planning, Permits and Public Works, depending on the review status of the development application. (As amended by 0-85-27.)

17-1-8. SAVINGS CLAUSE. The amendment or repeal of any ordinance or part thereof, by this Ordinance shall not release, extinguish or modify, in whole or in part, any penalty, liability or right of the City incurred or obtained under the amended or repealed ordinance or part thereof. The ordinance or part thereof, so amended or repealed, shall be treated and held as remaining in force for the purpose of sustaining any and all proper actions, suits, proceedings and prosecutions, for the enforcement of any penalty, liability or right of the City, for the purpose of sustaining any judgment, decree, or order which may be rendered in such actions, suits, proceedings or prosecutions, and for the purpose of sustaining any and all proceedings, actions, acts, decisions, hearings and appeals pending before the Lakewood Planning Commission, the Lakewood City Council, the Lakewood Board of Adjustment and any court.

17-1-9. VIOLATION AND PENALTY.

- (1) It shall be unlawful to construct, reconstruct, alter, maintain, use or cause to be used any building or structure, or to use or cause to be used any land in violation of this Zoning Ordinance or any amendment hereto. Any person, firm or corporation, including the officers or agents of a corporation responsible for its actions and the members of a partnership, firm or joint venture, violating or causing violations of this Zoning Ordinance or amendment hereto, upon conviction thereof, shall be fined not more than one thousand dollars or imprisoned not more than three hundred sixty-five days or both. Each day during which such violation continues shall be deemed a separate offense. (As amended by 0-99-4.)
- (2) If any building or structure is constructed, reconstructed, altered, maintained, used, or caused to be used, or any land is used or caused to be used, in violation of this Zoning Ordinance or amendment hereto, the City Attorney, or any owner or real estate located either within the district in which such buildings, structure or land is situated, or immediately adjacent thereto, in addition to other remedies or penalties provided in this Ordinance or by law, may institute injunction, mandamus, abatement or any other appropriate action or proceeding to prevent, enjoin, abate or remove such violation.

17-1-10. FEES.

- (1) The City Council shall by resolution establish fees as it deems necessary for any appeal, process, procedure or other action relating to the Zoning Ordinance.
- (2) Upon application to the City Manager, the City Manager may waive or reduce said fees if such action will further the economic goals of the City as set forth in Section 3.26.010 of the Lakewood Municipal Code. Such finding shall be made in writing.(As amended by 0-95-46.)