

ARTICLE 6: SPECIAL USE PERMITS

17-6-1. APPLICABILITY: The requirements of this Article 6 shall apply to all uses listed as special uses within Article 5 of this Ordinance. Special uses are uses which are appropriate for the applicable zone district only upon site specific review according to the standards established by Section 17-6-4 of this Ordinance, the Performance-Based Review Process, and formal approval by the City. Review and determination of proposed special uses shall be governed by the provisions of Subsection 17-6-2 except where the proposed use is a group home for victims of domestic violence or a group home for pregnant women and infants. Applications involving these particular group homes shall be subject to the process set forth in Subsection 17-6-2(10).

17-6-2. APPLICATION FORM AND REVIEW PROCEDURE.

- (1) Special Use Permit applications may be initiated only by the fee owners of the property or his designated agent.
- (2)
 - a) Prior to filing an application for Special Use Permit for any parcel of land, the applicant shall participate in pre-application review with the Department of Community Planning and Development. No application for Special Use Permit shall be accepted until after the pre-application review is completed and the Department's written conclusions are received by the applicant.
 - b) In addition to a pre-application review with the Department of Community Planning and Development, the City Engineer shall review the information submitted with the pre-application request to determine if public improvements may be necessitated upon issuance of a Special Use Permit. If public improvements are necessary, the standards, criteria, timing, and extent of the public improvements specified in Chapter 14.13 of the Lakewood Municipal Code shall apply, and these requirements will be listed in the Department of Community Planning and Development written response.
- (3) To commence the pre-application review, the applicant shall submit the following:
 - a) Site plan depicting the general layout of the parcel. Plans submitted may be sketched on sheets eight and one-half (8 1/2) inches by eleven (11) inches in size, or may be in final form on sheets twenty-four (24) inches by thirty-six (36) inches in size.
 - b) Letter stating: The proposed uses of the parcel; the approximate gross floor area of any existing or intended buildings or structures and the number and size of residential dwellings to be included; and the gross land area of the parcel, including public rights-of-way contained within the parcel
 - c) For Special Use Permits for group homes or group living quarters, the following information shall also be submitted:

1. A description of the client population, including the proposed number of residents and staffing levels.
 2. The state or county agency responsible for licensing the facility, and the names of at least two (2) contact persons at that agency familiar with the applicant's licensing status.
 3. The type and level of services to be provided.
 4. A statement establishing that the proposed facility conforms with the standards set forth in Section 17-6-4 of this Ordinance.
- (4) Within fourteen (14) days after the date of the pre-application review, the Department of Community Planning and Development shall notify the applicant in writing of its conclusions regarding the requested use with respect to the following items:
- a) Appropriateness of the change with respect to the standards set forth in Section 17-6-4 of this Ordinance.
 - b) Need, if any, to plat the subject parcel pursuant to the City of Lakewood Subdivision Ordinance.
 - c) Any required site plan considerations.
 - d) General concerns relating to the anticipated impact upon public rights-of-way and public improvements, as well as appropriate measures to address the impact.
- (5) Each applicant shall meet with residents and persons owning property in the vicinity of the site in a neighborhood meeting held prior to filing a formal application. Notification for said meeting shall be as provided in Subsection 17-17-4(1)(b) and (c) of this Ordinance).
- (6) Formal applications shall be submitted on forms provided by the Department of Community Planning and Development and shall contain the following:
- a) Name and address of the applicant;
 - b) A survey and a legal description of the property;
 - c) The names and addresses of all persons, firms or corporations who, or which hold fee title to the property for which the Special Use application is made, as shown by the records of the Clerk and Recorder of Jefferson County as of the date of the application, and a copy of the warranty deed to the property;
 - d) The location of the property with reference to street and address if such are present;

- e) Present zoning of the property;
 - f) Proposed Special Use; and
 - g) A written statement that all development standards applicable to the specific use have been and will continue to be met.
 - h) A site plan meeting the requirements of Article 15 of the City of Lakewood Zoning Ordinance that depicts any changes or improvements to be made to the property.
- (7) The application shall be signed by the applicant or his duly authorized representative and shall be accompanied by the necessary fee as shown within the fee schedule adopted by City Council resolution to cover necessary costs related to this application. There shall be no refund of any fee which accompanies an application. An application shall not be considered accepted until all required information is submitted.
- (8) The Department of Community Planning and Development shall study the application and shall, within forty-five (45) days after acceptance of a complete application, make a written report to the Planning Commission of its findings. In addition to the application review by the Department of Community Planning and Development, the City Engineer shall review the Special Use Permit application within the same forty-five (45) day period in accordance with the applicable provisions of Chapter 14.13 of the Lakewood Municipal Code to determine if the application necessitates the dedication and/or construction of public improvements by the applicant.
- (9) Action of the Planning Commission on the application shall be as follows:
- a) The Secretary to the Planning Commission shall schedule a public hearing on the application on the agenda of a meeting of the Commission within forty-five (45) days of the acceptance of the formal application, unless continued by the applicant or Planning Commission. Notice of the hearing shall be provided in the same manner and to the same persons and entities as provided in Section 17-17-4(1)(a), (b), (c), (d), (f), and (g) except that no publication of the notice shall be required.
 - b) Upon consideration of the application, the Planning Commission shall hear any evidence or statement presented by the applicant or his representative, by the Director, or by any person in attendance at the hearing. The Planning Commission may, in its sole discretion, hear and consider any other statement or evidence, written or oral.
 - c) Within sixteen (16) days after hearing all evidence, the Planning Commission shall deliver a copy of said findings and decision to the applicant and to any other person who shall submit a written request for a copy. The decision of the Planning Commission may impose conditions upon the Special Use Permit in addition to those set forth in Section 17-6-4 which, if not complied with, shall be grounds for revocation of the Special Use Permit. In the case of approval of a Special Use Permit for a group home or group living quarters, the Planning Commission shall included, in addition to any other appropriate

conditions, the maximum number of client residents that may be housed in the group home or group living quarters pursuant to the criteria established in Section 17-6-4 (9) (j).

- d) The Planning Commission shall exercise its judgment in the review of the application and shall consider the standards set forth in the applicable subsections of 17-6-4, as well as the suitability of the property for the proposed special use, the impact of the proposed special use on nearby uses, and the circulation and access to the proposed special use.
- e) The decision of the Planning Commission shall be final, and any appeal of the decision shall be to the courts.

(10)

- a) Notwithstanding the provisions of Subsections 17-6-2 (5), (8) and (9) above, group homes housing eight (8) or fewer client residents meeting the definitions in this Ordinance of group homes for victims of domestic violence or pregnant women and infants shall be exempt from the neighborhood referral and public hearing process described in those sections due to the need to maintain the confidentiality of the location of such group homes. Instead, the formal application may be submitted to the Department of Community Planning and Development as described in Subsection 17-6-2(6) immediately after receipt of the City's written pre-application response.
- b) The Department of Community Planning and Development shall study the application according to the requirements of this Article 6, and shall, within twenty-five (25) days after acceptance of the application, make a written report to the applicant of its findings. If the Department of Community Planning and Development finds that the standards in this Article 6 for group homes are not met, the report will specify the deficiencies or areas of non-compliance. If the Department of Community Planning and Development finds that the application meets all applicable criteria of this Article 6, or that noted deficiencies have been corrected, the report will so state and the Director shall issue a Special Use Permit for the requested group home special use, indicating that all conditions and revocation procedures listed in this Article shall be in full force and effect.
- c) If the Department of Community Planning and Development finds that the application does not comply with the criteria in Article 6, and the applicant does not correct all previously noted deficiencies, the applicant shall have the right to appeal to Planning Commission according to the notification and scheduling procedures listed in Subsection 17-6-2(10) of this Article 6.

17-6-3. REVOCATION OF SPECIAL USE PERMIT.

- (1) All stipulations submitted as part of the Special Use Permit and all conditions imposed by the Planning Commission shall be maintained in perpetuity with the special use. If at any time the stipulations are not met or are found to have been altered in scope, application or design, the use shall be in violation of the Special Use Permit.

- (2) If and when any special use is determined to be in violation of the Special Use Permit, the Director shall notify the permit holder and the licensing agency in writing of said violation and shall provide the permit holder with a fourteen (14) day period in which to abate the violation. In addition, the notice shall state the time and place for a hearing, if the violation has not been abated within the fourteen (14) day period. The purpose of this hearing shall be to determine whether revocation proceedings or other legal action should be pursued.
- (3) If, within the fourteen (14) day period established in Subsection (2) above, the permit holder completely abates the cited violation, the permit holder shall notify the Director and licensing agency that the required changes have been made
- (4) Notice of the hearing shall be provided to:
 - a) the Special Use Permit holder;
 - b) the licensing agency, if applicable;
 - c) the fee owners of real property within 500 feet from the boundary of the subject property; and
 - d) the registered representatives of neighborhood homeowners organizations which qualify for notice by having registered with the Department annually during the month of January of each year and provided the Department with the name and address of a current representative and a current map, approved by the Department, which shows the boundaries of the area represented by the organization and which boundaries fall within 1,000 feet of the subject property.
- (5) Following a proper hearing before the Planning Commission, the Planning Commission shall issue a decision either revoking or sustaining the Special Use Permit. The revocation of the Special Use Permit shall require the permit holder to vacate the premises or stop the use authorized by the Special Use Permit. After revocation, the permit holder may not reapply for a Special Use Permit pursuant to the procedures outlined in Section 17-6-2 of this Ordinance within 180 days of the revocation action.

Any appeal of the Planning Commission's decision shall be to Jefferson County District Court. The City, in addition to any other remedies 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.

17-6-4. STANDARDS FOR SPECIAL USES: In addition to any other regulations which may apply, no building or land shall be used and no building or structure shall be hereafter constructed or altered as a special use within a zone district unless said special use is specifically permitted within the zone district and conforms with the following standards and regulations applicable to the particular use. Special Use Permits may be granted for a specified period of time only if the specified period is set forth in the permit. Special Use Permit applications shall comply with the Performance-Based Review Process contained in Article 7 of this Zoning Code.

- (1) **Airports, Commercial Radio and Television Towers:**
 - a) No building or structure shall exceed any given height limit as required by the Federal Aviation Administration.
 - b) All facilities shall meet the requirements of Article 15 of this Ordinance.

- (2) **Animal Day Care Facilities with Outdoor Uses: All Animal Day Care Facilities with outdoor uses shall comply with the following criteria:**
 - a) No more than 3 animals at a time will be allowed outdoors after 8pm. Animal Day Care Facilities are where animals may be groomed, trained, exercised, and socialized, but not kept or boarded overnight, bred, sold or let for hire. Animal Day Care Facilities may operate from 6am to 10pm daily. A special use permit is required for any outdoor services.
 - b) The facility must control odor, dust, noise, waste management, drainage, and security so as not to constitute a nuisance, safety hazard or health problem to adjoining property or uses. The operator must provide a plan of operation demonstrating it can meet these provisions.
 - c) Provide perimeter fencing for all on-site outdoor recreation and socialization areas. The fence shall not exceed the maximum fence height standards as prescribed in Article 8 of the Lakewood Zoning Ordinance. The fence structure shall be deep enough and secured to the ground to prevent escape and provide full containment of the animals at all time.
 - d) Outdoor areas where animals will be allowed must be a minimum of 20 feet from any property line.
 - e) Outdoor animal care must provide 300 square feet of area for every twelve (12) animals.
 - f) There shall be at least one employee for every twelve (12) animals when providing outdoor animal care.
 - g) A license from the State of Colorado must be obtained, and a copy provided to the City; as well as all pertinent City of Lakewood permits and a special use permit for outdoor use.
 - h) A major site plan in accordance with Article 15 standards is required.
 - i) Once granted the special use permit for Animal Day Care Facilities will remain with the land as an allowed use unless revoked per provisions under Section 17-6-3 of the Lakewood Zoning Ordinance. Proof of license with the State of Colorado must be obtained for each subsequent Animal Day Care business.

j) City of Lakewood Planning Commission may grant an exception to the required setback, height, materials and location requirements for fences and landscaping requirements as related to animal day care facilities with outdoor uses through the submittal of a written request for an exception, inclusive of an illustration of the proposed changes outlining the reason for which the exception is warranted. These exceptions must be approved through the public hearing process. The Planning Commission may approve or conditionally approve the exception if all of the following Performance-Based Standards are met:

- 1) The fence, wall or structure height, location, design and landscaping are in scale and harmonious with the character of the neighborhood and adjacent properties.
- 2) A combination of fencing and landscaping are used to secure the outdoor uses associated with animal day care facilities.
- 3) The 20' required buffer may only be lessened in the event of unique circumstances associated with the subject parcel of land.
- 4) Granting of the exception will not be detrimental to the public health, safety or welfare or materially injurious to other property or improvements in the neighborhood in which the property is located.
- 5) Granting of the exception will not adversely affect or be inconsistent with any special area plans, Comprehensive Plan, Neighborhood Plan and/or an Official Development Plan (if applicable).

(3) **Automobile Rental/Leasing:**

- a) Repair or servicing of vehicles shall be limited to repairs usually conducted at an auto service station and shall not include body work, painting, customizing, undercoating or rust-proofing, vehicle steam cleaning, or repair or reconditioning of engines, air conditioning systems or transmissions.
- b) All operations must be conducted entirely within a building or structure, except as provided in (c) below.
- c) A maximum of twelve (12) licensed and operable automobiles at any one time may be stored on site for lease to customers. The number of vehicles permitted to be stored may be reduced from the maximum by the Planning Commission in approving a Special Use Permit depending on whether or not the parking lot available to the rental or leasing businesses is also used by other businesses.

(4) **Bed and Breakfast:**

- a) All parking areas required to service customers shall be located on site. One (1) parking space shall be required for each guest bedroom provided in the home.

- b) All bed and breakfast facilities shall be operated by an individual who lives in the dwelling as their primary residence and is issued the Special Use Permit in their own name.
 - c) All bed and breakfast facilities shall comply with the applicable City building, fire, and safety codes as well as all applicable requirements of the zone district in which the home is located.
 - d) No other home occupation may be conducted from the premises of a bed and breakfast facility.
 - e) A bed and breakfast facility may be sold and the Special Use Permit transferred to the new resident owner without the requirement of reapplying for a new Special Use Permit.
 - f) No expansion of the home is permitted after the approval of the Special Use Permit, except by application for a new Special Use Permit accompanied by plans depicting the proposed expansion.
 - g) Changes to the exterior appearance of the dwelling unit may be permitted by review and approval of the architectural changes by the Department of Community Planning and Development. No architectural designs substantially inconsistent with the character of the surrounding neighborhood shall be permitted.
 - h) Signage permitted for bed and breakfast facility is limited to the 1.5 square foot wall signs permitted with home occupations.
 - i) The lot subject to the request for a Special Use Permit shall be a minimum of 10,000 square feet in size.
- (5) **Correctional Institution:** Any use shall be so designed and located to assure maximum security to adjoining properties and to the neighborhood in general.
- (6) **Entertainment Center:**
- a) A Special Use Permit for an entertainment center shall only be granted for a business establishment with a minimum of ten thousand (10,000) square feet of gross floor area in a commercial center where the entertainment center is located in a building having a gross minimum floor area of one hundred thousand (100,000) square feet.
 - b) The Special Use Permit, if approved for an entertainment center, shall not be effective until the applicant has obtained an Amusement Arcade License from the Arcade Licensing Board.
 - c) The Special Use Permit shall be transferable only if the Arcade Licensing Board permits the transfer of the Amusement Arcade License. The Special Use Permit shall be void if the entertainment center ceases to operate for more than thirty (30) days.

- d) The Special Use Permit shall be revoked if the Arcade Licensing Board revokes or does not renew the annual Amusement Arcade License, and a new Special Use Permit shall be required for the existing user or a new user to operate again at the same location.
- e) The Planning Commission, at its discretion, may deny the Special Use Permit if the Commission finds that the use would pose a threat to the general health, safety and welfare of the citizens of Lakewood.

(7) **Golf Driving Range:**

- a) All parking areas required to service customers shall be located on site. Three quarters (0.75) parking spaces shall be required for each driving tee.
- b) Any use adjacent to a residential district shall be restricted in operations to between the hours of eight o'clock (8:00) a.m. and ten o'clock (10:00) p.m. local time daily. Uses not adjacent to a residential district shall not be so restricted.
- c) Adequate fencing must be installed and maintained to prevent pedestrian traffic from entering the driving range field. The boundaries of the driving range field shall be placed no closer than twenty-five (25) feet to the lot line. Appropriate design measures shall be implemented to prevent golf balls from endangering adjoining property and property residents.

(8) **Greenhouse/Nursery, Landscape Material:** All parking areas required to serve customers, employees and delivery vehicles shall be located on site. Loading zones shall be designated for both delivery service and for merchandise pick up. All loading zones shall be located on site.

(9) **Group Home:**

- a) The group home shall comply with any applicable license requirements of the State of Colorado, and have a currently valid license, if appropriate, and shall also comply with all certification and registration requirements of Jefferson County, including requirements for minimum floor area, bathroom area, closet space, and communal area.
- b) All group homes shall be operated by an individual who lives in the dwelling as his/her primary residence and is issued the Special Use Permit in his/her own name or by a firm or organization holding Colorado non-profit corporate status and Internal Revenue Service tax exempt status.
- c) No group home shall be located less than 1,000 feet from another existing or approved group home, except when such group homes are separated by a restricted access highway or community level public park. In addition in their review of Special Use Permit requests, the Planning Commission will consider the number of existing group homes

within the planning district as a factor with bearing on the other standards set forth in this Section 17-6-4. It is the intent of the City of Lakewood to encourage an even distribution of group homes within the residential areas of the City.

- d) Every group home shall comply with the applicable City building, fire, and safety codes as well as all applicable requirements of the zone district in which the home is to be located.
- e) No architectural designs substantially inconsistent with the character of the surrounding neighborhood shall be permitted.
- f) No administrative activities of any private or public organization, other than those directly related to the specific group home, shall be conducted on the premises of the group home.
- g) Parking for the group home shall typically be confined to the street frontage, driveway, and garage of the group home.
- h) The group home Special Use Permit shall be issued to a specific operator or organization and will not be transferable to another party.
- i) No group home shall be occupied until approvals from both the City of Lakewood and the appropriate licensing agency, when necessary, are received. In the case of group homes for the elderly, licensing agency approval shall consist of approval by Jefferson County as an adult foster care home, or by the State of Colorado as a personal care boarding home or alternative care boarding home.
- j) Every group home shall be limited to a maximum of twelve (12) total residents living in the dwelling as a primary residence, with not more than eight (8) client residents, unless all of the following conditions can be met:
 - 1. A minimum of one thousand (1,000) square feet of lot area is maintained per person (client and other) residing in the dwelling; and
 - 2. The structure meets or exceeds habitable floor area requirements of the licensing agency or if no license is required, meets requirements of Jefferson County Social Services for a similar licensed use; and
 - 3. A favorable recommendation is provided by the licensing agency setting forth the reasons for a higher number of residents is provided; and
 - 4. The Planning Commission determines that no substantial negative impact to the subject or nearby properties will result from the additional number of residents proposed.

- k) Services provided within the group home setting should not include ongoing medical or psychiatric treatment normally associated with a hospital or clinic setting, or a group living quarters, as determined by licensing agency.
- l) Any group home existing as of the effective date of this Ordinance 0-88-67 shall have a period not to exceed one hundred eighty (180) days to come into compliance with the above listed standards; except that any existing group home that does not currently meet the separation standards of Subsection (c) shall not be considered to be in violation of this Section. Upon proof that an existing group home meets the above listed standards, the Director of Planning, Permits and Public Works shall cause to be issued a Special Use Permit for the existing use, indicating that all conditions and revocation procedures listed in this Article shall be in full force and effect. Any existing group home failing to comply shall be considered to be in violation of this Ordinance and subject to the procedures set forth in Section 17-6-3 above, unless a Special Use Permit is applied for according to the procedures listed in Section 17-6-2, and issued by Planning Commission

(10) **Group Living Quarters and Residential Health Care Facilities:**

- a) Every group living quarters shall comply with the site development requirements or Article 15 of the Zoning Ordinance, the Multiple Family Design Controls, and the requirements of the zoning district in which it is located.
- b) Every group living quarters shall comply with the parking requirements of Article 9 of the Zoning Ordinance. The Planning Commission shall have the authority to modify such requirements, if a parking analysis is submitted which demonstrates the appropriateness of a different parking requirement.
- c) No architectural designs substantially inconsistent with the character of the surrounding neighborhood shall be permitted.
- d) Every group living quarters shall comply with all applicable license requirements of the State, and registration requirements of Jefferson County.
- e) Every group living quarters shall be located on a multi-family or commercial local, collector, or arterial street, and shall be accessible to transportation and convenience shopping facilities.
- f) Group living quarters shall not include the conversion of a portion of an existing multi-family development.
- g) Every group living quarters for juvenile or adult offenders shall be so designed and located to assure the security of the facility itself, adjoining properties and the neighborhood in general.

(11) **Junkyard:**

- a) All operations shall be separated from adjacent land uses by appropriate fencing and buffering measures. The screening and buffering standards for a junkyard requires a solid fence or wall at least six (6) feet tall and no more than ten (10) feet tall at any one point. Such fence shall surround the entire storage area. The fence cannot be constructed of salvage materials or junk. All stored items in this enclosed area shall be piled no higher than the top of the fence. A solid fence or wall shall meet all performance standards as stated in Article 17-8, except for fence height. Chain-link fence with slats is not considered an acceptable screen.
- b) Landscaping buffer is required along the fence to create an additional obscuring effect at and above the top of the fence. A landscaping buffer area not less than ten (10) feet wide shall be provided along street rights-of-way and along the property line of any non-industrial zoned property. Plantings within this buffer shall follow the requirements of Section 17-15-7 of this Zoning Ordinance. Where the buffer is not adjacent to a Right-of-Way, Section 17-15-7(2) shall be utilized.
- c) Hours of operation shall be restricted to between the hours of six o'clock (6:00) a.m. and eight o'clock (8:00) p.m. local time, Monday through Saturday.
- d) The proposed operations shall not be otherwise detrimental to the public health, welfare or safety of the present or future inhabitants of Lakewood.
- e) An impact analysis shall be submitted by the applicant to the Planning Commission regarding potential impacts of the operations on air and water quality, erosion, drainage patterns, and noise.
- f) Junkyards shall be located at least 100 feet from any body of water which receives runoff from the junkyard property, including any ditch, stream, reservoir, lake or other body of water.
- g) Gas and oil and other combustible material shall be stored in a building of fireproof construction which shall be constructed in full compliance with all applicable provisions of the City Building Code. All gas and oil shall be drained from any vehicle stored or placed on site.
- h) Junkyards will be maintained so as not to create environmental hazards that pose a threat to ground or surface water quality, air quality, wildlife, and/or humans.
- i) Off-street parking spaces shall be provided at a ratio of one parking space per 9,000 square feet of storage area or fraction thereof for the first acre, and 2 additional off-street parking spaces for each acre thereafter. In addition, one off-street loading space is required for each acre of storage area, to be located within the screened portion of the site.

- j) Proposed site development shall meet the requirements as provided in Article 15 of this Ordinance.

(12) **Keeping of Emus and Ostriches:**

- a) A Special Use Permit for the keeping of Emus and Ostriches may be granted to an individual owning property meeting the requirements of this Article. Such Special Use Permit may be transferable to another party purchasing the subject property by notification to the Department of Community Planning and Development of pending sale of the property and the intent of the purchaser to continue to keep Emus and/or Ostriches.
- b) All emus and ostriches shall be kept in a fenced area. The fence used shall be a minimum of sixty-six (66") inches in height and shall be placed in a manner as to provide for the protection of the general public on adjoining land or public property or rights-of-way.
- c) The minimum square footage of open lot area, not including any existing structures, shall be eight thousand (8,000) square feet for the first such animal, and five thousand five hundred (5,500) square feet for each additional such animal. A minimum containment area of 300 square feet shall be provided and used for each animal, however, the animals must be permitted access to an exercise area containing five thousand five hundred (5,500) square feet per animal on a daily basis.
- d) The use of temporary buildings or trailers for shelter or containment of such animals is prohibited.
- e) No building, corral, or containment area, shall be located in any manner so that any part of thereof shall be less than one hundred (100) feet from the front lot line or less than fifteen (15) feet from the side of rear lot line.
- f) The accumulation of manure by any means shall not be permitted within one hundred (100) feet of the front lot line or within (15) feet of the side and rear lot lines. Manure stored in a pile or piles shall be screened as to not be in view from any adjacent private property, from any adjacent public thoroughfare, or from areas of public access and shall be treated so as to not create a nuisance. Any containment area and/or manure pile shall be kept so as to not attract flies, create excessive odors, and so as to not cause a hazard to the health, safety and welfare of human beings and/or animals. If an owner accumulates manure in a pile or in piles, it shall be removed from the property at a minimum of once each week. Drainage improvements shall be provided by the property owner to protect an adjacent property, water body, river, stream, or storm sewer from runoff containing contaminants resulting from animal waste.

(13) **Limited Office and Personal Services:**

- a) The following lots are excluded from this special use category:
 - 1. Lots which are separated from the arterial street by a frontage or service road.

2. Lots which front on another street and back up to the arterial street.
 3. Lots containing less land area than the minimum set forth in the applicable zoning district. A variance shall not be granted to allow a substandard lot to qualify for a Special Use Permit.
- b) The gross floor area of the residential structure must not exceed that existing at the time of adoption of this Ordinance and the location of lot lines must be as they existed at the time of the adoption of this Ordinance. The residential character of the building must not change.
 - c) No hazardous or flammable material may be stored outdoors. There shall be no outdoor storage of inventory or supplies.
 - d) Any use of the structure must be in compliance with the Building Code.
 - e) Any use of the property must comply with the site plan requirements of Article 15 of this Ordinance.
 - f) Parking requirements for allowed uses shall be those set forth for comparable uses in Article 9.
 - g) Signage permitted for limited office and personal service facilities are limited to the standards listed in 17-10 of this Ordinance.

(14) **Mineral Resource Extraction:**

- a) The term "mineral" as used in this Section means an inanimate constituent of the earth in a solid, liquid, or gaseous state which, when extracted from the earth, is useable in its natural form or is capable of conversion into a useable form as a metal, a metallic compound, or chemical, an energy source, or a raw material for manufacturing or construction material, but does not include surface or subsurface water.
- b) The term "extraction operations" or "operations" includes the development or extraction of a mineral from its natural occurrence on affected land, including but not limited to, open mining and surface operations, and the disposal of refuse from underground and in situ mining, as well as stockpiling of extracted minerals, concentration, milling, evaporating and other on-site processing activities, but not including the grading or removal or transportation of earth normally associated with construction activities, when the primary purpose of the activities is construction rather than mineral extraction.
- c) Notwithstanding the requirements of Section 17-6-2 of this Ordinance, Special Use Permit applications for mineral extraction may be initiated by the fee owner of the property, his designated agent, and/or the owner or lessee of mineral interests.

- d) Impact analyses shall be submitted by the applicant to Planning Commission regarding potential impacts of the operations on erosion, drainage patterns, geological formations and stability, transportation systems, air and water quality, and plant and animal communities in the area, and Planning Commission shall consider the analyses and impacts when reviewing an application for a Special Use Permit.
- e) A reclamation plan shall be submitted by the applicant to Planning Commission for review. The reclamation plan shall demonstrate restoration of the surface to original conditions as far as possible, or at the discretion of Planning Commission to an appropriate land use as indicated by the Comprehensive Plan, and shall be consistent with the plan submitted to the Mined Land Reclamation Board.
- f) All vehicles connected with mineral extraction operations shall operate in conformance with Chapter 10 of the Lakewood Municipal Code.
- g) Hours of operation shall be restricted to between the hours of six o'clock (6:00) a.m. and eight o'clock (8:00) p.m. local time Monday through Saturday.
- h) All extraction operations shall comply with the requirements of Chapter 9.52 of the Lakewood Municipal Code pertaining to noise, as well as Chapter 5.16 of the Lakewood Municipal Code pertaining to the use of explosives.
- i) All extraction operations, including areas used for equipment storage and/or the stockpiling of extracted minerals, shall conform to the following setback requirements:
 - 1. A minimum one thousand (1,000) foot setback shall be provided from the property line of any adjacent property, if the adjacent property is zoned for residential uses.
 - 2. A minimum two hundred (200) foot setback shall be provided from the property line of any adjacent property that is zoned for other than residential uses, or from any street right-of-way, or property that is designated as public park/open space property.
 - 3. A minimum two hundred (200) foot setback shall be provided from any structures located on the same parcel of property as the extraction operations; except that upon written agreement with the owner of the structure the setback may be reduced to a minimum of fifty (50) feet.
- j) All operations shall be separated from adjacent land uses by appropriate fencing, buffering and safety measures. Buffering shall include provisions for screening and reseeded of temporarily disturbed areas and stockpiles. A phasing plan and approximate time schedule for conducting and completing operations shall be submitted with an application for Special Use Permit. Phasing plans shall indicate the maximum area of disturbance during any phase. No permit for any phase shall be issued for a period of longer than five (5) years from the date of approval of the Special Use Permit, except that upon written request prior to the termination of the five (5) year period, Planning

Commission may review the operations and grant extensions of up to five (5) years each to complete the operations.

- k) All operations shall conform to the extraction and reclamation requirements of the State of Colorado Mined Land Reclamation Board.
- l) The proposed operations shall not be otherwise detrimental to the public health, welfare or safety of the present or future inhabitants of the City.
- m) In evaluating a permit application, Planning Commission shall consider the suitability of the property for the proposed operations, the impact of the proposed operations upon and compatibility with nearby uses, both existing and proposed, and upon traffic circulation in the area of and access to the proposed operations.
- n) If a Special Use Permit is granted, Planning Commission shall have the authority to impose such reasonable conditions and safeguards upon the permit as are necessary to ensure compliance with the standards set forth in this Subsection (10). The Special Use Permit and any conditions attached thereto remains in effect until the final phase of reclamation is complete.

(15) **Private Golf Course; Country Club:**

- a) Four (4) parking spaces per golf hole plus one (1) parking space for every two persons of the rated capacity of the clubhouse shall be required. All parking areas required to service members, guests, employees, or other patrons shall be provided on site and shall be designed in accordance with Article 15 of this Ordinance.
- b) Any use adjacent to a residential district shall restrict its outdoor operations to between the hours of five o'clock (5:00) a.m. and ten o'clock (10:00) p.m. local time daily. Uses not adjacent to a residential district shall not be so restricted.
- c) Adequate measures shall be taken to prevent golf balls from endangering adjoining property and property residents.

(16) **Racetrack:**

- a) The Special Use Permit shall be valid only for a specified time period set forth in the permit.
- b) All structures and operating equipment shall be set back at least one hundred (100) feet from all property lines.

(17) **Roadside Stand:**

- a) All vehicular access shall be on the front lot line. Service or delivery trucks shall not stop within ten (10) feet of the traveled thoroughfare while doing business with the use.

- b) Hours of operation shall be restricted to between the hours of six o'clock (6:00) a.m. and ten o'clock (10:00) p.m. daily.
- (18) **Sanitary Landfill:** No sanitary landfill shall create a water diversion hazard which would endanger adjacent areas, nor shall the landfill create any undesirable odors or any unsightly areas to adjacent properties and buildings.
- (19) **Trade and Technical Services:**
- a) All operations must be conducted entirely within a building or structure.
- b) The building(s) or structure(s) to be occupied by the trade and technical service business shall have been constructed prior to September 1, 1991. Modifications to and/or expansions of buildings or structures may be permitted if approved as part of the Special Use Permit.
- c) There shall be no outdoor storage of materials or products at any time. Loading and unloading of shipments shall be permitted.
- d) Where the building facade includes windows or doors, the areas within the building visible through these openings from outside shall be used for office or retail operations and not for storage, stockpiling of materials, or machinery. The arrangement of activities inside the building shall be such to preserve a commercial retail or office character, rather than an industrial character, when it is viewed from outside.
- e) The number of parking spaces on the site shall be sufficient for the establishment of a trade and technical use, and for any remaining uses on the site.
- f) The Planning Commission shall have the authority to evaluate the proposed trade and technical use for its compatibility with the surrounding land uses, in particular with residential uses, and to establish conditions related to the following factors:
- hours of operation
 - noise
 - glare
 - access points and loading docks
 - truck traffic
 - other impacts related to compatibility of the proposed Special Use
- g) No trade and technical use shall be permitted which involves the storage of hazardous waste, as designated under Section 101(14) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended. Applicants shall declare at the time they make application for a Special Use Permit if any hazardous materials are either used or produced in conjunction with a trade and technical use. Hazardous materials shall be handled in compliance with any applicable Federal, State

and local regulations, except that, the Planning Commission shall have the authority to deny a trade and technical use if, in its judgment, the presence of hazardous materials makes a trade and technical use incompatible with the surrounding land uses.

(20) **Travel Trailer Campgrounds:**

- a) All campgrounds shall comply with the Colorado Department of Health Standards and Regulations for Campgrounds and Recreation Areas, as amended from time to time.
- b) Interior roads and drives shall be screened such that vehicle headlights shall not cast direct light beyond the boundaries of the property.

(21) **Wind-powered Electric Generators:**

- a) No wind-powered electric generator shall exceed sixty (60) feet in height measured from ground level to the top of the blade diameter.
- b) No wind-powered electric generator or portion thereof may extend or encroach into the building setback areas or onto any adjacent property.
- c) Prior to the issuance of the Special Use Permit, the applicant shall provide written approval of the complete installation by a Registered Professional Engineer. Such review shall include structural, electrical, safety, and noise components.
- d) A site plan showing the proposed location of the wind-powered electric generator(s) shall be submitted for approval by the Planning Commission as part of the Special Use Permit application.
- e) All electrical wiring shall be underground.

(22) **Government Office Building:**

- a) Any use of the property must comply with Article 15 of this Ordinance.
- b) Any use of the property must comply with the restrictions and regulations of the Office (OF) Zone District with an allowable building height of sixty (60) feet; provided, however, that the Planning Commission shall have the discretion to limit building heights to less than sixty (60) feet based upon prevailing building heights in the area, proposed building setbacks, or other environmental factors.
- c) Parking requirements for allowed uses shall be those set forth for comparable uses in Article 9 of this Ordinance.
- d) Any use of the building must be in compliance with the Building Code

(23) **Historic Place:**

a) **Purpose and Intent.** It is the purpose and intent of this section to:

1. Establish criteria for evaluation, designation, and the preservation of historic buildings, structures, and sites;
2. Provide a means to preserve historic places of local, State, or National historic or pre-historic importance.
3. Provide criteria to allow historic places a means to keep their uniqueness by establishment of conditions, by which other provisions of the Zoning Ordinance may be modified.

b) **Designation of Historic Place.** In order to grant a Special Use Permit establishing conditions to protect existing features of the place, the place must be designated as a historic place by one of the following:

1. Listed in "The National Register of Historic Places."
2. Designated by the Planning Commission, as part of a Special Use Permit application, as a historic place. The Planning Commission may designate a site as a historic place if it finds that:
 - (a) The place was associated with events that have made a significant contribution to the broad patterns of National, State or local history; or
 - (b) The place was associated with the lives of persons significant to our history; or
 - (c) The place embodies distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack distinction; or
 - (d) The place has yielded, or may be likely to yield information important in pre-history or history.
3. Designated for preservation pursuant to the provisions of Article 11 of this Zoning Ordinance.

c) **Conditions to Protect Historic Places.**

1. As part of the Special Use Permit Planning Commission may place such reasonable conditions as it finds necessary to protect the historical character of the site, building or structure under consideration. Said conditions may be in addition to the Zoning Ordinance or a reduction from the requirements in the Zoning Ordinance. When

considering a reduction from the requirements of the Zoning Ordinance the Planning Commission shall be limited to the following:

- (a) Height and setbacks for existing buildings and structures.
 - (b) Existing parking lot configuration.
 - (c) Existing signs only when such sign is part of the historical character of the historic place.
2. Special Use Permits for historical places shall address the entire parcel or lot containing the historic place. All Special Use Permits shall include a reproducible mylar site plan showing all relevant site information including:
- (a) Lot boundary with legal description.
 - (b) All buildings and structures whether or not all are considered historic. Includes parking and access.
 - (c) Building setbacks.
 - (d) Architectural elevations of historic buildings or structures.
 - (e) Tabular information such as lot size, zoning, building area, etc.
 - (f) A listing of all conditions established for the designation and continued use as a historic place.

(24) **Multiple Family Housing Density Bonus:**

- a) The Planning Commission shall have the authority to approve a density bonus of up to fifteen percent (15%) over the maximum number of units specified in the 4-R, and 5-R Zone Districts. Said bonus may be granted by the Planning Commission to those developments which demonstrate superior achievement and which also provide density incentive features as listed below. Said bonus shall be considered by the Planning Commission pursuant to an application for a Special Use Permit in the 4-R, or 5-R zones, and upon review of approved development plans. Said bonus shall be based upon design quality and the number of density incentive features included in the development plans. Density incentive features are upgrades of the more important criteria outlined in the Multiple Family Housing Design Guidelines. Density features shall include:
 - 1. Increased setbacks and buffer areas.
 - 2. Increased usable open space.
 - 3. Increased number and size of appropriate plant materials.

4. Parking lots with improved visual impact.
 5. Variation in size and configuration of building footprints.
 6. Increased structured or covered parking.
 7. Special treatment in screening miscellaneous mechanical equipment, utility meters, on-ground air conditioners, and transmission boxes.
 8. Detention ponds designed as recreational or visual amenities.
 9. Superior interface with developments of lower density or lower height.
 10. Increased recreational amenities.
 11. Increased private open space.
 12. Any other design features which significantly improve the quality of the living environment.
- b) In order for a project to be considered superior, the upgrade shall demonstrate a superior level of function and design. The Planning Commission shall make the final decision on awarding the density bonus.

(25) **Higher education classrooms and offices:**

- a) The number of parking spaces on the site shall be sufficient for the proposed use.
- b) A site plan, subject to the provisions of Article 15, shall be submitted for review and approval with the Special Use Permit application.
- c) A proposed sign program shall be provided with the Article 15 site plan.
- d) A 10-foot landscaped buffer and/or fence with a minimum height of 5 feet and maximum height of 6 feet is required adjacent to all residentially zoned land.
- e) The property must have frontage on a collector or arterial street.
- f) The Planning Commission shall have the authority to evaluate the proposed use for its compatibility with the surrounding land uses, in particular residential uses, and to establish conditions related to any impacts related to the compatibility of the proposed Special Use and approve or deny the request based on its best judgment for the request and substantial impacts.
- g) The Planning Commission shall have the authority to establish hours of operation.

- (26) **CMRS Telecommunication Facility**: See Section 17-12-2(10) for design criteria and performance standards. Special use permits issued for CMRS telecommunication facilities shall run with the property on which the facility is located.

17-6-5 GROUP HOMES FOR HANDICAPPED PERSONS.

- (1) For purposes of this Section, "handicapped person" shall be defined as provided by Title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988 (codified at 42 U.S.C. § 3602).
- (2) Group homes restricted to occupancy of not more than eight (8) handicapped persons and not more than four (4) additional necessary persons employed in the care and supervision of such handicapped persons shall be permitted in all residential zone districts provided that the owner or operator of such a group home registers with the City. Registration shall require the completion of a form provided by the Department of Community Planning and Development. No fee shall be required to review and process this registration. Registration shall occur prior to occupancy. The applicant shall submit such information, requested in (a) through (d) below, as is available at time of registration. When the registration is completed, a Temporary Certificate of Registration shall be issued to the applicant. The Temporary Certificate shall be valid for a period of ninety (90) days from the date of issuance. Within said ninety (90) day period, the applicant shall supply any additional information required by (a) through (d) below. Prior to the expiration of the Temporary Certificate, the Director shall review the application to determine if a Certificate of Registration shall be issued. A neighborhood referral meeting must be held as set forth in Subsection (8) below prior to the issuance of a Temporary Certificate of Registration. A group home shall not be occupied until an application is submitted for review and a Temporary Certificate of Registration is issued. The total number of persons allowed in a group home shall not exceed one (1) person per habitable room which is being used for living purposes, as defined in the definition of Household. No Certificate of Registration shall be granted for a group home which is located within a radius of seven hundred fifty (750) feet from any other group home allowed in the Lakewood Zoning Ordinance. As part of such registration, the owner or operator shall provide to the satisfaction of the Director or his designee:
- a) Evidence that the proposed group home shall provide residential accommodations only for handicapped persons, and that such residency shall be restricted to not more than eight (8) handicapped persons and up to four (4) additional necessary persons employed in the care and supervision of such handicapped persons;
 - b) If applicable, evidence that it is licensed with the State of Colorado;
 - c) If the residents of the proposed group home are handicapped within the meaning of Subsection (1) because they are recovering alcoholics and/or drug abusers, the owner or operator shall provide evidence to the satisfaction of the Director or his designee that (i) no resident of the proposed group home has been convicted of a crime relating to possession or distribution of controlled substances; and (ii) no resident of the proposed

group home has used alcohol or illegal drugs within the past thirty (30) days. This evidence shall be presented at the time of initial application and, with regard to subsequent residents, within thirty (30) days of their arrival at the group home, and whenever the Director has reasonable cause to request it. Additionally, the owner or operator shall provide a verified list of the names and dates of birth of the residents anticipated at time of registration and a verified list of the names and dates of birth of new residents within thirty (30) days of arrival at the group home for the purpose of determining if any resident has been convicted of a crime relating to possession or distribution of a controlled substance. The owner or operator shall be required to immediately report to the Director the use of alcohol or illegal use of controlled substances by any resident and the use of alcohol or illegal use of controlled substances by anyone on the group home premises. The owner or operator shall immediately expel from the group home any resident who uses alcohol or for the illegal use of controlled substances.

d) The Director or his designee shall administratively approve the group home application within fifteen (15) days of the receipt of the completed application if the Director finds that the application and other information available substantially conforms to the requirements of this Section 17-6-5(2). A denial of a Temporary Certificate of Registration or a Certificate of Registration may be appealed by the applicant to the Planning Commission as set forth in Section 17-6-5(7) below.

(3) Group homes proposed for occupancy by nine (9) persons or more who are handicapped persons and any additional necessary persons employed in the care and supervision of such handicapped persons shall be permitted only upon the administrative processing of an application and approval of a special use permit as provided by this section. Administrative processing of a special use application shall provide an exemption from the public hearing process of Section 17-6-2(8) and (9). The total number of persons allowed in a group home shall not exceed one (1) person per habitable room which is being used for living purposes, as defined in the definition of Household. In order to qualify for administrative processing of a special use permit application for a group home for handicapped persons, the applicant shall submit to the Department of Community Planning and Development a completed application containing the information required by Sections 17-6-2(3)(a) through (c)(3) and 17-6-2(6). The applicant shall also provide to the satisfaction of the Director or his designee the information described in Section 17-6-5(2). A neighborhood referral meeting must be held as set forth in Subsection (8) below prior to the issuance of a Temporary Special Use Permit. A group home shall not be occupied until an application is submitted for review and a Temporary Special Use Permit is issued.

(4) Upon receipt of a completed application meeting the requirements of Subsection (2) and Subsection (3) and the required processing fee, the Director or his designee shall administratively approve the group home application within fifteen (15) days of the date of receipt of the completed application if the Director finds that the application and other information available to the Director demonstrates or evidences that the proposed group home substantially conform to the requirements of Section 17-6-5(2) and Section 17-6-4(9)(a), (d), (f), (g), (h), (k) and Subsections (1) and (2) of Section (j) only. If approved, the

applicant shall be issued a Temporary Special Use Permit. In addition, no special use permit shall be granted for a group home for nine (9) or more handicapped persons which is located within a radius of seven-hundred fifty (750) feet from any other group home allowed in the Lakewood Zoning Ordinance. The Director or his designee may impose conditions upon the approval of any special use permit for a group home that are reasonably necessary to protect the health, safety, or security of the residents and the immediately surrounding neighborhood.

- (5) Application shall occur prior to occupancy. The applicant shall submit information required in Subsection (4) above as is available at the time of registration. The Temporary Special Use Permit shall be valid for a period of ninety (90) days from the date of issuance. Within said ninety (90) day period, the applicant shall supply any additional information required by Section (4) above. Prior to the expiration of the Temporary Special Use Permit, the Director shall review the application to determine if a Special Use Permit shall be issued.
- (6) If a Temporary Certificate of Registration or a Temporary Special Use Permit has expired prior to a Certificate of Registration or a Special Use Permit being issued, the group home use shall be in violation of this Article.
- (7) The Director shall provide to the applicant a written decision concerning approval, conditional approval, or denial of the application or registration. An aggrieved applicant is the only person or entity who may appeal. Notwithstanding anything to the contrary in the Lakewood Zoning Ordinance, an applicant aggrieved by the Director's decision may appeal, with the required fee, the decision to the Planning Commission by the submission of a written request for appeal delivered to the Director or his designee within ten (10) days of the date of the Director's written decision. Upon receipt of a timely request for appeal and on the next available Planning Commission meeting date following the request, the Planning Commission shall administratively review the application and the Director's decision and shall either affirm, reverse, approve with conditions, or modify any conditions of approval imposed by the Director. Those issues that have been adjudicated by the Director and not appealed are final. The Planning Commission's review shall not be conducted as a public hearing and the Planning Commission's decision on any appeal shall be final. An appeal of the Planning Commission's decision shall be to the District Court.
- (8) Neighborhood Referral. An applicant for a group home for handicapped persons shall meet with residents and persons owning property in the vicinity of the group home. The meeting shall be facilitated by City Planning Staff. One purpose of the meeting shall be to receive information from those neighbors present. Notification for said meeting shall be to the following people or entities:
 - a) The fee owners of the subject property(ies). Notice to one fee owner shall be considered notice to all other owners of the property.
 - b) The applicant.
 - c) The fee owners of real property within 500 feet from the boundary of the subject property(ies).

- d) The registered representative of neighborhood homeowners organizations which qualify for notice by having registered with the Department annually during the month of January of each year and provided the Department with the name and address of a current representative and a current map, approved by the Department, which shows the boundaries of the area represented by the organization, if any boundary of the organization as shown on the map registered with the Department falls within 1,000 feet of the subject property(ies).

At least forty-five (45) days prior to the neighborhood referral meeting, the applicant shall provide to the City a current assessment map(s) from the applicable county assessor's office showing the property or properties which are the subject of the application, as well as those properties subject to the notice requirements of this Subsection 17-6-5. Said assessment map(s) shall indicate the assessor's ID number(s) of the subject property(ies) and shall indicate the assessor's ID number(s) of all surrounding property(ies) to a distance of 1,000 feet. Within ten days of the applicant submitting the map, the City shall draw on the assessment map(s) a boundary encircling the property(ies) which is/are the subject of the application. This boundary will encircle all property as set forth above.

The applicant shall retrieve the assessment map(s) from the City and, at least twenty (20) days prior to the neighborhood referral meeting, shall provide to the Secretary to the Planning Commission lists of the names and addresses of:

1. The fee owner(s) of the subject property(ies).
2. The applicant.
3. The fee owner(s) of the property, along with the property's assessor's ID number, of all property shown on the assessment map(s) within the delineation drawn by the City.

One list of the names and addresses to be notified of the application shall be submitted in the form of preprinted mailing labels, the size and format of which have been approved by the Secretary to the Planning Commission. A second list shall include the names and addresses of the parties to be notified, along with the corresponding address and assessor's ID number of the property subject to the notification provisions.

It is the responsibility of the applicant to obtain and submit the lists of the correct names and addresses of the people and entities listed in subparagraphs I. through III. above from the current records of the county assessor or clerk and recorder of the appropriate jurisdiction. Current records shall mean records existing no older than ninety (90) days prior to the date of the neighborhood referral meeting. In addition, the applicant shall present evidence reasonably acceptable to the City, including, but not limited to, copies of deeds or documentation provided by a title insurance company or a real property search company, or a copy of a printout of all applicable assessor's ID numbers obtained from the county assessor's office.

The City shall supply to the applicant the list and information regarding the neighborhood associations to be notified. The applicant shall pay the cost of postage for preparation and mailing of notification letters.

The City shall return the mailing labels to the applicant, along with mailing labels for all registered neighborhood associations and organizations subject to the notice provisions established above. The City will also provide to the applicant a sufficient number of copies of a letter of notification, printed on City letterhead and City envelopes. At least fifteen (15) days prior to the neighborhood referral meeting, the applicant shall mail said notification letters using the envelopes provided by the City, via first class mail to all persons and entities listed on the mailing labels.

The applicant shall certify in writing to the Secretary to the Planning Commission, prior to the neighborhood referral meeting, that the lists submitted as set forth above were obtained from the most current records of the applicable county assessor, and that letters of notification were mailed as set forth above.

Failure of the applicant to provide the certification required above shall cause the neighborhood referral meeting to be postponed at least fifteen (15) days and until the applicant provides the certification.

At the discretion of the Director, subsequent neighborhood referral meetings may be held prior to the Director accepting the Group Home application.

(9) Revocation of Special Use Permit or Registration Certificate.

- a) All stipulations submitted as part of the Special Use Permit or Registration Certificate and all conditions imposed and all the conditions of this Article 17-6 shall be maintained in perpetuity with the Special Use Permit or Registration Certificate. If the group home is found to be in violation of any conditions of this Article 17-6, or of any stipulations or conditions, the use shall be in violation of the Special Use Permit or Registration Certificate.
- b) Should a Special Use Permit or Registration Certificate be reasonably believed to be in violation of the provisions of this Article, the Director shall notify the permit holder and the licensing agency in writing of said violation and shall provide the permit holder with a fourteen (14) day period in which to abate the violation. In addition, the notice shall state the time and place for a hearing, if the violation has not been abated within the fourteen (14) day period. The purpose of this hearing shall be to determine whether revocation proceedings or other legal action should be pursued.
- c) If, within the fourteen (14) day period established above, the permit holder completely abates the cited violation, the permit holder shall notify the Director and licensing agency that the required changes have been made. The Director shall determine if the violation has been abated. Single or multiple violations or a pattern of violations, even though abated, may be a basis for revocation of a Special Use Permit or Registration Certificate.

- d) Failure of the permit holder to abate cited violations within fourteen (14) days shall result in the commencement of the hearing process scheduled by the provisions of Section 17-6-3 above. Notice of the hearing shall be provided as required by Section 17-6-2(9)(a) above, with notification to the licensing agency also provided.
 - e) Following a hearing, the Director shall issue a decision either revoking or sustaining the Special Use Permit or Registration Certificate. This decision may be appealed by the applicant to the Planning Commission. Said appeal must be filed within seven (7) days of the Director's decision. After hearing, with prior notice to the permit holder, the Planning Commission shall sustain the decision of the Director if it finds a violation of the permit has occurred. The revocation of the Special Use Permit or Registration Certificate shall require the permit holder to vacate the premises or cease the use authorized by the Special Use Permit. After revocation, the permit holder may not reapply for a Special Use Permit or Registration Certificate pursuant to the procedures set forth in this Ordinance within 180 days of the revocation action.
- (10) Reasonable Accommodations: The Director shall make reasonable accommodations for Group Homes for handicapped persons when necessary, as required by the Fair Housing Amendments Act.