

**ARTICLE 2: DEFINITIONS AND INTERPRETATION – COMPARE COPY
(PLEASE NOTE THAT THIS COMPARE COPY ILLUSTRATES THE DEFINITION
NUMBERING AS IT WILL APPEAR AFTER ALL NEW DEFINITIONS HAVE BEEN
INSERTED. ONLY THE PAGES THAT HAVE CHANGES ARE INCLUDED.)**

17-2-1. GENERAL INTERPRETATION.

(1) For purposes of this Ordinance, the words and terms used, defined, interpreted or further described herein shall be construed as follows:

(10)

- a) The present tense includes the future tense.
- b) Words used in the singular number include the plural, and vice versa, unless the context clearly indicates the contrary.
- c) The phrase "used for" includes "arranged for," "designed for," "intended for," "maintained for," and "occupied for."
- d) The word "shall" is mandatory.
- e) The masculine shall include the feminine.

(2) Where not defined herein, the words used in this Ordinance shall have the common and customary meaning.

17-2-2. DEFINITIONS. As used within this Ordinance, except where otherwise specifically defined, or unless the context otherwise requires, the following terms, phrases, words and their derivations shall have the following meanings:

- (1) **Abutting:** Parcels of land having property or zoning district lines in common, or where a property line coincides with a right-of-way or easement boundary.
- (2) **Access Control Line (ACL):** A line described on a plat for the purpose of prohibiting vehicular access directly from the subject property to the abutting right-of-way.
- (3) **Access, Integrated System/Shared:** A curb cut or private access road serving two or more separate lots or buildings.
- (4) **Accessory Structure or Use:**
 - a) Is subordinate to and serves the main building or principal use;
 - b) Is subordinate in area, extent, and purpose to the main building or principal use served;
 - c) Contributes to the comfort, convenience, or necessity of occupants of the main building or principal use served; and
 - d) Is located within or external to the existing main building but on the same lot as the existing main building or principal use served.

- e) Includes carports or other off-street parking, storage structures, patios, patio covers, and other appurtenances.

(5) **Acreage**:

- a) Gross: The horizontal area within the property lines of a parcel of land before roads, easements or other areas to be dedicated or reserved for public use are deducted.
- b) Net: The horizontal area within the property lines of a parcel of land excluding road easements or rights-of-way, and any easements which prohibit surface use of the land.

(6) **Agricultural Building**: A structure designed and constructed to house farm implements, hay, grain, poultry, livestock, or other agri-business, horticultural products, or horticultural equipment. The structure shall not be a place of human habitation or a place of employment where agricultural products are processed, treated, or packaged; nor shall it be a place used by the public, except for public stables.

(7) **Agricultural Use**: The use of land for farming, dairying, pasteurizing and grazing, horticulture, floriculture, viticulture, apiaries, animal and poultry husbandry, and accessory activities, including but not limited to storage, harvesting, feeding, or maintenance of equipment excluding stockyards, slaughtering, or commercial food processing.

(8) **Allowed Use**: See Permitted Use.

(9) **Alteration**: A physical change in a structure including an expansion or change in use, further classified as:

- a) Structural: Any change in a supporting member of a building such as bearing walls, columns, beams, or girders, floor joists or roof joists. See Addition.
- b) Substantial: An increase in the gross floor area of a building or structure, or an increase in the size of parking area or loading area, by an amount equal to 20% or more from the size as it existed on the effective date of this Code.

(11) **Amateur Radio Towers and Antennae**: Broadcasting and receiving structures or devices used for personal pleasure or as a hobby. Such structures or devices are not to be used for any activity for a fee or in a commercial capacity.

(12) **Amortization**: The process by which nonconforming uses and structures must be discontinued or made to conform to the requirements of the Code at the end of a specified period of time.

(13) **Amusement Arcade**: A place of business where an individual, association, partnership or corporation maintains more than ten amusement devices.

(14) **Amusement Center**: A place of business where an individual, association, partnership or corporation maintains less than eleven amusement devices excluding any number of billiard tables either as a sole business or in conjunction with some other business.

(15) **Amusement Device**: Any device which, upon insertion of a coin, slug, token, plate or disc, or payment of a consideration, may be used by the public for use as a game, entertainment, amusement, a test of skill, either mental or physical, whether or not registering a score; but shall not include radios,

devices that provide music only, television carrying commercial broadcasts only, bowling lanes, or fixed-stand coin-operated kiddie rides.

- (16) **Animal Hospital**: A facility for the care of sick or injured animals. Such facilities may include veterinarians' offices, administrative offices, space for examination, surgery, and recovery, and for boarding of animals while under treatment. Animal hospitals are classified as follows.
- a) **Small Animal Care**: An animal hospital where treatment is limited to dogs, cats, rabbits, birds, and other species generally under 100 pounds in size.
 - b) **Large Animal Care**: An animal hospital where treatment is given to dogs, cats, rabbits, birds, livestock, and other similar animals without limit on size of species. Areas where animals are boarded during treatment may include outdoor runs, corrals or pasture if such areas are adequately fenced.
- (17) **Animal, Household Pet**:
- a) Regulated species of household pets shall be any species of animal commonly kept as a pet within households, and which are more than four months of age, such as a dog, cat, rabbit, duck, pot belly pig less than seventy (70) pounds, and ferret, the keeping of which is not prohibited by the Municipal Code. Also see Animal, Servant.
 - b) Non-regulated species of household pets shall be animals that are typically kept indoors in a cage or container such as tropical fish, non-poisonous snakes, hamsters, gerbils, mice, and small birds; any of which are kept as a pet and are not being raised for commercial purposes and the keeping of which is not prohibited by the Municipal Code.
- (18) **Animal, Livestock**: Domestic animals, raised for home use or for profit. For purposes of this Code, livestock shall include cattle, horses, goats, llamas, and sheep.
- (19) **Animal, Fowl**: Regulated fowl, such as chickens, ducks, geese and pigeons, that are permitted to be kept within appropriately zoned property including, peacocks, ostriches, and emus.
- (20) **Animal, Servant**: An animal that is needed to perform duties for any person because of the person's medical or disabled circumstances, or which is used under a health care provider's order.
- (21) **Apartment**: A room or set of rooms designed as housekeeping facilities, including a bedroom, bathroom and kitchen, and leased as a dwelling.
- (22) **Arbor**: A shady garden shelter typically made of open lattice work.
- (23) **Assisted Living**: See Residential Health Care.
- (24) **Attached Wall Townhouse**: A single family dwelling that is attached to a similar dwelling by a common wall.
- (25) **Automobile**: See Vehicle, Automobile
- (26) **Bank**: See Financial Institution.

- (27) **Bar**: A commercial establishment offering on-site consumption of alcoholic beverages for sale by the drink.
- (28) **Basement**: Any floor level below the first story in a building, except that a floor level in a building having only one floor level shall be classified as a basement unless such floor level qualifies as a first story as defined herein. Also see Story.
- (29) **Batch Plant**: An industrial establishment or factory where gravel or sand are combined with a mixture of bitumens to create a substance used for paving, roofing and waterproofing, or for the manufacture of a building material made from sand, pebbles, and/or crushed stone held together by a mass of cement or mortar.
- (30) **Bed and Breakfast**: A one-family dwelling which is occupied by the resident, where short-term lodging is provided through the rental of individual rooms to the general public, with common dining and cooking facilities.
- (31) **Bedroom**: A room planned and intended for sleeping.
- (32) **Berm**: A raised earthen mound. Soil must be stabilized by terracing or soil stabilizing mats with ground cover or solid turf. The berm should not exceed a side slope with a rise of greater than one foot in three feet of run.
- (33) **Billboard**: A third party sign advertising a business, product or service, religious, charitable or nonprofit organization not located upon or available upon the premises whereon the sign is located. Billboards do not include directional or informational signs erected by any governmental institution or agency.
- (34) **Block**: A unit of land within a subdivision containing one or more lots and/or tracts which is bounded by public or private streets, highways, railroad rights-of-way, subdivision boundaries, property boundaries or a combination thereof.
- (35) **Boat**: See Vehicle, Recreational.
- (36) **Bowling Center**: A structure containing bowling lanes for use by the public for sport and entertainment, and compensated for by a fee.
- (37) **Buffer Area**: An area of land located within a development that provides a landscaped transition and screen between the development and abutting land uses, the requirements for which are specified in this Ordinance.
- (38) **Building**: Any structure having a roof supported by columns or walls and used or intended for supporting or sheltering any use or occupancy.
- (39) **Building Code**: The Building Code, as adopted by the City of Lakewood.
- (40) **Building Coverage**: The ratio of the horizontal area measured from the exterior surface of the exterior walls of the ground floor of all structures on a lot to the total lot area. This calculation excludes all uncovered porches, patios, and decks under thirty (30) inches in height as measured from grade.
- (41) **Building Footprint**: The outline of the total area which is covered by a building's perimeter at the ground level.

- (42) **Building Front**: One exterior wall of a building facing a front lot line; or, in the event that the primary entrance is located on an exterior wall which is not facing the front lot line, the building front shall be the exterior wall containing the primary entrance to the building.
- (43) **Building - Height of**: The height of a building shall be the vertical distance measured from the grade at the building to the highest point of the coping of a flat roof, the deck line of a mansard roof, the highest point of the highest gable of a pitched or hipped roof, or the highest point of any other type of roof. The height of a building shall not include mechanical equipment, screening for mechanical equipment, spires, chimneys and antennae. See Grade.
- (44) **Building Official**: The officer or other designated authority charged with the administration and enforcement of the Building Code or the building official's authorized representative.
- (45) **Bus**: a motor vehicle consisting primarily of a transport device designed for carrying more than ten persons.
- (46) **Business, Retail**: A commercial establishment offering products or goods for sale to the general public. The Article 5: District Regulations determine the zone district which permit the establishment of specific retail business based upon the intensity of the business.
- (47) **Business, Service**: A commercial establishment offering services, including repair, copying, support, and transport or delivery of products or goods.
- (48) **Business Site, Single**: A single lot or series of contiguous lots having common ownership and occupied by one free standing building where a single or multiple businesses are housed.
- (49) **Caliper**: The diameter of a tree trunk measured one foot above the ground.
- (50) **Camper**: A unit, containing cooking or sleeping facilities, which is designed to be loaded onto or affixed to the bed or chassis of a truck to provide temporary living quarters for recreational camping or travel use. See Vehicle, Recreational.
- (51) **Canopy**: A permanent shade or weather-protection structure which is attached to or supported by a building or other structure, or which is supported by columns or posts.
- (52) **Carnivals**: A traveling organized enterprise offering amusements, entertainment or exhibition.
- (53) **Carport**: A structure open on a minimum of two sides designed or used to shelter vehicles.
- (54) **Car Wash**: Any building, premises or portions thereof used for the washing, polishing or detailing of vehicles.
- (55) **Cemetery**: A place for burying the dead. A cemetery may include a mausoleum and crematorium. Also see Mortuary.
- (56) **Certificate Of Occupancy**: An official certificate issued by the City through the Building Official which indicates conformance with, or approved conditional waiver from the zoning regulations, and other applicable regulations, and authorizes legal use of the premises for which it is issued.

- (57) **Change In Use**: A change in the purpose or activity for which a particular piece of land or its building is designed, arranged or intended, or for which it is occupied or maintained.
- (58) **Channel**: That portion of a watercourse with a perceptibly defined bed and banks which confines and continuously or periodically conducts a flow of water.
- (59) **Child Care Camp**: A facility intended to accommodate temporary group living for children under sixteen (16) years of age that is substantially oriented toward outdoor activities in a natural environment.
- (60) **Child Care Facility**: Any facility, by whatever name known, which is licensed by the State of Colorado and maintained for compensation, for the whole or any part of a day, for the care of five (5) or more children under the age of sixteen (16) years who are not related to the owner, operator or manager thereof, except when such facility serves as the primary residence for said children, in which case the facility shall be regulated as a group home or group living quarters.
- (61) **Church /Synagogue/Temple**: A structure which is intended for conducting organized religious services and associated activities such as religious classes, child care, and committee and office work, and parish house. For the purpose of this Ordinance, reference to church shall include all religious facilities.
- (62) **Church Parish House**: A single family dwelling used by a minister, monk, rabbi, or priest as their primary place of residence.
- (63) **City Hall**: The primary office buildings operated by the City of Lakewood, and which houses principal administrative offices of the City. See Community Buildings.
- (64) **Clinic**: A facility providing health services, medical, or surgical care for individuals where overnight stays are usually on an emergency basis only.
- (65) **CMRS Freestanding Telecommunications Facility**: A facility that consists of a stand-alone support structure such as a lattice tower or monopole, antenna(e), and associated equipment storage shelter(s).
- (66) **CMRS Telecommunications Equipment Shelter**: An unattended structure such as a small building or cabinet(s) used to house equipment for a CMRS telecommunications facility associated with either a freestanding CMRS telecommunication facility or a structure or building mounted CMRS telecommunications facility.
- (67) **CMRS Structure or Building Mounted Telecommunications Facility**: Any CMRS facility, antenna, or equipment attached to or mounted upon any structure or building. Structure or building mounted CMRS telecommunication facilities do not include freestanding CMRS telecommunication facilities as defined by this section 17-2-2. All structure or building mounted CMRS telecommunication facilities shall be deemed an accessory use of the property to which the facility is attached or mounted.
- (68) **CMRS Telecommunications Provider**: A public or private company providing any type of CMRS of other related technology.
- (69) **Cold Storage Locker**: Freezers used for the keeping of food in a frozen state.

- (70) **Colfax Overlay District/Zone**: An area defined on the zoning maps with a shaded pattern identifying properties that are along West Colfax Avenue. The development requirements for this overlay district are identified in Article 19 of this Ordinance.
- (71) **College/University**: A place which is accredited by the Colorado Commission on Higher Education providing higher education beyond grade twelve, which offers either a two year or four year degree in specific disciplines that may include a combination of the following uses but is not limited to: higher education classrooms, higher education offices, administrative buildings, athletic facilities and fields, student living units, laboratories, library, cafeteria, student center, bookstore and auditorium that are owned or controlled by the College or University.
- (72) **Colorado Child Care Act**: See Article 6, Title 26, 1 C.R.S. (1997).
- (73) **Commercial Mobile Radio Service (CMRS) Telecommunications Site**: Any use of property for antennae, equipment, and equipment shelter(s) employed in the reception, switching, and/or transmission of wireless telecommunication services including, but not limited to, paging, enhanced specialized mobile radio, personal communication services, microwave link antenna, cellular telephone, and other related technologies.
- (74) **Commercial Trade or Service**: See Business, Retail, Service.
- (75) **Commercial Trailer**: Any wheeled vehicle, without motive power, which is designed to be drawn by a motor vehicle and to carry its cargo load wholly upon its own structure and which is generally and commonly used to carry and transport property over the public highways and which is registered under the ton-mile tax laws of the State of Colorado.
- (76) **Commercial Vehicle**: See Vehicle, Commercial.
- (77) **Common Area/Commonly Owned Land**: Land, or land and improvements held in common ownership by a group of people who individually own dwellings or businesses within the same development, and are responsible for the upkeep and maintenance of the commonly owned land and/or improvements. See also Common Facilities and Condominium.
- (78) **Common Facilities**: Land, facilities, or improvements such as open space, a clubhouse, tennis court or swimming pool, or roads, driveways, or parking areas which are located within a development and in which the owners of the development have an undivided interest and/or a common responsibility for maintenance and repair.
- (79) **Common Wall**: A wall or floor of a structure separating two independent or separate dwelling units.
- (80) **Communication Centers**: Facilities, including radio and television studios, transmitting centers, towers and accessory equipment, and telephone exchanges designed for the transmission or relay of various telecommunications media.
- (81) **Communication Towers**: A structure that is intended for transmitting or receiving television, radio, telephone or microwave communications, excluding those used exclusively for dispatch communications. See antenna, CMRS freestanding telecommunications facility.
- (82) **Community Building**: A building used exclusively for public gatherings for educational, religious, governmental, or non-profit recreational purposes.

- (83) **Comprehensive Plan**: The Lakewood Comprehensive Plan, as adopted by the Planning Commission and approved by the Lakewood City Council, including all neighborhood plans, and amendments thereto.
- (84) **Conceptual Site Plan**: A general site plan as required with a rezoning application. A Conceptual Site Plan does not constitute a site specific development plan as it relates to a vested property right.
- (85) **Condominium**: A form of ownership of real estate in which exclusive title is given to space within a building, such as a residence or office, along with an undivided interest in the development's land and common elements.
- (86) **Containment Area for Domestic Livestock**: The portion of a property that is fenced and used to contain or keep domestic livestock. See Corral, and Exercise Area.
- (87) **Contractor's Shop and Building Trades**: A building, part of a building, or land area for the construction or storage of materials, tools, products and vehicles not to include auto wrecking yards, junkyards, or outside storage of metals or inoperable motor vehicles.
- (88) **Corral**: A pen enclosure area used for exercise, riding, or training of livestock.
- (89) **Correctional Institution**: A building or group of buildings in which persons are confined for an indeterminate period of time while awaiting or on trial for an offense, or while serving sentence for punishment of a crime, or as the result of a specific court order.
- (90) **Corner Unit**: A corner unit is one which has adjacent frontage on more than one street, parking area, drive aisle, or combination of these.
- (91) **Covered Parking**: Attached or detached garages, or carports.
- (92) **Crematorium**: A commercial establishment for the burning of corpses, human or animal, to ashes. Crematoriums do not include establishments where incinerators are used to dispose of toxic or hazardous materials, infectious materials or narcotics. See Cemetery.
- (93) **Dance Hall**: Any place of business, open to the public whose primary purpose or use is to furnish dancing facilities to its patrons. The incidental sale of food or beverages to the patrons shall not change the nature of the business. The term shall include any discotheque or other establishment, regardless of title, which meets the definition of "dance hall" as set forth herein.
- (94) **Day Care Facility**: See Child Care Facility.
- (95) **Density, Net**: The number of dwelling units per acre of total lot area.
- (96) **Density, Gross**: The number of dwelling units per total land area, including unplatted streets and non-dedicated open space, but excluding adjoining streets and tracts.
- (97) **Department**: Department of Community Planning and Development for the City of Lakewood.
- (98) **Detention Area**: An area which is designed to capture stormwater and to gradually release it to reduce or avert flooding.

- (99) **Development**: All activities involving earth disturbance and requiring a building or grading permit, the placement, construction, erection, reconstruction, movement, and alteration of structures or buildings, construction of roads, driveways, and parking areas, placement of paved areas, construction of drainage improvements or alterations of the historic flow of drainage patterns and amounts, installation of utilities, division of a parcel of land into two or more parcels where the division is subject to subdivision regulations, any mining or excavation, and any use or extension of any use of land.
- (100) **Director**: Director of the Department of Community Planning and Development, City of Lakewood, or his designee.
- (101) **Display, Outdoor**: The placement and presentation of commodities, goods or products on the grounds of a business for view by the public to attract the attention of customers in order to sell the commodities, goods or products, but such display shall not violate the governing limitations of the sign code.
- (102) **Drainage Way**: A natural or artificial land depression, with or without perceptible bed and banks, to which surface run-off gravitates to form a continuous or intermittent flow of water in a definite direction.
- (103) **Drive-In**: A commercial activity where, prior to service, the patron customarily drives a motorized vehicle onto the premises, parks the vehicle in a defined parking space, and customarily turns off the engine. Thereafter, the patron is provided service in the vehicle by a carhop or other means which eliminates the need for the customer to exit the vehicle.
- (104) **Drive-Through**: A commercial facility where the patron customarily drives a motorized vehicle onto the premises and to a window or mechanical device through or by which the customer is served without exiting the vehicle. Prior to service, the engine of the motorized vehicle customarily remains in operation.
- (105) **Driveway**: A thoroughfare for vehicles providing access from a public or private street or alley to a dwelling unit or to a parking area serving structures, facilities, or uses contained in a development project.
- (106) **Dump Truck**: Any motor vehicle equipped with a body designed to carry property and which is generally and commonly used to carry and transport property over the public highways and whose truck bed tilts up or backward to dump material which it carries.
- (107) **Duplex**: A building designed for occupancy by two (2) single family households living in two (2) separate single family dwelling units attached by one or more common walls.
- (108) **Dwelling Unit – Single Family**:
- a) A building designed for occupancy by not more than one (1) single family household.
 - b) **Manufactured Home**: A single family dwelling unit which is partially or entirely manufactured in a factory, is not less than twenty-four (24) feet in width and thirty-six (36) feet in length, is installed on an engineered permanent foundation, has brick, wood or cosmetically equivalent exterior siding and a pitched roof, and is certified pursuant to the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 USC 5401, et seq., as amended, and is built for the Colorado climate and snow loads according to the Department of Housing and Urban

Development standards established under the provisions of 42 USC 5401, et seq.

- c) **Factory Built Home:** A single family dwelling unit which is partially or entirely manufactured in a factory and designed for long-term residential use; built in multiple sections, each on a chassis which enables it to be transported to its occupancy site; and is installed on a permanent foundation. Factory built homes must be constructed to the standards of the State of Colorado Factory Built Construction Code (8 CCR 1302-3) and bear a certification insignia in compliance with those standards.
- (109) **Dwelling Unit - Multiple Household:** building designed for occupancy by three (3) or more households living in separate dwelling units, but not including motels or hotels. Said dwelling units may be stacked flats, one above the other, or side by side connected by one or more common walls. The land underneath the structure is not divided into separate lots. Multiple household dwelling units include structures commonly called garden apartments, apartments, stacked flats, and condominiums.
- (110) **Dwelling Unit - Attached Wall Townhouse:** A building designed for occupancy by three (3) or more households living in separate units attached by side wall or rear wall connection, which usually includes fee simple ownership of the land under the dwelling. Townhouses do not include motels, hotels, or stacked flats.
- (111) **Easement:** An interest in real property generally established in a real estate document or on a recorded plat to reserve, convey or dedicate the use of land for a specialized or limited purpose without the transfer of fee title. Such specified uses may include, but are not limited to transportation facilities, utilities, access, storm water drainage, signage, pedestrian uses and solar exposure.
- (112) **Electric Substation:** Structures or facilities designed to provide switching, voltage transformation,
- (113) **Emergency Health Care Facility:** An establishment having as its sole purpose the provision of emergency health care and emergency medical treatment for human ailments, but not including overnight accommodations for patients or ambulance service facility.
- (114) **Emergency Shelter:** An accessory residential use providing eating, sleeping and other similar facilities for temporary shelter only during emergency situations.
- (115) **Entertainment Center:** A commercial business offering recreational and entertainment activities which must include a combination of amusement devices and amusement rides contained within a building and which must also include the sale and consumption of food within the same premises.
- (116) **Equipment - Heavy:** Non-motorized merchandise of six thousand (6,000) pounds or more empty weight, or motorized merchandise of six thousand (6,000) pounds or more empty weight, having motors of twenty (20) horsepower or more performance.
- (117) **Equipment - Light:** Non-motorized merchandise of less than six thousand (6,000) pounds empty weight, or motorized merchandise of less than six thousand (6,000) pounds empty weight, having motors less than twenty (20) horsepower.
- (118) **Extended Stay Motel/Hotel:** A building containing at least six (6) rooms designed and generally used as sleeping accommodations for transient occupancy, and intended for occupancy by patrons desiring accommodations for a week or more. See Motel, Hotel.

- (119) **Exercise Area:** An area of the property on which horses, cattle, sheep, and goats are enclosed containing a minimum area of 6,000 square feet per animal.
- (120) **Extraction, Gravel and Sand:** The removal of rock from natural or historical deposits through mechanical means and stockpiling of it for the purpose of crushing it into gravel or sand, but excluding any crushing operation.
- (121) **Fabrication:** The construction of a specific good through the assembly of pre-manufactured parts which require no processing modification. See Assembly.
- (122) **Facade:** Any face (as on a street or court) of a building given special architectural treatment; a false, superficial or artificial appearance or effect.
- (123) **Fair:** A competitive exhibition, or festival with accompanying entertainment and amusements.
- (124) **Family:**
- 1) An individual living alone; or
 - 2) Any number of individuals, who are related by blood, marriage, or legal adoption, including foster children.
- (125) **Farmers Market:** The sale of breads, fruit, flowers, honey, preserves, vegetables or other products from the gardens and kitchens of the growers/producers, directly to the public from a temporary outdoor market set up for such sales.
- (126) **Fence:** ~~A structure of commonly used building material or combination of materials that serves as an enclosure, screen, wall, or barrier. Also see Open Fence and Solid Fence.~~ A free-standing structure made of metal, masonry, composition, wood, a free-standing wall or any combination thereof, which may be resting on or may be partially buried in the ground, and rising above ground level. It is generally used for confinement, screening, partition or ornamental purposes. See the following definitions.
- (127) **Fence, Lattice:** An open, interwoven framework, typically made of wood or metal that is used as, or attached to, a fence. Is considered to be part of the fence and must meet all applicable regulations.
- (128) **Fence, Nonconforming:** A fence, including gates that at the time it was erected, a fence permit was issued and it complied with the fence regulations in effect at the time but no longer meets the requirements of the new regulations.
- (129) **Fence, Ornamental:** A fence, including gates, not exceeding 24 inches in height and one that is used specifically for the purpose of decoration or ornamentation and not for confining an area. An example includes but is not limited to a garden or flower bed fence. An ornamental fence meeting this requirement shall be exempt from permitting.
- (130) **Fence, Open:** ~~An open fence is a fence or wall with more than fifty (50) percent open space in the fabric or material of its vertical surface.~~ A fence, including gates, where each one foot wide segment for the full length and height of the fence contains at least 50% open space which affords a direct view through the fence. Examples include but are not limited to a chainlink fence, a picket fence or a split rail fence.

- (131) **Fence, Solid:** ~~A solid fence is a fence or wall with fifty (50) percent or less open space in the fabric or material of its vertical surface.~~ A fence, including gates, which does not provide for open space along its length or height and conceals the activity conducted behind it from view from adjoining properties, public or private streets or alleyways. An example includes but is not limited to a solid cedar fence.
- (132) **Fill:** A deposit of material by other than natural means, the purpose of which is to build up the ground level of property, which shall be imported in accordance with Lakewood City Code requirements.
- (133) **Financial Institution:** A business engaged in monetary transactions, including banks, savings and loans, thrift, and lending institutions. A financial institution may include a drive-through facility.
- (134) **Final Site Plan:** For the purpose of this Code reference to a final site plan shall mean those requirements set forth in Article 15 for a site development plan. A final site plan must conform to the approved conceptual site plan.
- (135) **Flea Market:** The sale of new or used personal goods or commodities by an individual, or group of individuals.
- (136) **Floor Area:** The area included within the surrounding exterior walls of a building or portion thereof. For purposes of this Code, floor area shall be categorized as follows:
- a) Floor Area, Gross: The area within the exterior facade of a building, including all covered and enclosed space on all floor levels of a building, halls, corridors, lobbies, mezzanines, display areas, stairways, elevator shafts, escalators, utility cores, air conditioning and heating areas, and common facilities for use of all tenants, except that gross floor area shall not include any open exterior plazas which are eligible for inclusion in covered open space, partially enclosed crosswalks, ramps, bridges, or other such buildings or structures intended for pedestrian use, loading areas, underground truck roads and service facilities.
 - b) Floor Area, Gross Leasable: The total floor area located with the exterior walls of a building less the square footage in the following:
 - 1. Areas used to house mechanical, electrical, telephone, heating, ventilating, air conditioning, and other similar building operating equipment.
 - 2. Stairwells, elevators, vertical shafts, and rated corridors.
 - 3. Atriums, lobbies and elevator lobbies.
- (137) **Floor Area Ratio (FAR):** The ratio of gross leasable floor area permitted on a site to the net acreage contained within the site. See also Lot Coverage.
- (138) **Frontage:** Frontage is that side of a lot abutting on a public or private right-of-way, or tract designated for access to the subject lot. Primary frontage is the right-of-way from which the access to the lot is taken and the address of the lot is assigned. See also Lot Line.

- (139) **Garden Apartment**: An apartment which has its floor below the grade of the adjoining land surface, but has its windows above the grade of the adjoining land surface for light and ventilation.
- (140) **Garage, Private**: A building or portion of a building in which only motor vehicles used by tenants of the building or buildings on the premises are stored or kept. See also Structured Parking.
- (141) **Garage, Public**: Any garage other than a private garage.
- (142) **Garment Work**: Work involving the design, sewing, alteration, tailoring, ironing, or repair of clothing.
- (143) **Golf Course**: A large tract of land developed for the game of golf which may include a clubhouse containing locker rooms, food and beverage services, and retail sale of clothing and sporting goods associated with golf.
- (144) **Golf Driving Range**: A tract of land used by golfers to practice their tee and long shots by hitting rented buckets of golf balls. Food and beverage services, and retail sale of clothing and sporting goods associated with golf may also be available.
- (145) **Government Facilities**: Facilities owned and/or operated by a government agency needed for the operation of government functions. Government facilities may include administrative offices, equipment yards, material storage, vehicle storage, repair, or impound yards. See also Community Buildings.
- (146) **Grade**:
- a) For the purpose of determining height or depth requirements, grade shall mean the average of the finished adjacent ground level at the center of all walls of a building. If case walls are parallel to or within five (5) feet of a sidewalk, alley or other public way, the above ground level shall be measured at the elevation of the sidewalk, alley or public way.
 - b) For the purpose of determining the slope of facilities such as streets, walkways and bike/pedestrian paths, grade shall mean the degree of slope of the ground or finished surface, expressed in a percentage and equal to the total rise or fall in any vertical distance divided by the horizontal distance. For a street, walkway or bike/pedestrian path, the grade shall be the degree of slope of the finished surface at the center line.
- (147) **Grand Opening**: The initial opening of a new store or the reopening of a substantially remodeled store. Change of management does not constitute a new store.
- (148) **Greenhouse**: A building whose roof and sides are made largely of glass or other transparent or translucent material in which the temperature and humidity can be regulated for the cultivation of plants. For the purposes of this Code, greenhouses are classified as follows:
- a) Commercial: A greenhouse where plants are cultivated for subsequent sale to wholesalers, retailers or to the general public. See also Nursery.
 - b) Non-Commercial: A greenhouse which is an accessory use where plants are cultivated for personal enjoyment or to enhance the interior aesthetics of a residence or a nonresidential facility, and are not for commercial sale.

- (149) **Grocery Store**: See Market.
- (150) **Gross Floor Area**: See Floor Area, Gross.
- (151) **Gross Land Area**: See Land Area, Gross.
- (152) **Gross Leasable Area**: See Floor Area, Gross Leasable.
- (153) **Ground Cover**: Any of a wide variety of living plants which lie close to and cover the ground to form a dense mat, preventing soil from being blown or washed away, and intended to prevent growth of unwanted plants. Ground cover typically does not exceed a height of twelve inches at maturity.
- (154) **Ground Sign**: See Sign, Ground.
- (155) **Group Home**: A one household dwelling or duplex in which unrelated individuals or related and unrelated individuals live, where physical assistance and/or supervision may be provided by resident and/or nonresident professional support personnel as a continual benefit. A group home shall be defined according to its client population, as listed below. However, group home will not include a hotel, motel, rooming house, or facility housing juvenile or adult offenders or a facility as defined under Group Living Quarters. Group home shall also include state-licensed personal care boarding homes and alternative care boarding homes when such homes comply with all other applicable portions of this Ordinance.
- a) Group home for elderly persons: A group home for elderly persons who do not require medical attention associated with a residential health care facility. Group homes for elderly must either be licensed by the State Department of Health or Social Services, or approved by Jefferson County as an Adult Foster Care Home.
 - b) Group home for the handicapped: A group home for handicapped persons as such term is defined in Section 17-6-5 of the Lakewood Zoning Ordinance and which, if applicable, is licensed by the state.
 - c) Group home for dependent, neglected children: A Colorado Department of Human Services licensed group home exclusively for the care of persons under the age of eighteen (18) years with emotional, behavioral, or social problems, who, under the terms of Title 19, Colorado Revised Statutes, are determined to be dependent or neglected.
 - d) Group home for victims of domestic violence: A group home housing victims of domestic violence, which may have included physical, emotional, or mental abuse, for purposes of rehabilitation or special care.
 - e) Group home for pregnant women and infants: A group home for care and counseling of pregnant women and infants up to the age of one (1) year.
- (156) **Group Living Quarters**: A structure other than a one-household dwelling unit, duplex, hotel, or motel designed and operated for the purpose of housing, or special care and housing, of unrelated individuals or related and unrelated individuals, where centralized provision of meals and services and individual or group sleeping accommodations are included. Group living quarters shall be limited to those group living quarters listed below. Any group living quarters that meets the definitions of correctional institution shall be regulated as a correctional institution. Any group living quarters that

meets the definition of a group home or household shall be regulated as group living quarters rather than as a household or group home

- a) Group living quarters for elderly persons: A residential facility for elderly persons who do not require medical attention associated with a residential health care facility. Group living quarters for elderly shall be either (1) licensed as a personal care boarding home or alternative care boarding home by either the State Department of Health or Social Services, or (2) certified as an adult foster care facility by Jefferson County Social Services.
- b) Group living quarters for the handicapped: A facility for handicapped persons as such term is defined in Section 17-6-5 of the Lakewood Zoning Ordinance and which, if applicable, is licensed by the state.
- c) Group living quarters for dependent, neglected children: A Colorado Department of Human Services licensed facility exclusively for the care of persons under the age of eighteen (18) years with emotional, behavioral, or social problems, who under the terms of Title 19, Colorado Revised Statutes, are determined to be dependent or neglected.
- d) Group living quarters for adult or juvenile offenders: A facility licensed or certified by the State of Colorado, housing adult offenders or juvenile offenders who have been determined to be delinquent, who have been sentenced, referred or otherwise placed in the facility as a condition of their sentence or court-ordered supervision. This category shall not include facilities meeting the definition of a correctional institution. Any adult offender or juvenile offender who has been sentenced, referred or otherwise placed in a program as a condition of his sentence or court-ordered supervision shall live only with his immediate family or in a Group Living Quarters for Adult or Juvenile Offenders.
- e) Group living quarters for the temporary shelter of homeless persons: A facility established and maintained to provide housing and personal care on a "temporary basis" for indigent or homeless persons. The "temporary" period shall be defined by the facility but shall not exceed thirty (30) consecutive days.
- f) Group living quarters for victims of domestic violence: A facility housing residents for the purposes of rehabilitation or special care for domestic violence victims of physical, emotional, or mental abuse.

(157) **Habitable Structure:** A dwelling capable of being lived in by a human, meeting the safety requirements of the building code.

(158) **Hair Care:** Businesses devoted to the cutting and grooming of their clients hair.

(159) **Hazardous Substances:** Any substance or material that, by reason of its toxic, caustic, corrosive, abrasive, or otherwise injurious properties, may be detrimental or deleterious to the health of any person handling or otherwise coming into contact with such material or substance and as defined by State and Federal regulations.

(160) **Health Facilities:** See Hospital, Medical Clinics.

(161) **Health Clubs, Spas:** Businesses providing aerobics, exercise, weight-lifting, and swimming.

(162) **Height:** See Building Height.

- (163) **Historic Place**: Buildings, historic and prehistoric sites, structures and objects of national, state, or local importance which have been officially designated by the City.
- (164) **Home Improvement Center**: A business providing electrical, building, plumbing and garden materials for the general public and contractors.
- (165) **Home Occupation**: Any occupation of a service character which is clearly accessory to the main use of the premises as a dwelling unit, and which does not change the character thereof except as provided in the Zoning Ordinance of the City of Lakewood. See Article 13 for detailed criteria.
- (166) **Home Service**: A commercial business intended to provide maintenance or repair of a residential structure such as housecleaning, chimney sweeping, burglar alarms, yard care, etc.
- (167) **Homeowner's Association**: An association of homeowners or property owners within a residential subdivision, condominium project, or townhouse development, often organized for the purpose of enforcement of private covenants and/or the carrying out the maintenance of common areas, landscaping, parks, building exteriors, and streets
- (168) **Hospital**: A facility having as its primary purpose the provision of general health care, nursing, and medical treatment for human ailments, including diagnostic and surgical services. Overnight accommodations are available, but patients normally remain within the hospital for only a limited time. A hospital shall not be considered a residential health care facility. See also Residential Health Care Facility And Clinic.
- (169) **Hotel**: A building designed and used as sleeping accommodations for usually transient occupancy, with access to the rooms available through a lobby or supervised office. May also provide additional services such as restaurants, meeting rooms, and recreational facilities. See also Motel.
- (170) **Household**: This Zoning Ordinance allows "Households". For the purpose of differentiation between allowed single-family dwelling units and multiple household dwelling units the following two definitions shall be used to regulate occupants allowed in a household.

A. **Single Family Household**:

- 1) Any Family; or
- 2) Any unrelated group of individuals living together as a single housekeeping unit up to a maximum of one person per five hundred (500) gross square feet in the dwelling unit (including basements and excluding attached and/or detached garages) not to exceed five (5) individuals per dwelling unit; or
- 3) Not more than two (2) unrelated individuals and their related children and/or parents.
- 4) The following words, terms and phrases, and the following criteria, when used in this definition, shall have the meanings ascribed to them in this subsection.
 - a) Every dwelling unit shall be allowed three (3) individuals regardless of the number of square feet in the dwelling unit.
 - b) Any household which meets the definition of a group home or group living quarters shall be evaluated, permitted and regulated as a group home or group living quarters rather than as a

household.

- c) "Living together as a single housekeeping unit" is generally characterized by a family like structure, and/or a sharing of responsibility associated with the household, and a concept of functioning as a family unit with a sense of permanency, as opposed to the transient nature of a bed and breakfast establishment, motel or hotel.
- d) A household shall not include more than one individual who is required to register as a sex offender under the provisions of the Colorado Revised Statutes, 18-3-412.5, as amended. This Subsection (d) shall not apply to a registered sex offender who is living with his immediate family. For purposes of this Subsection (d), immediate family is defined as a person, the person's spouse, the person's parent, the person's grandparent, the person's brother or sister of the whole or half blood, the person's child, the person's step-child or the person's child by adoption.
- e) Enforcement of Subsection (d) above shall occur only after notice of the violation has been sent by regular mail to the owner and tenant of the household and ten (10) days have elapsed after mailing of said notice.

B. Multiple Household:

- 1) Any Family; or
- 2) Any unrelated group of individuals living together as a single housekeeping unit up to a maximum of one person per habitable room;
- 3) Not more than two (2) unrelated individuals and their related children and/or parents.
- 4) The following words, terms and phrases, and the following criteria, when used in this definition, shall have the meanings ascribed to them in this subsection.
 - a) "Habitable room" is space in a structure for living, sleeping, eating or cooking. Not included in this definition are bathrooms, toilet compartments, porches, balconies, unfinished rooms, closets, halls, storage and utility spaces, and similar spaces.
 - b) "Living together as a single housekeeping unit" is generally characterized by a family like structure, and/or a sharing of responsibility associated with the household, and a concept of functioning as a family unit with a sense of permanency, as opposed to the transient nature of a bed and breakfast establishment, motel or hotel.
 - c) Any household which meets the definition of a group home or group living quarters shall be evaluated, permitted and regulated as a group home or group living quarters rather than as a household.
 - d) A household shall not include more than one individual who is required to register as a sex offender under the provisions of the Colorado Revised Statutes, 18-3-412.5, as amended. This Subsection (d) shall not apply to a registered sex offender who is living with his immediate family. For purposes of this Subsection (d), immediate family is defined as a person, the person's spouse, the person's parent, the person's grandparent, the person's

brother or sister of the whole or half blood, the person's child, the person's step-child or the person's child by adoption.

- e) Enforcement of Subsection (d) above shall occur only after notice of the violation has been sent by regular mail to the owner and tenant of the household and ten (10) days have elapsed after mailing of said notice.

(171) **Household Pet**: See Animal, Household Pet.

(172) **Ideological Sign**: See Sign, Ideological.

(173) **Illuminated Sign**: See Sign, Illuminated.

(174) **Illumination, Concealed**: Lighting intended to illuminate a sign or building by directing a light source at a reflecting surface of the sign or building, either internally or shielded from public view and from the surrounding properties.

(175) **Illumination, Direct**: Lighting intended to illuminate a sign or building by directing a light source at a surface of the sign or building by means of an unshielded light source that is effectively visible as part of the sign or building, where light travels directly from the source to the viewer's eye.

(176) **Illumination, Indirect**: Lighting intended to illuminate a sign by directing a light source at a surface on the sign in such a way as to illuminate the sign from the front, or a light source that is primarily designed to illuminate the entire building facade upon which a sign is displayed, but does not include lighting that is primarily used for purposes other than sign illumination, including without limitation, parking lot lights, or lights inside a building that may silhouette a window sign but that are not primarily installed to serve as inside illumination.

(177) **Illumination, Internal**: Lighting by means of a light source that is within a sign having a translucent background, silhouetting opaque letters or designs, or that is within letters or designs that are themselves made of translucent material. For the purpose of Article 10, backlighted signage shall be considered internally illuminated.

(178) **Illumination, Private Property**: Illumination used to light walks, buildings, parking areas, and landscaping, which shall be directed and controlled in such a manner so that no direct rays of light extend beyond the boundaries of the property from which it originates.

(179) **Individual Letter Sign**: See Sign, Individual Letter.

(180) **Industrial Use**: Businesses involved in the extraction and processing of raw materials, the invention, manufacture, fabrication, assembly, and construction of products, or the provision of services to commercial or manufacturing establishments where such services usually involve the use of machinery and equipment.

(181) **Impound Yard**: A fenced area used for the storage of vehicles retrieved by a towing company or by police personnel until reclaimed by their owners, or disposed of as abandoned. See also Government Facilities, Storage.

(182) **Infill**: Development that occurs on vacant properties scattered within areas that are already largely developed or urbanized. Generally, these sites are vacant because they were once considered of

insufficient size for development, because an existing building located on the site was demolished, or because there were other, more desirable, or less costly sites for development.

- (183) **Inoperable Motor Vehicle**: See Vehicle, Inoperable.
- (184) **Integrated Access System**: A curb cut or access road connecting two (2) or more separate lots or buildings.
- (185) **Integrated Parking System**: A common parking area or a series of interconnected parking areas which are utilized by two or more building units and where any owner, occupant, patron, customer, employee or other person utilizing any of the building units served has the right to park a motor vehicle within any of the parking areas. Such common right shall be evidenced by a reciprocal parking easement recorded with the Clerk and Recorder of Jefferson County and shall run in perpetuity with the use of the land.
- (186) **Joint Access**: See Integrated Access System.
- (187) **Joint Identification Sign**: See Sign, Joint Identification.
- (188) **Joint Use**: The sharing of a building, access drive, parking and/or sign by more than one business, tenant or lot owner.
- (189) **Junk**: Scrap metal, such as copper, iron, lead, tin, zinc and all other metals and their alloys; inoperable motor vehicles; and other manufactured goods that are so worn, or deteriorated as to make them unusable in their existing condition, including cloth, rope, rubber, glass, machinery, tools, appliances, fixtures, lumber, paper, cartons and containers, pipe and other similar goods.
- (190) **Junkyard**: Any establishment or place of business which is maintained, operated or used for storing, keeping, buying or selling junk, including scrap metal processors, auto-wrecking yards, salvage and scrap yards, and temporary storage of automobile bodies or parts awaiting disposal as a normal part of a business operation when the business has such materials located on the premises on a customary basis.
- (191) **Kenel**: Any building, structure or open space used in whole or in part for the boarding or harboring of four (4) or more of any species of regulated household pets or six (6) or more regulated household pets, above the age of four (4) months, with or without compensation.
- (192) **Kiosk**: A small, free-standing one-story structure having a maximum floor area of 350 square feet, and used for commercial purposes, or the posting of temporary information, posters, notices and announcements. Kiosks located within a public right-of-way cannot be used for commercial purposes, except for announcements of, or directions to development projects.
- (193) **Kitchen**: A room or portion of a room devoted to the preparation or cooking of food which contains a sink, refrigerator, and a stove with an oven, requiring a 220 volt electric service or natural gas, referred to as cooking facilities. No more than one kitchen is permitted per dwelling unit.
- (194) **Laboratory - Medical, Dental or Optical**: A building or a portion of a building devoted to the use of providing bacteriological, biological, medical, X-ray, pathological and similar analytical or diagnostic services to doctors, opticians, or dentists, and where fabrication is conducted on the premises for the custom manufacture of dentures, grinding of optic lenses, and the custom fabrication of orthopedic limbs.

(195) **Laboratory, Scientific**: A building or a portion of a building devoted to the experimental study in science or the testing and analysis of any product, animal, chemicals, drugs, explosives, minerals, and similar materials.

(196) **Land Area, Gross**:

a) An area for a specific land use which includes the following:

1. Horizontal lot area in designated use within the property lines, including all internal public and private streets; and
2. One-half the area of any abutting alley or street right-of-way.

b) Gross land area does not include:

1. Areas not beneficial to the designated use of land because of restrictions on development due to irregular shape, topography, location or character, as determined by the Planning Commission; and
2. Land area already used predominantly for other use purposes.

(197) **Landscaping**: The improvement of a parcel of land with any combination of living plants, such as trees, shrubs, vines, ground covers, flowers or lawns; natural features and nonliving ground covers such as rock, stone and bark; and structural features, such as fountains, reflecting pools, art works, screen walls, fences and benches.

(198) **Lawn and Garden Center**: A business providing shrubs, trees, flowering plants, fertilizer and garden materials for the general public and contractors.

(199) **Legal Use**: Any use of realty or improvements lawfully established in conformity with existing law and the City of Lakewood Zoning Ordinance in existence at the time of establishment of such use, and which is also presently lawful under applicable law and ordinance. Legal use shall include nonconforming uses lawfully established at the time of establishment, and lawfully maintained, principal uses permitted by the District Regulations for the zoning of the subject property, and any accessory use or uses incidental to and commonly associated with such lawfully established uses. As used herein, legal use sometimes refers to the person, firm, or corporation entitled to a legal use. See also Permitted Use.

(200) **Library**: A facility, operated by a public or nonprofit organization, used to keep literary and artistic materials, such as books, periodicals, newspapers, pamphlets, and prints, for reading, reference, or borrowing.

(201) **Limited Office and Personal Services**: Refers only to professional, business, medical, dental, optical offices, hair salons, tailor shops, shoe repair shops, and art and photographic studios, located on those arterial streets which are so designated in the Comprehensive Plan.

(202) **Liquor Store**: A commercial establishment selling packaged alcohol beverages, with no on-site consumption permitted.

(203) **Livestock**: See Animal, Livestock.

(204) **Living Quarters**: See Dwelling Unit.

(205) **Lot**: A unit or area of land within a subdivision, or created by a valid and recorded instrument of conveyance prior to January 22, 1975, or prior to annexation to the City of Lakewood, or legally subdivided by the City of Lakewood since January 22, 1975, or as otherwise permitted by law, to be used, developed, or built upon. The classification of lots are:

- a) **Corner**: A lot, of which at least two adjacent sides abut for their full length upon a public right-of-way other than an alley, and one side, abutting either another property or a another public right-of-way, is considered a rear lot line.
- b) **Flag**: A lot having access to a street by means of a parcel of land included as part of the lot, having a depth greater than its frontage, and having a width less than the minimum required lot width.
- c) **Interior**: A lot, other than a corner lot, abutting only one street, and generally having two sides abutting adjacent properties, and a rear lot line.
- d) **Key**: A lot with a lone side that abuts the rear line of any one or more adjoining lots.
- e) **Reverse Corner**: A corner lot, the rear of which abuts the side of another lot.
- f) **Through**: An interior lot abutting on a street at both the front and rear lot line, or a corner lot abutting on a street on the front, one side, and the rear lot lines.

(206) **Lot Area**: The area contained within the legal boundaries of a lot including any easements which restrict surface use of the property. The area of the lot extension for flag lots is not computed into the area of the lot.

(207) **Lot Coverage**: Determined by dividing that area of a lot which is occupied or covered by the total horizontal projected surface of all buildings, including covered porches and accessory buildings, and parking and drives, by the gross area of that lot. See also Density.

(208) **Lot Depth**: The average distance between the front and rear lot lines or between the front line and the intersection of the two side lines, if there is no rear line.

(209) **Lot Frontage**: The portion of the lot contiguous to a public right-of-way or private street or tract created for access to the subject lot.

(210) **Lot, Illegal**: A lot which did not comply with the provisions of the law or regulations in effect at the time it was created. See also Lot, Legal Non-Conforming.

(211) **Lot, Legal Non-conforming**: A lot which was lawful when created but which does not comply with the provisions of law or regulations passed at a later date in that it fails to meet requirements regarding area, width, or other characteristics of the zoning district in which it is located.

(212) **Lot - Minimum Area**: The minimum square footage that a lot is required to have under the zoning, as described in the District Regulations, in order to meet the requirements for issuance of a building permit. The area of the lot extension for flag lots is not computed into the area of the lot.

- (213) **Lot - Total Area**: The square footage of a lot contained within the lot lines of the property excluding street rights-of-way.
- (214) **Lot Width**: The shortest distance between any two (2) lot lines of a lot which are intersected by the front setback line, measured at a point of intersection parallel to the front property line.
- (215) **Lot Line - Front**: The boundary line of a lot which immediately abuts a public right-of-way (other than an alley) or private right-of-way, or tract designated for access to the subject lot. Front lot lines may be either primary front lot lines or non-primary (secondary, or tertiary) front lot lines.
- a) **Primary Front Lot Line**: The front lot line closest to that face of the primary, principal or main building(s) on the lot which contains the primary entrance to the building(s), or, in the event the primary entrance does not face a front lot line, the front lot line which abuts the street used in the address assigned to the primary, principal or main building(s) on the lot.
 - b) **Non-Primary (Secondary, or Tertiary) Front Lot Line**: A front lot line which is not the primary front lot line.
- (216) **Lot Line - Rear**: The boundary line of a lot which is most nearly opposite the front lot line of the lot, other than a through lot.
- (217) **Lot Line - Side**: Any boundary line of a lot, other than a front lot line or rear lot line.
- (218) **Lot, Minimum Size/Area**: The smallest area measured in square feet which is required for any property within a specific zone district.
- (219) **Lowest Floor**: The lowest floor, including the basement, of a structure. Also see basement.
- (220) **Lumberyard**: The use of land or buildings for the sale of building materials and construction supplies which may include outdoor storage of materials or supplies.
- (221) **Main Building**: The building used to house the principal use of the land. Also referred to as principal, or primary structure or building.
- (222) **Major Architectural Detail**: Distinguishable design features of the exterior of the building such as windows, doors, balconies, columns, or patterns or designs formed at the time of construction by the building material.
- (223) **Major Street Plan**: The adopted City plan designating local, collector and arterial streets within the City.
- (224) **Mansard Roof**: A roof with two slopes on each of the four sides, the lower steeper than the upper.
- (225) **Manufactured Housing**: See Dwelling Unit-Single Family.
- (226) **Manufacturing**: Establishments engaged in the mechanical or chemical transformation of materials or substances into new products including the fabrication and assembly of component parts into products.
- (227) **Market**:

- a) Convenience: A commercial establishment, not more than 5,000 square feet of gross floor area (GFA), selling food and other convenience items, where the food is usually packaged, but not a supermarket.
 - b) Supermarket: A self-service retail store of more than 5,000 square feet of GFA selling processed and packaged foods and other household goods.
- (228) **Marquee**: A permanent roof structure attached to and uniformly supported by a wall of a building, having no connection or relationship with the roof of the building to which it is attached and projecting over public property.
- (229) **Marquee Sign**: See Sign, Marquee.
- (230) **Mausoleum**: Property used for the interring of the dead where bodies are interred above ground in stacked vaults.
- (231) **Mechanical Equipment**: Equipment or extensions thereof used to operate mechanical facilities within a building, including air vents and air heating/cooling/conditioning units.
- (232) **Median**: An area in the approximate center of a right-of-way which is used to separate the directional flow of traffic, may contain left-turn lanes, and is demarcated by painted or thermally applied stripes, curb and guttering with a raised surface of patterned concrete, landscaping, or other means of distinguishing it from the portion of the roadway utilized for through traffic.
- (233) **Medical Clinic**: A facility providing medical health services for individuals.
- (234) **Metes and Bounds**: A system of describing and identifying land by measures (metes) and direction (bounds) from an identifiable point of reference such as a monument or other marker, the corner of intersecting streets, or in rural areas a tree or other permanent feature, commonly used to describe property not located within a subdivision.
- (235) **Microwave Link Antenna**: Any antenna which emits microwave signals, except for receivers otherwise regulated by this Ordinance.
- (236) **Mineral Resource Extraction**: Extraction (from or above the ground) of sand, gravel, rock, earth and other similar materials.
- (237) **Minimum Lot Size/Area**: See Lot, Minimum Lot Size.
- (238) **Mini-Warehouse**: Enclosed warehouse units which are rented or leased to second parties for storage purposes, and which have no outside storage.
- (239) **Mobile Home**: A factory-assembled structure or structure without a permanent foundation and greater than thirty (30) feet in length and designed to be transported on its own wheels arriving at the site as a complete dwelling unit, equipped with the necessary service connections, usually including major appliances and furniture and ready for occupancy. Removal of the wheels and placement on a foundation does not change its classification. The phrase "without a permanent foundation" indicates that the support system is constructed with the intent that the mobile home placed thereon will be moved from time to time at the convenience of the owner. The term "mobile home" does not include travel trailers, 5th wheel trailers, campers, camper buses, motor homes, or modular homes. This

definition includes half units that are transported to the site on their own wheels and then assembled as one (1) unit.

- (240) **Mobile Home Park**: A lot, parcel, or tract of land which is designated and improved for the purpose of providing a location and accommodations for one (1) or more mobile homes and within which spaces are available to the general public for rent, lease, and the placement thereon of mobile homes for occupancy. Mobile home unit sales lots on which unoccupied mobile homes are located for inspection or sale shall not be considered mobile home parks.
- (241) **Modular Home**: See Dwelling Unit-Single Family (c) Factory Built Home.
- (242) **Monument Sign**: See Sign, Monument.
- (243) **Mortuary**: A commercial establishment where human corpses are prepared for burial or cremation, and ceremonies are held in connection with burial or cremation of the dead. Also see crematorium, mausoleum and cemetery.
- (244) **Motel**: A building containing at least six (6) rooms designed and generally used as sleeping accommodations for transient occupancy.
- (245) **Motor Fuel Filling and Service Stations**: A retail establishment at which vehicles are serviced; especially with fuel, oil, air and water; and where ancillary repair, maintenance or replacement of electrical or mechanical devices may be obtained. The extent of the type of repair permitted to be performed is determined by the zone district. Major vehicle repair, as defined by this Ordinance, is a permitted use only in the 5-C and IN zone districts and in those PD districts which specifically permit major vehicle repair.
- (246) **Motor Home**: A recreational vehicle used for travel, and containing cooking, and sleeping accommodations.
- (247) **Motor Vehicle**: See Vehicle, Automobile.
- (248) **Multiple Household Dwelling Unit**: See Dwelling Unit-Multiple Household.
- (249) **Municipal Code**: The City of Lakewood Municipal Code.
- (250) **Neighborhood Homeowners Association**: An organization set up to conduct the common business affairs of the owners in a housing development, which may include the maintenance of commonly owned property and facilities.
- (251) **Nonconforming Building or Structure**: A building or structure, or portion thereof, lawfully existing at the time of construction, which does not conform to all height, setback, lot coverage, lot width, lot area, or other regulations of the zone district in which it is located.
- (252) **Nonconforming Sign**: See Sign, Non-Conforming.
- (253) **Nonconforming Use**: A use which lawfully occupied a building or land at the time it was established, and which does not conform to the use regulations of the zone district in which it is currently located.

- (254) **Nonconforming Vacant Lot**: A parcel of land with no main building, that was lawfully created prior to the adoption of this Ordinance, that does not meet the minimum lot area, or lot width requirements currently required by the District Regulations for the zone district which applies to the parcel.
- (255) **Nonprofit**: A use which is operated where no part of the income or profit is distributable to its members, directors, or officers, except that income or profit may be distributable to a member for another nonprofit use. (Title 7, Articles 20-29, 1 C.R.S. (1997), as amended.)
- (256) **Nursery**: Land or structures, including greenhouses, where flowers, plants, and horticultural products are grown, and available for sale to the general public, and which may include the outdoor storage of plants. Also see greenhouse.
- (257) **Office**: A building or portion of a building used for conducting the administration and management of a business, profession, service, enterprise, or government.
- (258) **Off-Premises Sign**: See Sign, Off-Premise.
- (259) **Off-street Parking Areas**: Paved areas on public or private property not part of a public or private right-of-way, designed for the parking of vehicles.
- (260) **Official Development Plan**: The stipulations and maps associated with a PD (Planned Development) zone district that set forth the land use regulations for the property as approved by the Lakewood City Council.
- (261) **Off-site**: Located outside the boundaries of the subject property.
- (262) **Open Fence**: An open fence is a fence or wall with more than fifty (50) percent open space in the fabric or material of its vertical surface.
- (263) **Open Space Area or Landscaped Area**:
- a) Open space areas or landscaped areas include:
 - 1. Walkways, pedestrian paths, open plazas and malls, concourses, passageways, terraces, natural drainage ways, playgrounds, improved rooftops and similar structures designed specifically for active and passive recreational use and which are not designed to be used by motor vehicles except for emergency and service purposes; and
 - 2. Areas used for design purposes, such as planted or landscaped areas, flowerbeds and planters.
 - 3. Landscaping over underground buildings or parking.
 - b) Open space areas or landscaped areas do not include:
 - 1. Unused or leftover portions of a property which are capable of being developed and which are specifically used for storage or reserved for future expansion, or outdoor areas which are developed for use as a storage area; and
 - 2. Motor vehicle uses such as parking lots, open-air showrooms, roads, or service areas, at, above or below ground level.

(264) **Open Space - Usable**: Land which, by its size, configuration and improvements, is deemed capable of providing passive and active use.

a) Usable open space includes:

1. A landscaped area with a minimum dimension of twelve (12) feet, to be used for active and passive recreational activities.
2. Common or "public" yards or areas.
3. Private yards, patios, decks, or balconies, defined and/or screened by landscaping, fences, and/or building walls, except those areas of balconies and decks above the first level may not be counted toward the open space requirement.
4. Club houses, swimming pools, tennis, or other courts (a club house is considered a recreational amenity and therefore may be counted as usable open space).
5. Recreational areas with a minimum size determined by types of activities and by project density.
6. Land areas with a slope steeper than 1 foot (vertical) in 5 feet (horizontal) and terraces between retaining walls shall not be allowed to be counted as usable open space.

b) Usable open space may include ponds, drainage ways, and water areas, including flood plains and floodways which are developed as amenities and located so that they are either physically or visually accessible from the residential units. The Director of Community Planning & Development will decide whether to allow part or all of these areas to count toward the usable open space requirement depending on the quality of the amenity and the amount of usable open space provided in other parts of the development.

(265) **Outdoor Civil Defense Public Warning Siren System**: Includes the siren system itself as well as the apparatus to which it is attached, installed by the City of Lakewood or a contractor authorized by the City of Lakewood.

(266) **Panel Antenna**: Any antenna with both a vertical and horizontal plane designed to receive, transmit, direct, or aim CMRS telecommunication signals. Panel antenna are commonly mounted to a building or other support structure for the transmission or reception of wireless communication signals.

(267) **Parapet Wall**: A low wall or protective railing above the roof line or along the edge of a roof, balcony or terrace.

(268) **Parcel**: A contiguous area of land except for intervening easements and rights-of-way with a continuous boundary established either by a subdivision plat recorded in the office of the County Clerk and Recorder, or by one of the following methods (also see lot):

- a) an aliquot part of a section,
- b) a metes and bounds description,
- c) a book and page or reception number reference,

- d) any so-called "assessor's tract", or
- e) a description which calls only for the owner's or adjoiner's name.

(269) **Park:** See 9.32.010 of the Lakewood Municipal Code.

(270) **Park and Ride:** A parking lot located at a transit stop designed for storage of commuter's vehicles while utilizing bus or rapid transit vehicles which stop at the facility.

(271) **Parking Area:** The total area encompassed by off-street parking spaces, which are available to customers, employees, residents, and visitors to the designated area, with or without time limits, as well as the total area encompassed within all access and egress routes designed for use by motor vehicles. Parking area includes emergency access lanes and loading area spaces. Parking areas and the access drives are required to be provided with an all weather surface capable of sustaining the weight of fire trucks and other emergency equipment. Parking areas shall meet the requirements of Article 9 of this Ordinance.

(272) **Parking, Integrated System:** A common parking area, or a series of interconnected parking areas, which are utilized by two or more buildings, and where any owner, occupant, patron, customer, employee or other person utilizing any of the buildings served has the right to park a motor vehicle within any of the parking areas. Such common right is customarily evidenced by a reciprocal parking easement called out on a plat of the property, or recorded separately with the Clerk and Recorder of Jefferson County, or contained within a lease running with in perpetuity with the use of the land.

(273) **Pasture:** Land used for grazing animals.

(274) **Performance Based Standards:** A framework for residents, property owners, land planners and developers designed to encourage flexibility and creativity and to facilitate an efficient land development process. Performance Based Standards are also intended to ensure the effective integration of development or redevelopment projects with surrounding land uses.

(275) **Pergola:** An arbor or passageway with a roof of lattice work.

(276) **Perimeter Landscape Area:** That portion of the perimeter of a property which is adjacent to a public right-of-way (except an alley), the length of which portion is equal to the length of the adjacent portion of the public right-of-way and the width of which portion is equal to the distance between the flow line of the adjacent public right-of-way and the required depth within the property.

(277) **Permitted Use:** Any use allowed in a land use zoning district by this Ordinance and subject to the provisions applicable to that district.

(278) **Person:** Natural person, joint venture, joint stock company, partnership, association, club, corporation, business, trust, organization or the manager, lessee, agent, servant, officer or employee of any of them.

(279) **Pharmacy:** A business which prepares, preserves, compounds and dispenses drugs generally prescribed by physicians.

- (280) **Planned Development**: A zone district which permits diversification of land uses as unified and integrated developments as specified in the Official Development Plan approved with the change in zoning. (See Planned Development District, Section 17-5-22.)
- (281) **Planted Area**: That part of the landscape area that contains living plant materials.
- (282) **Plat**: A plan of a subdivision of land creating building lots or tracts and showing all dimensions and other information essential to comply with the Subdivision regulations.
- (283) **Porch, Patio, or Deck**: A structure open to the atmosphere on at least two (2) sides and projecting from the front, side, or rear wall of a building. For the purposes of this Ordinance, only those porches, patios, and decks with a floor level greater than thirty (30) inches above grade or which have a roof shall be subject to required setbacks. Railings provided on decks for the safety of the uses are excluded from this measurement in height.
- (284) **Principal Use**: Land uses allowed in a given zone district as a use by right because they are considered compatible with the intent of the district. The buildings and structures which contain such uses, and the site development necessary for their establishment must meet the development regulations and plan review requirements established in this Ordinance.
- (285) **Printing Establishment**: A printing business especially for books, periodicals, or newspapers.
- (286) **Printing Facility**: A printing and photocopy business which typically operates at retail, and which does not normally require pick-ups and deliveries by large trucks.
- (287) **Private Improvements**: Any improvement required by this Code on private property, or as a part of the conditional approval of a subdivision or special use permit, which is provided by the developer and not maintained by the City or quasi-public entity.
- (288) **Private Nonprofit Recreational Facilities**: Recreational facilities open to use by the public, which may include, as a Secondary Use, amusement centers.
- (289) **Processing**: The manufacture of goods and pieces by means of subjecting raw materials or preprocessed material to a special treatment involving synthesis or artificial modification. See also see Industrial Use and Manufacturing.
- (290) **Projecting Sign**: See Sign, Projecting.
- (291) **Projection**: Minor architectural features of a building such as building eaves, overhangs, chimneys, and standpipes.
- (292) **Property Lines**: The boundaries of a tract of land established either by a recorded subdivision plat, or by a written recorded conveyance prior to January 22, 1975. Includes lot and parcel lines.
- (293) **Property Owner**: A person or persons holding legal fee title to a parcel of property; includes landowner.
- (294) **Public Improvement**: Those rights-of-way, easements, access rights, and physical improvements which, upon formal acceptance by the City, shall become the responsibility of the City for ownership and/or maintenance and repair, unless otherwise provided, and shall include, but not by way of limitation, curb and gutter, asphalt pavement, concrete pavement, streets of all types, survey

monuments, pavement stripping, sidewalks, pedestrian/bike paths, traffic signals, street lights, highways, freeways, rights-of-way, easements, access rights, construction plans, medians, bridges, structures, channels, water lines, sanitary sewer lines, and all other improvements, which upon acceptance by the City, are intended to be for the use and enjoyment of the public.

- (295) **Public and Private Stables/Riding Academies**: See Stable.
- (296) **Public Recreational Facilities**: Recreational facilities open to the public, which may include, as a Secondary Use, amusement centers.
- (297) **Public Transportation Facilities**: A structure or facility for use by the public to connect with, or use public transportation. Examples include bus benches, bus benches within a shelter from weather, transfer facilities, and light rail facilities. See also Park and Ride.
- (298) **Quasi-Public Agency**: An institution constituted with a governing board and obtaining more than 51 percent of its funds from tax revenue.
- (299) **Racetrack**: Facilities used for competitive racing or entertainment by dogs, horses or vehicles, which may include spectator stands and accessory uses, such as food and beverage sales.
- (300) **Radio Antenna**: A device that is used for transmitting and receiving electro-magnetic waves.
- (301) **Radio Studio**: A structure used as offices, broadcasting booths, and the recording and/or transmission of programs.
- (302) **Radio Tower**: A structure that supports an antenna. See also Communication Towers.
- (303) **Recreational Facilities**: Land, buildings, structures or equipment used in recreational activities. For purposes of this Code, recreation facilities are classified as follows:
- a) Commercial:
 - 1. Indoor: A commercial business offering amusements, recreational or entertainment activities such as a bowling alley, pool hall and amusement rides where such activities are contained within a building. Also see amusement arcade and amusement center.
 - 2. Outdoor: A commercial business offering amusement, recreational or entertainment activities such as batting cages, miniature golf, grand prix miniature race cars, water slide and amusement rides where part or all of such activities are outdoors.
 - b) Non-Commercial: Recreation facilities owned or operated by a government agency, nonprofit entity, a homeowner's association or membership association which are open to the general public and where fees charged are intended to cover the cost of operation and not to provide financial gain to the operator. Recreation facilities accessory to a dwelling unit for use by the property owner or tenant residing on the property, family members or guests.
- (304) **Recreational Vehicle Park**: See Campground.
- (305) **Recycling Collection Facility**: An accessory use that serves as a neighborhood drop-off point for temporary storage of recyclable resources. No processing of such items is permitted.

- (306) **Recycling Plant**: A facility that is not a junkyard and in which recoverable resources, such as newspapers, magazines, books, and other paper products, glass; metal cans; plastics and other products, are recovered, reused, reprocessed, and treated to return such products to a condition in which they may again be used for production.
- (307) **Redevelopment**: The process of removing existing structures and building new ones with or without land aggregation, or adding buildings to a developed site.
- (308) **Remodel, Substantial**: See Substantial Remodel, Alteration.
- (309) **Rental Center**: A retail establishment that rents machinery or tools, such as air compressors, chain saws, concrete mixers, ladders and scaffolding, power tools, trailers, trucks, welders, etc. For the purposes of this Code, equipment is classified as heavy or light. See Equipment- Heavy and Equipment- Light.
- (310) **Residence Inn**: A hotel with rooms that have complete kitchen and bathroom facilities intended for semi-transient, longer-term occupancy, also referred to as extended stay facilities. See also Bed and Breakfast, Hotel, Motel.
- (311) **Residential Health Care Facility**: A residential facility designed with a combination of residential living units, with or without individual kitchen facilities and group living facilities such as common kitchen, eating area, patio and/or recreational area as well as parking. The intended use is for the care of the infirm or aged, or for the rehabilitation of injured individuals, where medical attention in the form of skilled or intermediate nursing care is provided as a continual or intermittent benefit. See also Clinic, Hospital, Group Home, Group Living.
- (312) **Restaurant**: A commercial establishment where meals are prepared and served to the public, which may or may not include seating facilities and a bar or lounge.
- (313) **Retail Sales**: See Business, Retail.
- (314) **Retaining Wall**: A structure composed of concrete, block, rock or wood designed to act as a support barrier between a drop or rise in the grade of the land on either side of the structure. A wall of 30 inches or more in height requires certification by a registered engineer as to the structural strength of the wall.
- (315) **Retirement Home**: A facility which provides living quarters for elderly persons with common dining and cooking facilities and/or individual kitchens in each living unit. A retirement home may include limited nursing care, but is not intended to be a convalescent or nursing home. Also see Residential Health Care Facility, Group Home, and Group Living Quarters.
- (316) **Right-Of-Way**: An area or strip of land dedicated to the public for the use of the general public.
- (317) **Roadside Stands**: The placement of a structure for the sale of farm products produced or made on the premises. Such stand shall not be permitted to remain in operation for not more than six (6) months in each year.
- (318) **Roof Line**: The highest point on any building where an exterior wall encloses usable floor area.
- (319) **Room**: A building or portion of a building which is arranged, occupied, or intended to be occupied as living or sleeping quarters, but not including toilet or cooking facilities.

- (320) **Salvage Yard**: A business involved in the extraction of valuable commodities from wrecked or junked items.
- (321) **Satellite Dish Antenna**: A parabolic antenna intended to receive signals from orbiting satellites and other sources. Non-commercial dish antennas are defined as being less than four meters in diameter, while commercial dish antennas are usually those larger than four meters and typically used by broadcasting stations.
- (322) **Schools, public, parochial, and private**: An institution or place of instruction or education. For purposes of this Ordinance, schools are classified by the type of instruction provided and by student grade level and includes schools for the developmentally disabled.
- a.) K-12 School: A place of learning, whether public or private, which meets State standards for providing instruction for students in kindergarten and grades one through twelve which may include but is not limited to: classrooms, offices, administrative buildings, athletic facilities and fields, cafeteria, bookstore, library, and auditorium.
 - b.) Preschool/Federal Head Start Program: A place of learning, whether public or private, which provides direct education to children to enhance school experiences and opportunities for children in advance of or through K-12 education.
- (323) **Screen**: A solid visual barrier.
- (324) **Screening**: The method by which a view of one site from another adjacent site is shielded, concealed or hidden. Screening techniques include fences, walls, hedges, berm, or other features.
- (325) **Seating Capacity**: The actual seating capacity of an area based upon the number of seats or one seat per 18 inches of bench or pew length. For other areas where seats are not fixed, the seating capacity shall be determined by the Building Code.
- (326) **Secondary Uses**: See Accessory Uses.
- (327) **Self-propelled Motor Home**: See Recreational Vehicle.
- (328) **Semi-Trailer**: Any wheeled vehicle, without motive power, that is designed to be used in conjunction with a truck tractor so that some part of its own weight and that of its cargo rests upon or is carried by such truck tractor, and is generally and commonly used to carry and transport property over the public highways.
- (329) **Servant Animal**: See Animal, servant.
- (330) **Service Station**: A retail establishment at which vehicles are serviced with fuel, oil, air and water, and where ancillary repair, maintenance or replacement of electrical or mechanical devices may be obtained. The extent of the type of repair permitted to be performed is determined by the zone district. Associated retail sale of products and convenience food goods may also be available. See Motor Fuel Filling and Service Station.
- (331) **Setback**: An open space of fixed width within a parcel along the front, side, or rear property line which shall remain free of any development, except as allowed in this Code. The minimum distance

which shall be maintained between a parcels' boundaries and any structure built within the parcel. For purposes of this Code, setbacks are classified as follows:

- a) **Front:** An area extending the full width of a parcel, located parallel to the front property line, and any property line adjacent to a street, and having a depth measure perpendicular to the front property line which meets the minimum requirement for the front setback as specified in this Code for the Zone District in which the property is located.
- b) **Side:** An area located along any side property line, having a depth measured perpendicular to the side property line which meets the minimum requirement for the side setback as specified in this Code. Side setbacks shall extend from the front setback line to the rear setback line, or, where a parcel is formed by more than four sides, to the point of intersection with an adjacent side setback line.
- c) **Rear:** An area extending the full width of a parcel, located along the rear property line, and having a depth measured perpendicular to the rear property line which meets the minimum requirement for the rear setback as specified in this Code.

(332) **Shared Access:** See Integrated Access System.

(333) **Shared Parking:** See Integrated Parking System.

(334) **Shooting Range:** A facility designed to provide practice in the use of firearms under controlled conditions so public health and safety are protected. Shooting ranges may include the sale of firearms, associated equipment or supplies, food, and sanitary facilities. For purposes of this Code, shooting ranges are classified as follows:

- a) **Public:** A shooting range which is open to the general public, or to public safety personnel, and where a fee may or may not be charged for its use.
 - 1. **Indoor:** A shooting range which is contained within an enclosed building such that noise caused by shooting activity is not detectable from outside the building, and materials used to construct the building are capable of preventing the escape of any bullets.
 - 2. **Outdoor:** A shooting range where part or all of the area used for firing practice is located outdoors.
- b) **Private:** A shooting range which is for the personal use of the property owner or guests, or members of an organization paying fees or dues for the use of the shooting range.

(335) **Shopping Center, Business Center and Office/Industrial/Technical Parks or Centers:** A group of two or more professional, office, commercial, industrial or combination thereof establishments that are planned, developed, owned or managed as a unit, related in location, size, and type of establishments to the service area of the unit, and provide on-site parking in definite relationship to the types and sizes of establishments. Where free-standing buildings function as a part of a shopping center, though they may be under separate ownership, they shall be deemed to be a part of the shopping center.

(336) **Short-Term Advertising Signs:** See Sign, Short-Term Advertising.

(337) **Sight Triangle Area:** The corner of a lot that is adjacent to two intersecting right-of-way frontages. The two legs of the sight triangle are measured from the intersecting point of the flow lines extended

or, in the event there is no curb and gutter, the intersection of the edges of the travel lanes extended, a distance of fifty-five (55) feet along each of the flow lines or travel lanes. The hypotenuse of the sight triangle is the line which connects the end point of the two legs as measured above.

- (338) **Sign**: Any stationary object or device or part thereof situated outdoors or indoors, but subject to public view, which is used to advertise or identify an object, person, institution, organization, business, product, service, or event by means including words, letters, figures, designs, symbols, fixtures, colors, motion, illumination or projected images.
- (339) **Sign, Abandoned**: A sign which no longer correctly directs any person, advertises a bona fide business, lessor, owner, product or activity conducted or products available on the premises where such sign is displayed.
- (340) **Sign, Animated**: Any sign or any part thereof, which changes physical position or message by any movement or rotation, except time and temperature signs.
- (341) **Signable Area**: The signable area shall mean that area of a building facade up to the roof line which is free of windows and doors or major architectural detail and may be enclosed by an imaginary rectangle.
- (342) **Sign, Banner**: Any sign hung either with or without frames, possessing characters, letters, illustrations or ornamentations applied to paper, plastic, vinyl or fabric of any kind.
- (343) **Sign, Directional**: Any sign on private property that directs the movement of pedestrian or vehicular traffic, with or without reference to the name of a product sold or service performed, to a property or a building, structure, or business enterprise.
- (344) **Sign, Display Surface**: The area made available by a sign structure for the purpose of displaying the advertising message.
- (345) **Sign, Distance of Projection**: The distance from the exterior wall surface of the building or from the farthest horizontal point on a mansard roof, to the display face of a wall sign.
- (346) **Sign, Election**: A sign providing information regarding elections, candidates, or issues concerning such elections.
- (347) **Sign, Flashing**: Any directly or indirectly illuminated sign, either stationary or animate, which exhibits changing natural or artificial light or color effects by any means whatsoever.
- (348) **Sign, Ground**: A sign structure supported by poles, uprights or braces extending from or anchored into the ground, but not attached to any part of the building.
- (349) **Sign, Ideological**: A sign which expresses a religious, political, social or other philosophical position.
- (350) **Sign, Illuminated**: A sign lighted by or exposed to artificial lighting either by lights on or within the sign or directed towards the sign.
- (351) **Sign, Individual Letters**: Letters or figures individually fashioned from metal or other materials and attached to the wall of a building or other surface; but not including a sign painted on a wall or other surface.

- (352) **Sign, Joint Identification**: A sign which serves as a common or collective identification for two or more business or industrial uses on the same lot. Such sign may contain a directory to said uses as an integral part thereof, or may serve as a general identification for such developments as shopping centers, industrial parks and the like.
- (353) **Sign, Mansard Roof**: A sign attached to the side of a mansard roof.
- (354) **Sign, Marquee**: Any sign attached to a marquee.
- (355) **Sign, Monument**: Also known as low-profile. A ground sign which is integrated into the sign support, usually a pedestal, relatively low in height, and has an appearance of a continuous mass, similar to a structure.
- (356) **Sign, Non-Conforming**: Any sign which:
1. On the effective date of this Ordinance was lawfully maintained and had been lawfully erected in accordance with the provisions of any sign regulations in any prior zoning ordinance and the applicable Building Code, but which sign does not conform to the limitations established by this Ordinance; or
 2. On or after the effective date of this Ordinance was lawfully erected and maintained in accordance with the provisions of this Ordinance, and the applicable Building Code, but which sign, by reason of amendment after the effective date of this Ordinance, does not conform to limitations established by such subsequent amendment.
- (357) **Sign, Off-Premise**: A sign advertising a business, product or service, or religious, charitable or nonprofit organization, not located upon or available on the premises whereon the sign is located. Off-premises sign does not include directional or informational signs erected by any governmental institution or agency. See Sign, Directional.
- (358) **Sign, Permanent**: A sign constructed of durable material and affixed or attached to a non-moveable, non-portable supporting structure including a building.
- (359) **Sign Permit**: A building permit issued for the erection, construction, enlargement, alteration, moving, improvement, removal, conversion, or demolition of any sign, issued pursuant to the Building Code.
- (360) **Sign, Pole**: A sign which is affixed to, or mounted on a freestanding wood or metal pole, and anchored in the ground.
- (361) **Sign, Portable**: Any sign which is not permanently affixed to a building, structure, or the ground, except signs painted on or magnetically attached to any licensed vehicles and temporary signs as allowed under Article 10.
- (362) **Sign, Projecting**: A sign other than a wall sign which projects from and is supported by a wall.
- (363) **Sign, Roof**: A sign erected upon or above the parapet, or above the eave of a roof, or upon or above the roof of a building or structure.
- (364) **Sign Setback**: The distance between the property line and the edge of a sign closest to the property line.

- (365) **Sign, Short-Term Advertising**: Signs which advertise the sale of products, services, or special event on a short-term basis. See also Sign, Banner, Sign, Temporary.
- (366) **Sign Structure**: A sign structure shall include, but not be limited to, the supports, uprights, braces, backing, and framework designed to contain a sign message. Sign structure is not meant to include the sign face, containing the message conveyed by the sign.
- (367) **Sign, Suspended**: A sign suspended from the ceiling of an arcade or marquee.
- (368) **Sign, Temporary**: Includes, but is not limited to, any exterior sign, banner, pennant, valance, or advertising display which is:
- a) Constructed of cardboard, paper, cloth, canvas, fabric, plywood, lightweight plastic or other lightweight material, with or without frame; and
 - b) Designed for short-term use, or to be moved about from place to place, or not permanently affixed to a fixed, non-moveable, non-portable, supporting structure. "Temporary Signs" shall include signs placed in the open bed of a vehicle, or printed, affixed, lettered, placed upon or attached to a vehicle; but, however,
 - c) Temporary signs shall not include signs printed, painted upon or attached to motor vehicles used primarily for the delivery of products, passengers, or services, or for business purposes other than as a sign.
- (369) **Sign, Third Party**: A sign relating to products or services not on the same marquee.
- (370) **Sign, Time and Temperature**: Signs consisting of devices which provide time or temperature information.
- (371) **Sign, Wall**: A sign attached to, painted on, or erected against a building, structure or fence.
- (372) **Sign, Wind**: Any sign set in motion by wind or breeze, such as banners, flags, pennants, or other objects or material. Flags of nations, states, or municipalities shall not be classified as wind signs.
- (373) **Sign, Window**: A sign which is applied to, or attached to, or located within one (1) foot of the interior of a window, which sign can be seen through the window from a public right-of-way.
- (374) **Sign With Backing**: Any sign that is displayed upon, against or through any material or color surface or backing that forms an integral part of such display and differentiates the total display from the background against which it is placed.
- (375) **Sign Without Backing**: Any word, letter, emblem, insignia, figure, or similar character or group thereof that is neither backed by, incorporated in, or otherwise made a part of, any larger display area.
- (376) **Single Household Dwelling**: See Dwelling Unit- Single Family.
- (377) **Site**: A parcel or combination of parcels of land for which a project proposal is submitted.
- (378) **Site Plan**: A document or group of documents containing sketches, text, drawings, maps, photographs, and other material intended to present and explain certain elements of a proposed

development, including physical design, siting of buildings and structures, interior vehicular and pedestrian access, the provision of improvements and the interrelationship of these elements.

- (379) **Site Specific Development Plan**: A plan submitted in conjunction with a rezoning application, which is processed and approved pursuant to Article 18 of this Zoning Ordinance. No land use plan submitted to the City other than one processed in compliance with Article 18 shall be considered a "Site Specific Development Plan" within the meaning of Article 68 of Title 24, 3 C.R.S. (1997), as amended, and no vested property right shall be created thereby.
- (380) **Solid Fence**: A solid fence is a fence or wall with fifty (50) percent or less open space in the fabric or material of its vertical surface.
- (381) **Specialty Food Service**: A business which prepares food for by previous arrangement for banquets, parties, weddings, or other special occasions.
- (382) **Special Use Permit**: A permit allowing a discretionary use which may be granted under the provisions of this Ordinance, and which, when granted, authorizes a specific use to be made of a specific property, subject to compliance with all terms and conditions imposed on the use.
- (383) **Stable**: A facility where horses and other equine are kept either within a building or corrals, which may also include an indoor or outdoor exercise area, and storage for tack, grooming supplies, hay and feed. For the purposes of this Code, stables are classified as follows:
- a) **Commercial (boarding/instruction/rental)**: A stable where space is offered for keeping of horses and other equine for payment of a fee, and where the general public may receive riding instruction and/or may rent horses for riding on an hourly, daily or weekly basis. Commercial stables may also have training facilities for schooling horses stabled at or trailered to the facility.
 - b) **Non-Commercial**: A stable where space is provided for the keeping of horses owned by or under the care of the owner or occupant of the property where the stable is located, and where the number of horses owned by people other than the owner or occupant of the property does not equal or exceed the number owned by the owner or occupant.
- (384) **Stacked Flats**: An apartment on one floor of a building, which is more than one story in height.
- (385) **Storage Area, Open/Outside**: An outdoor area, permitted in 5-C (Large Lot Commercial) and IN (Industrial) zone districts, used for keeping of possessions, belongings, goods, materials or other items where the items are screened from view in accordance with this Ordinance.
- (386) **Storage Shed or Structure**: A structure designed to be used solely for the storage and use of personal equipment and possessions of the occupants of the residence, or operators of a business, and not designed or intended for transport.
- (387) **Store Unit**: An enclosed floor space designed for occupancy by not more than one business or commercial establishment with an entrance not common to any other business or commercial establishment.
- (388) **Story**: The height between the successive floors of a building or from the top floor to the roof. For the purpose of this Ordinance, the average height for a story shall be defined as 12 feet.

- (389) **Street**: A public or private thoroughfare for vehicular traffic other than an alley or driveway. Also see Alley, Driveway.
- (390) **Street - Arterial, Collector, Local**: Classification for these basic streets shall be as set forth in the City of Lakewood's Major Street Plan.
- (391) **Street Frontage**: The distance along any boundary line of a lot, which is also the boundary line of a public street, road or highway right-of-way.
- (392) **Street Frontage - Major**: That portion of a site's street frontage lying along a major collector or arterial roadway as determined by the City of Lakewood's Major Street Plan.
- (393) **Street Frontage - Primary Major**: That portion of a site's major street frontage which has been designated by the property owner as the primary frontage for his site on a sign system plan. A site shall have only one primary major street frontage.
- (394) **Street Furniture**: Items exclusive of building elements that are part of the streetscape; such as benches, planters, newspaper stands, informational kiosks, trash receptacles, and street lighting fixtures.
- (395) **Street Scene**: The scene taken as a whole, that may be observed along a street. It includes both natural and man-made elements.
- (396) **Street Trees**: Trees planted in a lineal fashion in the boulevard of the street right-of-way or outside of the right-of-way, which are part of the street scene.
- (397) **Structure**: Anything built or constructed and located on or in the ground or attached to something on or in the ground, an edifice or building of any kind, or any piece of work built or composed of parts joined together in some definite manner.
- (398) **Structure or Use, Illegal**: A structure or use which did not comply with the provisions of law or regulations in effect at the time it was constructed or established. Also See Structure or Use, Legal Nonconforming.
- (399) **Structure or Use, Legal Nonconforming**: A structure or use which was lawful when established but which does not comply with the provisions of law or regulations passed at a later date.
- (400) **Structure, Principal**: The main structure or structure containing the principal use of land as distinguished from an accessory structure. See also Accessory, Structure or Use.
- (401) **Structural Alteration**: Any change in the supporting member of a building such as bearing walls, columns, beams or girders, floor joists or roof joists.
- (402) **Structured Parking**: A parking area within or beneath a principal or main building, a multi-level parking garage, or an underground parking structure.
- (403) **Studio**: A commercial or service establishment for purposes of tutoring, lessons, or production of creative or artistic goods.
- (404) **Student Living Unit**: A dwelling unit that is owned or controlled by a College and University and inhabited by students who are related or unrelated.

- (405) **Subdivision**: The division of a lot, tract, or parcel of land into two or more lots, tracts, or parcels, including resubdivisions of previously subdivided land.
- (406) **Substantial Alteration**: An increase in the gross floor area of a building or structure, or an increase in the size of a parking area or loading area, by an amount equal to or greater than twenty (20) percent of the gross area as it existed on the effective date of this Ordinance.
- (407) **Substantial Remodel**: Any store or tenant except office tenants, which remodels its space at a value equal to or greater than Ten Dollars (\$10.00) per square foot (excluding building maintenance items such as re-roof, HVAC, etc.), or expands the existing square footage of a tenant space or building by twenty percent (20%) or more, or any business whose remodel will necessarily include compliance with Article 15 of the Lakewood Zoning Ordinance.
- (408) **Suburban Zone**: The area within the West Colfax Overlay Zone District, between Iris Street and Youngfield Street, characterized by buildings with deeper setbacks and greater building separations.
- (409) **Supermarket**: See Market.
- (410) **Synagogue**: See Church.
- (411) **Tavern**: See Bar.
- (412) **Telephone Exchanges**: Equipment and/or apparatus designed to provide switching for the transmission of telephone services.
- (413) **Television Studio**: A structure used as offices, broadcasting facilities, performance stages, and the recording and/or transmission of programs.
- (414) **Temple**: See Church.
- (415) **Theater**: A building, room, or outdoor area for the presentation of plays, motion pictures, or other dramatic performances. For the purposes of this Ordinance, theaters are classified as follows:
- a) Indoor: A theater entirely contained within a building.
 - b) Outdoor: A theater located partially or entirely outdoors, within a roofed structure having sides open to the outdoors, or within a tent.
- (416) **Trade and Technical Services**: Fabrication, assembly, packaging, wholesaling, indoor storage, repair, rental, or servicing of any commodity, and the sale of which is permitted within the specific zone district in which the use is located.
- (417) **Traffic Sight Triangle**: See Sight Triangle Area.
- (418) **Trailer**: Any wheeled vehicle, without motive power, that is designed to be drawn by a motorized vehicle and to carry its cargo load wholly upon its own structure and which is generally and commonly used to carry and transport property over the public highways.
- (419) **Transit Right-Of-Way**: A right-of-way or easement for exclusive use by Light-Rail or bus public transportation.

- (420) **Transition Zone**: That area, within the West Colfax Overlay Zone District, between Simms Street and Carr Street, which contains characteristics of both the urban and suburban zone.
- (421) **Travel Trailer**: A portable structure, mounted on wheels, designed to be towed by a motorized vehicle and which is of a length equal to or less than thirty-five (35) feet and containing cooking or sleeping facilities to provide temporary living quarters for recreational camping or travel use. Such structures may be constructed with rigid sides or may have collapsible side walls of fabric, plastic or other pliable material.
- (422) **Travel Trailer Campground**: Land or property utilized for, or intended for the rental of temporary occupancy space to transient users of travel trailers, mounted camper units, motor homes, or tents.
- (423) **Tree Service**: A business providing tree trimming and removal services to their customers.
- (424) **Trellis**: An open latticework used for training creeping plants.
- (425) **Truck Tractor**: Any motorized vehicle that is generally and commonly designed and used to draw a semi-trailer and its cargoload over the public highways.
- (426) **Unnamed Use**: Uses not specifically named as permitted within a specific zone district, as either a principal, accessory, or special use. Such uses may be permitted within a specific zone district by the Director of Community Planning and Development, upon making a determination of similar and compatible uses.
- (427) **Urban Zone**: That area, within the West Colfax Overlay Zone District, between Iris Street and Sheridan Boulevard characterized by buildings constructed close to the street, more intense development, and more extensive use of hardscape elements (i.e., walls, paved areas, etc.)
- (428) **Usable Open Space**: See Open Space, Useable.
- (429) **Use**: The purpose or activity for which a parcel of land, a building or structure is designed, arranged, or intended, or for which it is occupied or maintained.
- (430) **Use, Principal**: The principal use of land or structures as distinguished from an accessory use. See also Accessory Use.
- (431) **Use By Right**: The principal uses permitted on a parcel of land within a specific zone district. See Legal Use.
- (432) **Utility Facilities**:
- a) Major: Electric transmission lines, power plants, substations of electrical utilities, wastewater treatment plants, water treatment plants, water storage tanks, pipelines and storage areas of utilities providing natural gas or other petroleum derivatives, and transmission or reception stations with more than two dish antennas in one location.
 - b) Minor: Water, sewer and gas mains; cable, electric and telephone distribution lines, substations, and/or switching facilities; gas regulator stations; public lift or pumping stations for domestic water and sewer service; solar arrays, or wind powered electric generators; transmission or reception stations with no more than two dish antennas in one location with the diameter of any dish antenna

limited to ten feet or less. These facilities shall be either in underground vaults, small pedestal service boxes, or structures that blend architecturally with surrounding structures.

- (433) **Utility, Public**: A utility regulated by the Colorado Public Utilities Commission.
- (434) **Utility Trailer**: A trailer generally used to transport motorcycles, snowmobiles, water sport equipment, or other commodities or items.
- (435) **Variance**: A discretionary relaxation by the Board of Adjustment of the dimensional regulations of this Ordinance.
- (436) **Vehicle, Automobile**: A self-propelled wheeled vehicle designed for the transportation of either passengers or cargo and weighing less than 6,000 pounds empty weight, to include any passenger vehicles, pick-ups, passenger vans and/or cargo vans.
- (437) **Vehicle, Commercial**: Any vehicle, truck, commercial trailer, or vehicle equipped to provide towing services, with an empty weight of 6,000 pounds or greater or any vehicle regardless of weight, which:
- a) Is used, or normally associated with, the transportation of materials, products, freight, other vehicles, or equipment in furtherance of any commercial activity; or
 - b) Is used "for hire"; or
 - c) Displays advertising thereon. Identification of the vehicle's manufacturer, model or dealer shall not be considered as advertising. See also Commercial Trailer.
- (438) **Vehicle, Inoperable/Unlicensed**: A motor vehicle which is inoperable, or does not have a current license plate, or is one that is not capable in its present condition of being properly started and driven under its own power, or which lacks one or more of the following items which is otherwise standard factory equipment on any particular vehicle model: windshield, side or rear windows, door, fender, headlamp, muffler, wheel or properly inflated tire.
- (439) **Vehicle, Recreational**: A motorized vehicle designed or used as a conveyance upon streets and highways, and constructed so as to provide temporary occupancy as a dwelling or sleeping place for one or more persons and may include boats.
- (440) **Vehicle Repair**:
- a) Major: General repair or reconditioning of engines, air-conditioning systems, and transmissions for automobiles and commercial vehicles, wrecker/tow service; collision services including body, frame or fender straightening or repair, customizing, painting; vehicle steam cleaning; undercoating and rust proofing; and including those uses listed under minor auto repair or any other similar use. At times, it may be necessary for overnight storage while waiting for replacement parts, etc. to complete the repair work. No storage of vehicles shall exceed ten (10) days, and any stored vehicle shall be required to be screened from view from adjacent properties and public rights-of-way.
 - b) Minor: Minor repair or replacement of parts, tires, tubes, and batteries; diagnostic services; minor motor services such as changing grease, oil, spark plug, and filter changing; tune-ups; emergency road service; replacement of starters, alternators, hoses, brake parts; automobile washing and polishing; performing state inspections and making minor repairs necessary to pass inspection;

normal servicing of air conditioning systems; and other such similar minor services for automobiles, but not including any operations or uses listed under major auto repair or any other similar use. For the purpose of minor repair, there shall be no outdoor overnight storage of vehicles. Any vehicles kept overnight shall be parked in a parking stall inside the building used by the business.

- (441) **Vehicle Sales**: The use of any building or land for a business involving the sale of new or used motorized vehicles. Such establishments may include office space, parking lots for the display and storage of vehicles available for sale, parking area for customers and employees, vehicle repair facilities, facilities for body work, painting or restoration and sale of parts. Vehicle sales shall not include auto wrecking yards, junkyards or outside storage of metals, inoperable motor vehicles, tools, equipment and any other miscellaneous junk or rubbish.
- (442) **Vehicle Storage**: The storage of motorized vehicles on a lot or tract for the use of holding such vehicles for sale, distribution or storage.
- (443) **Vested Property Right**: The right to undertake and complete the development and use of property under the terms and conditions of a Site Specific Development Plan approved pursuant to requirements of this Zoning Ordinance.
- (444) **Veterinary Hospital**: See Animal Hospital.
- (445) **Veterinary Clinic - Small Animal**: See Animal Hospital.
- (446) **View Triangle/Vision Area**: See Sight Triangle Area.
- (447) **Vocational, Trade or Professional School**: A place of learning, providing instruction in specialized skills such as but not limited to: drafting, computer technology, welding, carpentry, beauty and barber schooling, or auto repair to prepare students for a specific occupation.
- (448) **Walkway**: An all-weather surface designed to accommodate pedestrian movements.
- (449) **Warehousing and Distribution**: A use engaged in storage, sales, and distribution of manufactured products, supplies, and equipment, but excluding bulk storage of materials that are inflammable, explosive, that create hazardous or commonly recognized offensive conditions.
- (450) **Watercourse**: A river, creek, gulch, stream, or similar conduit, or a tributary of such a conduit, with or without perceptible bed or banks, in which flows of water occur on a regular or continuous basis.
- (451) **Water Treatment Plant**: A facility for the treatment of water to ensure health standards are met prior to water distribution for human use or consumption. Said facility is to comply with all applicable State and Federal standards.
- (452) **West Colfax Overlay District**: That area along West Colfax Avenue identified on the zoning maps with a shaded pattern to which these standards and regulations are applicable. Also referred to in this Ordinance as the "Colfax Overlay District".
- (453) **Wetland**: An area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that, under normal circumstances, does support, a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic

vegetation. To the degree this definition differs from that used in the Federal Clean Water Act and implementing regulations, the more strict regulations shall control.

- (454) **Whip Antenna**: Any antenna cylindrical in shape that emits signals in a 360 degree horizontal plane for the transmission or reception of wireless communication signals.
- (455) **Wholesale Sales**: Sales of goods in large quantities for resale by retailers.
- (456) **Wind-powered Electric Generators**: A mill or other machine that runs on the energy generated by a wheel of adjustable blades or slats rotated by the wind for the purpose of converting mechanical energy into electrical energy.
- (457) **Window Area**: The area of all windows on the first floor of a building which faces or are visible from one public right-of-way.
- (458) **Workshop**: A room or structure used while building, constructing, painting, or repairing commodities, crafts or hobbies.
- (459) **Yard**: An open space which is located on the same lot as a building and which is unoccupied and unobstructed by a structure over a height of thirty (30) inches.
- (460) **Yard - Front**: That portion of yard lying between the front lot line and the closest wall of the principal structure or front setback line of such lot, if vacant. A corner lot shall have at least two (2) front yards.
- (461) **Yard - Non-Primary Front**: Those front yards which do not have the main entrance of the principal building oriented toward them.
- (462) **Yard - Primary Front**: The front yard abutting a public right-of-way where the main entrance of the principal building is oriented.
- (463) **Yard - Rear**: That portion of a yard lying between the rear lot line and the rear wall of the principal structure or rear setback line of the lot, if vacant.
- (464) **Yard - Side**: That portion of a yard lying between a front yard and a rear yard, and including all open portions of the lot between the front and rear yards.
- (465) **Zero Lot Line**: The location of a structure on a lot in such a manner that one or more of the structures sides rests directly on a lot line.
- (466) **Zero Lot Line Dwelling**: A dwelling unit constructed such that one or more walls are located immediately adjacent to one or more lot lines, either side or rear.
- (467) **Zoning District**: A classification assigned to a particular area or areas of the City of Lakewood, within which zoning regulations are uniform.
- (468) **Zoning District Map**: The official map upon which the zoning districts of the City are delineated.