

ARTICLE 19: COLFAX MIXED USE ZONE DISTRICT
November 3, 2008 (City Council Study Session Draft)

17-19-1. Intent and Purpose.

The intent of the Colfax Mixed Use (CMU) Zone District is to create an environment for attractive and efficient pedestrian- and vehicular-oriented commercial, office, residential, and mixed-use projects along the US 40 or West Colfax Avenue corridor. The CMU Zone District is also intended to allow for flexibility in the use mixture and building design within the designated sub-districts.

The purpose of the Colfax Mixed Use Zone District is to allow and encourage development that will:

- (1) Support and stimulate economic vitality within the District;
- (2) Provide innovative and high-quality design;
- (3) Maintain the integrity and viability of the adjacent residential neighborhoods;
- (4) Create a unique corridor within the City of Lakewood for working, shopping, and living;
- (5) Recognize the historic significance of West Colfax Avenue, and preserve and utilize its history through site, building, and sign design;
- (6) Reflect environmental sustainability in both new construction and investment in existing buildings;
- (7) Consolidate existing lots and parcels along and near Colfax Avenue for greater development flexibility;
- (8) Make the corridor friendlier to pedestrians, bicyclists and transit users, in addition to automobiles;
- (9) Provide housing opportunities for a variety of income levels; and
- (10) Utilize public investment to make Colfax Avenue attractive, through improvements to drainage facilities, median landscaping, and lighting, and long-term landscape and other maintenance.

To further enhance the flexibility inherent in the CMU Zone District, proposed projects should utilize the Performance-Based Review Process, which addresses how development functions and interacts with adjacent land uses and infrastructure. Project creativity and responsiveness to the established neighborhood framework is encouraged as part of any project in the CMU Zone District.

17-19-2.Applicability.

The CMU Zone District shall be implemented only on parcels adjacent to or in close proximity to, West Colfax Avenue. A map identifying the specific parcels proposed for inclusion in the CMU Zone District shall be reviewed and approved by the Planning Commission prior to any parcel being zoned CMU.

17-19-3.Performance-Based Review Process within the Colfax Mixed Use Zone District.

All development within the CMU Zone District will be evaluated through the use of the Performance-Based Review Process described in Article 7 of the Zoning Ordinance. The process is intended to offer flexibility and encourage creativity as part of project review and development, and should be used as a guide for all residents, property owners, planners, developers and other interested parties to follow during the review of any proposed project. The Performance-Based Review Process is applied by the City early in the development review process to facilitate productive discussions among applicants, property owners, and the surrounding community.

17-19-4.Intent and Purpose of Each Sub-District.

- (1) *Neighborhood Sub-District (CMU-N)* – This sub-district, generally located where smaller parcels of property exist, is intended to contain smaller-scale mixed-use and commercial buildings, which are likely to generate a high level of pedestrian activity. These areas are likely to serve a neighborhood-oriented retail and office function. Residential units within the upper floors of buildings are encouraged within this sub-district. Live/work and residential units are also encouraged on side streets within this sub-district.
- (2) *Community Sub-District (CMU-C)* – This sub-district, generally located where medium to large parcels of property exist, is intended to contain community-scale mixed-use and commercial buildings, which are likely to generate both pedestrian and vehicular activity. Many parcels within this sub-district are large enough to contain buildings located directly adjacent to Colfax Avenue, as well as others located internal to the parcel. These areas are likely to serve a community-oriented retail and office function. Residential units within the upper floors of buildings are encouraged within this sub-district. Freestanding residential buildings are also permitted. Live/work and residential units are encouraged on side streets within this sub-district.
- (3) *Roadside Sub-District (CMU-R)* – This sub-district, generally located where medium to large parcels of property exist, is intended to contain mixed-use and commercial buildings and activities, which are likely to generate higher levels of vehicular activity, although pedestrian activity will still be likely in

these areas. Residential units within mixed-use buildings and freestanding buildings are encouraged in this sub-district, both along Colfax Avenue and on side streets.

17-19-5. Amendment of Colfax Mixed Use Sub-District Boundaries.

(1) *General Amendments.* A request to re-designate land in the CMU Zone District from one sub-district to another, or to adjust the boundaries of a CMU Zone District sub-district, shall be treated as an application to rezone land. In addition to the criteria for approval in Section 17-17-7, in order to re-designate land, a determination must also be made that:

- a. The proposed change would be consistent with the intended purpose of the proposed sub-area; and
- b. The change is to accommodate proposed development that will be consistent with the CMU zoning regulations and design standards.

17-19-6. Uses.

The following are the specific permitted uses and special uses within each sub-district of the CMU Zone District.

(1) *Colfax Mixed Use Zone District – Neighborhood Sub-District (CMU-N).*

- a. Permitted Uses – Colfax Frontage Parcels: No building or land within the CMU-N sub-district shall be used and no building shall be hereafter constructed or altered, except for the following uses:
 1. Animal day care, indoor.
 2. Art, music, and dance studios.
 3. Banks, savings and loans, and other financial institutions without drive-through facilities.
 4. Child and adult day care facilities.
 5. Church/Synagogue/Temple/Mosque.
 6. Colleges, universities, vocational, trade and professional schools.
 7. Community buildings, including museums.
 8. Display, service and sales of motorcycles, snowmobiles, mopeds, scooters, and bicycles with no outdoor storage areas.
 9. Display, service and sales of motor vehicles existing on the effective date of the ordinance rezoning the property to CMU. Such use shall terminate if it is discontinued for a period of one hundred eighty (180) days or more, regardless of any intent to resume operations.
 10. Dwelling unit – live/work.

11. Dwelling unit – multiple household.
12. Emergency health care facilities, other than ambulance service facilities.
13. General office.
14. Group living quarters for elderly, and victims of domestic violence, for the handicapped, and care of dependent, neglected children.
15. Home service and appliance repair outlets.
16. Hospitals, including emergency non-commercial helipad.
17. Medical, dental, and optical clinics and laboratories.
18. Mini-warehouse, existing on the effective date of the ordinance rezoning the property to CMU.
19. Mixed-use buildings.
20. Motels and hotels.
21. Outdoor civil defense public warning siren system.
22. Package liquor stores, fermented malt beverage stores or outlets, and taverns without drive-through facilities.
23. Parking structures.
24. Pawnbrokers Business, in conformance with the Lakewood Municipal Code.
25. Personal services.
26. Pharmacies without drive-through facilities.
27. Printing establishment.
28. Private athletic clubs, including outdoor accessory facilities, tennis courts, swimming pools, gymnasiums, and health spas.
29. Public fire and police stations, health clinics, library, parks, and recreation facilities.
30. Public transportation structures and facilities.
31. Rental services, but not including rental of equipment with motors of more than twenty (20) horsepower, with no outdoor storage.
32. Residential health care facility.
33. Restaurant, specialty food service, and other outlets for sale of prepared foods, without drive-through facilities.
34. Retail uses, including convenience and supermarkets.
35. Schools, whether public, parochial, or private.
36. Studio for custom work or for making articles to be sold at retail on the premises provided all work areas and storage facilities are enclosed as part of the main building.
37. Utility facilities.
38. Vehicle repair, minor.
39. Vehicle repair, major, existing on the effective date of the ordinance rezoning the property to CMU.
40. Veterinary hospitals.

- b. Permitted Uses – Non-Colfax Frontage Parcels: No building or land within the CMU-N sub-district shall be used and no building shall be hereafter constructed or altered, except for the following uses:

1. Art, music, and dance studios.
2. Church/Synagogue/Temple/Mosque.
3. Duplex.
4. Dwelling unit – attached wall townhome.
5. Dwelling unit – single family.
6. General office.
7. Live/Work unit.
8. Medical, dental, and optical clinics.
9. Mixed-use buildings.
10. Personal services.
11. Schools, whether public, parochial, or private.

c. Special Uses – Colfax and Non-Colfax Frontage Parcels: The following uses are permitted as Special Uses, subject to approval of a Special Use Permit as provided for in Article 6 of the Lakewood Zoning Ordinance:

1. Group home.
2. Group living quarters for the temporary shelter of homeless persons when located in a church, school, or other community building.

(2) *Colfax Mixed Use Zone District – Community Sub-District (CMU-C).*

a. Permitted Uses – Colfax Frontage Parcels: No building or land within the CMU-C sub-district shall be used and no building shall be hereafter constructed or altered, except for the following uses:

1. Adult businesses, in conformance with the Lakewood Municipal Code.
2. Amusement centers, in conformance with the City of Lakewood Municipal Code.
3. Animal day care, indoor.
4. Art, music, and dance studios.
5. Banks, savings and loans, and other financial institutions.
6. Bowling centers.
7. Child and adult day care facilities.
8. Church/Synagogue/Temple/Mosque.
9. Colleges, universities, vocational, trade and professional schools.
10. Community buildings, including museums.
11. Dance hall.
12. Display, service and sales of motorcycles, snowmobiles, mopeds, scooters, and bicycles with no outdoor storage areas.
13. Display, service and sales of motor vehicles existing on the effective date of the ordinance rezoning the property to CMU. Such use shall terminate if it is discontinued for a period of one hundred eighty (180) days or more, regardless of any intent to resume operations.
14. Drive-through uses.

15. Dwelling unit – live/work.
16. Dwelling unit – multiple household.
17. Emergency health care facilities.
18. Farmers market.
19. General office uses.
20. Group living quarters for elderly, victims of domestic violence, for the handicapped, and care of dependent, neglected children.
21. Home improvement, lawn and garden, and landscape material centers, with outdoor storage of living flora, and packaged fertilizer, compost, and mulch materials.
22. Home service and appliance repair outlets.
23. Hospitals, including emergency non-commercial helipad.
24. Ice or roller skating rinks.
25. Indoor archery and firing ranges.
26. Massage parlors, in conformance with the Lakewood Municipal Code.
27. Medical, dental, and optical clinics and laboratories.
28. Mixed-use buildings.
29. Mortuaries, excluding cremation facilities.
30. Motels and hotels.
31. Motor fuel filling and service stations, including those associated with food stores.
32. Outdoor civil defense public warning siren system.
33. Package liquor stores, fermented malt beverage stores or outlets, and taverns.
34. Parking structures.
35. Pawnbrokers Business, in conformance with the Lakewood Municipal Code.
36. Personal services.
37. Pharmacies.
38. Printing establishment.
39. Private athletic clubs, including outdoor accessory facilities, tennis courts, swimming pools, gymnasiums, and health spas.
40. Public fire and police stations, health clinics, library, parks, and recreation facilities.
41. Public transportation structures and facilities.
42. Rental services, but not including rental of equipment with motors of more than twenty (20) horsepower without outdoor display or storage.
43. Residential health care facility.
44. Restaurant, specialty food service, and other outlets for sale of prepared foods, including those with drive-through facilities.
45. Retail uses, including convenience and supermarkets.
46. Schools, whether public, parochial, or private.
47. Studio for custom work or for making articles to be sold at retail on the premises, provided all work areas and storage facilities are enclosed as part of the main building.
48. Theaters, indoor.

- 49. Trade and technical services.
 - 50. Utility facilities.
 - 51. Vehicle repair, minor.
 - 52. Veterinary hospitals.
- b. Permitted Uses – Non-Colfax Frontage Parcels: No building or land within the CMU-C sub-district shall be used and no building shall be hereafter constructed or altered, except for the following uses:
- 1. Art, music, and dance studios.
 - 2. Church/Synagogue/Temple/Mosque.
 - 3. Duplex.
 - 4. Dwelling unit – attached wall townhome.
 - 5. Dwelling unit – multiple household.
 - 6. Dwelling unit – single family.
 - 7. General office.
 - 8. Live/Work unit.
 - 9. Medical, dental, and optical clinics.
 - 10. Mixed-use buildings.
 - 11. Personal services.
 - 12. Schools, whether public, parochial, or private.
- c. Special Uses – Colfax and Non-Colfax Frontage Parcels: The following uses are permitted as Special Uses, subject to approval of a Special Use Permit as provided for in Article 6 of the Lakewood Zoning Ordinance:
- 1. Government office building or any subsequent use of a building originally constructed for or used as a government office building, subject to the restrictions and regulations of the Office (OF) Zone District.
 - 2. Group home.
 - 3. Group living quarters for the temporary shelter of homeless persons when located in a church, school, or other community building.
- d. Special Uses – Colfax Frontage Parcels Only: The following uses are permitted as Special Uses, subject to approval of a Special Use Permit as provided for in Article 6 of the Lakewood Zoning Ordinance:
- 1. Entertainment center - minimum of 10,000 square feet.
 - 2. Group living quarters for the temporary shelter of homeless persons.
 - 3. Kennel, indoor.
 - 4. Vehicle repair, major.

(3) Colfax Mixed Use Zone District – Roadside Sub-District (CMU-R).

- a. Permitted Uses – Colfax Frontage Parcels: No building or land within the CMU-R sub-district shall be used and no building shall be hereafter constructed or altered, except for the following uses:
1. Adult businesses, in conformance with the Lakewood Municipal Code.
 2. Ambulance service facilities.
 3. Amusement arcades, amusement centers, entertainment centers in conformance with the City of Lakewood Municipal Code.
 4. Animal day care.
 5. Art, music, and dance studios.
 6. Assembly, convention, or exposition halls.
 7. Auction houses, except for the auctioning of live animals.
 8. Banks, savings and loans, and other financial institutions.
 9. Bowling centers.
 10. Car wash.
 11. Child and adult day care.
 12. Church/Synagogue/Temple/Mosque.
 13. Colleges and universities, vocational, trade and professional schools.
 14. Community buildings, including museums.
 15. Dance halls.
 16. Display, service and sales of motorcycles, snowmobiles, mopeds and bicycles.
 17. Display, repair, service, sales and storage of mobile homes, travel trailers, motor homes, trailers, campers, boats, and motor vehicles, but not including auto wrecking yards, junk yards, or outside storage of metals or inoperable motor vehicles.
 18. Drive-through uses.
 19. Dwelling unit – live/work.
 20. Dwelling unit – multiple household.
 21. Emergency health care facilities.
 22. Farmers market.
 23. Flea markets, indoor.
 24. General office uses.
 25. General retail use except those listed in other specific zone districts.
 26. Group living quarters for elderly, and victims of domestic violence, for the handicapped, care of dependent, neglected children, and temporary shelter of homeless persons.
 27. Home improvement centers, with screened outdoor storage of inventory.
 28. Home service and appliance repair outlets.
 29. Hospitals, including emergency non-commercial helipads.
 30. Ice or roller skating rinks.
 31. Indoor archery ranges.
 32. Indoor firing ranges.
 33. Massage parlors, in conformance with the Lakewood Municipal Code.
 34. Medical, dental, and optical clinics and laboratories.

35. Mini-warehouses.
 36. Mixed-use buildings.
 37. Mortuaries, including cremation facilities.
 38. Motels and hotels.
 39. Motor fuel filling and service stations, including those associated with food stores.
 40. Non-profit community corrections agency, in conformance with the requirements of Section 17-19-21.
 41. Outdoor civil defense public warning siren system.
 42. Package liquor stores, fermented malt beverage stores or outlets, and taverns.
 43. Parking structures.
 44. Pawnbrokers Business in conformance with the Lakewood Municipal Code.
 45. Personal services.
 46. Pharmacies.
 47. Pool or billiard centers.
 48. Private athletic clubs, including outdoor accessory facilities, tennis courts, swimming pools, gymnasiums, and health spas.
 49. Public fire and police stations, health clinics, library, parks, and recreation facilities.
 50. Public transportation structures and facilities.
 51. Residential health care facility.
 52. Restaurant, specialty food service, and other outlets for sale of prepared foods, including those with drive-through facilities.
 53. Retail, including convenience and supermarkets.
 54. Schools, whether public, parochial, or private.
 55. Studio for custom work or for making articles to be sold at retail on the premises, provided all work areas and storage facilities are enclosed as part of the main building.
 56. Theaters.
 57. Trade and technical services.
 58. Utility facilities.
 59. Vehicle repair, major and minor.
 60. Veterinary hospitals.
- b. Permitted Uses – Non-Colfax Frontage Parcels: No building or land within the CMU-R sub-district shall be used and no building shall be hereafter constructed or altered, except for the following uses:
1. Art, music, and dance studios.
 2. Church/Synagogue/Temple/Mosque
 3. Duplex.
 4. Dwelling unit – attached wall townhome.
 5. Dwelling unit – multiple household.
 6. Dwelling unit – single family.

7. General office.
 8. Live/Work unit.
 9. Medical, dental, and optical clinics.
 10. Mixed-use buildings.
 11. Personal services.
 12. Schools, whether public parochial, or private.
- c. Special Uses – Colfax and Non-Colfax Frontage Parcels: The following uses are permitted as Special Uses, subject to approval of a Special Use Permit as provided for in Article 6 of the Lakewood Zoning Ordinance:
1. Government office building or any subsequent use of a building originally constructed for or used as a government office building, subject to the restrictions and regulations of the Office (OF) Zone District.
 2. Group home.
 3. Group living quarters for the temporary shelter of homeless persons when located in a church, school, or other community building.
- d. Special Uses – Colfax Frontage Parcels Only: The following uses are permitted as Special Uses, subject to approval of a Special Use Permit as provided for in Article 6 of the Lakewood Zoning Ordinance:
1. Group living quarters for adult or juvenile offenders.
 2. Kennel, indoor.
- (4) Uses not specifically named within a sub-area are not permitted in that sub-area, except under the provisions of Section 17-5-6, pertaining to Unnamed Uses.
- (5) A use permitted prior to remapping of properties to the CMU district, but that is identified as a special use per this Article shall remain a permitted use without the need for a special use permit. However, a special use permit shall be required for any alteration of the building as defined in Section 17-19-10 subsequent to the enactment of this Article.

17-19-7. Permitted Density of Development.

The following table sets forth the maximum development densities for each sub-district. Densities are measured in dwelling units per acre (du/ac) for residential development.

Sub-District Density Regulations			
	CMU-N	CMU-C	CMU-R
Maximum Residential Density (Colfax Frontage Parcel)	25 du/ac	45 du/ac	35 du/ac
Maximum Residential Density (Non-Colfax Frontage Parcel)	12 du/ac	30 du/ac	20 du/ac

17-19-8. Dimensional Requirements.

The following table sets forth the minimum and maximum building heights and setbacks for each sub-district. Minimum and maximum building setbacks shall be measured from the back of curb, or the edge of asphalt if no curb exists or is required for the project.

(1) Colfax Frontage Parcels.

Sub-District Dimensional Requirements – Colfax Frontage Parcels			
	CMU-N	CMU-C	CMU-R
Minimum Height	20 feet	20 feet	20 feet
Maximum Height	3 stories (50 feet)*	5 stories (75 feet)*	4 stories (60 feet)*
Minimum Building Frontage at Setback	65 percent of parcel frontage	55 percent of parcel frontage	None
Minimum Front Building/Parking Setback	14 feet	14 feet	18 feet
Maximum Front Building/Parking Setback	24 feet	24 feet	70 feet
Maximum Front Building/Parking Setback (Containing Only Residential Uses on the Ground Floor)	29 feet	34 feet	70 feet
Minimum Side Setback	0 feet, subject to building code requirements		
Minimum Rear Setback	0 feet, subject to building code requirements		

* The maximum height may be increased, if the building conforms to the requirements of Section 17-19-20.

(2) Non-Colfax Frontage Parcels.

Sub-District Dimensional Requirements – Non-Colfax Frontage Parcels			
	CMU-N	CMU-C	CMU-R
Minimum Height	None	None	None
Maximum Height	3 stories (40 feet)	4 stories (50 feet)	3 stories (40 feet)
Minimum Building Frontage at Setback	None	None	None
Minimum Front Building/Parking Setback	21 feet	21 feet	21 feet
Maximum Front Building/Parking Setback	31 feet	36 feet	36 feet
Minimum Side Setback	5 feet	5 feet	5 feet
Minimum Rear Setback	10 feet	10 feet	10 feet

17-19-9. Open Space Requirements.

Open spaces for congregation and recreational opportunities shall be required for all new development or substantial redevelopment (See Section 17-19-10). The following table sets forth the minimum useable open space for each sub-district:

Sub-District Open Space Requirements			
	CMU-N	CMU-C	CMU-R
Required Minimum Open Space, per Lot Area (Colfax Frontage Parcel)	5 percent	10 percent	10 percent
Required Minimum Open Space, per Lot Area (Non-Colfax Frontage Parcel)	10 percent	15 percent	15 percent

(1) Open space shall be provided as public plazas, outdoor dining areas, pocket parks, roof top gardens, or courtyards.

- (2) All required open space shall be accessible to the users of the building(s), or to the public, and shall be improved with seating, plantings, and amenities. Open space areas should be visible from adjacent streets or pedestrian areas to the greatest extent possible.
- (3) The use of enhanced natural drainage ways to satisfy open space requirements is encouraged.

17-19-10. Legal Non-Conforming Structures.

A legal non-conforming structure is a structure that is not permitted in the CMU Zone District, but was lawfully established prior to the rezoning of the property to the CMU Zone District.

Legal non-conforming structures, as defined in Section 17-16-1 of the Zoning Ordinance, may continue to be used in accordance with Section 17-16-3 of the Zoning Ordinance, except that any such structure may be expanded by a maximum of thirty percent (30%) of the gross floor area of the structure at the date of rezoning of the property. Any structure that is expanded by more than thirty percent (30%) must thereafter conform to all regulations contained within this Article.

17-19-11. Design Requirements.

All buildings and uses developed in these sub-districts shall either meet the following minimum requirements, or achieve a comparable result through the Performance-Based Review Process as described in Article 7 of the Zoning Ordinance.

- (1) Design and construction of energy efficient buildings shall be demonstrated through the use of building materials, lighting, heating, alternative energy sources, and cooling systems.
- (2) Architectural features and treatments shall not be limited to a single façade. All sides of the building open to view by the public, whether viewed from public or private property, shall display a similar level of quality and architectural interest.
- (3) The first floor façade of all buildings, including parking structures located adjacent to public streets, shall be designed to encourage and complement pedestrian-scale interest and activity.

- (4) Drive-through windows, where allowed per Section 17-19-6, shall not face Colfax Avenue. Except within the Roadside sub-district, drive-through lanes shall not be allowed in the area between a building and Colfax Avenue.
- (5) All commercial and mixed-use buildings fronting on a street shall be designed so that the first floor street façade includes windows and doors to increase pedestrian interest. These openings shall be arranged so that the uses or window displays are visible from and to the street on at least fifty percent (50%) of the façade.
- (6) All buildings and ground floor users shall provide a primary entrance that faces an adjacent public street or is placed at an angle of up to forty-five (45) degrees toward an adjacent street, relative to the street property line.
- (7) Building designs that provide varied rooflines in order to create interesting skylines are encouraged.
- (8) Architectural elements located on the primary building facades may encroach into the required setback, as defined in Section 17-19-8, up to five (5) feet. These elements may include window planter boxes, eaves, balconies, canopies, and awnings. However, no architectural element encroachment may impede or interfere with pedestrian movement or street tree growth. No feature shall be located within two horizontal feet of a public sidewalk unless the feature is at least ten (10) feet above the sidewalk surface.
- (9) All stairwells, corridors, and circulation components of the building shall be completely enclosed within the building footprint.
- (10) All rooftop mechanical equipment shall be screened from public view through the use of parapets or enclosures that are equal to or greater than the height of the equipment to be screened. The parapet or enclosure shall be compatible with the overall architectural character and scale of the building.
- (11) Ventilation grates on the building, and all doors located on the first floor street façade, shall be decorative and part of the overall building design.
- (12) Loading docks, on-site storage yards, utility structures associated with a building, and all other service areas shall be fully screened from view by walls or fences, and roof structures for trash enclosures.
- (13) On-street parking shall be provided where permitted by the City of Lakewood and/or the Colorado Department of Transportation, as

applicable.

- (14) Private utility boxes or equipment shall not be located along a public street frontage.
- (15) The following requirements apply to all retail buildings containing more than 40,000 square feet of gross floor area:
 - (a) At least one side of the building shall be located adjacent to a public street, and shall meet the minimum and maximum setback requirements provided in Section 17-19-8.
 - (b) Ground floor facades adjacent to public streets shall have display windows, entry areas, awnings, and/or other similar pedestrian-oriented design elements along no less than sixty percent (60%) of the façade length.
 - (c) Each building shall have a clearly defined pedestrian connection between the adjacent public street and the building entrance(s). The walkway shall be separated from parking areas through the use of landscape elements.
 - (d) The requirements above, shall not apply if the building is located at least 150 feet away from a public street, and is part of a multi-building complex that includes liner buildings that meet the requirements of Section 17-19-8.

17-19-12. Development Manual.

In addition to the design requirements contained in Section 17-19-11 of this Article, all new development and re-development or additions to buildings greater than thirty percent (30%) in the CMU Zone District shall be subject to the design standards and guidelines found in the Colfax Mixed Use Zone District Development Manual, which the Planning Commission is authorized to adopt and amend by resolution.

17-19-13. Circulation and Connectivity.

Development within the CMU Zone District shall be easily accessible and integrated with the surrounding community, and shall have a good internal circulation system for a variety of travel options.

- (1) Internal walk connections are required between buildings, and from buildings to all on-site facilities, such as parking areas, bicycle parking facilities, and open space.
- (2) External walk connections are required to provide direct access from all buildings on the site to existing or planned sidewalks, adjacent multi-use trails, parks, and greenways.
- (3) Bicycle parking and storage facilities, associated with all buildings on the site, shall be provided in accordance with Section 17-19-14(2).
- (4) Wherever possible, sidewalks through surface parking areas shall be located within landscaped islands. In any case, each point at which the system of sidewalks must cross a parking lot or internal street or driveway to make a required connection shall be clearly marked through the use of change in paving materials, height, or distinctive colors.
- (5) All walks within surface parking lots shall be a minimum of five (5) feet wide or seven (7) feet where there is adjacent perpendicular head-in or diagonal parking. The minimum width of any such walk shall be nine (9) feet if parking is provided on both sides of the walk.

17-19-14. Parking Requirements.

- (1) The purpose of this Section is to provide a reduction in required parking to serve developments within the CMU Zone District. New permitted uses within this Zone District shall either adhere to the required minimum and maximum number of off-street parking spaces according to the following table, or achieve a comparable result through the Performance-Based Review Process described in Article 7 of the Zoning Ordinance. All square footage is measured as gross floor area:

Minimum and Maximum Number of Parking Spaces	
Use	Ratio
Hospital	One space per bed minimum, 2 spaces per bed maximum
Hotels/Motels/Bed and Breakfast	One space per 2.5 rooms minimum, 1.5 spaces per room maximum
Laboratory/Light Manufacturing/Light Industrial	One space per 1,000 square feet minimum, 2.5 spaces per 1,000 square feet maximum
Office/Bank	Two spaces per 1,000 square feet minimum, 4 spaces per 1,000 square feet maximum
Church/Synagogue/Temple/Mosque	One space per five seats minimum, 1 space per seat maximum
Residential	One space per unit minimum, 2.5 spaces per unit maximum
Restaurant	Four spaces per 1,000 square feet minimum, 11 spaces per 1,000 square feet maximum
Retail	Two spaces per 1,000 square feet minimum, 4 spaces per 1,000 square feet maximum
Theater	One space per 5 seats minimum, 1 space per 2 seats maximum
All other non-residential uses	Parking requirements for uses not specifically identified above shall be subject to a parking analysis submitted as part of any development application

- a. The Director of Community Planning and Development may waive the minimum parking requirement if it can be demonstrated that the reduction will not adversely impact adjacent properties and will result in a superior site plan.
- b. No maximum requirement shall apply if all parking is provided within a parking structure.
- c. The required/permitted number of parking spaces for any building shall be the sum total of the requirements for each use in the building calculated separately.
- d. Where surface parking is located adjacent to a public or private street, a low screen wall and/or landscaping providing screening to a height of 42 inches shall be provided. If a wall is installed, the construction material shall match the first floor exterior material used on the primary building. Shared access to surface parking lots is strongly encouraged.
- e. Pedestrian access shall be provided between structured or surface parking facilities and the nearest public street. Wherever possible, the walkway shall be separated from vehicular travel lanes.
- f. On-street parking available along the portion of a public or private street abutting the use may be counted toward the minimum number of parking spaces required.

- g. The parking requirements may be met on-site, or off-site at a distance of up to 1,000 feet from the use, provided that a shared parking agreement is obtained prior to approval of the site plan or tenant improvement permit.
 - h. Shared parking shall be permitted and is encouraged. Shared parking approval shall be subject to the review and approval of a shared parking study citing at least three other comparable instances of similar land uses in comparable settings in the United States where shared parking has proven successful.
 - i. Handicapped parking spaces shall be provided in accordance with Section 17-9-2 of the Zoning Ordinance.
 - j. At least ten percent (10%) of the area of surface parking lots shall be landscaped. Landscaping, at a minimum, shall include living material such as trees and shrubs, and mulch or plant groundcover.
- (2) Bicycle parking is required to encourage the use of this mode of transportation by providing safe and convenient places to park bicycles. Bicycle parking spaces are required as follows:
- a. For non-residential development, a number of off-street bicycle parking spaces shall be provided equal to three percent of the required motor vehicle parking spaces.
 - b. For residential development, one plus an additional one space for each 25 dwelling units.
- (3) Off-street surface parking spaces shall be provided on each development lot in the following locations:

Required Off-Street Parking Location		
CMU-N	CMU-C	CMU-R
Parking shall be located behind all buildings	Parking may be located behind, at the side of, and/or between buildings	Parking may be located behind, at the side of, between, and/or in front of all buildings

17-19-15. Sidewalk Improvements Adjacent to Public and Private Streets.

- (1) All sidewalks adjacent to Colfax Avenue within the Neighborhood and Community (CMU-N and CMU-C) sub-district shall be six (6) feet in width. The sidewalk shall be separated from the curb by an eight- (8) foot wide landscape buffer. The landscape buffer shall include brick paving two (2) feet in width located directly behind the curb. The landscape buffer shall also include street trees located five (5) feet behind the curb and spaced a maximum of thirty- (30) feet apart on-center. In addition to street trees, the landscape buffer shall contain turf grass or mulch with groundcover and/or shrub plant materials. However, paved pedestrian walkways may cross the tree lawn at appropriate locations. (See Figure 19-1.)

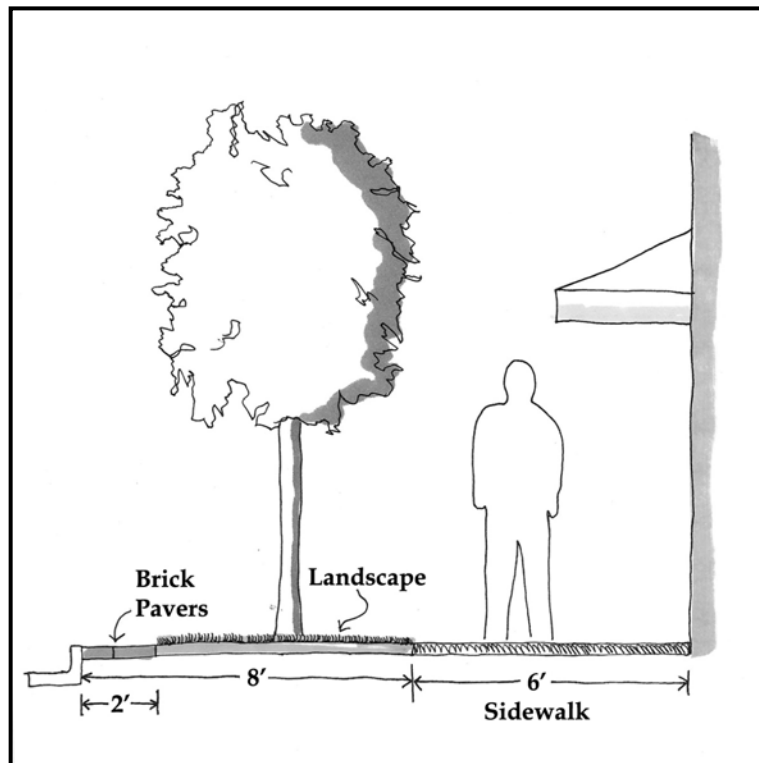


Figure 19-1

- (2) All sidewalks adjacent to Colfax Avenue within the Roadside (CMU-R) sub-district shall be six (6) feet in width. The sidewalk shall be separated from the curb by an eight- (8) foot wide landscape buffer. The landscape buffer shall include brick paving two (2) feet in width located directly behind the curb. The landscape buffer shall also include street trees located five (5) feet behind the curb and spaced a maximum of thirty- (30) feet apart on-center. In addition to street trees, the landscape buffer shall

contain living plant material. However, paved pedestrian walkways may cross the tree lawn at appropriate locations. Additionally, a four (4) foot wide landscaped area shall be provided behind the sidewalk, and shall contain living plant material. (See Figure 19-2.)

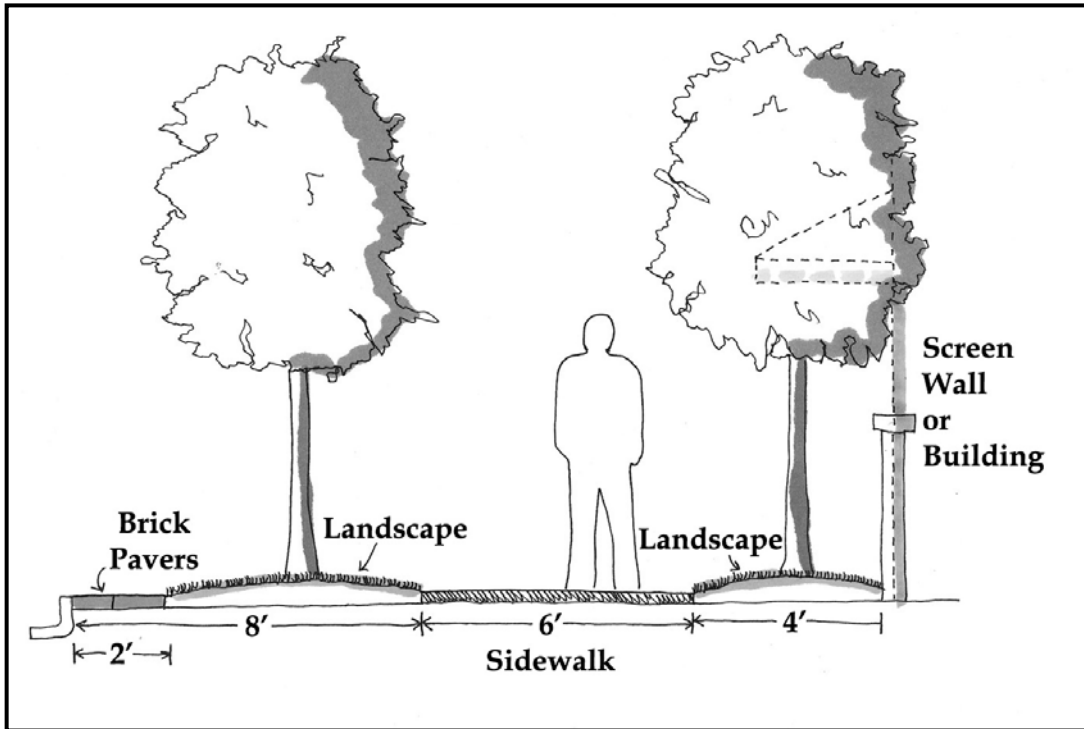


Figure 19-2

- (3) All sidewalks adjacent to streets other than Colfax Avenue within the CMU Zone District shall meet the requirements of the City's Engineering Regulations, Construction Specifications, and Design Standards.

17-19-16. Compatibility with Adjacent Land Uses and Zone Districts.

Development at the Perimeter Interface Zone, the area within 100 feet of the CMU Zone District boundary, must function and interact appropriately with adjacent land uses located outside of the District.

- (1) Projects located within the Perimeter Interface Zone shall be required to demonstrate compatibility with the properties located outside the CMU Zone District boundaries, through an analysis of building bulk and plane, potential buffering through the use of landscaping or decorative walls, building and parking orientation, and other similar site specific conditions.

- (2) All development within 100 feet of a residentially zoned property located outside of the CMU Zone District shall have a maximum height no greater than the maximum height allowed in the adjacent district.

17-19-17. Site Development Review Procedures and Standards.

All development in the Colfax Mixed Use Zone District shall be required to follow the site development review procedures described in Article 15 of the Zoning Ordinance. However, where the requirements of this Article conflict with those described in Section 17-15-3, the requirements of this Article shall apply.

17-19-18. Sign Regulations.

Signs along commercial frontages shall be clear, informative to the public, and durable. Signs should generally be scaled to the pedestrian-oriented nature of the Colfax corridor, while also reflecting the eclectic nature and history of the corridor. Signage shall not be so large as to create distraction and visual clutter. The following regulations apply to all sub-areas, unless alternative requirements are developed to achieve a comparable result through the Performance-Based Review Process as described in Article 7 of the Zoning Ordinance.

- (1) All signs shall be subject to the provisions of Sections 17-10-1 through 17-10-3 and 17-10-5 of the Zoning Ordinance.
- (2) Within all sub-districts, wall signs are permitted in the area between the second story floor line and the first floor ceiling, or for a single story building below the roofline, within a horizontal band not to exceed 48 inches in height.
 - a. The use of neon, fiber optic, LED, and other similar lighting technology in a graphic or typographic manner on a sign face is encouraged on Colfax frontage parcels.
 - b. The horizontal band shall be no higher than 18 feet or lower than 12 feet above the adjacent sidewalk. The band shall be at the same height across an entire building, unless a grade change at the base of the building requires a step in the band.
 - c. Wall sign letters shall not exceed 42 inches in height. The total sign width shall not exceed seventy-five percent (75%) of the frontage associated with the use. However, total wall sign area shall not exceed 100 square feet for each use, unless the sign includes the use of neon, fiber optic, LED, or other similar lighting technology in a graphic or typographic manner, in which case the total wall sign area may be

increased by fifty (50) percent, but shall not exceed 150 square feet for each use.

- d. Uses located in buildings meeting the requirements of Section 17-19-11(15) of this Article and with a building frontage parallel to Colfax Avenue greater than 200 lineal feet shall be allowed wall signs with letters that shall not exceed 48 inches in height, and total sign width that shall not exceed thirty percent (30%) of the frontage associated with the use. However, total wall sign area shall not exceed 250 square feet for each use, unless the sign includes the use of neon, fiber optic, LED, or other similar lighting technology in a graphic or typographic manner, in which case the total wall sign area may be increased by fifty (50) percent, but shall not exceed 325 square feet for each use.
 - e. If a use is located in a space with two public or private street frontages, then each frontage shall be allowed signage in accordance with the requirements above.
 - f. Wall signs shall be composed of individually mounted letters, logos, or icons with or without sign backing.
- (3) Within all sub-districts, each use in a building shall be allowed one projecting sign for each public or private street oriented façade.
- a. Projecting signs may be attached or suspended by a metal bracket or placed beneath an awning. The sign face shall not exceed 12 square feet per sign face, is limited to a maximum projection of four feet including any support structure, and shall have a minimum clearance above the adjacent sidewalk of at least 10 feet including the support structure.
 - b. Projecting signs may include three-dimensional logos or symbolic objects.
- (4) Within all sub-districts, each use shall be allowed one sign per awning associated with the use. Awnings shall be constructed of durable canvas cloth or an equivalent, metal or glass. No internal illumination shall be permitted.
- a. Signage is allowed only on the vertical front portion of the awning, except that graphical logos shall be allowed on the slanted portion of the awning.
 - b. Lettering height shall not exceed eight inches.

- c. Logos shall not exceed 10 percent of the sloped awning panel area.
 - d. Signs on awnings shall only be allowed on the first floor of any building.
- (5) Within the Community and Roadside sub-districts, monument signs shall be allowed, subject to the following:
- a. Each freestanding building containing a commercial or office use shall be allowed one monument sign. The sign may be used by a single tenant or multiple tenants of the building.
 - b. The use of neon, fiber optic, LED, and other similar lighting technology in a graphic or typographic manner on a sign face is encouraged for Colfax frontage parcels.
 - c. Monument signs shall not exceed six (6) feet in height, measured from the finished grade of the nearest adjacent sidewalk, unless the monument sign is located adjacent to Colfax Avenue and includes the use of neon, fiber optic, LED, and other similar lighting technology in a graphic or typographic manner on a sign face, in which case the maximum height of the sign shall not exceed eight (8) feet in height.
 - d. No single monument sign face shall exceed fifty (50) square feet.
 - e. The monument sign base shall be compatible with the architecture of the building to which it is associated. Monument signs shall be attached to the ground with a base whose width and length are at least as large as the bottom edge of the sign face. Monument signs shall not be placed where they obscure important architectural features such as entrances, display windows, or decorative elements when viewed from the public right-of-way.
 - f. The monument sign shall be located at least two feet behind the sidewalk or ten (10) feet from the right-of-way, whichever is greater, and outside of any required vehicular sight triangle.
- (6) On Colfax frontage parcels within the Community and Roadside sub-districts, in lieu of a monument sign, each freestanding building containing a commercial or office use shall be allowed one pylon sign, subject to the following:
- a. The sign shall be no taller than thirty- (30) feet.
 - b. The sign shall include use of neon, fiber optic, LED, and/or other similar lighting technology in a graphic or typographic manner on a

sign face; and is encouraged to include three-dimensional elements. Electronic message center signs are permitted as an integral portion of the overall sign.

- c. The total area of each sign face shall not exceed 125 square feet.
 - d. Animation is permitted with a maximum of fifteen (15) cycles per minute.
 - e. Sign placement shall require approval by the City Traffic Engineer, and shall not encroach into any public right-of-way or sidewalk easement.
- (7) Signs of an historic nature or significance that: (a) can be shown to have been erected and in place prior to January 1, 1969; (b) characterize the business; and (c) support the intent of this section, may be permitted to exceed or vary from the numerical requirements set forth within this section. Signs must be in good condition or be capable of being restored to their historic appearance. In no instance shall roof signs be permitted.
- a. Designated signs are:

Address	Business
6060 W Colfax	White Swan Motel
5601 W Colfax	Lakewood Lodge
5799 W Colfax	Westway Motel
6001 W Colfax	Rocky Mountain Motel
6218 W Colfax	Big Bunny Motel
8100 W Colfax	Lakewood Grill
8837 W Colfax	Homestead Motel
9025 W Colfax	Trails End Motel
9495 W Colfax	Davies Chuck Wagon
9605 W Colfax	Scatterday's Lumber Yard

- b. Signs designated pursuant to this section may only be removed after providing the Community Planning and Development Department with a written notice to remove the sign at least thirty (30) days before the planned removal. Any sign designated a landmark pursuant to Article 11 of the Zoning Ordinance may not be removed. Any new sign shall comply with the requirements of this section. Any alteration of a designated sign shall be in the same style, color, and materials as the original sign.
- c. Signs designated by the City are granted exceptions to the provisions of this section regulating sign height, area, design, and setbacks. All other provisions, including permitted maximum number, shall apply.

Nothing in this section shall exempt any sign not designated herein from compliance with this Article, including designated signs on the same premises.

17-19-19. Lighting.

Vehicular and pedestrian lighting shall be provided throughout all vehicular and pedestrian circulation areas to promote safety and walkability.

All developments shall either meet the following minimum requirements or demonstrate the ability to achieve a comparable result through the Performance-Based Review Process as described in Article 7 of the Zoning Ordinance.

- (1) Private sidewalks, internal pedestrian paths, and bicycle paths shall be lit with full cutoff lighting fixtures no more than sixteen (16) feet tall and providing consistent illumination of at least one foot-candle on the walking surface.
- (2) On-site streets and parking areas shall be lit with full cutoff type lighting fixtures no more than twenty-five (25) feet tall. Fixtures shall be of a downcast type.
- (3) Lighting sources shall be color-correct types such as Halogen or metal halide. Light types of limited spectral emission, such as low-pressure sodium or mercury vapor lights, are prohibited even in service areas.
- (4) Private and security lighting shall not cause glare on adjacent property above a level of four (4) feet.

17-19-20. Incentives For Mixed Income Housing.

In order to encourage the inclusion of housing for all income levels in residential projects and in mixed-use projects with a residential component within the CMU district, any project located on a Colfax frontage parcel that utilizes federal low-income housing tax credits (LIHTC), pursuant to Section 42 of the Internal Revenue Code and includes at least thirty (30) percent market rate units shall be allowed the following incentives:

- (1) An increase in the overall height of the building of one (1) story, not to exceed twelve (12) feet in height.
- (2) An increase in the overall project density of twenty (20) percent.

- (3) A decrease in the minimum amount of residential parking required to 0.50 spaces for each LIHTC unit.

17-19-21. Performance Standards for Non-Profit Community Corrections Agency Facilities

In order to provide compatibility between non-profit community corrections agency facilities and adjacent residential and commercial properties, the following performance standards shall be met:

- (1) No facility shall be located closer than seven hundred fifty (750) feet from any other facility.
- (2) Two (2) neighborhood referral meetings shall be held prior to any administrative decision regarding the use by the Director of Community Planning and Development. Notification for said meetings shall be as provided in Subsection 17-17-4(1)(b) and (c) of the Zoning Ordinance.
- (3) The facility shall have administrative offices on-site, and shall have 24-hour staff supervision of the facility.
- (4) Vehicular and pedestrian access shall only be provided from Colfax Avenue, except that emergency vehicle access may be provided from side streets.
- (5) The facility shall be adequately secured and buffered from adjacent properties, as determined by the Director of Community Planning and Development.

Following a review of the application and comments received during the neighborhood referral meetings for a non-profit community corrections agency facility, the Director of Community Planning and Development may take any of the following three actions:

- (1) Approval. In the event the application is approved administratively, the Director will sign a Record or Decision regarding the application indicating approval.
- (2) Disapproval. In the case of disapproval of the application by the Director, the Director will sign a Record of Decision regarding the application setting forth the reason(s) for such disapproval in writing.
- (3) Referral to the Planning Commission. The Director may, for any reason, refer the application to the Planning Commission for review and decision at a public hearing. If the application is referred to the Planning

Commission, it shall be treated as a Special Use Permit as defined in Article 6 of the Zoning Ordinance.

An applicant, or those people required to receive notice, or those who participate in the decision process, may appeal any decision by the Director to the Planning Commission. If the application is appealed to the Planning Commission, it shall be treated as a Special Use Permit as defined in Article 6 of the Zoning Ordinance. The decision of the Planning Commission shall be final, and any appeal of the decision shall be to the courts.

17-19-22. Definitions.

As used within this article, except where otherwise specifically defined, or unless the context otherwise requires, the following terms, phrases, and words and their derivations shall have the following meanings:

- (1) **Art studio:** A use with an interior building area for artist galleries, studios, and residences used for the creation, display, and associated sale of various artistic mediums and creative arts.
- (2) **Colfax frontage parcel:** A legal parcel of land with frontage on Colfax Avenue existing prior to the effective date of the ordinance creating the CMU district. After the effective date of the ordinance creating the CMU district, parcels that are legally consolidated and that maintain frontage on Colfax Avenue shall be considered Colfax frontage parcels to a maximum depth of 330 feet from the Colfax Avenue right-of-way.
- (3) **Non-Colfax frontage parcel:** A legal parcel of land with no frontage on Colfax Avenue existing prior to the effective date of the ordinance creating the CMU district.
- (4) **Non-profit community corrections agency:** A non-profit agency with residential or non-residential offender management, substance abuse monitoring, and/or educational and vocational assistance. Residential facilities shall have a maximum capacity of 100 residents.
- (5) **Dwelling unit – live/work:** Live/work use is a combination of residential occupancy and commercial activity located within a dwelling unit. The commercial activity shall not exceed fifty percent (50%) of the gross floor area of the dwelling unit and shall not have more than two (2) employees or regular assistants on premises at one time. Any repair, assembly, or fabrication of goods is limited to the use of hand tools or domestic mechanical equipment. The work activities shall not adversely impact the public health, safety, and welfare, or the livability, functionality, and appearance of adjacent property. Typical work activities may include

home offices, craft work, art studios, candle making, jewelry making, fabrication of cloth goods, and other similar activities.

- (5) **Mixed-use building:** Any building that contains at least two distinct permitted uses.
- (6) **Personal services:** Establishments primarily engaged in providing services involving the care of a person or his or her personal goods or apparel. Personal services usually includes the following: laundry, including cleaning and pressing service, linen supply, diaper service, beauty shops, barbershops, shoe repair, and similar uses.
- (6) **Side Street:** A public or private street running parallel or perpendicular to Colfax Avenue within the Colfax Mixed Use Zone District.