

## P U B L I C A T I O N

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## ZONING ORDINANCE

AND

## SUBDIVISION REGULATIONS

DEPARTMENT OF COMMUNITY SERVICES		
NAME CITY OF LAKEWOOD		
NAME OF AGENCY-FIRM		
STREET ADDRESS		
CITY	STATE	ZIP
	November 2, 1976	
	DATE OF PURCHASE	
	6F	
	COPY NUMBER	

CITY COUNCIL

MAYOR - CHARLES E. WHITLOCK

Jim Lee	Ward 1	James Eitzen	Ward 3
John Morgan	Ward 1	Lester Willson	Ward 4
Carolyn Bacher	Ward 2	Sharon Carr	Ward 4
Raymond Fink	Ward 2	Carl H. Neu	Ward 5
Paul W. Thompson	Ward 3	Gaylor V. Smith	Ward 5

CITY ATTORNEY - Robert Warren

CITY CLERK - Jean L. Rogers

CITY ADMINISTRATOR

CHARLES S. ANDERSON

PLANNING COMMISSION

CHAIRMAN - Anthony Sabatini, Ward 1

SECRETARY - Sarah Masterson, Ward 5

ALTERNATE SECRETARY - Sue T. Kent, Ward 2

MEMBERS

Arvin Michel	Ward 3
John Kelly	Ward 4

ALTERNATES

Eleanor Welshon	Ward 1
James E. O'Connor	Ward 2
Emmett Schmitz	Ward 5

BOARD OF ADJUSTMENT

CHAIRMAN - John T. Clingan, Ward 3

VICE CHAIRMAN - R. Keith Milheim, Ward 2

SECRETARY - Kathleen Stapleton, Ward 5

MEMBERS

Patricia Rufien	Ward 4
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ALTERNATES

Dr. John A. Fleming	Ward 1
Alan Ruff	Ward 3
Kenneth Jaeger	Ward 4
Penny Rist	Ward 5

DEPARTMENT OF COMMUNITY DEVELOPMENT

DIRECTOR - James K. Spore

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A BILL FOR AN

ORDINANCE REGULATING AND RESTRICTING THE USE OF LAND AND THE USE AND LOCATION OF BUILDINGS AND STRUCTURES; REGULATING AND RESTRICTING THE HEIGHT AND BULK OF BUILDINGS AND STRUCTURES AND DETERMINING THE AREA OF YARDS, COURTS AND OTHER PLACES SURROUNDING THEM; REGULATING AND RESTRICTING THE DENSITY OF POPULATION; DIVIDING THE CITY OF LAKEWOOD, COLORADO, INTO DISTRICTS; ADOPTING MAPS SHOWING BOUNDARIES AND THE CLASSIFICATION OF DISTRICTS; MAKING PROVISIONS REGARDING THE BOARD OF ADJUSTMENT AND PLANNING COMMISSION; AND PRESCRIBING PENALTIES FOR VIOLATIONS OF ITS PROVISIONS.

Be it Ordained by the City Council of the City of Lakewood:

SECTION 1: ESTABLISHMENT, PROCEDURES AND ADMINISTRATION

SEC. 1-1 : TITLE

This Ordinance is cited as and referred to as "The Zoning Ordinance" or the "Zoning Ordinance of the City of Lakewood, Colorado".

SEC. 1-2 : PURPOSE

In pursuance of the authority conferred by Articles 59 and 60 of Chapter 139, Colorado Revised Statutes, 1963, as amended, this Ordinance is enacted for the purpose of promoting the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of the City of Lakewood, by lessening of congestion in the streets and roads, securing safety from fire and other dangers, providing adequate light and air; the classification of land uses and the distribution of land development and utilization; avoiding undue congestion of population, facilitating the adequate provision of transportation, water, schools, sewerage and other public requirements; and by other means in accordance with a Comprehensive Plan, and the zoning maps adopted herewith.

SEC. 1-3 : INTERPRETATION

In interpreting and applying the provisions of this Ordinance, they shall be held to be the minimum requirements for the promotion of public health, safety, morals, convenience, order, prosperity and the general welfare. It is not intended by

this Ordinance to interfere with or abrogate or annul any easements, covenants or agreements between parties, provided, however, that wherever this Ordinance imposes a greater restriction upon the use of buildings or land or upon the location or height of buildings or structures or requires larger open spaces about buildings than are imposed or required by other laws, ordinances or easements, covenants or agreements between parties, the provisions of this Ordinance shall govern.

Sec. 1-4 : CONTINUITY

By Ordinance No. 15 of 1969, as amended by Ordinance No. 7 of 1970, the City of Lakewood heretofore continued in effect the Zoning Resolution of Jefferson County, Colorado, as published April 30, 1969, as amended to the effective date of said Ordinance No. 15 of 1969, together with all maps adopted as a part of said Zoning Resolution as far as the same related to property within the City of Lakewood (then Jefferson City), Colorado, as the said Zoning Resolution and maps existed and were in effect upon the effective date of said Ordinance, until modified or superseded by City Ordinance, with the exceptions that: Sec. 25 A of said Zoning Resolution relating to the establishment of a County Board of Adjustment was not applicable; Sec. 30 A relating to certain authority of the Board of County Commissioners was not applicable; and Sec. 32 A relating to penalties for violation was not applicable.

Where necessary or relevant for the purpose or purposes of determining the time of applicability or vesting of rights, duties, liabilities and obligations of owners and occupiers of property, and the uses to which property within the City of Lakewood may be put, reference may be had to the said Zoning Resolution of Jefferson County, Colorado, published April 30, 1969, as amended to the effective date of Ordinance No. 15 of 1969, and together with all maps adopted as a part of said Resolution, as the same related to property within the City of Lakewood (then Jefferson City), as the same existed and were in effect on the effective date of Ordinance No. 15 of 1969, and to the dates and times of adoption of various provisions of said Zoning Resolution and of the zoning or rezoning of property thereunder, as well as to the provisions of ordinances adopted affecting changes in zoning subsequent to said effective date.

Sec. 1-5 : PLANNING COMMISSION

The City Planning Commission, as heretofore established by Ordinance No. 15 of 1969, as amended by Ordinance No. 0-70-7 of 1970, shall continue in existence as provided for in said Ordinance and amending ordinance, and shall consist of five members, one from each ward, appointed by the City Council, tie to be broken by the Mayor, with all of the powers and duties and responsibilities of a City Planning Commission in accordance

with and subject in all respects to the provisions of State Statute, and particularly Articles 59 and 60 of Chapter 139, Colorado Revised Statutes, 1963, as amended.

The persons heretofore appointed as members of the City Planning Commission shall continue to hold office; and the terms of office of each member of such Commission shall be four years, except that the term of one member first appointed shall expire December 31, 1970; the term of one member shall expire December 31, 1971; the term of one member shall expire December 31, 1972 and the terms of two members shall expire December 31, 1973.

The persons heretofore appointed as alternate members of the City Planning Commission shall continue to hold office; and there shall be five alternate members, appointed by City Council, one from each ward. In the case of absence from any meeting of the regular member, an alternate member selected, so far as practicable in rotation, shall be called to serve in lieu of the absent regular member, with all of the powers, duties and responsibilities of the regular member for whom he acts. The terms of the alternate members shall be four years each, except that of the first members appointed, the term of one member shall expire December 31, 1970; the term of one member shall expire December 31, 1972; and the terms of two members shall expire December 31, 1973. Appointments to fill vacancies shall be for the unexpired term.

The Planning Commission may hold two executive sessions each month, and each member and alternate member attending shall receive compensation therefor in the amount of \$20.00. The members and alternate members actually sitting in the other meetings, not to exceed two per month, shall be reimbursed \$20.00 for each meeting so attended. The maximum amount paid to the members and alternate members of the Planning Commission shall be \$600.00 in any one month.

#### Sec. 1-6 : BOARD OF ADJUSTMENT

(a) Establishment: The Board of Adjustment as heretofore established by Ordinance No. 15 of 1969, as amended by Ordinance No. 0-70-7 of 1970 shall continue in existence as provided for in said Ordinances, as amended, and shall consist of five members, one from each ward, appointed by the City Council.

The persons heretofore appointed as members of the Board of Adjustment shall continue to hold office, and the terms of office shall be for three years, except that of the members first appointed, the term of one shall expire December 31, 1970; the terms of two shall expire December 31, 1971; and the terms of two shall expire December 31, 1972.

The City Council shall also appoint five alternate members, one from each ward, and in the case of the absence from any meeting of any regular member of the City Board of Adjustment, an alternate member, called so far as practicable in rotation, shall serve in his place with all of the powers, duties, functions

and responsibilities of the absent regular member. The alternate members heretofore appointed shall continue to hold office and, the term of office of alternate members shall be three years, except that of the first alternate members appointed, the terms of two members shall expire December 31, 1970, the term of one member December 31, 1971, and the terms of two members on December 31, 1972. Appointments to fill vacancies shall be for the unexpired term.

The Board of Adjustment may hold one executive session per month, and each member and alternate member attending shall receive compensation therefor in the amount of \$20.00. The members and alternate members actually sitting in the other meetings, not to exceed three per month, shall be reimbursed \$20.00 for each meeting so attended. The maximum amount paid to the members and alternate members of the Board of Adjustment shall be \$500.00 in any one month.

(b) Authority: The Board of Adjustment shall have the following authority:

1. To hear and decide upon appeals, where it is alleged by the appellant that there is an error in any order, requirement, decision or determination made by an administrative official or agency based on this Ordinance, or made in the enforcement of this Ordinance.

2. To hear and decide requests for special exemptions or for interpretations of the district maps or for decisions upon other special questions upon which the Board is expressly authorized by this Ordinance to pass.

3. To hear and decide all matters referred to it or upon which it is required to pass under this Ordinance.

4. To interpret the provisions of this Ordinance in such a way as to carry out the intent and purpose of the plan where the street or highway layout on the ground varies from the street or highway layout as shown on the district map.

5. In passing upon appeals, whereby reason of exceptional narrowness, shallowness or shape of a specific piece of property at the time of the enactment hereof, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of such piece of property, the strict application of any regulation herein adopted would result in peculiar and exceptional and undue hardship on the owner of such property, to grant a variance from such strict application, so as to relieve such difficulties or hardship, provided such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the Zoning Plan as embodied in this Ordinance and district maps.

6. To permit in a Residential or Agricultural District a temporary building or use of land for business or industry which is incidental to the residential development, such permit to be issued for a period of not more than one (1) year.

7. To permit in any district, the temporary use of vacant land for the excavation of sand, gravel, earth, clay, rock or other similar materials subject to such reasonable restrictions as may be deemed necessary by the Board to protect the residential property in the neighborhood and for such period of time, or as extended, as may be permitted by the Board.

This shall be construed to authorize the Board of Adjustment to include permits for rock crushers, screening equipment and other similar machinery deemed to be necessary for the normal operation of processing such materials, providing such equipment relates only to materials excavated from the same site and providing that proper operation, setback and other controls necessary or proper under each set of location circumstances shall be established by the Board.

8. To permit public utility or public service uses in any district when found to be necessary for the public health, safety, convenience or welfare, for such period of time as may be permitted by the Board, or as extended.

9. To permit for such period of time as may be permitted by the Board, or as extended, or to refuse to permit uses listed in the several districts as permissible only if approved by the Board of Adjustment; provided, however, that in consideration of the use, due consideration shall be given to the effect of such use on adjacent property.

10. To allow the reconstruction, within one year, of a non-conforming building which has been destroyed by fire or other cause to the extent of not more than sixty (60) percent of its market value at time of destruction.

11. Where the boundary line of any district divides property which was in a single ownership on the effective date hereof and continued in single ownership to the time of the appeal, the Board may permit the use authorized by this Ordinance on the less restricted portion of such property to extend not more than thirty (30) feet beyond the boundary line, for such period of time as may be permitted by the Board, or as extended.

12. Permit for such period of time as may be permitted by the Board, or as extended, the location in any Residential District of any accessory building authorized in any Residential District or in an A-1 (Agricultural-One) District, provided there shall be on

file with the Board, the written approval of the owners of eighty (80) percent of all the adjacent land within such area which the Board shall have determined to be specifically affected by such proposed use or structure.

13. To permit for such period of time as may be permitted by the Board, or as extended, temporary home occupations as provided (and defined) herein, subject to the following limitations:

- (a) The use must be located or operated within  
a dwelling used by such person for his or her home and shall show no external evidence thereof, except a sign pursuant to subparagraph (g) hereinafter set forth. (Amended 10-26-71)
- (b) Total area employed shall not exceed twenty-five (25) percent of the gross floor area of the dwelling unit; but shall be limited, in any event, to four hundred (400) square feet. Garages or porches, attached or otherwise, shall not be included in the floor area.
- (c) No assistant, not a resident of the premises, shall be employed.
- (d) No retail business of any type shall be permitted and further, no stock in trade may be kept, nor commodities sold or displayed.
- (e) Such home occupation shall be approved only for the use of the applicants, and not subject to transfer between ownerships or from property to property.
- (f) Such permission shall be given only in cases involving practical difficulties or unnecessary hardship, provided further that the relief requested be granted only if it is compatible with the general spirit and intent of the City of Lakewood Zoning Ordinance and such as to promote the general welfare and do substantial justice. The burden of proof shall rest with the applicant.
- (g) Advertising shall be limited to one (1) inanimate, non-illuminated sign, not to exceed one (1) square foot in area.

14. In exercising the above-mentioned powers, and in any appeal, the Board may in conformity with the provisions of law, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and shall make such order, requirement, decision or determination as in its opinion ought to be made in the premises and to that end shall have all the powers of the officer or agency from whom the appeal is taken.

#### **SECTION 1-7 REMOVAL FOR CAUSE:**

Any member of the Planning Commission or Board of Adjustment may be removed for cause by the City Council upon presentation of written charges, after a hearing.

#### **SECTION 1-8 RULES AND REGULATIONS:**

The Board of Adjustment and Planning Commission may adopt reasonable rules and regulations in conformity with Statutes and Ordinance governing their internal operations and proceedings before each such body, respectively; and such rules and regulations shall be made available to the public in written or printed form at the office of the Planning Director.

#### **SECTION 1-9 ZONING DISTRICTS:**

In order to regulate the location, height, bulk and size of buildings, and other structures, the percentage of lot which may be occupied, the size of lots, courts and other open spaces, the density and distribution of population, the location and uses of land, buildings and structures for trade, industry, residence, recreation, public activities or other purposes, the City of Lakewood shall be and is hereby divided into the following classes or districts:

C-0	Conservation District
A-1	Agricultural One District
A-2	Agricultural Two District
R-1	Residential One District
R-1A	Residential One A District
R-1B	Residential One B District
R-2	Residential Two District
R-3	Residential Three District
R-3A	Residential Three A District
R-4	Residential Four District
R-T	Residential Trailer District
R-C1	Restricted Commercial One District
R-C	Restricted Commercial District
C-1	Commercial One District
C-2	Commercial Two District
IT-1	Industrial Trade One District
IT-2	Industrial Trade Two District
IT-3	Industrial Trade Three District
IT-4	Industrial Trade Four District
P-D	Planned Development District

Provided, however, that the land which has been annexed to the City since its incorporation is not now placed within or divided into districts by this Ordinance; but the same shall be placed within and divided into zoning districts in the categories established by this Ordinance, or any amending ordinance, and subject to the

provisions hereof and of the regulations herein established for the uses and occupancies within each such district.

#### SECTION 1-10 ZONING MAPS:

The location and description of the land placed within the aforesaid zoning districts by this Ordinance is shown on the maps numbered 4 through 6 and 14 through 16, which are hereby designated as City of Lakewood Zoning District Maps, and are hereby declared to be and made a part of this Ordinance by this reference, and the districts set forth and shown therein are hereby approved and adopted. Official maps shall be filed in the Office of the City Clerk of this City and the City Planning Commission.

#### SECTION 1-11 CHANGES IN DISTRICTS:

(a) The procedure for changing the boundaries or area of any zoning district of the City of Lakewood, as shown on the Zoning Maps of the City of Lakewood, shall be as hereinafter provided.

(b) Amendments, supplements, changes or repeal of this Ordinance or any section thereof or the official zoning maps or any of them, may be initiated by any person, firm or corporation; or by the Planning Commission; or by the City Council.

(c) Applications for any such amendments, supplements, changes or repeal filed by any person, firm, corporation, Planning Commission or City Council, shall be on forms provided by the City Planning Commission; shall state the name and address of the applicant, an accurate legal description of the property, the names and addresses of all persons, firms, corporations, Planning Commission, or City Council, who or which hold fee title in the property to be zoned or rezoned, as shown by the records of the Clerk and Recorder of Jefferson County as of the date of the application, the location of the Property with reference to streets and addresses, if any, present zoning of the property, with requested zoning; and the reasons for the requested zoning, and shall be signed by the applicant, or his duly authorized representative. A fee of two hundred dollars (\$200.00) shall accompany an application for one (1) acre or less of area, two hundred and fifty dollars (\$250.00) for an area greater than one acre and less than or equal to ten acres; and two hundred and fifty dollars (\$250.00) plus five dollars (\$5.00) per acre over ten (10) acres. A fee of one hundred dollars (\$100.00) shall accompany each application for Determination of Substantial Change as provided for in the Planned Development District Section of the Zoning Ordinance (Section 2-20, F.3). No Charge shall be made for an application initiated by the Planning Commission or City Council. (Amend. 1-22-79)

(d) The City Planning Division shall make a study of the proposed rezoning and shall, within thirty days after having accepted application, make a written report to the City Planning Commission of its findings, which shall include, among other things, the desirability of the proposed



rezoning with reference to the Comprehensive Plan and the general development of the City, traffic, drainage and other problems which would be created by the proposed zoning, and any other matters which should be considered in connection with the application.

(e) The Secretary of the City Planning Commission shall place the application on the agenda of a meeting of the Commission, and shall give notice thereof in writing, in person, or by mail, to the applicant and the City Planning Director, which notice shall contain a statement of the date, time and place of the meeting of the Planning Commission at which such application shall be considered. The applicant shall prepare notices to be mailed by first class mail, postage prepaid, addressed to all persons, firms or corporations, who or which hold fee title of the property, as shown by the application. Such notices, together with addressed stamped envelopes, shall be delivered by the applicant to the Secretary to the Planning Commission, at least ten (10) days prior to the date of the hearing. On or prior to the date set for hearing, the secretary shall certify to the Planning Commission that the required notices were sent by first class mail (stating the date of mailing) to such persons at the addresses indicated. Notice of the holding of such meeting shall be posted on the property by or at the direction of the City Planning Division at least seven days in advance of such meeting in substantial conformity with the following:

#### NOTICE

#### OF PROPOSED REZONING

The Planning Commission will Conduct a Hearing

On: \_\_\_\_\_, 197 \_\_\_\_ At: \_\_\_\_\_ .M.

At Lakewood City Hall

44 Union Boulevard

To Consider Rezoning the Following Described Area:

(Insert Description)

From \_\_\_\_\_

To \_\_\_\_\_

In Accordance with the City of Lakewood Current Zoning Ordinances and Maps.

For Further Information Consult

City of Lakewood Planning Department

44 Union Boulevard, Lakewood, Colorado

Telephone No. 234-8830

REFER TO: CASE NO. \_\_\_\_\_

(f) Upon consideration of the application, the Planning Commission shall hear any evidence or statement presented by the applicant or his representative, and the City Planning Director or any member of his staff. It may, in its sole discretion, hear and consider any other statement or evidence, written or oral.

(g) Within thirty (30) days after receipt of the report of the City Planning Director, the City Planning Commission shall make its findings and recommendations, and shall mail or deliver a copy thereof to the applicant, the City Planning Director and the City Clerk.

(h) If the recommendation of the City Planning Commission is to approve or grant the proposed rezoning, the City Clerk shall place an Ordinance embodying the proposed rezoning on the agenda of a meeting of the City Council for first reading.

(i) Before consideration of any such Ordinance upon final reading and public hearing thereon:

1. NOTICE OF THE HOLDING OF SUCH MEETING SHALL BE POSTED ON THE PROPERTY AT THE DIRECTION OF THE CITY PLANNING DIVISION AT LEAST FIFTEEN (15) CONSECUTIVE DAYS IN ADVANCE OF SUCH MEETING IN SUBSTANTIAL CONFORMITY WITH THE FOLLOWING:

NOTICE

OF PROPOSED REZONING

THE CITY COUNCIL WILL CONDUCT A HEARING ON:  
\_\_\_\_\_, 197\_\_ AT: \_\_\_\_\_ M.  
AT LAKEWOOD CITY HALL

44 UNION BOULEVARD, LAKEWOOD, COLORADO  
TO CONSIDER REZONING THE FOLLOWING DESCRIBED AREA:  
(INSERT DESCRIPTION)

FROM: \_\_\_\_\_

TO: \_\_\_\_\_

IN ACCORDANCE WITH THE CITY OF LAKEWOOD CURRENT ZONING ORDINANCES AND MAPS

FOR FURTHER INFORMATION, CONSULT:

CITY OF LAKEWOOD PLANNING DEPARTMENT  
44 UNION BOULEVARD, LAKEWOOD, COLORADO  
TELEPHONE NO.:

REFER TO CASE NO.: \_\_\_\_\_

2. Said notice shall be deemed to have been posted on the property for the fifteen (15) consecutive days prior to the Public Hearing if the applicant, or a staff member of the Department of Community Development, states on oath, or by affidavit that said notice was properly posted on the property on the day after the original posting.
3. The City Clerk shall cause the proposed ordinance to be published in full in an official paper or a paper of general circulation in the City, together with notice of such public hearing which shall be published at least fifteen (15) days in advance of the date of such hearing, in substantially the following form:

NOTICE  
OF PUBLIC HEARING  
ON PROPOSED REZONING  
BY ORDINANCE NO. \_\_\_\_\_

Notice is hereby given that a public hearing on the application of \_\_\_\_\_ to change the Lakewood City Zoning Maps according to the terms of the proposed City Ordinance hereinafter set forth will be conducted by the Lakewood City Council at its meeting on \_\_\_\_\_, the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, at Lakewood City Hall, 44 Union Boulevard, commencing at \_\_\_\_\_ o'clock P.M. All matters relating to said proposal may be examined at the offices of the Lakewood City Planning Commission in Lakewood City Hall, 44 Union Boulevard, Lakewood, Colorado. The proposed Ordinance published in full herewith, is as follows:

(Publication of Ordinance in full)  
(Orig. 10-30-70; Amend. 8-12-74)

(j) The City Clerk shall advise the City Planning Director of the date of the Council Meeting at which such proposed Ordinance shall be considered on final reading and the City Planning Director shall cause to be erected on the property to which the application applies, one or more signs reading substantially as follows:

NOTICE  
OF PROPOSED REZONING

The Lakewood City Council will conduct a hearing on \_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_ M. at Lakewood City Hall, 44 Union Boulevard, Lakewood, Colorado, to consider rezoning the following described area:

(Insert Description)

From: \_\_\_\_\_

To: \_\_\_\_\_

In accordance with the City of Lakewood current Zoning Ordinances and maps.

For Further Information Consult

City of Lakewood Planning Department

44 Union Boulevard, Lakewood, Colorado

Telephone: \_\_\_\_\_

REFER TO CASE NO.: \_\_\_\_\_

ORDINANCE NO.: \_\_\_\_\_

The format of Notice signs and the size and color of print shall be as prescribed by the Planning Director. The City Planning Director shall cause all such signs to be removed following action by City Council on the rezoning proposal. (Orig. 10-30-70; Amend. 8-12-74)

(k) Following hearing on second reading of any such Ordinance by and before City Council and decision thereon, the Secretary of the City Planning Commission shall notify the applicant of the results of such decision.

(l) If, after hearing, the City Planning Commission shall recommend denial or disapproval of the requested zoning change or changes, the City Clerk shall not place an ordinance embodying the zoning proposal on the agenda of a City Council session, unless a written notice of appeal of the decision of the Planning Commission is filed with the City Clerk, received by said Clerk at City Hall, not later than 30 days after the decision of the Planning Commission recommending denial or disapproval. If a written notice of appeal is so received by the Clerk within such time, the City Clerk shall thereafter place an ordinance embodying the zoning proposal on the agenda of the City Council and the procedures hereinabove set forth with respect to such ordinance shall be followed.

(m) There shall be no refund of any fee which accompanies an application for a zoning change.

#### SECTION 1-12 LIMITATIONS:

##### A. RENEWED APPLICATION FOR ZONING CHANGE

No application for change in zoning shall be filed or accepted by the Planning Commission for filing within one year following final

decision or determination of a prior application for the same or substantially similar zoning, unless the applicant shall present clear and convincing evidence that a substantial change in physical conditions and circumstances warrants an earlier consideration of such application for change. The said time period on one year shall be computed from the date of denial of any previous application by the Planning Commission, if said prior application was not presented to Council by proposed Ordinance; or from the date of withdrawal of the application before Council or final decision by Council upon any proposed ordinance presented to Council; or in the event of Court proceedings with respect to such prior application, from the time of final judgment of a Court having jurisdiction (or dismissal) not appealed from; or in the event of appeal, from the final decision of the last Court having jurisdiction to consider such matter on appeal or remand, from which no further appeal or other proceedings are pending. No application for change in zoning shall be accepted or considered during the pendency of any Court proceedings not finally resolved or dismissed, relating to a prior substantially similar, or identical, application with respect to any property covered by such prior application.

It shall be the duty of the Planning Director to determine, in his judgment, under the criteria herein set forth, which cases when resubmitted are to be denied hearing upon the grounds hereinabove set forth, and which cases may be accepted upon such grounds.

Changes in physical conditions and circumstances which will warrant the acceptance of similar application for change within the one year period heretofore set forth must be such changes as pertain to the characteristics of the Zoning Plan under which the application is made, changes in the neighborhood, or a combination of these and other changes in physical conditions and circumstances.

The foregoing limitations shall not be applicable to an application for zoning of substantially dissimilar character to that embodied in the previous application.

#### B. CONDITIONS WITH REGARD TO SUBDIVISION PLATTING

The Planning Commission is hereby authorized to recommend to the City Council that an application for zoning or rezoning be approved upon condition that the applicant or the applicant's successors and assigns, obtain approval by the Planning Commission and City Council of a plat of the subject property which meets the requirements of the subdivision regulations, including such adjacent or contiguous land as shall be necessary to adequately show the matters and things required by said subdivision regulations, including but not limited to access, rights-of-way, drainage and easements. The Commission has the power to impose use, height, area, or bulk requirements or restrictions governing buildings and premises within the subdivision if such requirements or restrictions are more restrictive than other requirements or restrictions of this zoning ordinance.

The Planning Commission may recommend any of the following conditions:

(1) That the zoning or rezoning become effective on the day that the zoning or rezoning ordinance becomes effective, but that no building permit may be issued for the subject property until a plat of the subject property, together with such adjacent or contiguous land, under the same or identical ownership, as shall be necessary to adequately show the matters and things required by the subdivision regulations, be approved by the City Council.

(2) That the zoning or rezoning becomes effective on the day that the zoning or rezoning ordinance becomes effective, but that no building permit may be issued for the subject property until a plat of the subject property, together with such adjacent or contiguous land, under the same or identical ownership, as shall be necessary to adequately show the matters and things required by the subdivision regulations, be approved by the City Council; provided, however, that said plat shall be filed with the Planning Commission by a specific date set forth in the zoning or rezoning ordinance. Furthermore, the zoning or rezoning ordinance may provide that, if a plat is not submitted to the Planning Commission by said date set forth in said ordinance, the Planning Commission may initiate an application for a change in zone to determine if the zone district in which the property is included is still appropriate.

(3) That the zoning or rezoning does not become effective until a plat of the subject property, together with such adjacent or continuous land, under the same or identical ownership, as shall be necessary to adequately show the matters and things required by the subdivision regulations, is approved by the City Council. Furthermore, the zoning and rezoning ordinance may provide that a plat must be filed with the Planning Commission by a specific date, and that, if a plat is not filed by said date, a plat may not be filed after said date and the zone change shall be deemed not to have become effective.

(4) Notwithstanding anything provided herein, the Planning Commission may recommend to the City Council that an application for zoning or rezoning be approved with no conditions.

(5) All zoning or rezoning ordinances, except those which changed the classification of land to the planned development zone district, which stated that the zoning or rezoning ordinance would be effective upon the filing or filing and approval by the City Council of a subdivision plat, are hereby made subject to this ordinance ; provided, however, that each such ordinance shall be reviewed by the Planning Commission within one hundred eighty (180) days of the passage of this ordinance to determine which subparagraph of this ordinance is applicable; and provided, further,

that any amendment of such zoning or rezoning ordinance shall not establish any additional requirements or conditions upon the applicant than those already affecting said applicant; and provided, further, that this ordinance does not grant to any board, officer, or employee of the City of Lakewood any authority to review any zoning or rezoning ordinance which was made effective thirty (30) days after publication.

C. GENERAL ZONING CONDITIONS

The Planning Commission may recommend, and the City Council in the ordinance passed to zone or rezone a parcel of land may impose conditions on the zoning or rezoning as long as the conditions are reasonably conceived. Such conditions shall include, but shall not be limited to: reducing the number of allowed uses in a zone district; requiring the review and approval of site development plans, including landscaping, by the City staff; or requiring a review at the end of a specified period of time of the zoning granted, if the construction of the allowed use(s) has not commenced. The Planning Commission and City Council are not limited by the above examples and other conditions may be imposed as long as they preserve and promote the public health, safety and welfare of the inhabitants of the City of Lakewood and the public generally, and encourage and facilitate the orderly growth and development of the City of Lakewood.

## SECTION 1-13: APPLICABILITY OF DISTRICT REGULATIONS AND GENERAL REGULATIONS

Except as may be otherwise provided herein:

1. No lot shall be reduced or diminished, nor shall any structure be so enlarged or moved, as to reduce below the minimum, the required yard, lot area, width of lot, open spaces, setbacks or other requirements of the zoning district where located, except under one of the following conditions:
  - a. Where the Board of Adjustment, within its authority, grants a variance, as provided within this Zoning Ordinance, and the use of the remaining land within its zoning district would not create a hazardous situation, or be unreasonable.
  - b. Where, for public purposes, land is obtained by a public entity, and the use of the remaining land within its zoning district would not create a hazardous situation, or be otherwise unreasonable.
2. Every building hereafter erected shall be located on a lot, as defined herein, and in no case shall there be more than one (1) main building on one (1) lot, except as may be otherwise provided herein.
3. The front of a yard on a lot shall be as indicated on the plat, regardless of the location or facing of any building or structure thereon, and shall be that portion corresponding to the fronts of the majority of the lots in the block.
4. Where a line designating the future width of any street or highway is shown on a Comprehensive Plan, Official Map, State Highway Plan or established in any other way, the front yard depth or building setback shall be measured from such line instead of from the existing front lot line.

## SECTION 1-14: EXCEPTIONS AND NONCONFORMING USES:

### A. USE REGULATION

1. The lawful use of land or buildings existing at the time of the passage of this Ordinance that does not conform with the regulations prescribed in this Ordinance, shall be deemed a non-conforming use. Such use may be continued subject to such regulations as to the maintenance of the premises and conditions of operation as may be reasonably required for the protection of adjacent or neighboring property. However, if such nonconforming use is discontinued



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for a period six (6) months or more in the use of the land, or for twelve (12) months or more in the use of a building, any further use of said land or building must be in conformity with the provisions of this Ordinance.

2. A non-conforming use shall not be extended. The extension of a continuing use to any portion of a building which was arranged or designed for such non-conforming use at the time of the passage of this Ordinance shall be deemed an extension of a non-conforming use within the meaning of this Section. No building may be structurally altered to an extent exceeding sixty (60) percent of the market value of the building, at the time of alterations unless the use of said building is changed to a conforming use. A non-conforming use, if changed to a conforming use, may not thereafter be changed back to any non-conforming use.
3. Non-conforming advertising structures, non-conforming junk yards, outdoor automobile dismantling establishments, and storage of motor vehicles not in running order shall be discontinued within two (2) years from the effective date hereof.
4. Existing advertising signs which, although conforming to the use regulations of the district in which located, are nearer a lot line than prescribed herein, shall, within a period of one (1) year from the effective date hereof, be moved to conform with the requirements of this Ordinance, provided, however, that this provision shall not apply to signs attached to or painted on the walls of buildings.
5. If the City of Lakewood shall acquire title to any property, the use of such property shall thereafter be in conformity with this Ordinance.

### B. HEIGHT REGULATION

1. The height limits established herein for any district, shall not apply to chimneys, stacks, water towers, radio towers (including antennae), grain elevators, windmills, silos, elevators, penthouses, monuments, domes, spires, belfries, hangars and accessory mechanical appurtenances.
2. Because of the removal of the Mountain Residential-One (MR-1) and Mountain Residential-Two (MR-2) Zone Districts from the Zoning Districts in this City by this zoning ordinance and maps made a part hereof and the rezoning of lands presently in the MR-1 and MR-2 Zone Districts, the following height regulation shall constitute an exception to the general height regulations with respect to and only

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with respect to lands which were within the Mountain Residential One (MR-1) and Mountain Residential Two (MR-2) Zone Districts as of September 28, 1970:

No building shall exceed forty-five (45) feet in height.  
(Orig. 11-14-55; Amend. 10/30/70)

and such exception shall be applicable to such lands from and after the effective date of this Ordinance.

### C. AREA REGULATION

1. AREA AND MINIMUM WIDTH OF LOT. Under the following conditions the Board of Adjustment may permit the following exceptions to the area and width requirements hereinabove set forth, provided that such exceptions can be permitted without substantially impairing the intent and the purpose of the Zoning Plan as embodied in this Ordinance and district maps.
  - a. Where a lot, as shown on a subdivision plat which was of record in the Office of the County Clerk and Recorder of Jefferson County on or before April 1, 1946, has a smaller area or less width than the minimums hereinabove required, the Board of Adjustment may permit the use of such lot or of any building thereon, or the erection, conversion, or structural alteration of a building or buildings thereon, as though the area and width of such lot conformed to the minimums herein required.
  - b. Where the area of a lot is not less than the minimum hereinabove required and the width of the lot is not less than eighty (80) percent of the minimum hereinabove required, or where the width of a lot is not less than the minimum herein above required, and the area of the lot is not less than eighty (80) percent of the minimum hereinabove required or where the area and width of a lot are not less than ninety (90) percent of the minimums hereinabove required, the Board of Adjustment may permit the use of such lot or of any building thereon, or the erection, conversion or structural alteration of a building or buildings, thereon, as though the area and width of such lot conformed to the minimums herein required.
2. FRONT YARD
  - a. On a through lot, the front yard requirements of the district or districts in which such through lot is located shall apply to each street frontage.

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- b. Every part of a required front yard shall be open and unobstructed from its lowest point to the sky, except as hereinabove provided, except for landscaping and fencing not prohibited by Section 3-1 of this Ordinance, and except for open fire escapes and stairways, chimney and one-story unenclosed porches which extend not more than eight (8) feet into the required front yard.
- c. If fifty (50) percent or more of the main buildings within a built-up area in any district, except the R-C (Restricted Commercial) District, have less than the required front yard, no new main building need have a front yard greater than the average prevailing in the built-up area. If fifty (50) percent or more of the main buildings within a built-up area in any district, have more than the required front yard, each new main building must have a front yard not less than the average prevailing in the built-up area, except that for the purpose of computing such average, a front yard in excess of fifty (50) feet shall be deemed to be fifty (50) feet. For the purposes of this sub-paragraph, an area shall be deemed "built-up" if fifty (50) percent or more of the lots within two hundred (200) feet of each side lot line of any particular lot shall have been improved with buildings.
- d. Because of the removal of the Mountain Residential-One (MR-1) and Mountain Residential-Two (MR-2) Zone Districts from the zoning districts in this City by this zoning Ordinance and maps made a part hereof and the rezoning of lands presently in the MR-1 and MR-2 Zone Districts, the following front yard requirements shall constitute an exception to the general front yard requirements with respect to and only with respect to lands which were within the Mountain Residential-One (MR-1) and Mountain Residential-Two (MR-2) Zone Districts as of September 28, 1970:

FRONT YARD. The minimum depth of front yard for dwellings, and other buildings shall be thirty (30) feet, or (whichever is the lesser) equal to the length of the horizontal leg of a right triangle the vertical leg of which is five (5) feet above (cut slope) or below (fill slope) the street or road surface at its center line, the hypotenuse of which terminates at the intersection of the horizontal leg with the general slope of the adjacent lot from front to rear, and the plane of which is perpen-

dicular to the plane of the front lot line at its midpoint.  
(Orig. 11-14-55; Amend. 11-15-65; Amend. 10-30-70)

3. SIDE YARD. Every part of a required side yard shall be open and unobstructed from its lowest point to the sky, except as hereinabove provided, and hereinafter provided, and except for landscaping and fencing not prohibited by Section 3-1 of this Ordinance.

Under the following conditions, the Board of Adjustment may permit the following exceptions to the side yard requirements hereinabove set forth, provided that such exceptions can be permitted without substantial detriment to the public good and without substantially impairing the intent and the purposes of the Zoning Plan as embodied in this Ordinance and the district maps:

- a. The Board of Adjustment may permit on a side adjoining another lot a side yard of not less than sixty (60) percent of the minimum hereinabove required, if the owner or owners of such other lot shall consent in writing.
- b. Where a lot adjoins another lot on which a dwelling or other main building is situated, and such other lots has, on the adjoining side, a yard greater than the minimum hereinabove required less the amount by which the side yard of such other lot exceeds the minimum hereinabove required, whichever is the greater.
- c. The Board of Adjustment may permit chimneys and open fire escapes and stairways to extend not more than five (5) feet into a required side yard, if such chimneys, fire escapes or stairways can be so situated as not to obstruct unreasonably the light and ventilation of an existing dwelling or other main building on an adjoining lot.

4. REAR YARD.

- a. Every part of a required rear yard shall be open and unobstructed from its lowest point to the sky, except as hereinabove and hereinafter provided, except for landscaping and fencing not prohibited by Section 3-1 of this Ordinance, and except for such normal accessories as clothes lines and incinerators.
- b. The Board of Adjustment may permit chimneys and open fire escapes or stairways to extend not more than five (5) feet into a required rear yard if such rear yard abuts on an alley which is not less than sixteen (16) feet in width, provided that such exceptions can be permitted

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without substantial detriment to the public good or without substantially impairing the intent and the purpose of the Zoning Plan as embodied in this Ordinance and the district maps.

## SECTION 1-15: ENFORCEMENT

### A. ZONING ADMINISTRATOR

1. There is hereby established the position of the City Zoning Administrator, to be appointed by the Director of Community Development.

It shall be the duty of the City Zoning Administrator to enforce the provisions of this Ordinance and the regulations contained herein.

It shall be unlawful for any person, firm or corporation to use or cause any land to be used, except as provided herein.

Further, it shall be unlawful for any person, firm or corporation to erect, construct, reconstruct, structurally alter, or to use or change the use of any building or other structure or to cause the same to be done, without first obtaining a written permit from the Building Official of this City. Such building permit shall not be issued unless and until the Zoning Administrator, or his authorized assistant within the Zoning Administration Division of the Department of Community Development, has first authorized such issuance. The plans for the proposed erection, construction, reconstruction, alteration or use must conform to all Zoning Ordinance provisions then in effect, as well as the City of Lakewood Building Code.

2. In accordance with procedure established by and with the approval of the City Administrator of the City of Lakewood, the Director of Public Safety may deputize the Zoning Administrator and such of his assistants, as may be required from time to time to exercise police powers in the enforcement of the provisions of this Ordinance.
- B. Nothing in this provision shall be construed to waive height, area and use regulations on accessory building in the zone districts of the City.
  - C. No oversight or dereliction on the part of the City Zoning Administrator to his authorized assistants or on the part of any official or employee of the City of Lakewood shall legalize, authorize, or excuse the violation of any of the provisions of this Ordinance. The City Zoning Administrator shall enforce such regulations as are necessary as to maintenance of premises and condition of operations to insure against unnecessary odors, smoke, fumes, or noise resulting from any permitted use.

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- D. The application for each building permit shall give a description of the lot or land involved, location and intended use of the proposed building or buildings, the number of housekeeping units the building is designed to accommodate, if any, and such other information as may be required for the enforcement of this Ordinance. All applications for permits and copies of permits issued shall be kept for ready public reference by the City Building Division of the Department of Community Development.

For all new buildings, before footing inspections and approval thereof, it shall be required that the owner, lessee, builder or contractor locate the property boundaries by placing at the property corner of the building site, stakes or other monuments to establish said boundaries.

- E. Where uncertainty exists with respect to the boundaries of the various districts as shown on the sectional maps, the following rules shall apply:

1. In subdivided areas, unless otherwise shown on the maps, the district boundaries are either streets or alleys or record lot lines and where a district boundary line is approximately along a street or alley or record lot line, said street or alley or lot line shall be construed to be the boundary.
2. In unsubdivided areas, the district boundaries, unless otherwise shown on the maps are streets, highways or land survey lines.

Where a portion of any district is indicated upon the district map, as a strip paralleling a street or highway, the width of the strip, unless given in figures, shall be determined by the use of the scale of the map.

3. In the event of controversy regarding the location of a district boundary line, the matter shall be referred for decision to the Board of Adjustment.

## SECTION 1-16: VIOLATION AND PENALTY

It shall be unlawful:

- A. For any person, firm or corporation to do or perform, or cause to be done or performed, any act or thing prohibited by the terms of this Ordinance, or prohibited by any lawful orders or regulations issued pursuant to any of the provisions hereof;
- B. For any person, firm or corporation to fail to do or perform or cause to be omitted or not performed any act or thing required to be done by this Ordinance, or by any lawful regulation or order issued under any of the provisions hereof.

If any person, firm or corporation, including but not limited to the officers and agents of a corporation responsible for its actions or inaction, and the partners, or members of a partnership, firm or joint venture, shall violate or cause the violation of any of the provisions of this Ordinance, they and each of them shall be guilty of a separate offense for each and every day or portion thereof during which a violation is committed, continues, or is permitted, and upon conviction thereof, any such person, firm or corporation, including but not limited to such partners, members, or officers or agents, shall be punishable by a fine of not more than three hundred dollars (\$300.00) or by imprisonment for not more than ninety (90) days, or by both such fine or imprisonment, for each such violation.

## SECTION 1-17: SEVERABILITY AND TRANSITION

If for any reason any one or more sections, sentences, clauses or parts of this Ordinance are held invalid, by judgment or order of a court of competent jurisdiction, such judgment or order shall not affect, impair or invalidate the remaining provisions of this Ordinance, but shall be confined in its operation to the specific sections, sentences, clauses or parts of this Ordinance held invalid, and the invalidity of any section, sentence, clause or part of this Ordinance in any one or more instances, shall not affect or prejudice in any way the validity of this Ordinance in any other instance.

All offenses committed and all liability incurred prior to the effective date of this Ordinance shall continue and shall be treated as though all prior applicable ordinances, resolutions, and amendments thereto, were in full force and effect for the purpose of sustaining any proper suit, action, or prosecution with respect to any such offense or liability.



SECTION 1-18: INJUNCTIVE RELIEF

In the event of a violation or violations of this Ordinance, or of any lawful rules or regulations promulgated hereunder, the City or any person affected by such violation or violations, may institute injunction proceedings to halt the same, notwithstanding the exercise of any other remedy or charge of Ordinance violation hereunder.

SECTION 1-19: AMENDMENT

All ordinances of the City heretofore enacted which are inconsistent with the provisions of this Ordinance are hereby amended to conform to the terms hereof, subject, however to the provisions of Sections 1-4 and 1-17.

## SECTION 2-1: C-0 CONSERVATION ZONE

### A. USE REGULATION:

1. Agricultural uses but not including the feeding of garbage to hogs, provided that no dwellings are located within such areas.  
(Orig. 12-26-62; Amend. 10-30-70)
2. Public parks and/or recreation area.  
(Orig. 12-26-62; Amend. 10-30-70)
3. Buildings and structures customarily accessory to the permitted uses, provided that no dwellings are located within such areas except as specifically provided herein.  
(Orig. 12-26-62; Amend. 1-4-65 Amend. 10-30-70)
4. Deposit and/or excavation of sand, gravel, rock, earth, minerals and other similar materials in the manner prescribed in Section 4-6 of this Ordinance.  
(Orig. 7-11-66; Amend. 10-30-70)

### B. CONDITIONAL USES:

1. The following uses are permitted subject to such conditions as may be established by Ordinance to preserve the general intent and purpose of this zone.  
(Orig. 12-26-62; Amend. 10-30-70)
  - a. Riding academies and stables.  
(Orig. 12-26-62; Amend 10-30-70)
  - b. Golf driving ranges and other similar uses of an open nature.  
(Orig. 12-26-62; Amend. 10-30-70)
  - c. Railroad right-of-way.  
(Orig. 12-26-62; Amend 10-30-70)
  - d. Residence for caretaker of public area on which it stands.  
(Orig. 1-4-65; Amend. 10-30-70)
  - e. Campground for mounted camper units, camp trailers and tents. This provision shall apply only for campground areas for tourists, campers, hunters, fishermen, mountain climbers and other such individuals involved in similar temporary transient activity. Plans of such areas must be registered with and approved by both the Jefferson County Health Department and the City of Lakewood Planning

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Department and be subject to all sanitary requirements of the Health Department on a continuing basis. This provision shall not be construed to permit mobile homes or trailers, as provided within the Residential-Trailer (R-T) District.  
(Orig. 1-4-65; Amend. 10-30-70)

2. The following uses are permitted as a temporary use by obtaining a special permit from the Board of Adjustment and subject to such restrictions as may be deemed necessary by the Board of Adjustment to protect surrounding development:  
(Orig. 12-26-62; Amend. 10-30-70)

- a. Sanitary land fill, provided such fill does not create a water diversion hazard which would endanger adjacent areas, and further provided that such sanitary land fill would not create any undesirable odors or any unsightly areas to adjacent properties and/or buildings.  
(Orig. 12-26-62; Amend 10-30-70)

### C. HEIGHT REGULATIONS:

1. No structure shall exceed twenty-five(25) feet in height.  
(Orig. 12-26-62; Amend. 10-30-70)

### D. AREA REGULATIONS:

1. No conditional use as described under Section B above shall be located on a lot containing an area of less than five (5) acres, in this zone.  
(Orig. 12-26-62; Amend. 10-30-70)

### E. PERCENTAGE OF LOT COVERAGE:

1. Buildings, including accessory structures, shall not cover more than one (1)percent of the area of any parcel of land in this zone. Campgrounds shall not cover more than twenty (20) percent of the area of any parcel on which approval for such use has been given, provided that not less than twenty-thousand (20,000) square feet be provided for each camp site.  
(Orig. 12-26-62; Amend. 10-30-70)

### F. FRONT YARD:

1. The front yard building setback line for any conditional use as shown in Section B above shall be a minimum of one-hundred (100) feet from any existing or proposed

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street or road right-of-way line.  
(Orig. 12-26-62; Amend. 10-30-70)

### G. SIDE YARD:

1. There shall be a minimum side yard of fifty (50) feet between any building, structure or camper unit and the nearest property line.  
(Orig. 12-26-62; Amend. 1-4-65; Amend. 10-30-70)

### H. REAR YARD:

1. There shall be a minimum rear yard of fifty (50) feet as measured from the rear property line to the nearest building or camper unit.  
(Orig. 12-26-62; Amend. 1-4-65; Amend. 10-30-70)

### I. STREAM SETBACK:

1. No building, structure or camper unit intended for overnight living quarters shall be permitted to be constructed or placed within the flood plain of any stream as determined by the highwater line of a twenty-five (25) year flood. The term "stream" shall be construed to include channel, marsh lands, swamp or any other area subject to inundation.  
(Orig. 1-4-65; Amend. 10-30-70)

Where such flood plain boundary is in question, the owner shall provide a study prepared by a registered professional engineer, to determine such boundary, subject to approval and verification by the Lakewood City Engineer.  
(Orig. 1-4-65; Amend. 10-30-70)

### J. ADDITIONAL REGULATIONS:

1. The erection of fences, walls and obstructions to view within this zoning district shall conform to Section 3-1 of this Ordinance.
2. For the requirements for the off-street parking of automobiles within this zoning district, see Section 3-2 of this Ordinance.
3. The display of signs within this zoning district shall be in conformance to Section 3-3 of this Ordinance.
4. Accessory uses within this zoning district shall conform to the regulations set in Section 3-4 of this Ordinance.
5. Any land classified within this zone district which also lies within the Flood Hazard Area limits as defined in Section 3-7 of this Ordinance, shall also comply with all the requirements and restrictions of said Section 3-7. (Orig. 1-20-74)

## SECTION 2-2 A-1 AGRICULTURAL ONE DISTRICT

### A. USE REGULATION:

No buiding or land shall be used and no building shall be hereafter erected, converted or structurally altered unless otherwise provided herein, except for one or more of the following uses:  
(Orig. 5-6-46; Amend. 10-30-70)

1. Any use permitted in the R-1 (Residential One) District.  
(Orig. 2-3-41; Amend. 5-6-46; Amend. 1-23-61; Amend. 10-30-70)
2. General farming and stock raising, including raising of rabbits for any purpose, but not including farms for the feeding of garbage to hogs.  
(Orig. 2-3-41; Amend. 5-6-46; Amend. 10-30-70)
3. Poultry hatcheries, fish hatcheries and dairy farms.  
(Orig. 2-3-41; Amend. 5-6-46; Amend. 10-30-70)
4. Greenhouses and nurseries, including both wholesale and retail, provided that the storage of manure shall not be permitted nearer the front or street lot line than one hundred (100) feet, nor nearer a side lot line than twenty-five (25) feet.  
(Orig. 2-3-41; Amend. 5-6-46; Amend. 10-30-70)
5. Riding academies and public stables.  
(Orig. 5-6-46; Amend 10-30-70)
6. Hospitals and sanitariums for mentally disturbed or defectives or for contagious or infectious diseases.  
(Orig. 2-3-41; Amend. 5-6-46; Amend. 10-30-70)
7. Road-side stands for operation during not more than six (6) months in each year for the sale of farm products produced or made on the premises, provided such stands are located not less than thirty (30) feet distance from any street, highway or right-of-way line.  
(Orig. 5-6-46; Amend. 10-30-70)
8. Race tracks, fair grounds, amusement resorts, airports, radio towers and radio stations, if approved by the Board of Adjustment as hereinafter provided.  
(Orig. 5-6-46; Amend. 10-30-70)

### B. HEIGHT REGULATION:

1. No dwelling shall exceed a height of thirty-five (35) feet. All buildings other than dwelling units shall not exceed a height of sixty-five (65) feet.  
(Orig. 5-6-46; Amend. 10-30-70)

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### C. AREA REGULATIONS:

1. AREA AND MINIMUM WIDTH OF LOT: For every dwelling unit or other main building hereafter erected or structurally altered (excepting hospitals and sanitariums) there shall be provided a minimum lot area of one (1) acre. For hospital and sanitariums, there shall be provided a minimum lot area of one (1) acre. The minimum width of lot shall be one hundred forty (140) feet for a dwelling, one hundred fifty (150) feet for a building other than a dwelling or a hospital or sanitarium, and four hundred (400) feet for a hospital or sanitarium where width of lot in all cases is measured along a public street or at setback line from such public street.  
(Orig. 5-6-46 Amend. 7-16-56 Amend. 12-26-62 Amend. 10-30-70)
2. FRONT YARD: The minimum depth of front yard for dwellings and other main buildings shall be thirty (30) feet. Private garages shall have the same front yard as the dwellings or other main building to which they are accessory. Accessory buildings housing livestock (including poultry and rabbits) shall be set back at least one hundred (100) feet from the front lot line. All other accessory buildings not otherwise listed herein shall be set back at least seventy-five (75) feet from the front lot line.  
(Orig. 2-3-41 Amend. 5-6-46 Amend. 10-30-70)
3. SIDE YARD: The minimum width of side yard for all buildings shall be fifteen (15) feet on each side, except that adjacent to a road, the minimum yard shall be thirty (30) feet measured from the street side lot line. The minimum side yard for hospitals and sanitariums shall be one hundred (100) feet on each side.  
(Orig. 2-3-41 Amend. 5-6-46 Amend. 10-30-70)
4. YARD ABUTTING RESIDENTIAL DISTRICT: In any property abutting a Residential District, no use causing an objectionable odor, noise or dust shall be permitted within five hundred (500) feet of the boundary of the Residential District.  
(Orig. 5-6-46 Amend. 10-30-70)
5. REAR YARD: The minimum depth of rear yard shall be five (5) feet.  
(Orig. 5-6-46 Amend. 10-30-70)

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D. ADDITIONAL REGULATIONS:

1. The erection of fences, walls and obstructions to view within this zoning district shall conform to Section 3-1 of this Ordinance.
2. For the requirements for the off-street parking of automobiles within this zoning district, see Section 3-2 of this Ordinance.
3. The display of signs within this zoning district shall be in conformance to Section 3-3 of this Ordinance.
4. Accessory uses within this zoning district shall conform to the regulations set in Section 3-4 of this Ordinance.
5. Any land classified within this zone district which also lies within the Flood Hazard Area limits as defined in Section 3-7 of this Ordinance, shall also comply with all the requirements and restrictions of said Section 3-7. (Orig. 1-20-74)

## SECTION 2-3: A-2 AGRICULTURAL TWO DISTRICT

### A. USE REGULATION:

No building or land shall be used and no building shall be hereafter erected, converted or structurally altered, unless otherwise provided herein, except for one or more of the following uses:  
(Orig. 5-6-46; Amend. 10-30-70)

1. Any use permitted in the A-1 (Agricultural One) District.  
(Orig. 5-6-46; Amend. 10-30-70)
2. Feeding of garbage to hogs.  
(Orig. 5-6-46; Amend. 10-30-70)
3. Feed lots.  
(Orig. 5-6-46; Amend. 10-30-70)
4. Fur farming, dog kennels, veterinary hospitals.  
(Orig. 5-6-46; Amend. 10-30-70)
5. Cemeteries and crematoriums, if approved by the Board of Adjustment as hereinafter provided.  
(Orig. 5-6-46; Amend. 10-30-70)

### B. HEIGHT REGULATION:

1. No dwelling shall exceed a height of thirty-five (35) feet. All buildings other than dwelling units shall not exceed a height of sixty-five (65) feet.  
(Orig. 5-6-46; Amend. 10-30-70)

### C. AREA REGULATIONS:

1. AREA AND MINIMUM WIDTH OF LOT: For every dwelling unit or other main building hereafter erected or structurally altered there shall be provided a minimum lot area of one (1) acre. For hospitals and sanitariums, there shall be provided a minimum lot area of one (1) acre. The minimum width of lot shall be one hundred forty (140) feet for a dwelling, one hundred fifty (150) feet for a building other than a dwelling or a hospital or sanitarium and four hundred (400) feet for a hospital or sanitarium.  
(Orig. 5-6-46; Amend. 7-16-56 Amend. 10-30-70)
2. FRONT YARD: The minimum depth of front yard for dwellings and other main buildings shall be thirty (30) feet. Private garages shall have the same front yard as the dwelling or other main building to which they are accessory. Accessory buildings housing livestock (including poultry and rabbits) shall be set back at least one hundred (100) feet from the front lot line. All other accessory buildings not otherwise



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listed herein shall be set back at least seventy-five (75) feet from the front lot line.  
(Orig. 5-6-46; Amend. 10-30-70)

3. SIDE YARD: The minimum width of side yard for all buildings shall be fifteen (15) feet on each side except that adjacent to a road, the minimum yard shall be thirty (30) feet, measured from the street side lot line. The minimum side yard for hospitals and sanitariums shall be one hundred (100) feet on each side.  
(Orig. 5-6-46; Amend. 10-30-70)
4. YARD ABUTTING RESIDENTIAL DISTRICT: In any property abutting a Residential District, no use causing an objectionable odor, noise or dust shall be permitted within five hundred (500) feet of the boundary of the Residential District.  
(Orig. 5-6-46; Amend. 10-30-70)
5. REAR YARD: The minimum depth of rear yard shall be five (5) feet.  
(Orig. 5-6-46; Amend. 10-30-70)

D. ADDITIONAL REGULATIONS:

1. The erection of fences, walls and obstructions to view within this zoning district shall conform to Section 3-1 of this Ordinance.
2. For the requirements for the off-street parking of automobiles within this zoning district, see Section 3-2 of this Ordinance.
3. The display of signs within this zoning district shall be in conformance to Section 3-3 of this Ordinance.
4. Accessory uses within this zoning district shall conform to the regulations set in Section 3-4 of this Ordinance.
5. Any land classified within this zone district which also lies within the Flood Hazard Area limits as defined in Section 3-7 of this Ordinance, shall also comply with all the requirements and restrictions of said Section 3-7. (Orig. 1-20-74)

## SECTION 2-4: R-1 RESIDENTIAL ONE DISTRICT

### A. USE REGULATION:

No building or land shall be used and no building shall be hereafter erected, converted or structurally altered unless otherwise provided herein except for one or more of the following uses:  
(Orig. 5-6-46; Amend. 10-30-70)

1. One-family dwelling.  
(Orig. 2-3-41; Amend. 10-30-70)
2. Private garage.  
(Orig. 2-3-41; Amend. 10-30-70)
3. Truck gardening, nursery, non-commercial conservatory for plants and flowers, farming (but not including fur farming and not including stockraising or dairying except as provided in paragraph 5 below.)  
(Orig. 2-3-41; Amend. 5-6-46; Amend. 10-30-70)
4. Private poultry houses containing not more than four hundred (400) square feet of ground floor area; private rabbit and chinchilla hutches containing not more than one hundred (100) square feet of ground floor area.  
(Orig. 2-3-41; Amend. 5-6-46; Amend. 10-30-70)
5. Private stables for not more than four (4) horses; private barn for not more than two (2) animals such as cows, sheep or milking goats. However, the total number of animals as listed above that may be kept is limited to one such animal for each six thousand (6,000) square feet of lot area. Private dog kennels for not more than three (3) dogs.  
(Orig. 2-3-41; Amend. 5-6-46; Amend. 10-30-70)
6. Church or parish house.  
(Orig. 2-3-41; Amend. 5-6-46; Amend. 10-30-70)
7. Public, parochial, and private schools (but not including private vocational, trade or professional schools, or schools for subnormal or mentally disturbed adults or children), and child care facilities as allowed by Section 3-6 herein.  
(Orig. 2-3-41; Amend. 5-6-46; Amend. 7-11-66 Amend. 10-30-70 Amend. 9-13-73)
8. Public library, public and private nonprofit museum.  
(Orig. 2-3-41; Amend. 5-6-46; Amend. 10-30-70)
9. Public park, noncommercial playground, or other public recreational use. Private golf course, country club or other private club operated for benefit of members only and not for gain (but not including a private club which provides a service customarily carried on as a business.)  
(Orig. 2-3-41; Amend. 5-6-46; Amend. 10-30-70)

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10. Deposit and/or excavation of sand, gravel, rock, earth minerals and other similar materials in the manner prescribed in Section 1-6 of this Ordinance.  
(Orig. 7-11-66; Amend. 10-30-70)
11. If approved by the Board of Adjustments as hereinafter provided in Section 1-6: Home Occupations.  
(Orig. 5-6-46; Amend. 11-15-65; Amend. 10-30-70)
12. SPECIAL USES: The following uses shall be permitted only upon approval of the Planning Commission.  
(Orig. 11-15-65 Amend. 10-30-70)
  - a. Governmental buildings, fire stations, but not including warehouses, storage or repair.  
(Orig. 5-6-46; Amend. 11-15-65; Amend. 10-30-70)
  - b. Telephone exchange, electric substations including electric transmission and distribution lines or gas regulator station where no repair or storage facilities are maintained.  
(Orig. 2-3-41; Amend. 5-6-46; Amend. 11-15-65; Amend. 10-30-70)
  - c. Water supply reservoir, wells, water tower, or filter beds, irrigation canal.  
(Orig. 5-6-46; Amend. 11-15-65; Amend. 10-30-70)
  - d. Railroad right-of-way, but not including freight yards, passenger station, or storage.  
(Orig. 5-6-46; Amend. 11-15-65; Amend. 10-30-70)

### B. HEIGHT REGULATION:

1. No building shall exceed thirty-five (35) feet in height.  
(Orig. 6-2-58; Amend. 10-30-70)

### C. AREA REGULATION:

1. AREA AND MINIMUM WIDTH OF LOT: For every dwelling or other main building erected or structurally altered, there shall be provided a minimum lot area of not less than twelve thousand five hundred (12,500) square feet. The minimum width of such lot area shall be one hundred (100) feet for each dwelling or other main building where width of lot in all cases is measured along a public street or at setback line from such public street.  
(Orig. 2-3-41; Amend. 5-6-46; Amend. 12-26-62; Amend. 10-30-70)
2. FRONT YARD: The minimum depth of front yard for dwellings and other main buildings shall be twenty (20) feet

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when the front yard is adjacent to local or collector streets. The minimum depth front yard for dwellings and other main buildings shall be thirty (30) feet adjacent to a major arterial street (Major Road) as designated on the City of Lakewood Major Street Plan. The minimum depth of front yard for lots that front exclusively on the bulb of a cul-de-sac shall be ten (10) feet. See explanatory diagram in Section 4-1, Figure 1.  
(Orig. 2-3-41; Amend. 5-6-46; Amend. 4-7-69; Amend. 10-30-70)

Private garages shall have the same front yard as the dwelling or other main building to which they are accessory. Accessory buildings housing livestock (including poultry and rabbits) shall be set back at least one hundred (100) feet from the front lot line. All other accessory buildings not otherwise listed herein shall be setback at least seventy-five (75) feet from the front lot line.  
(Orig. 2-3-41; Amend. 5-6-46; Amend. 4-7-69; Amend. 10-30-70)

3. SIDE YARDS: The minimum width of side yards for any building shall be fifteen (15) feet on each side. The minimum width of side yard adjacent to a local or collector street shall be twenty (20) feet. The minimum width of side yard adjacent to a major arterial street (Major Road) as designated on the City of Lakewood Major Street Plan shall be thirty (30) feet.  
(Orig. 2-3-41; Amend. 5-6-46; Amend. 4-7-69; Amend. 10-30-70)
4. REAR YARDS: The minimum depth of rear yard shall be five (5) feet.  
(Orig. 2-3-41; Amend. 5-6-46; Amend. 10-30-70)

### D. ADDITIONAL REGULATIONS:

1. The erection of fences, walls, and obstructions to view within this zoning district shall conform to Section 3-1 of this Ordinance.
2. For the requirements for the off-street parking of automobiles within this zoning district, see Section 3-2 of this Ordinance.
3. The display of signs within this zoning district shall be in conformance to Section 3-3 of this Ordinance.
4. Accessory uses within this zoning district shall conform to the regulations set in Section 3-4 of this Ordinance.
5. Any land classified within this zone district which also lies within the Flood Hazard Area limits as defined in Section 3-7 of this Ordinance, shall also comply with all the requirements and restrictions of said Section 3-7. (Orig. 1-20-74)

## SECTION 2-5: R-1A RESIDENTIAL ONE A DISTRICT

### A. USE REGULATION

No building or land shall be used and no building shall be hereafter erected, converted or structurally altered, unless otherwise provided herein, except for one or more of the following uses:  
(Orig. 6-2-58; Amend. 10-30-70)

1. One-family dwelling.  
(Orig. 6-2-58; Amend. 10-30-70)
2. Private garage.  
(Orig. 6-2-58; Amend. 10-30-70)
3. Private kennels for not more than three (3) dogs, cats or other such pets, but not including horses, cows, sheep, goats or other such animals, and not including chickens, ducks, geese or other fowl.  
(Orig. 6-2-58; Amend. 10-30-70)
4. Church or parish house.  
(Orig. 6-2-58; Amend. 10-30-70)
5. Public and parochial schools (but not including vocational, trade or professional schools or schools for subnormal or mentally disturbed adults or children), and child care facilities as allowed by Section 3-6 herein.  
(Orig. 6-2-50; Amend. 10-30-70; Amend. 9-13-73)
6. Public library, public and private non-profit museum.  
(Orig. 6-2-58; Amend. 10-30-70)
7. Public park, noncommercial playgrounds or other public recreational use. Private golf course, country clubs or other private club operated for the benefit of members only and not for gain.  
(Orig. 6-2-58; Amend. 10-30-70)
8. Deposit and/or excavation of sand, gravel, rock, earth, minerals and other similar materials in the manner prescribed in Section 1-6 of this Ordinance.  
(Orig. 7-11-66; Amend. 10-30-70)
9. If approved by the Board of Adjustment as hereinafter provided in Section 1-6 Home Occupations.  
(Orig. 6-2-58; Amend. 11-15-65; Amend. 10-30-70)
10. SPECIAL USES: The following uses shall be permitted only upon approval of the Planning Commission.  
(Orig. 11-15-65; Amend. 10-30-70)
  - a. Governmental buildings, fire stations, but not including warehouses, storage or repair.  
(Orig. 6-2-58; Amend. 11-15-65; Amend. 10-30-70)

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- b. Telephone exchange, electric substation including electric transmission and distribution lines or gas regulator station where no public business office and no repair or storage facilities are maintained. (Orig. 6-2-58; Amend. 11-15-65; Amend. 10-30-70)
- c. Water supply reservoir, wells, water tower, or filter beds, irrigation canal. (Orig. 6-2-58; Amend. 11-15-65; Amend. 10-30-70)
- d. Railroad right-of-way, but not including freight yards, team tracks, stations, switching or storage. (Orig. 6-2-58; Amend. 11-15-65; Amend. 10-30-70)

### B. HEIGHT REGULATIONS

- 1. No building shall exceed thirty-five (35) feet in height. (Orig. 6-2-58; Amend. 10-30-70)

### C. AREA REGULATION

- 1. AREA AND MINIMUM WIDTH OF LOT: For every dwelling or other main building erected or structurally altered, there shall be provided a minimum lot area of not less than nine thousand (9,000) square feet. The minimum width for such lot shall be seventy-five (75) feet for each dwelling or other main building; except that corner lots shall not be less than eighty (80) feet minimum width with a total minimum lot area of not less than nine-thousand six hundred (9,600) square feet; except this does not apply to plats recorded prior to May 5, 1958. (Orig. 6-2-58; Amend. 1-6-58; Amend. 10-30-70)
- 2. FRONT YARD: The minimum depth of front yard for dwellings and other main buildings shall be twenty (20) feet when the front yard is adjacent to local or collector streets. The minimum depth front yard for dwellings and other main buildings shall be thirty (30) feet adjacent to a major arterial street (Major Road) as designated on the City of Lakewood Major Street Plan. The minimum depth of front yard for lots that front exclusively on the bulb of a cul-de-sac shall be ten (10) feet. See explanatory diagram in Section 4-1 Figure 1. (Orig. 6-2-58; Amend. 4-7-69; Amend. 10-30-70)

Private garages shall have the same front yard as the dwelling or other main building to which they are accessory. All other accessory buildings not otherwise listed herein shall be set back at least seventy-five (75) feet from the front lot line.

(Orig. 6-2-58; Amend. 4-7-69; Amend. 10-30-70)

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3. SIDE YARD: There shall be provided a minimum total of fifteen (15) feet of side yard, which at least five (5) feet shall be provided on the narrow side.  
(Orig. 6-2-58; Amend. 4-7-69; Amend. 10-30-70)

The minimum width of side yard adjacent to a local or collector street shall be twenty (20) feet. This minimum width of side yard adjacent to a major arterial street (Major Road) as designated on the City of Lakewood Major Street Plan shall be thirty (30) feet.  
(Orig. 6-2-58; Amend. 7-18-60; Amend. 4-7-69; Amend. 10-30-70)

4. REAR YARD: The minimum depth of rear yard shall be twenty (20) feet from the rear of main building and no secondary structure shall be built closer than five (5) feet from rear lot line.  
(Orig. 6-2-57; Amend. 10-30-70)
5. LOT COVERAGE OF BUILDINGS: Not more than twenty-five (25) percent of the area of a lot shall be covered by the main building and all accessory buildings.  
(Orig. 6-2-58; Amend. 10-30-70)

### ADDITIONAL REGULATIONS:

1. The erection of fences, walls and obstructions to view within this zoning district shall conform to Section 3-1 of this Ordinance.
2. For the requirements for the off-street parking of automobiles within this zoning district, see Section 3-2 of this Ordinance.
3. The display of signs within this zoning district shall be in conformance to Section 3-3 of this Ordinance.
4. Accessory uses within this zoning district shall conform to the regulations set in Section 3-4 of this Ordinance.
5. Any land classified within this zone district which also lies within the Flood Hazard Area limits as defined in Section 3-7 of this Ordinance, shall also comply with all the requirements and restrictions of said Section 3-7. (Orig. 1-20-74)

## SECTION 2-6: R-1B RESIDENTIAL ONE B DISTRICT

### A. USE REGULATION

No building or land shall be used and no building shall be hereafter erected, converted or structurally altered unless otherwise provided herein, except for one or more of the following uses:  
(Orig. 5-1-61; Amend. 10-30-70)

1. Any use permitted in the R-1A (Residential One-A) District.  
(Orig. 11-15-65; Amend. 10-30-70)

### B. HEIGHT REGULATION

1. No building shall exceed thirty-five (35) feet in height.  
(Orig. 5-1-61; Amend. 10-30-70)

### C. AREA REGULATIONS

1. AREA AND MINIMUM WIDTH OF LOT. For every dwelling or other main building erected or structurally altered, there shall be provided a minimum lot area of not less than seven thousand five hundred (7,500) square feet. The minimum width for such lot shall be sixty (60) feet for each dwelling or other main building; except that corner lots shall not be less than eighty (80) feet minimum width.  
(Orig. 5-1-61; Amend. 10-30-70)
2. FRONT YARD. The minimum depth of front yard for dwellings and other main buildings shall be twenty (20) feet when the front yard is adjacent to local or collector streets. The minimum depth front yard for dwellings and other main buildings shall be thirty (30) feet adjacent to a major arterial street (Major Road) as designated on the City of Lakewood Major Street Plan. The minimum depth of front yard for lots that front exclusively on the bulb of a cul-de-sac shall be ten (10) feet. See explanatory diagram in Section 4-1 Figure 1.  
(Orig. 5-1-61; Amend. 4-7-69 Amend. 10-30-70)
3. SIDE YARD. The minimum width of a side yard for any building shall be five (5) feet on each side. The minimum width of side yard adjacent to a local or collector street shall be twenty (20) feet. The minimum width of side yard adjacent to a major arterial street (Major Road) as designated on the City of Lakewood Major Street Plan shall be thirty (30) feet.  
(Orig. 5-1-61; Amend. 4-7-69 Amend. 10-30-70)
4. REAR YARD. The minimum depth of rear yard shall be twenty (20) feet from rear of main building and no secondary structure shall be built closer than five (5) feet from rear lot line.  
(Orig. 5-1-61; Amend. 10-30-70)



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5. LOT COVERAGE OF BUILDINGS. Not more than twenty-five (25) percent of the area of a lot shall be covered by the main building and all accessory buildings. (Orig. 5-1-61 Amend. 10-30-70)

D. ADDITIONAL REGULATIONS:

1. The erection of fences, walls and obstructions to view within this zoning district shall conform to Section 3-1 of this Ordinance.
2. For the requirements for the off-street parking of automobiles within this zoning district, see Section 3-2 of this Ordinance.
3. The display of signs within this zoning district shall be in conformance to Section 3-3 of this Ordinance.
4. Accessory uses within this zoning district shall conform to the regulations set in Section 3-4 of this Ordinance.
5. Any land classified within this zone district which also lies within the Flood Hazard Area limits as defined in Section 3-7 of this Ordinance, shall also comply with all the requirements and restrictions of said Section 3-7. (Orig. 1-20-74)

## SECTION 2-7: R-2 RESIDENTIAL TWO DISTRICT

### A. USE REGULATION

No building or land shall be used and no building shall be hereafter erected, converted or structurally altered unless otherwise provided herein except for one or more of the following uses, restricted, however, to those areas served by public water and sewer facilities.

(Orig. 5-6-46 Amend. 7-7-58 Amend. 12-26-62 Amend. 10-30-70)

1. Any use permitted in the R-1 (Residential One) District.  
(Orig. 5-6-46 Amend. 10-30-70)
2. Two-family dwelling.  
(Orig. 5-6-46 Amend. 10-30-70)

### B. HEIGHT REGULATION

1. No building shall exceed thirty-five (35) feet in height.  
(Orig. 5-6-46 Amend. 10-30-70)

### C. AREA REGULATIONS

1. AREA AND MINIMUM WIDTH OF LOT: For every one-family dwelling there shall be provided a minimum lot area of not less than nine thousand (9,000) square feet; for two-family dwellings and main buildings other than dwellings, there shall be provided a minimum lot area of not less than twelve thousand five hundred (12,500) square feet. The minimum width for such lot area shall be seventy-five (75) feet for each one-family dwelling and not less than one hundred (100) feet for each two-family dwelling or main building other than a dwelling, where width of lot in all cases is measured along a public street or at setback line from such public street. Minimum width of lot for one-family dwelling on corner lots shall be eighty (80) feet; except this does not apply to plats recorded prior to May 6, 1958.  
(Orig. 2-3-41 Amend. 5-6-46 Amend. 6-2-58 Amend. 1-6-58 Amend. 10-30-70)
2. FRONT YARD: The minimum depth of front yard for dwellings and other main buildings shall be twenty (20) feet when the front yard is adjacent to local or collector streets. The minimum depth front yard for dwellings and other main buildings shall be thirty (30) feet adjacent to a major arterial street (Major Road) as designated on the City of Lakewood Major Street Plan. The minimum depth of front yard for lots that front exclusively on the bulb of a cul-de-sac shall be ten (10) feet. See explanatory diagram in Section 4-1, Figure 1.  
(Orig. 2-3-41 Amend. 5-6-46 Amend. 4-7-69 Amend. 10-30-70)

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Private garages shall have the same front yard as the dwelling or other main building to which they are accessory. Accessory buildings housing livestock (including poultry and rabbits) shall be set back at least one hundred (100) feet from the front lot line. All other accessory buildings not otherwise listed herein shall be set back at least seventy-five (75) feet from the front lot line.

(Orig. 2-3-41 Amend. 5-6-46 Amend 4-7-69 Amend 10-30-70)

3. SIDE YARD: For one-family and two-family dwellings and accessory buildings, there shall be provided a minimum total of fifteen (15) feet of side yard, of which at least five (5) feet shall be provided on the narrowest side. Other main buildings shall be provided with a minimum side yard of ten (10) feet on each side. The minimum width of side yard adjacent to a local or collector street shall be twenty (20) feet. The minimum width of side yard adjacent to a major arterial street (Major Road) as designated on the City of Lakewood Major Street Plan shall be thirty (30) feet.  
(Orig. 2-3-41 Amend. 5-6-46 Amend. 4-7-69 Amend. 10-30-70)
4. REAR YARD: The minimum of rear yard shall be five (5) feet.  
(Orig. 2-3-41 Amend. 5-6-46 Amend. 10-30-70)

### D. ADDITIONAL REGULATIONS:

1. The erection of fences, walls and obstructions to view within this zoning district shall conform to Section 3-1 of this Ordinance.
2. For the requirements for the off-street parking of automobiles within this zoning district, see Section 3-2 of this Ordinance.
3. The display of signs within this zoning district shall be in conformance to Section 3-3 of this Ordinance.
4. Accessory uses within this zoning district shall conform to the regulations set in Section 3-4 of this Ordinance.
5. Any land classified within this zone district which also lies within the Flood Hazard Area limits as defined in Section 3-7 of this Ordinance, shall also comply with all the requirements and restrictions of said Section 3-7. (Orig. 1-20-74)

## SECTION 2-8: R-3A RESIDENTIAL THREE A DISTRICT

### A. USE REGULATION

No building or land shall be used and no building shall be hereafter erected, converted or structurally altered unless otherwise provided herein, except for one or more of the following uses, restricted, however, to those areas served by public water and sewer facilities.  
(Orig. 5-20-63 Amend. 10-30-70)

1. Any use permitted in the R-1B (Residential One B) District.  
(Orig. 5-20-63 Amend. 10-30-70)
2. Multiple-family dwellings, including duplexes.  
(Orig. 5-20-63 Amend. 10-30-70)
3. Homes for the aged, nursing homes, (but not including facilities for mentally disturbed or defectives, or for care and treatment of animals.)  
(Orig. 7-11-66 Amend. 10-30-70)

### B. HEIGHT REGULATION

1. Thirty-five (35) feet.  
(Orig. 5-20-63 Amend. 10-30-70)

### C. AREA REGULATION

1. AREA AND MINIMUM WIDTH OF LOT: The minimum lot area for a one-family dwelling shall be seven thousand five hundred (7,500) square feet, and the minimum lot area for a two-family house shall be nine thousand (9,000) square feet. The minimum lot area for any other building shall be twelve thousand five hundred (12,500) square feet; provided, however, that the minimum lot area for a multiple dwelling shall not be less than three thousand (3,000) square feet for each dwelling unit. The minimum width of lot for a one-family dwelling shall be sixty (60) feet; the minimum width of lot for a two-family dwelling shall be seventy-five (75) feet; the minimum width of lot for any other main building shall be one hundred (100) feet. The minimum width of corner lots shall be eighty (80) feet.  
(Orig. 5-20-63 Amend. 10-30-70)
2. FRONT YARD: The minimum depth of front yard for dwellings and other main buildings shall be twenty (20) feet when the front yard is adjacent to local or collector streets. The minimum depth front yard for dwellings and other main buildings shall be thirty (30) feet adjacent to a major arterial street (Major Road) as designated on the City of Lakewood Major Street Plan. The minimum depth of front yard for lots shall be ten (10) feet. See explanatory diagram

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in Section 4-1 Figure 1.

(Orig. 5-20-63 Amend. 4-7-69 Amend. 10-30-70)

No part of the front yard established by the required setback, may be used for off-street parking. Accessory buildings shall have the same front yard as the dwelling or other main building to which they are accessory.

(Orig. 5-20-63 Amend. 4-7-69 Amend. 10-30-70)

3. SIDE YARD: The minimum width of side yards not adjacent to a street for a one-family dwelling or two-family dwelling with not more than one story, shall be five (5) feet on each side. The minimum width of side yards not adjacent to a street for any other main building, shall be fifteen (15) feet on each side. The minimum width of side yard adjacent to a local or collector street shall be twenty (20) feet. The minimum width of side yard adjacent to a major arterial street (Major Road) as designated on the City of Lakewood Major Street Plan shall be thirty (30) feet.  
(Orig. 5-20-63 Amend. 4-7-69 Amend. 10-30-70)
4. REAR YARD: The minimum depth of rear yard shall be five (5) feet, except that the minimum depth of rear yard for multiple dwellings or main building other than a one-family dwelling shall be twenty (20) feet.  
(Orig. 5-20-63 Amend. 10-30-70)
5. DISTANCE FROM DEEDED PUBLIC WAY: No building designed for occupancy by three (3) or more families shall be erected, converted or structurally altered if such building or any part thereof is located more than two hundred (200) feet from a deeded public way upon which the property has frontage.  
(Orig. 5-20-63 Amend. 10-30-70)

### D. ADDITIONAL REGULATIONS:

1. The erection of fences, walls and obstructions to view within this zoning district shall conform to Section 3-1 of this Ordinance.
2. For the requirements for the off-street parking of automobiles within this zoning district, see Section 3-2 of this Ordinance.
3. The display of signs within this zoning district shall be in conformance to Section 3-3 of this Ordinance.
4. Accessory uses within this zoning district shall conform to the regulations set in Section 3-4 of this Ordinance.
5. Any land classified within this zone district which also lies within the Flood Hazard Area limits as defined in Section 3-7 of this Ordinance, shall also comply with all the requirements and restrictions of said Section 3-7. (Orig. 1-20-74)

## SECTION 2-10: R-4 RESIDENTIAL FOUR DISTRICT

### A. INTENT OF ORDINANCE:

The purpose of this zone district is to provide very high density residential development capabilities.  
(Orig. 9-8-69; Amend. 10-30-70)

The large lot area requirements, the large setback requirements, and the screening requirements are all designed for the purpose of abating traffic noise and making arterial streets and high density residential land uses compatible activities.  
(Orig. 9-8-69; Amend. 10-30-70)

### B. USE REGULATIONS:

No building or land shall be used and no buildings shall be hereafter erected, converted or structurally altered unless otherwise provided herein, except for one or more of the following uses:  
(Orig. 9-8-69; Amend. 10-30-70)

1. Multiple family dwelling (20 dwelling units to 50 dwelling units per acre).  
(Orig. 9-8-69; Amend. 10-30-70)
2. Private garage or parking facilities.  
(Orig. 9-8-69; Amend. 10-30-70)
3. Church or parish house.  
(Orig. 9-8-69; Amend. 10-30-70)
4. Colleges, schools, and child care facilities as allowed by Section 3-6 herein.  
(Orig. 9-8-69; Amend. 10-30-70; Amend. 9-13-73)
5. Public and private non-profit libraries and museums  
(Orig. 9-8-69; Amend. 10-30-70)
6. Parks, playgrounds and golf courses, private clubs operated for the benefit of members only and not for economic gain.  
(Orig. 9-8-69; Amend. 10-30-70)
7. Hospitals, nursing homes and clinics, but not including institutions exclusively for the mentally disturbed, mental defectives or for contagious or infectious diseases.  
(Orig. 9-8-69; Amend. 10-30-70)
8. Commercial service activities, which are accessory to the main use of the building, may be conducted - provided said use is contained within the main building. Cafeterias, offices, studios and personal services such as beauty parlors, barber shops, laundry pick-up stations and pharmacies

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may be conducted. However, the sum total of commercial uses may not exceed more than 10% of the floor area of any single building or structure. The entrance to any such accessory business will be from inside the building and no sign advertising said business activity shall be visible from outside the building.

(Orig. 9-8-69 Amend. 10-30-70)

Such accessory use is one which:

- (a) is subordinate to and serves the principal building or principal use,  
(Orig. 9-8-69 Amend. 10-30-70)
- (b) is subordinate in area, extent, or purpose to the principal building or principal use served,  
(Orig. 9-8-69 Amend. 10-30-70)
- (c) contributes to the comfort, convenience, or necessity of occupants of the principal building or principal use served, and  
(Orig. 9-8-69 Amend. 10-30-70)
- (d) is located on the same lot as the principal building or principal use served.  
(Orig. 9-8-69 Amend. 10-30-70)

9. SPECIAL USES: The following uses shall be permitted only in accordance with Colorado Revised Statutes:  
(Orig. 9-8-69 Amend. 10-30-70)

- a. Governmental buildings, fire stations, but not including warehouses, storage or repair.  
(Orig. 9-8-69 Amend. 10-30-70)
- b. Telephone exchange, electric substation including electric transmission and distribution lines or gas regulator station where no public business office and no repair or storage facilities are maintained, providing such facility is screened from public view to a height of six (6) feet.  
(Orig. 9-8-69 Amend. 10-30-70)

### C. HEIGHT REGULATION:

- 1. None.  
(Orig. 9-8-69 Amend. 10-30-70)

### D. AREA REGULATION:

- 1. AREA AND MINIMUM WIDTH OF LOT: For every main building here-

## SECTION 2-9: R-3 RESIDENTIAL THREE DISTRICT

### A. USE REGULATION

No building or land shall be used and no building shall be hereafter erected, converted or structurally altered unless otherwise provided herein except for one or more of the following uses, restricted, however, to those areas served by public water and sewer facilities.

(Orig. 5-6-46 Amend. 7-7-58 Amend. 12-26-62 Amend. 10-30-70)

1. Any use permitted in the R-2 (Residential-Two) District.  
(Orig. 5-6-46 Amend. 10-30-70)
2. Multiple-family dwelling.  
(Orig. 5-6-46 Amend. 10-30-70)

### B. HEIGHT REGULATION

1. None  
(Orig. 5-6-46 Amend. 10-30-70)

### C. AREA REGULATION

1. AREA AND MINIMUM WIDTH OF LOT. The minimum lot area for a one-family dwelling shall be seven thousand five hundred (7,500) square feet, and the minimum lot area for a two-family house shall be nine thousand (9,000) square feet. The minimum lot area for any other building shall be twelve thousand five hundred (12,500) square feet; provided, however, that the minimum lot area for a multiple dwelling shall be not less than two thousand (2,000) square feet for each unit. The minimum width of lot for a one-family dwelling shall be sixty (60) feet; the minimum width of lot for a two-family dwelling shall be seventy-five (75) feet; the minimum width of lot for any other main building shall be one hundred (100) feet. The minimum width of corner lots shall be eighty (80) feet.  
(Orig. 5-6-46 Amend. 2-14-56 Amend. 7-18-60 Amend. 10-30-70)
2. FRONT YARD: The minimum depth of front yard for dwellings and other main buildings shall be twenty (20) feet when the front yard is adjacent to local or collector streets. The minimum depth front yard for dwellings and other main buildings shall be thirty (30) feet adjacent to a major arterial street (Major Road) as designated on the City of Lakewood Major Street Plan. The minimum depth of front yard for lots that front exclusively on the bulb of a cul-de-sac shall be ten (10) feet. See Explanatory Diagram in Section 4-1, Figure 1.  
(Orig. 5-6-46 Amend. 7-18-60 Amend. 4-7-69 Amend. 10-30-70)



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No part of the front yard established by the required set back, may be used for off-street parking. Accessory buildings shall have the same front yard as the dwelling or other main building to which they are accessory.  
(Orig. 5-6-46 Amend. 7-18-60 Amend. 4-7-69 Amend. 10-30-70)

3. SIDE YARD: The minimum width of side yards not adjacent to a street for a one-family dwelling or two-family dwelling or multi-dwelling with not more than one story, shall be five (5) feet on each side. The minimum width of side yards not adjacent to a street for any other main building, shall be ten (10) feet on each side.  
(Orig. 5-6-46 Amend. 2-14-56 Amend. 4-7-69 Amend. 10-30-70)

The minimum width of side yard adjacent to a local or collector street shall be twenty (20) feet. The minimum width of side yard adjacent to a major arterial street (Major Road) as designated on the City of Lakewood Major Street Plan shall be thirty (30) feet.  
(Orig. 5-6-46 Amend. 2-14-56 Amend. 4-7-69 Amend. 10-30-70)

4. REAR YARD: The minimum depth of rear yard shall be five (5) feet; except that the minimum depth of rear yard for multiple dwellings or main building other than a dwelling shall be ten (10) feet.  
(Orig. 5-6-46 Amend. 10-30-70)
5. DISTANCE FROM DEEDED PUBLIC WAY: No building designated for occupancy by three (3) or more families shall be erected, converted or structurally altered if such building or any part thereof is located more than two hundred (200) feet from a deeded public way upon which the property has frontage.  
(Orig. 12-26-62 Amend. 10-30-70)

### D. ADDITIONAL REGULATIONS:

1. The erection of fences, walls and obstructions to view within this zoning district shall conform to Section 3-1 of this Ordinance.
2. For the requirements for the off-street parking of automobiles within this zoning district, see Section 3-2 of this Ordinance.
3. The display of signs within this zoning district shall be in conformance to Section 3-3 of this Ordinance.
4. Accessory uses within this zoning district shall conform to the regulations set in Section 3-4 of this Ordinance.
5. Any land classified within this zone district which also lies within the Flood Hazard Area limits as defined in Section 3-7 of this Ordinance, shall also comply with all the requirements and restrictions of said Section 3-7. (Orig. 1-20-74)

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after erected or structurally altered, there shall be provided a minimum lot area of one (1) acre. The minimum width of lot shall be two hundred (200) feet.  
(Orig. 9-8-69 Amend. 10-30-70)

2. FRONT YARD: The minimum depth of front yard for buildings shall be forty (40) feet. If parking space is to be provided in the front yard setback, it shall be screened from the street by fence, wall or planting. Said fence, wall or planting will conform to the provisions of Section 3-1 of the City of Lakewood Zoning Ordinance. Parking lot areas, including aisles, must be set back five (5) feet from the "front lot line", and five (5) feet from the "front setback line".  
(Orig. 9-8-69 Amend. 10-30-70)
3. SIDE YARD: The minimum depth of all sideyards for buildings shall be thirty (30) feet. If parking space is to be provided, adjacent to an existing street, it shall be screened from the street by fence, wall or planting. Said fence, wall or planting will conform to the provisions of Section 3-1 of the City of Lakewood Zoning Ordinance. Parking lot areas including aisles must be set back five (5) feet from the "side lot line", and five (5) feet from the "side setback line".  
(Orig. 9-8-69 Amend. 10-30-70)
4. REAR YARD: The minimum depth of all rear yards for buildings shall be thirty (30) feet. If parking space is to be provided adjacent to an existing street, it shall be screened from the street by fence, wall or planting. Said fence, wall or planting will conform to the provisions of Section 3-1 of the City of Lakewood Zoning Ordinance. Parking lot areas including aisles must be set back five (5) feet from the "rear lot line", and five (5) feet from the "rear setback line".  
(Orig. 9-8-69 Amend. 10-30-70)
5. ZONE LOT: The minimum building setback from any zone lot line (as established in Subsection 1) which does not also constitute either a front, side, or rear lot line of the lot, from which the zone lot was derived, shall be fifteen (15) feet.  
(Orig. 9-8-69 Amend. 10-30-70)

### E. DENSITY REGULATION:

No multi-family dwelling may be constructed or altered within this Zone District which contains an average density of less than twenty (20) dwelling units per acre or

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more than fifty (50) dwelling units per acre.  
(Orig. 9-8-69 Amend. 10-30-70)

### F. PERCENTAGE OF LOT COVERAGE:

A minimum of 30% of the lot area shall be retained for open space or private recreation area. The parking of automobiles and other vehicles will not be permitted within that portion of the lot area that is designated for open space.  
(Orig. 9-8-69 Amend. 10-30-70)

### G. PARKING REQUIREMENT:

A minimum of one and one-half (1 1/2) off-street parking spaces shall be provided for each dwelling unit.  
(Orig. 9-8-69 Amend. 10-30-70)

### H. DISTANCE FROM PUBLIC WAY AND NUMBER OF MAIN BUILDINGS PER LOT:

More than one main building per lot is permitted in this Zone District, however, each main building will require the designation of a zone lot if there is more than one main building per lot, (see Sub-section 1). No building designed for occupancy by three (3) or more families shall be erected, converted or structurally altered if such building or any part thereof is located more than two hundred (200) feet from a deeded public way to which the property has access, unless the applicant submits a letter from the local Fire District that has jurisdiction over the applicant's property. This letter must state that the applicant is meeting the fire district regulations for fire prevention and safety. Said letter must be presented when the applicant requests a building permit.  
(Orig. 9-8-69 Amend. 10-30-70)

### I. ZONE LOT PROVISIONS:

The "zone lot" has the specific function of permitting the construction of more than one multiple dwelling on a single legal lot, but shall have a minimum lot area of 20,000 square feet. The "zone lot" does not require any lot frontage. Every "zone lot" must be legally described. Zone lots must be legally designated on a "Zone Lot Map".  
(Orig. 9-8-69 Amend. 10-30-70)

The land designated as the building site for a structure; also, the land area occupied by a use or a structure. Such land area shall be composed of a single parcel of contiguous land and may be designated as a "Zone Lot" only by the owner or owners thereof. All designations of "Zone Lots" shall be filed with the Department.

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of Community Development. In cases where the entire "Zone Lot" is not owned by the same person or persons, firm or corporation, or where the ownership of a structure to be erected on a "Zone Lot" is different from the ownership of the "Zone Lot", a copy of each such designation, or such other record thereof as deemed proper by the Department, shall be recorded by the County Clerk and Recorder. Upon application to and approval by the Department of Community Development, the boundaries and area of a designated "Zone Lot" may be amended if full compliance with all requirements of this Ordinance can be maintained.  
(Orig. 9-8-69 Amend. 10-30-70)

## SECTION 2-11: R-T RESIDENTIAL TRAILER DISTRICT

### A. DEFINITIONS:

1. A "trailer" means any coach, cabin, mobile home, house car or other vehicle or structure intended for or capable of human dwelling or sleeping purposes, mounted upon wheels or supports, or supported and/or capable of being moved by its own power or transported by another vehicle.  
(Orig. 8-5-57 Amend. 10-30-70)
2. "Unit" means a trailer unit.  
(Orig. 8-5-57 Amend. 10-30-70)
3. A "trailer camp" means any park, court, camp, site, parcel or tract of land designed, maintained, intended or used for the purpose of supplying a location or accommodation for two or more trailers and shall include all buildings used or intended for use as part of the equipment thereof, whether or not a charge is made for the use of the trailer camp and its facilities. "Trailer camp" shall not include automobile or trailer sales lots on which unoccupied trailers are being parked for the purpose of inspection and sales.  
(Orig. 8-5-57 Amend. 10-30-70)
4. A "space" means a plot of ground in a trailer camp of not less than two thousand four hundred (2,400) square feet of space designed for location for only one trailer and one or more automobiles and to include access road.  
(Orig. 8-5-57; Amend. 10-30-70)

### B. LOCATION OUTSIDE OF CAMPS:

1. It shall be unlawful for any person, firm or corporation to place, keep or maintain any automobile trailer or house car upon any lot, piece or parcel of ground within the City of Lakewood except in a legal trailer camp or campground as approved in accordance with Section 2-1 of this Ordinance where applicable; however, this section shall not be construed to prevent the placing, parking or keeping of an automobile trailer or house car within the City for a period of two (2) weeks from the time that such trailer or house car first arrives within the City provided that during such time, an adequate water supply and adequate toilets are available at all times, either day or night, to occupants of the trailer and that a special permit is obtained from the Building Inspection Department. This exception is especially intended to provide for guests of citizens, but in no case shall this exception extend beyond the two (2) week limitation as herein stated.  
(Orig. 8-5-57 Amend. 1-4-65; Amend. 10-30-70)

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2. Any automobile trailer or house car which is parked on private premises merely for storage purposes shall also be excepted from this section.  
(Orig. 8-5-57; Amend. 10-30 -70)

### C. WHEEL REMOVAL- REMODELING AND ADDITIONS:

1. Any action toward the removal of wheels except for temporary purposes of repairs or other action to attach the trailer to the ground by means of posts, piers or foundations, shall subject the trailer to the requirements of the Building Code as well as the Zoning Ordinance.  
(Orig. 8-5-57; Amend. 10-30-70)
2. This section is not to be construed as prohibiting necessary stabilizing jacks or blocks.  
(Orig. 8-5-57; Amend. 10-30-70)
3. No house trailers may be remodeled by additions, lean-tos or the like, for the purpose of converting the same into a residence. The use of temporary awnings and cabanas or other factory built, fireproof, or permanent additions shall not be considered as such remodeling.  
(Orig. 8-5-57; Amend. 6-2-58; Amend. 10-30 -70)
  - a. Except that permits for additions or cabanas shall be by approval of the Board of Adjustment.  
(Orig. 6-2-58; Amend. 10-30 -70)

### D. TRAILER CAMP PLAN:

1. Every trailer or trailer camp shall be located on a well-drained area and the premises shall be properly graded so as to prevent the accumulation of storm or other waters. No trailer or trailer camp shall be located in any area that is situated so that drainage from any barnyard, outdoor toilet or other source of filth can be deposited in its location.  
(Orig. 8-5-57; Amend. 10-30-70)
2. Trailer spaces shall be clearly defined and shall consist of a minimum of two thousand four hundred (2,400) square feet and width of not less than twenty-five (25) feet.  
(Orig. 8-5-57; Amend. 10-30-70)
3. The camp shall be so arranged that all spaces shall face or abut on a driveway of not less than twenty (20) feet in width, such driveways shall be graveled or paved and maintained in good condition.  
(Orig. 8-5-57; Amend. 10-30 -70)

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4. Requests for new R-T districts shall be accompanied by a preliminary map and the City Council may approve the rezoning subject to approval of a final plat. Said map to consist of but not limited to:  
(Orig. 6-2-58; Amend. 10-30-70)
  - a. Plot plan of total area to be used as a trailer park.  
(Orig. 6-2-58; Amend. 10-30-70)
  - b. Description of land to be rezoned.  
(Orig. 6-2-58; Amend. 10-30-70)
  - c. Location of each existing and proposed structure.  
(Orig. 6-2-58; Amend. 10-30-70)
  - d. Location area and dimensions of each trailer space.  
(Orig. 6-2-58; Amend. 10-30-70)
  - e. Location and dimensions of all roads and/or driveways.  
(Orig. 6-2-58; Amend. 10-30-70)

### E. USE REGULATIONS:

In R-T Districts the following uses are permitted:  
(Orig. 8-5-57; Amend. 10-30-70)

1. One-family houses for camp owner or caretaker.  
(Orig. 8-5-57; Amend. 10-30-70)
2. Laundry rooms.  
(Orig. 8-5-57; Amend. 10-30-70)
3. Toilet rooms.  
(Orig. 8-5-57; Amend. 10-30-70)
4. Shower and bath houses.  
(Orig. 8-5-57; Amend. 10-30-70)
5. Trailer park offices.  
(Orig. 8-5-57; Amend. 10-30-70)
6. Recreation rooms for park residents only.  
(Orig. 8-5-57; Amend. 10-30-70)
7. One advertising sign only, not to exceed twenty-five (25) square feet for purposes of park advertising only and to be located not closer to front of side setback line than twenty (20) feet. Not to emit any glaring or flashing light.  
(Orig. 8-5-57; Amend. 10-30-70)

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8. Light and power poles for purposes of serving auto trailer camp only.  
(Orig. 8-5-57; Amend. 10-30-70)
9. Deposit and/or excavation of sand, gravel, rock, earth, minerals and other similar materials in the manner prescribed in Section 1-6 of this Ordinance.  
(Orig. 7-11-66; Amend. 10-30-70)
10. Residential trailers.  
(Orig. 7-11-66; Amend. 10-30-70)

### F. HEIGHT REGULATION:

1. No building or structure, including signs, shall exceed a height of twenty-five (25) feet.  
(Orig. 8-5-57; Amend. 10-30-70)

### G. AREA REGULATION PER PARK:

1. No occupied trailer shall be located less than ten (10) feet from any building or other trailer.  
(Orig. 8-5-57; Amend. 10-30-70)
2. FRONT YARD. The minimum depth of front yard for dwelling trailers and other main buildings shall be fifty (50) feet. Accessory buildings shall be set back at least one hundred (100) feet from front lot line.  
(Orig. 8-5-57; Amend. 10-30-70)
3. SIDE YARD. The minimum width of side yard shall be fifty (50) feet. No trailer or building shall be located less than the minimum required distance from any side yard.  
(Orig. 8-5-57; Amend. 10-30-70)
4. REAR YARD. The minimum depth of rear yard shall be fifty (50) feet. No trailer or building shall be located less than the minimum required distance from rear property lines.  
(Orig. 8-5-57; Amend. 10-30-70)
5. SPECIAL EXEMPTIONS:
  - a. The use of the prescribed minimum yard for recreation purposes, clothes drying, equipment, playground equipment and service roads will be permitted.  
(Orig. 8-5-57; Amend. 10-30-70)
  - b. Provided further that the setback area may be included in computing the area of trailer spaces, provided further, that no trailer shall be parked in said area.  
(Orig. 8-5-57; Amend. 3-9-59; Amend. 10-30-70)



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- c. Provided further that if a trailer park is located with side yard or rear yard abutting commercial or industrial zoned land or a natural topographic barrier, the minimum yard requirement shall be not less than fifteen (15) feet.  
(Orig. 8-5-57; Amend. 10-30-70)

### H. EXISTING CAMPS:

1. The land occupied by all trailer camps or units, licensed by the State of Colorado as Auto and Tourist Camps, which have received a permit from the County Health Department, and which were in existence at the time of passage of this Ordinance and were in conformity with prior ordinances, shall be rezoned Residential Trailer (R-T), by this Ordinance, upon compliance with the provisions of Paragraph 2 of this section, provided however, that trailer camps in existence on the effective date of this ordinance which have trailer spaces, buildings, signs or other installations having a width, area, setback or height not in conformity with that herein prescribed may continue to operate with existing trailer spaces, buildings, signs and other installations.  
(Orig. 8-5-57; Amend. 10-30-70)
2. Such trailer camp or units shall register with the Planning Commission of the City of Lakewood within thirty (30) days from the effective date of this ordinance, setting forth:
  - (a) the number of the state license issued for the camp,
  - (b) the legal description of property occupied by such camp,
  - (c) the number of trailer units in the camp,
  - (d) the number and description of accessory buildings in the camp.  
(Orig. 8-5-57; Amend. 10-30-70)

Upon receipt of the above information, the Planning Commission shall, after verification of the information contained therein, direct the Planning Director to make the necessary zoning map changes from the existing zoning districts in which the camp is located, to a residential trailer district.  
(Orig. 8-5-57; Amend. 10-30-70)

### I. ADDITIONAL REGULATIONS:

1. The erection of fences, walls and obstructions to view within this zoning district shall conform to Section 3-1 of this Ordinance.
2. For the requirements for the off-street parking of automobiles within this zoning district, see Section 3-2 of this Ordinance.

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3. The display of signs within this zoning district shall be in conformance with Section 3-3 of this Ordinance.
4. Accessory uses within this zoning district shall conform to the regulations set in Section 3-3 of this Ordinance.
5. Any land classified within this zone district which also lies within the Flood Hazard Area limits as defined in Section 3-7 of this Ordinance, shall also comply with all the requirements and restrictions of said Section 3-7. (Orig. 1-20-74)

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SECTION 2-12: R-C1 RESTRICTED COMMERCIAL ONE DISTRICT

A. USE REGULATION:

No building or land shall be used and no building shall be hereafter erected, converted or structurally altered, unless otherwise provided herein, except for one or more of the following uses:  
(Orig. 5-18-59; Amend. 10-30-70)

1. Business and professional offices, medical and dental clinics and veterinary hospitals (small animal, enclosed).  
(Orig. 5-18-65; Amend. 5-3-65; Amend. 4-7-69; Amend. 10-30-70)
2. Post offices and banks.  
(Orig. 5-3-65; Amend. 10-30-70)
3. Laboratories, except those which involve any hazardous process or emit noxious noise, dust and odor.  
(Orig. 5-18-59; Amend. 10-30-70)
4. Service establishments employing not more than three (3) people, such as barber shops, beauty parlors, watch and jewelry repairing, pharmacies, and pick-up stations for laundry or dry cleaning.  
(Orig. 5-18-59; Amend. 12-26-62; Amend. 10-30-70)
5. Public, parochial and private schools (including private, vocational, trade or professional schools), colleges, universities, and child care facilities as allowed by Section 3-6 herein. (Including those uses commonly accepted as accessory thereto when located on the same premises.)  
(Orig. 12-26-62; Amend. 5-3-65; Amend. 10-30-70; Amend 9-13-73)
6. Community buildings, Y.M.C.A.'s, Y.W.C.A.'s, churches, libraries, parks, museums, aquariums and art galleries.  
(Orig. 12-26-62; Amend. 5-3-65; Amend. 10-30-70)
7. Golf Courses (but not including miniature golf or putting ranges; driving ranges; private clubs or restaurants) and those uses commonly accepted as accessory thereto, when located on the same premises.  
(Orig. 12-26-62; Amend. 5-3-65; Amend. 5-24-65; Amend. 10-30-70)
8. Mortuaries.  
(Orig. 12-26-62; Amend. 10-30-70)
9. Homes for the aged, nursing homes, hospitals, (but not including hospitals for mentally disturbed or defective, contagious, or infectious diseases).  
(Orig. 12-26-62; Amend. 5-3-65; Amend. 4-7-69; Amend. 10-30-70)

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10. Art, photographic, dance, music, radio and television studios.  
(Orig. 5-3-65; Amend. 10-30-70)
11. Ambulance service (where accessory to uses listed under Item 9 and on the same premises only).  
(Orig. 5-3-65; Amend. 10-30-70)
12. Parking of automobiles of clients, patients, patrons or customers of the occupants of adjacent commercial districts.  
(Orig. 12-26-62; Amend. 10-30-70)
13. Wall signs having an area of not in excess of five (5) square feet, advertising a business located on the premises, may be displayed without a permit. Not more than one ground sign advertising one or more businesses located on the premises may be erected. Such sign shall not have more than thirty-two (32) square feet of area on one side, and shall not exceed ten (10) feet in height above the ground level. A permit for such sign must be secured from the Building Department.  
(Orig. 5-18-59; Amend. 12-26-62; Amend. 10-30-70)
14. Living quarters for not more than one family in a building other than a dwelling.  
(Orig. 12-26-62; Amend. 10-30-70)
15. Deposit and/or excavation of sand, gravel, rock, earth, minerals and other similar materials in the manner prescribed in Section 1-6 of this Ordinance.
16. Other such similar commercial uses as listed in 1 through 14 which are not more detrimental to uses in said district than are the uses by right hereinbefore enumerated.  
(Orig. 5-18-59; Amend. 5-3-65; Amend. 10-30-70)
17. SPECIAL USES: The following uses shall be permitted only upon approval of the Planning Commission:  
(Orig. 5-3-65; Amend. 10-30-70)
  - a. Governmental buildings, fire stations, but not including warehouses, storage or repair.  
(Orig. 12-26-62; Amend. 10-30-70)
  - b. Telephone exchange, electric substations including electric transmission and distribution lines or gas regulator station where no repair or storage facilities are maintained.  
(Orig. 12-26-62; Amend. 5-3-65; Amend. 10-30-70)
  - c. Water supply reservoir, wells, water tower or filter beds, irrigation canal.  
(Orig. 12-26-62; Amend. 10-30-70)

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### B. HEIGHT REGULATION

1. No building shall exceed thirty-five (35) feet in height.  
(Orig. 5-18-59; Amend. 10-30-70)

### C. AREA REGULATION

1. AREA AND MINIMUM WIDTH OF LOT. No restrictions other than the required area for parking as provided under Section 3-2 (Orig. 5-18-59; Amend. 12-26-63; Amend. 10-30-70)
2. FRONT YARD. The minimum front yard for any building shall be thirty (30) feet.  
(Orig. 5-18-59; Amend. 10-30-70)
3. SIDE YARD. If a building is constructed of masonry or fireproof material, no side yard shall be required except when located on a corner lot. If a building is constructed of non-masonry or non-fireproof materials, there shall be a side yard of not less than five (5) feet on each side. On corner lots there shall be a side yard of not less than thirty (30) feet on the side adjoining the street.  
(Orig. 5-18-59; Amend. 10-30-70)
4. REAR YARD. The minimum depth of rear yard shall be ten (10) feet, except that if the rear abuts upon an alley, the minimum depth shall be fifteen (15) feet from the center of the alley.  
(Orig. 5-18-59; Amend. 10-30-70)

### D. ADDITIONAL REGULATIONS

1. The erection of fences, walls and obstructions to view within this zoning district shall conform to Section 3-1 of this Ordinance.
2. For the requirements for the off-street parking of automobiles within this zoning district, see Section 3-2 of this Ordinance.
3. The display of signs within this zoning district shall be in conformance to Section 3-3 of this Ordinance.
4. Accessory uses within this zoning district shall conform to the regulations set in Section 3-4 of this Ordinance.
5. Any land classified within this zone district which also lies within the Flood Hazard Area limits as defined in Section 3-7 of this Ordinance, shall also comply with all the requirements and restrictions of said Section 3-7. (Orig. 1-20-74)

## SECTION 2-13: R-C RESTRICTED COMMERCIAL DISTRICT

### A. USE REGULATION

No building or land shall be used and no building shall be hereafter erected, converted or structurally altered, unless otherwise provided herein, except for one or more of the following uses: (Orig. 6-6-50; Amend. 10-30-70)

1. Any use permitted in the Restricted Commercial One (R-C1) District.  
(Orig. 6-6-50; Amend. 12-26-63; Amend. 10-30-70)
2. Stores for retail trade, including package liquor stores and stores selling packaged three point two percent (3.2%) fermented malt beverage, except that there shall not be permitted:  
(Orig. 6-6-50; Amend. 5-3-65; Amend. 10-30-70)
  - a. Liquor and three point two percent (3.2%) fermented malt beverage outlets where drinks are consumed on the premises.  
(Orig. 5-3-65; Amend. 10-30-70)
  - b. New or used motor vehicle or trailer sales, repair and/or lots.  
(Orig. 5-3-65; Amend. 10-30-70)
  - c. Fuel and feed stores.  
(Orig. 6-6-50; Amend. 5-3-65; Amend. 10-30-70)
  - d. Lumber yards.  
(Orig. 6-6-50; Amend. 5-3-65; Amend. 10-30-70)
3. Advertising signs (illuminated or otherwise) used in connection with other uses permitted by this section (on the same premises only), subject to provisions of Section 3-3 of this Ordinance.  
(Orig. 6-6-50; Amend. 5-3-65; Amend. 10-30-70)
4. Service establishments such as cleaning and pressing establishments, tailor shops, dressmaking shops, barber shops, beauty parlors, pharmacies and watch and jewelry repair shops.  
(Orig. 6-6-50; Amend. 5-3-65; Amend. 10-30-70)
5. Newspaper offices and blue printing establishments.  
(Orig. 5-3-65; Amend. 10-30-70)
6. Rental agencies, except those for automobiles, campers, trailers or heavy equipment.  
(Orig. 5-3-65; Amend. 10-30-70)

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7. Other such similar commercial uses as listed in 1 through 7 which are not more detrimental to uses in said district than are the uses by right hereinbefore enumerated.  
(Orig. 6-6-50; Amend. 5-3-65; Amend. 10-30-70)

### B. HEIGHT REGULATION

1. No building shall exceed sixty (60) feet in height.  
(Orig. 6-6-50; Amend. 5-3-65; Amend. 10-30-70)

### C. AREA REGULATION

1. AREA AND MINIMUM WIDTH OF LOT. No restrictions other than the required area for parking as provided under Section 3-2.  
(Orig. 12-26-62; Amend. 10-30-70)
2. FRONT YARD. The minimum front yard for any building shall be fifty (50) feet.  
(Orig. 6-2-58; Amend. 5-3-65; Amend. 10-30-70)
3. SIDE YARD. If a building is constructed of masonry or fireproof material, no side yard shall be required except when located on a corner lot. If a building is constructed of non-masonry or non-fireproof materials, there shall be a side yard of not less than five (5) feet on each side. On a corner lot there shall be a side yard of not less than thirty (30) feet on the side adjoining the street.  
(Orig. 6-2-58; Amend. 10-30-70)
4. REAR YARD. The minimum depth of rear yard shall be ten (10) feet except that if the rear abuts upon an alley, the minimum depth shall be fifteen (15) feet from the center of the alley.  
(Orig. 6-2-58; Amend. 10-30-70)

### D. ADDITIONAL REGULATIONS

1. The erection of fences, walls and obstructions to view within this zoning district shall conform to Section 3-1 of this Ordinance.
2. For the requirements for the off-street parking of automobiles within this zoning district, see Section 3-2 of this Ordinance.
3. The display of signs within this zoning district shall be in conformance to Section 3-3 of this Ordinance.
4. Accessory uses within this zoning district shall conform to the regulations set in Section 3-4 of this Ordinance.
5. Any land classified within this zone district which also lies within the Flood Hazard Area limits as defined in Section 3-7 of this Ordinance, shall also comply with all the requirements and restrictions of said Section 3-7. (Orig. 1-20-74)

## SECTION 2-14: C-1 COMMERCIAL ONE DISTRICT

### A. USE REGULATION

No building or land shall be used and no building shall be hereafter erected, converted or structurally altered, unless otherwise provided herein except for one or more of the following uses:  
(Orig. 5-6-46; Amend. 10-30-70)

1. Any use permitted in the Restricted-Commercial (R-C) District, except child care facilities or camps as excluded by Section 3-6 herein.  
(Orig. 5-6-46; Amend. 5-20-63; Amend. 10-30-70; Amend. 9-13-73)
2. Store for retail trade.  
(Orig. 2-3-41; Amend. 10-30-70)
- X 3. Lumber yards provided that unhoused storage of lumber and other materials shall be screened from view from adjacent streets and adjoining property.  
(Orig. 5-6-46; Amend. 10-30-70)
- X 4. Commercial billboards, electric display and advertising signs; subject to provisions of Section 3-3.  
(Orig. 2-3-41; Amend. 5-3-65; Amend. 10-30-70)
5. Cold storage lockers (but not including slaughtering on the premises).  
(Orig. 5-6-46; Amend. 10-30-70)
- X 6. Mobile homes, travel trailer, trailer, camper and motor vehicle display and sales, (but not including auto wrecking yards or storage of metals and/or machinery not in running order).  
(Orig. 12-26-62; Amend. 5-3-65; Amend. 10-30-70)
7. Assembly or convention halls, theatres, skating rinks, dance halls, bowling alleys, pool or billiard parlors, indoor firing ranges, archery ranges, exposition halls (no live animals), tennis courts, swimming pools, golf courses including putting and miniature courses, golf driving ranges, gymnasiums and trampoline centers, massage parlors, turkish baths and health studios.  
(Orig. 2-3-41; Amend. 5-6-46; Amend. 4-8-57; Amend. 9-30-57; Amend. 10-30-70)
8. Rental agencies including those for automobiles, campers, trailers and light equipment (but not including heavy equipment).  
(Orig. 5-3-65; Amend. 10-30-70)
9. Car wash, garage and/or motor fuel filling stations.  
(Orig. 10-30-70)



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10. Motels, licensed tourist courts and hotels.  
(Orig. 5-6-46; Amend. 5-3-65; Amend. 10-30-70)
11. Package liquor stores, three point two percent (3.2%) fermented malt beverage stores or outlets, taverns, lounges, night clubs, private clubs and bars.  
(Orig. 6-2-58; Amend. 12-26-62; Amend. 5-3-65; Amend. 10-30-70)
12. Restaurants, drive-in restaurants and cafes.  
(Orig. 2-3-41; Amend. 5-3-65; Amend. 10-30-70)
- + 13. Telephone exchange, electric substation including electric transmission and distribution lines or gas regulator station with public office or repair or storage facilities.  
(Orig. 2-3-41; Amend. 5-6-46; Amend. 10-30-70)
14. Ambulance services.  
(Orig. 5-3-65; Amend. 10-30-70)
- + 15. Auction houses (no live animals).  
(Orig. 5-3-65; Amend. 10-30-70)
16. Lapidary shops, taxidermists.  
(Orig. 5-3-65; Amend. 10-30-70)
17. Other such similar commercial uses as listed in 1 through 16 which are not more detrimental uses in said district than are the uses by right hereinbefore enumerated.  
(Orig. 2-3-41; Amend. 6-2-58; Amend. 5-3-65; Amend. 10-30-70)
18. SPECIAL USES: The following use shall be permitted only upon approval of the Planning Commission:  
(Orig. 5-3-65; Amend. 10-30-70)
  - a. Travel trailer-camper parks.  
(Orig. 5-3-65; Amend. 10-30-70)

### B. HEIGHT REGULATION

1. None.  
(Orig. 5-6-46; Amend. 10-30-70)

### C. AREA REGULATION

1. AREA AND MINIMUM WIDTH OF LOT. No restrictions shall apply other than the area for parking as provided under Section 3-2.  
(Orig. 5-6-46; Amend. 12-26-62; Amend. 10-30-70)

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2. FRONT YARD. Except as hereinafter provided, the minimum depth of any front yard for any building, measured from the front lot line to the front setback line, shall be fifty (50) feet. Motor fuel pumps may be erected not less than eighteen (18) feet from such front lot line.  
(Orig. 2-3-41; Amend. 5-6-46; Amend 4-8-57; Amend. 10-30-70)
3. SIDE YARD. If a building is constructed of masonry or fireproof materials, no side yard shall be required on an interior lot or on that side of a corner lot which is not adjacent to a street. If a building is constructed of materials other than masonry or fireproof materials, the minimum depth of any side yard of an interior lot or of a side yard of a corner lot on that side which is not adjacent to a street, measured from the side lot line to the side setback line, shall be five (5) feet. On corner lots the minimum depth of the side yard on the side adjacent to a street, measured from the side lot line to the side setback line shall be thirty (30) feet. On corner lots, motor fuel pumps may be erected not less than eighteen (18) feet from the side lot line on the side adjacent to the street.  
(Orig. 2-3-41; Amend. 5-6-46; Amend. 10-30-70)
4. REAR YARD. The minimum depth of rear yard shall be ten (10) feet except where abutting upon an alley, the depth shall be fifteen (15) feet from the center of the alley.  
(Orig. 2-3-41; Amend. 5-6-46; Amend. 10-30-70)

### D. ADDITIONAL REGULATIONS:

1. The erection of fences, walls and obstructions to view within this zoning district shall conform to Section 3-1 of this Ordinance.
2. For the requirements for the off-street parking of automobiles within this zoning district, see Section 3-2 of this Ordinance.
3. The display of signs within this zoning district shall be in conformance to Section 3-3 of this Ordinance.
4. Accessory uses within this zoning district shall conform to the regulations set in Section 3-4 of this Ordinance.
5. Any land classified within this zone district which also lies within the Flood Hazard Area limits as defined in Section 3-7 of this Ordinance, shall also comply with all the requirements and restrictions of said Section 3-7. (Orig. 1-20-74)

## SECTION 2-15: C-2 COMMERCIAL TWO DISTRICT

### A. USE REGULATION

No building or land shall be used and no building shall be hereafter erected, converted or structurally altered, unless otherwise provided herein, except for one or more of the following uses:

(Orig. 5-6-46; Amend. 10-30-70)

1. Any use permitted in the C-1 (Commercial-One) District.  
(Orig. 2-3-41; Amend. 5-6-46; Amend. 10-30-70)
2. Amusement parks and go-cart tracks.  
(Orig. 5-6-46; Amend. 5-3-65; Amend. 10-30-70)
3. Veterinary hospital.  
(Orig. 2-3-41; Amend. 5-3-65; Amend. 4-7-69; Amend. 10-30-70)
4. Shop for custom work or for making articles to be sold at retail on the premises.  
(Orig. 2-3-41; Amend. 10-30-70)
5. Wholesale business.  
(Orig. 2-3-41; Amend. 10-30-70)
6. Cold storage plant.  
(Orig. 5-6-46; Amend. 10-30-70)
7. Storage in bulk of, and/or warehousing of, such items as building materials, coal, wood, construction equipment and oil and petroleum in quantities less than tank car lots. Storage must be screened from public view. (For permitted above-ground storage of inflammable liquids, see Section 3-4).  
(Orig. 2-3-41; Amend. 5-6-46; Amend. 6-2-58; Amend. 10-30-70)
8. Auction houses including those for small animals but not including large animals such as cows, sheep, goats, swine or horses.  
(Orig. 5-3-65; Amend. 10-30-70)
9. Manufacturing and/or industrial operation of any kind not heretofore listed and exclusive of industrial operations listed hereafter, where not in excess of five (5) horsepower is employed in the operation of any machine. (Orig. 2-3-41; Amend. 10-30-70)
10. Rental agencies for heavy equipment.  
(Orig. 5-3-65; Amend. 10-30-70)

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11. Other such similar commercial uses as listed in 1 through 10 which are not more detrimental to uses in said district than are the uses by right hereinbefore enumerated.  
(Orig. 2-3-41; Amend. 5-3-65; Amend. 10-30-70)

### B. HEIGHT REGULATION

1. None.  
(Orig. 5-6-46; Amend. 10-30-70)

### C. AREA REGULATION

1. AREA AND MINIMUM WIDTH OF LOT. No restrictions shall apply other than the area for parking as provided under Section 3-2.  
(Orig. 5-6-46; Amend. 12-26-62; Amend. 10-30-70)
2. FRONT YARD. Except as hereinafter provided, the minimum depth of any front yard for any building, measured from the front lot line to the front setback line, shall be fifty (50) feet. Motor fuel pumps may be erected not less than eighteen (18) feet from such front lot line.  
(Orig. 2-3-41; Amend. 5-6-46; Amend. 6-2-58; Amend. 10-30-70)
3. SIDE YARD. If a building is constructed of masonry or fireproof materials, no side yard shall be required on an interior lot or on that side of a corner lot which is not adjacent to a street. If a building is constructed of materials other than masonry or fireproof materials, the minimum depth of any side yard of an interior lot or of a side yard of a corner lot on that side which is not adjacent to a street, measured from the side lot line to the side setback line, shall be five (5) feet. On corner lots, the minimum depth of the side yard on the side adjacent to a street, measured from the side lot line to the side setback line, shall be thirty (30) feet. On corner lots, motor fuel pumps may be erected not less than eighteen (18) feet from the side lot line on the side adjacent to the street.  
(Orig. 2-3-41; Amend. 5-6-46; Amend. 10-30-70)
4. REAR YARD. The minimum depth of rear yard shall be ten (10) feet except where abutting upon an alley, the depth shall be fifteen (15) feet from the center of the alley.  
(Orig. 2-3-41; Amend. 5-6-46; Amend. 10-30-70)

### D. ADDITIONAL REGULATIONS:

1. The erection of fences, walls and obstructions to view within this zoning district shall conform to Section 3-1 of this Ordinance.

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2. For the requirements for the off-street parking of automobiles within this zoning district, see Section 3-2 of this Ordinance.
3. The display of signs within this zoning district shall be in conformance to Section 3-3 of this Ordinance.
4. Accessory uses within this zoning district shall conform to the regulations set in Section 3-4 of this Ordinance.
5. Any land classified within this zone district which also lies within the Flood Hazard Area limits as defined in Section 3-7 of this Ordinance, shall also comply with all the requirements and restrictions of said Section 3-7. (Orig. 1-20-74)

1-20-74

SECTION 2-16: INDUSTRIAL TRADE ONE DISTRICT

A. USE REGULATION

No building or land shall be used and no building shall hereafter be erected, converted or structurally altered unless otherwise provided herein, except for one or more of the following uses:  
(Orig. 5-6-46: Amend. 10-30-70)

1. Manufacturing, processing or fabrication of any commodity, except those provided for within the IT-2 (Industrial Trade Two) , IT-3 (Industrial Trade Three) or IT-4 (Industrial Trade Four) districts.  
(Orig. 10-30-70)
2. Wholesale sales, warehousing or storage of any commodity with the following exceptions:  
(Orig. 10-30-70)
  - a. No live animals, commercial explosives or above-ground bulk storage of flammable liquids or gasses may be included.  
( Orig. 10-30 -70)
  - b. Sales, warehousing or storage of junk, including machinery or vehicles not in operating condition, may be permitted only if contained within a building.  
(Orig. 10-30 -70)
3. Sale at retail of any commodity, manufactured, processed, fabricated or warehoused on the premises.  
(Orig. 10-30-70)
4. Sale at retail of hardware or equipment, supplies and materials (except commercial explosives) for agriculture, mining , industry, business, transportation, building and other construction.  
(Orig. 10-30 -70)
5. Repair, rental and servicing of any commodity, the manufacture, processing, fabrication, warehousing or sale of which is permitted.  
(Orig. 10-30-70)
6. Veterinary hospital.  
(Orig. 10-30-70)
7. Governmental buildings or uses such as police stations, fire stations, post offices, electric substations, gas regulator stations, telephone exchanges, water reservoirs and utility pumping stations.  
(Orig. 10-30-70)

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8. Railroad facilities, but not including shops.  
(Orig. 10-30-70)
9. Accessory uses such as banks, laboratories, restaurants, blueprinting establishments and offices.  
(Orig. 10-30-70)
10. Parking or storage of motor vehicles.  
(Orig. 10-30-70)
11. Terminals for transportation and public transit vehicles.  
(Orig. 10-30-70)
12. Motor vehicle service or gasoline filling stations.  
(Orig. 10-30-70)
13. Outdoor advertising devices, subject to provision of Section 3-5.  
(Orig. 10-30-70)
14. Deposit and/or excavation of sand, gravel, rock, earth, minerals and other similar materials in the manner prescribed in Section 1-6 of this Ordinance.
15. The uses hereinabove set forth shall be subject to the following limitations and conditions:  
(Orig. 10-30-70)
  - a. Every use shall be so separated that the volume of sound, inherently and recurrently generated, does not exceed 70 decibels at any point of any boundary line of the lot on which the use is located.  
(Orig. 10-30-70)
  - b. Every use shall be so operated that the ground vibration inherently and recurrently generated is not perceptible, without instruments, at any point of any boundary line of the lot on which the use is located.  
(Orig. 10-30-70)
  - c. Every use shall be so operated that it does not emit an obnoxious or dangerous degree of heat, glare, radiation or fumes beyond any boundary line of the lot on which the use is located.  
(Orig. 10-30-70)

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- d. All outdoor storage facilities for fuel, raw materials and products stored outdoors shall be enclosed by a fence adequate to conceal such facilities for fuel, raw materials, and products from adjacent residential, agricultural and commercial districts.  
(Orig. 10-30-70)
- e. No materials or wastes shall be deposited upon a lot in such form or manner that they may be transferred off the lot by natural causes or forces.  
(Orig. 10-30-70)
- f. All materials or wastes which might cause fumes or dust, or which constitute a fire hazard or which may be edible by or otherwise be attractive to rodents or insects shall be stored outdoors, only in closed containers.  
(Orig. 10-30-70)

### B. HEIGHT REGULATION

1. None.  
(Orig. 5-6-46; Amend. 10-30-70)

### C. AREA REGULATION

1. AREA AND MINIMUM WIDTH OF LOT. No restrictions.  
(Orig. 5-6-46; Amend. 12-26-62; Amend. 10-30-70)
2. FRONT YARD. Except as hereinafter provided, the minimum depth of any front yard for any building, measured from the front lot line to front setback line, shall be fifty (50) feet. Motor fuel pumps may be erected not less than eighteen (18) feet from such front lot line.  
(Orig. 2-3-41; Amend. 5-6-46; Amend. 6-2-58; Amend. 10-30-70)
3. SIDE YARD. If a building is constructed of masonry or fireproof materials, no side yard shall be required on an interior lot or on that side of a corner lot which is not adjacent to a street. If a building is constructed of materials other than masonry or fireproof materials, the minimum depth of any side yard of an interior lot or a side yard of a corner lot on that side which is not adjacent to a street, measured from the side lot line to the side setback line shall be five (5) feet. On corner lots, the minimum depth of the side yard on the side adjacent to a street, measured from the side lot line to the side setback line, shall be thirty (30) feet. On corner lots, motor fuel pumps may be erected not less than eighteen (18) feet from the side lot line on the side adjacent to a street.  
(Orig. 2-3-41; Amend. 5-6-46; Amend. 10-30-70)



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4. REAR YARD. The minimum depth of rear yard shall be ten (10) feet except where abutting upon an alley, the depth shall be fifteen (15) feet from the center of the alley. (Orig. 2-3-41; Amend. 5-6-46; Amend. 10-30-70)

### D. ADDITIONAL REGULATIONS:

1. The erection of fences, walls and obstructions to view within this zoning district shall conform to Section 3-1 of this Ordinance.
2. For the requirements for the off-street parking of automobiles within this zoning district, see Section 3-2 of this Ordinance.
3. The display of signs within this zoning district shall be in conformance to Section 3-3 of this Ordinance.
4. Accessory uses within this zoning district shall conform to the regulations set in Section 3-4 of this Ordinance.
5. Any land classified within this zone district which also lies within the Flood Hazard Area limits as defined in Section 3-7 of this Ordinance, shall also comply with all the requirements and restrictions of said Section 3-7. (Orig. 1-20-74)

## SECTION 2-17: INDUSTRIAL TRADE TWO DISTRICT

### A. USE REGULATION

No building or land shall be used and no building shall be hereafter erected, converted or structurally altered, unless otherwise provided herein, except for one or more of the following uses:

(Orig. 5-6-46; Amend. 10-30-70)

1. Any use permitted in the IT-1 (Industrial Trade One) District.  
(Orig. 2-3-41; Amend. 5-6-46; Amend. 10-30-70)
2. Manufacturing, processing or fabrication of any commodity, except those provided for within the IT-3 (Industrial Trade Three) or IT-4 (Industrial Trade Four) Districts.  
(Orig. 10-30-70)
3. Foundry.  
(Orig. 10-30-70)
4. Rock crusher, excavation of sand, gravel, earth, clay, rock or other similar materials.  
(Orig. 10-30-70)
5. Storage of gasoline or other petroleum products. (For permitted aboveground storage of inflammable liquids, see Section 3-4.  
(Orig. 10-30-70)
6. Brick, tile or terra cotta manufacture.  
(Orig. 10-30-70)
7. Light or power plant, central station.  
(Orig. 10-30-70)
8. Grain drying or poultry feed manufacture, feed mill.  
(Orig. 10-30-70)
9. Other similar industrial uses as listed in 1 through 8 which are not more detrimental to the highest and best use of land in said district that are the uses by right hereinbefore enumerated.  
(Orig. 10-30-70)

### B. HEIGHT REGULATION

1. None.  
(Orig. 5-6-46; Amend. 12-26-62; Amend. 10-30-70)

### C. AREA REGULATIONS

1. AREA AND MINIMUM WIDTH OF LOT. No restrictions shall apply,

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other than the area for parking as provided under Section 3-2.  
(Orig. 5-6-56; Amend. 12-26-62; Amend. 10-30-70)

2. FRONT YARD. Except as hereinafter provided, the minimum depth of any front yard for any building, measured from the front lot line to the front setback line, shall be fifty (50) feet. Motor fuel pumps may be erected no less than eighteen (18) feet from such front line.  
(Orig. 2-3-41; Amend. 5-6-46; Amend. 10-30-70)
3. SIDE YARD. If a building is constructed of masonry or fireproof materials, no side yard shall be required on an interior lot or on that side of a corner lot which is not adjacent to a street. If a building is constructed of materials other than masonry or fireproof materials, the minimum depth of any side yard of an interior lot or of a side yard of a corner lot on that side which is not adjacent to a street, measured from the side lot line to the side setback line, shall be five (5) feet. On corner lots, the minimum depth of the side yard on the side adjacent to a street, measured from the side lot line to the side setback line, shall be thirty (30) feet. On corner lots, motor fuel pumps may be erected not less than eighteen (18) feet from the side adjacent to a street.  
(Orig. 2-3-41; Amend. 5-6-46; Amend. 10-30-70)
4. REAR YARD. The minimum depth of rear yard shall be ten (10) feet except where abutting upon an alley, the depth shall be fifteen (15) feet from the center of the alley.  
(Orig. 2-3-41; Amend. 5-6-46; Amend. 10-30-70)

### D. ADDITIONAL REGULATIONS

1. The erection of fences, walls and obstructions to view within this zoning district shall conform to Section 3-1 of this Ordinance.
2. For the requirements for the off-street parking of automobiles within this zoning district, see Section 3-2 of this Ordinance.
3. The display of signs within this zoning district shall be in conformance to Section 3-3 of this Ordinance.
4. Accessory uses within this zoning district shall conform to the regulations set in Section 3-4 of this Ordinance.
5. Any land classified within this zone district which also lies within the Flood Hazard Area limits as defined in Section 3-7 of this Ordinance, shall also comply with all the requirements and restrictions of said Section 3-7. (Orig. 1-20-74)

## SECTION 2-18: INDUSTRIAL TRADE THREE DISTRICT

### A. USE REGULATION

No building or land shall be used and no building shall be hereafter erected, converted or structurally altered, unless otherwise provided herein, except for one or more of the following uses:  
(Orig. 2-14-56; Amend. 10-30-70)

1. Any use permitted in the IT-2 (Industrial Trade Two) District.  
(Orig. 10-30-70)
2. Manufacturing, processing or fabrication of any commodity, except those provided for within the IT-4 (Industrial Trade Four) District, including the following: Abrasives, basic manufacture; alcoholic distillation; animal by-products, basic manufacture or processing; bone black, basic manufacture; brewery; carbon black and lamp black, basic manufacture; charcoal, basic manufacture; chemicals, heavy or industrial, basic manufacture or processing; cinder and cinder block, basic manufacture or fabrication; coal and coke, manufacture or processing; detergents, soaps and by-products, using animal fat, basic manufacture; fermented fruits and vegetable products, manufacture; fertilizers, manufacture of processing, fungicides, manufacture; gases, other than nitrogen and oxygen, manufacture; glass, manufacture; glue and size, manufacture; graphite, manufacture; gypsum and other forms of plaster base, manufacture; insecticides, manufacture; insulation, flammable types, manufacture or fabrication; matches, manufacture; meat slaughtering or packing; metals extraction or smelting; metal ingots, pigs, casting, sheets or bars, manufacture; oils and fats, animal and vegetable, manufacture; paints, pigments, enamel, japans, lacquers, putty, varnishes, whiting and wood filler, manufacture of fabrication; paper pulp and cellulose, basic manufacture or processing; portland and similar cements, manufacture; rubber, manufacture, processing or reclaiming; sawmill or planing mill; serums, toxins, viruses, manufacture; sugars and starches, manufacture; tannery; turpentine manufacture; wax and wax products, manufacture; and wood preserving by creosoting or other pressure impregnation of wood by preservatives.  
(Orig. 10-30-70)

### B. HEIGHT REGULATION

1. None.  
(Orig. 2-14-56; Amend. 10-30-70)

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### C. AREA REGULATION

1. AREA AND MINIMUM WIDTH OF LOT. No other restrictions shall apply, other than the area for parking as provided under Section 3-2.  
(Orig. 10-30-70)
2. FRONT YARD. Except as hereinafter provided, the minimum depth of any front yard for any building, measured from the front lot line to the front setback line, shall be fifty (50) feet. Motor fuel pumps may be erected not less than eighteen (18) feet from such front lot line.  
(Orig. 2-14-56; Amend. 10-30-70)
3. SIDE YARD. If a building is constructed of masonry or fireproof materials, no side yard shall be required on an interior lot or on that side of a corner lot which is not adjacent to a street. If a building is constructed of materials other than masonry or fireproof materials, the minimum depth of any side yard of an interior lot or of a side yard of a corner lot on that side which is not adjacent to a street, measured from the side lot line to the side setback line, shall be thirty (30) feet. On corner lots, motor fuel pumps may be erected not less than eighteen (18) feet from the side lot line on the side adjacent to a street.  
(Orig. 2-14-56; Amend. 10-30-70)
4. REAR YARD. The minimum depth of rear yard shall be ten (10) feet except where abutting upon an alley, the depth shall be fifteen (15) feet from the center of the alley.  
(Orig. 2-14-56; Amend. 10-30-70)

### D. ADDITIONAL REGULATIONS:

1. The erection of fences, walls and obstructions to view within this zoning district shall conform to Section 3-1 of this Ordinance.
2. For the requirements for the off-street parking of automobiles within this zoning district, see Section 3-2 of this Ordinance.
3. The display of signs within this zoning district shall be in conformance to Section 3-3 of this Ordinance.
4. Accessory uses within this zoning district shall conform to the regulations set in Section 3-4 of this Ordinance.
5. Any land classified within this zone district which also lies within the Flood Hazard Area limits as defined in Section 3-7 of this Ordinance, shall also comply with all the requirements and restrictions of said Section 3-7. (Orig. 1-20-74)

## SECTION 2-19: IT-4 INDUSTRIAL TRADE FOUR DISTRICT

### A. USE REGULATION

No building or land shall be used and no building shall be hereafter erected, converted or structurally altered, unless otherwise provided herein, except for one or more of the following uses:  
(Orig. 11-15-65; Amend. 10-30-70)

1. Any use permitted in the IT-3 (Industrial Trade Three) District.  
(Orig. 10-30-70)
2. Manufacture and storage of explosives (in conformance with setback and other safety requirements of the City of Lakewood Building Code, and other applicable codes.).  
(Orig. 11-15-65; Amend. 10-30-70)
3. Dumps, junk yards, automobile wrecking and processing yards, and other similar uses subject to provisions for retaining windblown trash on the premises, provided that all such properties shall be screened from adjacent streets, or other public ways, by an eight (8) foot solid fence to be maintained in a neat and well kept manner.  
(Orig. 11-15-65; Amend. 10-30-70)
4. Storage of machinery or vehicles not in operating condition, provided that all such properties shall be screened from adjacent streets, or other public ways, by an eight (8) foot solid fence to be maintained in a neat and well kept manner.  
(Orig. 11-15-65; Amend. 10-30-70)

### B. HEIGHT REGULATION

1. None.  
(Orig. 11-15-65; Amend. 10-30-70)

### C. AREA REGULATION

1. AREA AND MINIMUM WIDTH OF LOT. No restrictions shall apply, other than the area for parking as provided under Section 3-2.  
(Orig. 11-15-65; Amend. 10-30-70)
2. FRONT YARD. Except as hereinafter provided, the minimum depth of any front yard for any building, measured from the front lot line to the front setback line, shall be fifty (50) feet from such front lot line.  
(Orig. 11-15-65; Amend. 10-30-70)

## SECTION 2-19

3. SIDE YARD. If a building is constructed of masonry or fireproof materials, no side yard shall be required on an interior lot or on that side of a corner lot which is not adjacent to a street. If a building is constructed of materials other than masonry or fireproof materials, the minimum depth of any side yard of an interior lot or of a side yard of a corner lot on that side which is not adjacent to a street, measured from the side lot line to the side setback line, shall be five (5) feet. On corner lots, the minimum depth of the side yard on the side adjacent to a street, measured from the side lot line to the side setback line, shall be thirty (30) feet. On corner lots, motor fuel pumps may be erected not less than eighteen (18) feet from the side lot line on the side adjacent to the street.  
(Orig. 11-15-65; Amend. 10-30-70)
4. REAR YARD. The minimum depth of rear yard shall be ten (10) feet except where abutting upon an alley, the depth shall be fifteen (15) feet from the center of the alley.  
(Orig. 11-15-65; Amend. 10-30-70)

### D. ADDITIONAL REGULATIONS

1. The erection of fences, walls and obstructions to view within this zoning district shall conform to Section 3-1 of this Ordinance.
2. For the requirements for the off-street parking of automobiles within this zoning district see Section 3-2 of this Ordinance.
3. The display of signs within this zoning district shall be in conformance to Section 3-3 of this Ordinance.
4. Accessory uses within this zoning district shall conform to the regulations set in Section 3-4 of this Ordinance.
5. Any land classified within this zone district which also lies within the Flood Hazard Area limits as defined in Section 3-7 of this Ordinance, shall also comply with all the requirements and restrictions of said Section 3-7. (Orig. 1-20-74)

"SECTION 2-20: PD PLANNED DEVELOPMENT DISTRICT

A. INTENT OF CLASSIFICATION

The Planned Development District is intended to provide a means of establishing development plans, and controls thereon, which:

1. Provide for development concepts not otherwise permitted within standard zone districts.
2. Provide for the capability of tracts of land to be designed into group buildings, or complexes, with a continuity of design and development.
3. Permit detailed design control on sites surrounded by land use, zoning or other factors which create circumstances difficult to overcome through the use of standard zone districts.
4. Provide a means to establish detailed controls on any site after consideration of the specific circumstances involved.
5. Provide a means by which the development can be designed in harmony with the physiographic characteristics of the land.
6. Provide a plan which functions as a regulatory tool to implement the Community Development Plan of the City of Lakewood for a specific section of the community.

B. USE REGULATIONS

1. The applicants for a Planned Development Zone District shall specify all uses proposed in the form of a detailed site plan and attached written stipulations. Such development shall be under unified control whether by single, partnership, corporate, condominium or association ownership.
2. Uses within a Planned Development may be of a single or multiple nature, including residential, commercial, industrial, public or quasi-public, open space, and other uses. Any combination of such uses may be considered.
3. It is the intent of this ordinance that flexibility may be provided in the stipulations so as to reduce the need for consideration of modifications to the planned development. Such stipulations shall consider all appropriate concerns including, but not limited to, the following items, where applicable.
  - (a) Proposed land uses and site layout.
  - (b) Transportation patterns including vehicle, bicycle, pedestrian, and transit circulation patterns.
  - (c) The layout of drainways and drainage easements.
  - (d) Landshaping and landscaping detail, including phasing of installation in relation to structural construction.



- (e) Net and gross acreage.
- (f) Open space: The net and gross ratio of open space to all property within the development and the net and gross ratio of land dedicated to the City as parks and other open space to streets, driveways, parking areas and building coverage.
- (g) Floor area or residential unit size and number.
- (h) Architectural intent statement in writing describing building material to be used and the general architecture of the buildings, in addition to any pictorial representation which may be submitted.
- (i) Parking requirements, including storage and parking of recreational vehicles.
- (j) Fence and sign detail and requirements.
- (k) Accessory uses permitted.
- (l) That a Subdivision Plat (in accordance with the City of Lakewood Subdivision Regulations) approved by City Council shall be required prior to the issuance of any building or grading permit for any building or any part of the site within the described boundaries of the approved PD. In the event of waiver of platting in accordance with Section 1-5 of the Subdivision Regulations, Planning Commission may require the applicant to construct public improvements, convey appropriate easements or rights-of-way and provide sufficient surety to guarantee completion of any such improvement. Such easements or rights-of-way shall be conveyed prior to issuance of any building permit for the site or by a time specified by the Planning Commission. Final construction plans for the public improvements shall be submitted to and approved by the Department of Community Services prior to issuance of any building permit for the site, or by the time specified by the Planning Commission. Furthermore, such surety shall be governed by the requirements of the Subdivision Regulations and shall be submitted to the Department of Community Development and approved by the Department of Community Services and the Office of the City Attorney prior to issuance of any building permit for the site or by a time specified by the Planning Commission. If a plat is waived by the Planning Commission, all easements and rights-of-way as required by the Department of Community Services and any existing easements shall be shown on the site plan of the planned development.
- (m) Lighting detail.
- (n) Availability of water, sewer, gas, and electrical utilities.
- (o) Method of solid waste disposal.
- (p) Vicinity sketch.
- (q) Ratio of low and/or moderate income housing in residential developments.
- (r) Maintenance responsibility of all open and recreational areas.
- (s) Height limitations.
- (t) Setback limitations.
- (u) Statement of necessary accessibility during construction.
- (v) Time limitations on construction and/or phasing.
- (w) Platting requirements, including time limitations.

4. ADDITIONAL REGULATIONS: When not specifically mentioned in the Planned Development stipulations, additional controls will be applicable as they apply to standard zone categories of a nature similar to the uses established within a given Planned Development:

- (a) The erection of fences, walls and obstructions to view within this zoning district shall conform to Section 3-1 of this Ordinance.
- (b) The off-street parking of automobiles within this zoning district shall comply with the requirements and restrictions of Section 3-2 of this Ordinance.
- (c) The display of signs within this zone district shall conform to Section 3-3 of this Ordinance.
- (d) Accessory uses within this zone district shall conform to the regulations set forth in Section 3-4 of this Ordinance.
- (e) Any land classified within this zone district which also lies within the Flood Hazard Area limits as defined in Section 3-7 of this Ordinance, shall also comply with all the requirements and restrictions of said Section 3-7. (Orig. 1-20-74)

C. PHASED DEVELOPMENT

1. Based upon both development and planning considerations, it may be desirable to develop property in several phases. Accordingly, the applicant for rezoning may elect to apply for development in any number of phases, setting forth the sequence of the phases and the information, plans, regulations and stipulations to be submitted with each phase in the application; provided, however, that the proposed uses, use patterns and the proposed intensity and density of such uses and use patterns will be the factors determined at the time of approval of the first phase, along with the factors listed in Section 2-20(B) of this Ordinance which the Council determines to be necessary to the consideration of the rezoning application. The intensity and density of use may be set within upper and lower limits thereof as set by the City Council.
2. The Planning Commission and the City Council shall consider the request of the applicant for rezoning to the Planned Development Zone District simultaneously with the consideration of the first phase proposal, as set forth in the application. If the proposed uses, use patterns and the intensity and density of such uses and use patterns are approved by the City Council, or if the proposed uses, use patterns and the intensity and density of such uses are approved by the City Council with amendments, and if the City Council shall determine that the application for rezoning is in accordance with the standards and policies set forth in Section 31-23-303, C.R.S. 1973, as amended, the Community Development Plan of the City of Lakewood, and other articulated policies of the City Council, the land may be rezoned to the Planned Development Zone District.
3. The sequences of phases and the nature and character of the information, plans, regulations and stipulations to be submitted with each phase shall be determined by the developer and the Department of Community Development prior to the submission of the application; provided, however, that the nature and character of the information, plans, regulations and stipulations to be submitted in each phase shall be stated in the stipulations of the first phase.

4. After initial rezoning to the Planned Development Zone District, and in the consideration of the subsequent phases of a planned development, the Planning Commission and the City Council shall consider only those factors listed in Section 2-20(B) of this Ordinance, which relate to the division of land and the way in which the land will be made ready for building development and which have not been determined during consideration of the first phase; provided, however, that all the provisions of the Official Development Plan authorized to be enforced by the City of Lakewood may be modified, removed or released, in accordance with Section 2-20(F)(III) of this Ordinance.

D. SUBMITTAL REQUIREMENTS

1. In addition to necessary graphic and written details outlined in Section 2-20(B) (Use Regulations) above, the proposed Official Development Plan shall include:
  - (a) The name of the Official Planned Development.
  - (b) Certification blocks for Planning Commission, City Council and County Clerk and Recorder signatures.
  - (c) A legal description of the property proposed and signed by a Registered Land Surveyor, with seal affixed.
2. The developer shall provide an analysis of the impact of the development on the following factors and an analysis of the impact of the following factors on the development:
  - (a) Noise (vehicle, construction, occupancy).
  - (b) Air quality as affected by stationary and mobile sources.
  - (c) Water (domestic, waste and runoff).
  - (d) Energy.
  - (e) Geology.
  - (f) Soils.
  - (g) Vegetation.
  - (h) Wildlife.
  - (i) Schools.
  - (j) Transportation patterns, including vehicle, bicycle, pedestrian and transit circulation routes.
3. Plans submitted for staff review and Planning Commission consideration may be on sheets 8-1/2 inches by 11 inches in size or in final form as outlined below.
4. Plans proposed under this classification shall be provided in final form at the time of hearing before the Lakewood City Council by the owner, developer, or authorized legal representative. Such final form shall be of reproducible mylar or linen and a sepia displaying a written and graphic scale with all sheets 24 inches by 36 inches in size. All graphic and written material shall be of a size and clarity sufficient to maintain legibility after reduction to one-half scale. The sheets shall be, upon approval, recorded with the County Clerk and Recorder as an "Official Development Plan."

A marginal line shall be drawn completely around each sheet leaving an entirely blank margin of two inches on the left, and one-half inch on all other sides.

A fee to pay the costs of administration and recording with the County Clerk and Recorder shall be paid at the time the plans, in final form, are provided to the City. Such fee shall be based upon the fee charged by the County Clerk and Recorder.

The particular number of the sheet and the total number of sheets and the relation of each adjoining sheet shall be clearly shown by a small key map on each sheet.

5. Upon subsequent approval of any amendments to an Official Development Plan, a resubmittal of such development plan as amended, shall be in the form as prescribed in Subsections 3 and 4 above.
6. The developer may be required to provide information to enable the City to prepare a cost benefit analysis. Such information shall include, but not be limited to, employment generation and construction costs; provided, however, said information is normally within the developer's range of knowledge.

#### E. PLAN REVIEW CRITERIA

1. No minimum or maximum standards are established for use, height, setback, area, or other characteristics of a planned development in order that it qualify for consideration. However, such development proposal must contain such limitations within plan stipulations. Such limitations will be reviewed by means of the Program for Agency Referral to determine their impact upon and their compatibility with land use.
2. The Planning Commission, prior to developing recommendations to the City Council, shall review all documents outlining the proposed development and the recommendations of the Planning Division Staff, other departments and agencies or interested citizens to determine compatibility with the standards and policies set forth in Section 31-23-203, C.R.S. 1973, and the Community Development Plan of the City. The Planning Commission may request amendments determined to be necessary and reasonable. Requirements may be prescribed to insure that the proposed development will be adequately landscaped, buffered and screened in order to eliminate as many adverse impacts as possible.
3. The City Council, prior to approval of an Official Development Plan, shall review all documents outlining the proposed development and the recommendations of the Planning Commission, other departments and agencies or interested citizens to determine compatibility with the standards and policies set forth in Section 31-23-203, C.R.S. 1973 and the Community Development Plan of the City. The City Council may request amendments determined to be necessary and reasonable. Requirements may be prescribed to insure that the proposed development will be adequately landscaped, buffered and screened in order to eliminate as many adverse impacts as possible.

## F. IMPLEMENTATION OF PLANNED DEVELOPMENT

1. Upon approval by the Lakewood City Council, and recording of an Official Development Plan, all construction shall be in accordance with such Official Development Plan and shall be completed within the time limitations established. Such time limitations will be based on the extent of proposed development in relation to size, amount of physical construction necessary, cost, and other time factors felt to be involved with the subject proposal. If, in the opinion of the Planning Commission and Lakewood City Council, substantial construction of physical improvements has occurred at the end of this time limitation, and is evidenced by the submission of documents by the applicant, the Lakewood City Council may extend the initial time period.
2. Failure to complete construction at the termination of the initial time limitation, or such extension of time as may have been granted, the applicant shall justify initiation by the Lakewood City Council of action to consider reclassification and rezoning of said site to an appropriate zone classification, or classifications.
3. All the provisions of the Official Development Plan authorized to be enforced by the City of Lakewood may be modified, removed or released, subject to the following:
  - (a) The Director of Community Development is hereby authorized to determine whether a modification, removal or release of a provision of the Official Development Plan is substantial or not substantial in accordance with guidelines established and adopted by the Planning Commission as official policy.
    - (1) If the determination is that the modification, removal or release is not substantial, the Director of Community Development is hereby authorized to grant such modification, removal or release.
    - (2) If, however, the determination is that the modification, removal or release is substantial, the Director of Community Development shall submit the proposed change and all relevant material to the City Council for determination that the substantial modification, removal or release of the Official Development Plan can be permitted. Such determination shall be based upon the criteria set forth in Section F3(b).
    - (3) If the Director of Community Development is unable to determine if the modification, removal or release is substantial, he shall present the proposed change and all relevant material to the Planning Commission which shall determine if the modification, removal or release is substantial. If the Planning Commission determines that the modification, removal or release is not substantial, they may authorize the Director of Community Development to grant such modification, removal or release. If the Planning Commission determines that the proposed modification,

removal or release is substantial, they shall submit the proposed change and all relevant material to the City Council for determination that the substantial modification, removal or release of the Official Development Plan can be permitted. Such determination shall be based upon the criteria set forth in Section F3(b).

- (b) No substantial modification, removal or release of the provisions of the Official Development Plan by the City Council of the City of Lakewood shall be permitted except upon a finding by the City Council that the modification, removal or release is:
  - (1) Consistent with the efficient development and preservation of the entire planned development.
  - (2) Does not affect in a substantially adverse manner the enjoyment of land abutting upon or across the street from the planned development.
  - (3) Does not affect in a substantially adverse manner the public interest; and
  - (4) Is not granted solely to confer a special benefit upon any person.
- (c) If the City Council finds that the modification, removal or release does not meet the criteria set forth in Section F3(b), then any such modification, removal or release can only be affected by rezoning the planned development in accordance with Section 1-11 of this Ordinance.
- (d) No substantial modification, removal or release of any provision of the Official Development Plan by the City of Lakewood shall become effective until after a public hearing before the City Council in relation thereto, at which parties and interested citizens shall have an opportunity to be heard. At least fifteen (15) days notice of the time and place of such hearing shall be published in an official paper or a paper of general circulation in the City of Lakewood. Furthermore, the applicant shall mail by certified or registered mail, first-class postage prepaid, return receipt requested, written notice of the public hearing at least fifteen (15) days prior to the public hearing. The applicant shall file proof of such mailing and return receipt received with the Council at the time of the public hearing.
- (e) Nothing contained herein shall be construed to deny the City power to require any modification, removal or release of a provision of the Official Development Plan so that the Official Development Plan conforms to the other ordinances of the City or the subdivision regulations.

## SECTION 3-1: FENCES, WALLS AND OBSTRUCTION TO VIEW

### A. VISION CLEARANCE AT CORNER AND RAILROAD CROSSINGS

No fence, wall, hedge or other structure or other obstruction above a height of forty-two (42) inches shall be erected, placed or maintained within fifty-five (55) feet of the intersection of the right-of-way lines of two (2) streets or railroads, or of a street intersection with a railroad right-of-way as depicted on the Section 3-1 sketch. Notwithstanding any regulations set forth in Section 3-1 of this Ordinance, nor any permit or variance granted by the Board of Adjustment; no type of tree, planting, sign, fence, or portion thereof, or any type of obstacle shall be planted, placed or retained in such a manner which would obstruct the vision clearance at corners, curb cuts, railroad crossings or cause a traffic hazard.  
(Orig. 6-2-58; Amend. 12-26-62; Amend. 10-30-70)

### B. CLASSIFICATION OF FENCES AND WALLS

1. Masonry walls.  
(Orig. 2-14-56; Amend. 10-30-70)
2. Ornamental iron (eighty percent [80%] open).  
(Orig. 2-14-56; Amend. 12-26-62; Amend. 10-30-70)
3. Woven wire (eighty percent [80%] open).  
(Orig. 1-14-56; Amend. 12-26-62; Amend. 10-30-70)
4. Wood or other materials (more than fifty percent [50%] open).  
(Orig. 12-26-62; Amend. 10-30-70)
5. Solid fences-wood or other materials (less than fifty percent [50%] open).  
(Orig. 2-14-56; Amend. 10-30-70)
6. Hedges.  
(Orig. 2-14-56; Amend. 10-30-70)
7. Barbed-wire or sharp-pointed fences.  
(Orig. 12-26-62; Amend. 10-30-70)

### C. AGRICULTURAL DISTRICTS

Fences and walls within the A-1 and A-2 Districts shall conform to the following requirements:  
(Orig. 12-26-62; Amend. 10-30-70)

1. Section 3-1, Subsection A.  
(Orig. 12-26-62; Amend. 10-30-70)

## SECTION 3-1

2. Class 1, 2, 3, 4, 5, 6 or 7, fences and walls may be erected and maintained to a maximum height of eighty-four (84) inches; however, when the A-1 and/or the A-2 District is adjacent to or within a developed area, the requirements and erection shall be compatible with those of the adjacent areas and such fences and/or walls shall require the approval of the Zoning Administrator.  
(Orig. 12-26-62; Amend. 10-30-70)

### D. RESIDENTIAL DISTRICTS

1. Fences and/or walls with R-1, R-1A, R-1B, R-2, R-3, R-3A, R-4, R-T and PD Districts shall conform to the following requirements:  
(Orig. 2-14-56; Amend. 10-30-70)
  - a. Section 3-1, Subsection A and the requirements set forth and depicted on the Section 3-1 Sketch.  
(Orig. 12-26-62; Amend. 10-30-70)

### E. COMMERCIAL DISTRICTS

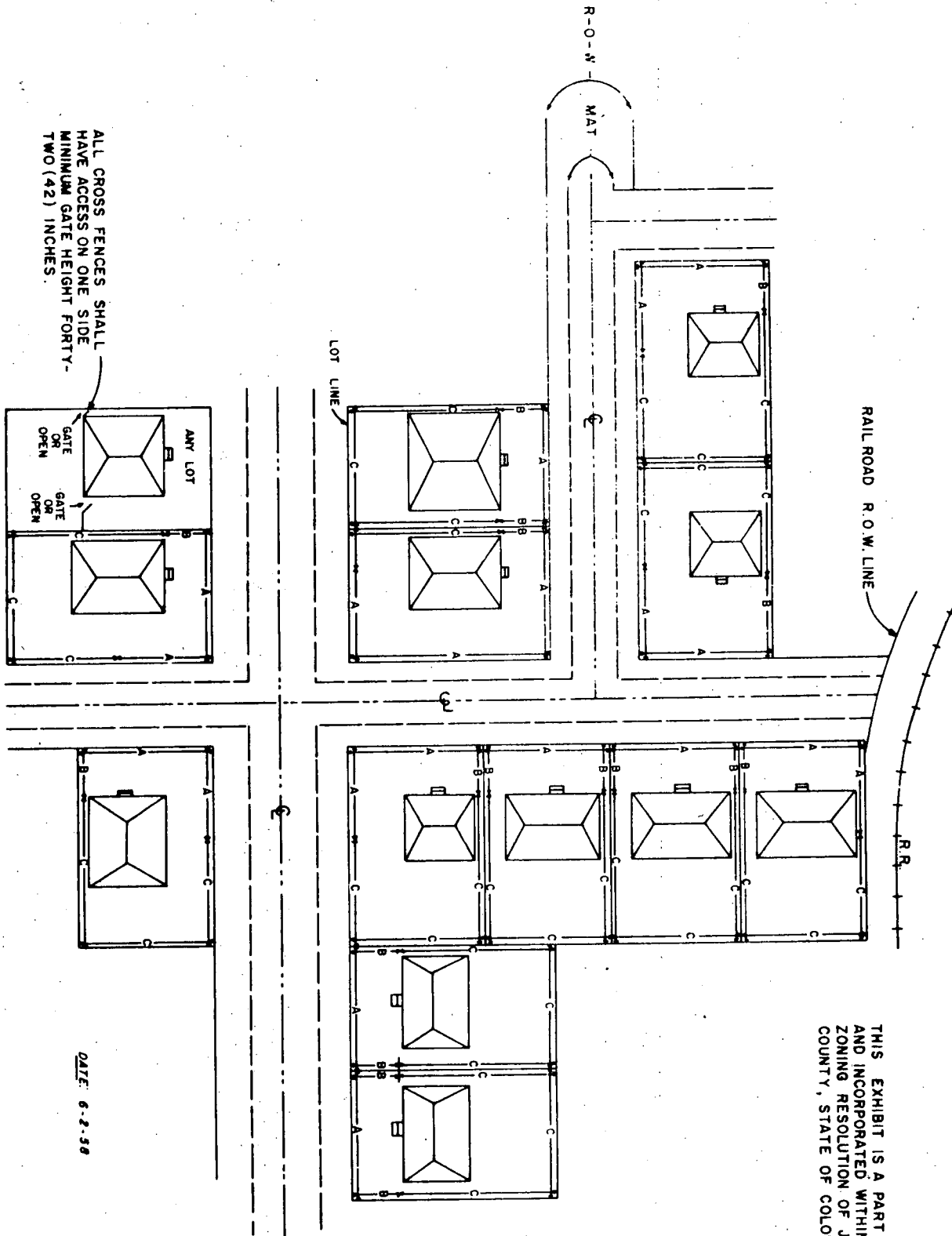
1. Fences and/or walls within the R-C, R-C1, C-1 and C-2 Districts shall conform to the following requirements:  
(Orig. 2-14-56; Amend. 10-30-70)
  - a. Section 3-1, Subsection A, except front yard class 2 or 3 fences may be erected in the front yard up to a maximum height of seventy (72) inches.  
(Orig. 12-26-62; Amend. 10-30-70)
  - b. Side and rear yard, class 1, 2, 3, 4, 5 or 6 fences and/or walls may be erected up to a maximum height of seventy-two (72) inches, except that Section 3-1 to Subsection A shall prevail at all intersections.  
(Orig. 12-26-62; Amend. 10-30-70)

### F. INDUSTRIAL DISTRICTS

1. Fences and/or walls for all public buildings, grounds and/or any public structure shall conform to the following requirement:  
(Orig. 2-14-56; Amend. 10-30-70)
  - a. Section 3-1, Subsection A except that class 2 or 3 fences shall be permitted with no height regulation.  
(Orig. 12-26-62; Amend. 10-30-70)
  - b. Class 1, 2, 3, 4, 5, 6 or 7 fences and/ or walls, no height regulation.  
(Orig. 12-26-62; Amend. 10-30-70)



# SECTION 3-1



This explanatory illustration is adopted as and made a part of the Zoning Ordinance of the City of Lakewood

## SECTION 3-1

### G. ALL PUBLIC BUILDINGS, GROUNDS AND ANY PUBLIC STRUCTURE

1. Fences and/or walls for all public buildings, grounds and/or any public structure shall conform to the following requirement:  
(Orig. 12-26-62; Amend. 10-30-70)
  - a. Section 3-1, Subsection A except that class 2 or 3 fences shall be permitted with no height regulation.  
(Orig. 12-26-62; Amend. 10-30-70)

### H. MEASUREMENT OF ALL FENCE AND/OR WALL HEIGHT AND/OR LOCATIONS

1. All fences and/or wall height shall be measured from the lot line.  
(Orig. 12-26-62; Amend. 10-30-70)
2. All locations for distance measurements shall be measured from the lot line.  
(Orig. 12-26-62; Amend. 10-30-70)

### I. HEIGHT OF ANY BARBED WIRE OR SHARP POINTED FENCE

1. No barbed wire or sharp pointed fence will be permitted under a height of seventy-two (72) inches in any zoned district with the exception of the A-1 and A-2 zoned districts.  
(Orig. 12-26-62; Amend. 10-30-70)

### J. HEIGHT OF FENCES ATOP RETAINING WALLS

1. A combination fence and retaining wall may be erected to a height of seventy-two (72) inches above the higher finished grade or ninety-six (96) inches above the lower finished grade, said measurement to be made at the property line, with the exception that the fence portion may not exceed seventy-two (72) inches above the higher finished grade.  
(Orig. 12-26-62; Amend. 10-30-70)

## SECTION 3-2: PARKING REQUIREMENTS

### A. PURPOSE - MAINTENANCE OF OFF-STREET PARKING SPACE

No land shall be used or occupied, no structures shall be designed, erected or altered and no use shall be operated unless the off-street parking space herein required is provided in at least the amount and maintained in the manner set forth.

If after the effective date of this Ordinance, land uses and structures are expanded or changed to require a greater amount of off-street parking space, the amount of off-street parking space required to be furnished and maintained in accordance with the following regulations, shall be furnished.

The surface of parking stalls, aisles and truck standing spaces shall be treated, prepared and maintained for drainage and the elimination of dust and dirt.  
(Orig. 12-9-57; Amend. 10-30-70)

### B. SCOPE OF REGULATIONS

1. All parking spaces, required for any use and provided in compliance with the provisions of this section, shall be considered to be required spaces for the use or uses necessary and shall not be reduced or infringed upon in any manner.  
(Orig. 12-9-57; Amend. 10-30-70)
2. All required parking stalls should be located on the premises to which such requirements apply or within off-street space not distant more than five hundred (500) feet from such premises, provided that such stalls as are required for employees and proprietors of any premises may be located in an off-street parking space distant not more than one thousand (1000) feet from such premises.  
(Orig. 12-9-57; Amend. 10-30-70)
3. Provision of parking stalls shared jointly by several persons in the same block or in the same vicinity is permissible, in which case, the number of stalls required shall be the sum total of the individual requirements provided.  
(Orig. 12-9-57; Amend. 10-30-70)

## SECTION 3-2

Where it is found by the Board of Adjustment, upon application thereto, that the parking demand engendered by the different uses, included in any joint arrangements to provide parking stalls required herein, occurs at a definite different times of day, as in the case of a theater generating demand for parking after normal business hours and store generating demand for parking during such daytime hours and in such similar cases, the Board may reduce the total number of parking stalls to be jointly provided.

(Orig. 12-9-57; Amend. 10-30-70)

4. In a case where it is clearly shown by the applicant, to the satisfaction of the Board of Adjustment, that the provision of the amount of the space required herein for parking stalls, because of the particular nature of a proposed use, would be unnecessary, particularly difficult or create unnecessary hardship, the Board of Adjustment may reduce such requirements.

(Orig. 12-9-57; Amend. 10-30-70)

### C. APPLICATION FOR APPROVAL:

All applications for approval of a parking plan filed with the Department of Community Development by the owner of the land area designated in the plan, shall contain such information and representations required in this Ordinance as may be deemed necessary by the Department of Community Development such application shall also include the plans showing the following detail:

(Orig. 12-9-57; Amend. 10-30-70)

1. The location of the uses or structures of which offstreet parking are required.  
(Orig. 12-9-57; Amend. 10-30-70)
2. The size of the structure of which off-street parking spaces are required.  
(Orig. 12-9-57; Amend. 10-30-70)
3. The location at which the off-street parking space is to be located.  
(Orig. 12-9-57; Amend. 10-30-70)
4. All applications, hereunder, shall be reviewed by the Zoning Administrator and shall either be approved or disapproved.  
(Orig. 12-9-57; Amend 10-30-70)

SECTION 3-2:

D. APPROVAL OF PLANS:

Upon the approval of any parking plan, hereunder, a copy of such plan shall be registered among the records of the Zoning Administrator or, in the case of new construction, a copy of the parking plan shall be registered with the Building Permit.

(Orig. 19-9-57; Amend. 10-30-70)

E. PARKING SPACE REQUIREMENTS:

1. For the purpose of this Ordinance, one parking stall shall not be less than three hundred (300) feet in area to include that area which is required for means of ingress or egress thereto.

(Orig. 12-9-57; Amend. 10-30-70)

2. A driveway for access, to any single parking stall or to a parking lot, shall be not less than twelve (12) feet in width nor more than thirty (30) feet in width at the property line along the street. It shall be so located as to minimize traffic hazards and congestion. All residential driveway widths shall be not more than twenty (20) feet.

(Orig. 12-9-57; Amend. 10-30-70)

F. OFF-STREET PARKING SPACE REQUIRED:

Off-street parking space, except in commercial and industrial districts, shall be provided at a ratio of one parking stall for:

(Orig. 12-9-57; Amend. 10-30-70)

1. Each dwelling unit in any dwelling group or other building.  
(Orig. 12-9-57; Amend. 10-30-70)
2. Each guest room or sleeping room in any automobile court or tourist home and each camp unit in any automobile camp or trailer park.  
(Orig. 12-9-57; Amend. 10-30-70)
3. Each two guest rooms in any hotel, boarding house, fraternity house, sorority house or dormitory in addition to the number of parking stalls required for dining and entertainment uses.

(Orig. 12-9-57; Amend. 10-30-70)

SECTION 3-2:

4. Each three beds in any hospital.  
(Orig. 12-9-57; Amend. 10-30-70)
5. Each five beds in any sanitarium, convalescent home or similar establishment.  
(Orig. 12-9-57; Amend. 10-30-70)
6. Each three seats or similar accommodations in any restaurant, theatre, auditorium, entertainment facility halls for meetings, dancing or social events and other uses where seats or similar accommodations are provided for gathering of six or more persons.  
(Orig. 12-9-57; Amend. 10-30-70)
7. Churches shall provide an area equal to one quarter of the total church lot exclusive of park or playground area, or one parking space per each three seats in the sanctuary, whichever is the larger.  
(Orig. 12-9-57; Amend. 10-30-70)
8. Each ten children as determined by the average daily attendance of a child care facility as defined in Section 3-6, and, in addition, one for each on-duty employee thereof.  
(Orig. 9-13-73)

G. COMMERCIAL AND INDUSTRIAL REQUIREMENTS

1. There shall be provided at least three (3) square feet of gross parking area for each one (1) square foot of gross floor area in any business or commercial use and three (3) square feet of gross parking area for each one (1) square foot of basement floor area in retail use. For such establishments as drive-in markets and similar other business catering to drive-in patronage, the required ratio shall be one (1) parking stall per each fifty (50) square feet of ground floor area.  
(Orig. 12-9-57; Amend. 10-30-70)
2. For those uses classified as office buildings or for professional services, not involved in retail trade, there shall be provided two (2) square feet of gross parking area per one (1) square foot of gross floor area.  
(Orig. 12-9-57; Amend. 10-30-70)

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3. There shall be provided one (1) parking stall for each three (3) persons, including proprietors, for maximum employment in a single shift in any industrial district. If the industrial district is to be used for commercial purpose, the above requirement for commercial zones shall apply. For those industrial uses allowed in commercial districts, the industrial requirements shall apply.  
(Orig. 12-9-57; Amend. 10-30-70)

H. OFF-STREET LOADING SPACE REQUIRED:

For each manufacturing or industrial use, there shall be provided off-street truck loading on the lot. Such space is to be not less than thirty-five (35) feet in length, twelve (12) feet in width and fifteen (15) feet in height.  
(Orig. 12-9-57; Amend. 10-30-70)

For structures containing less than twenty-five thousand (25,000) square feet of gross floor area, there shall be provided one (1) loading space.  
(Orig. 12-9-57; Amend. 10-30-70)

For structures containing twenty-five thousand (25,000) square feet or more of gross floor area, the number of loading spaces specified in the following table shall apply:  
(Orig. 12-9-57; Amend. 10-30-70)

<u>SQ. FT. OF GROSS FLOOR AREA</u>	<u>MIN. REQUIRED NO. OF SPACES</u>
25,000 up to and including 40,000 sq. ft.	2
40,001 up to and including 100,000 sq. ft.	3
100,001 up to and including 160,000 sq. ft.	4
160,001 up to and including 240,000 sq. ft.	5
240,001 up to and including 320,000 sq. ft.	6
320,001 up to and including 400,000 sq. ft.	7
For each additional 90,000 sq. ft. over 400,000 sq. ft.	1 additional space

(Orig. 12-9-57; Amend. 10-30-70)

## SECTION 3-3: SIGN CODE (Amend. 7-3-76)

### A. PURPOSE

It is the purpose of this ordinance to promote, preserve and protect the health, safety, and general welfare of the present and future inhabitants of the City by providing reasonable regulations and standards relating to signs, as hereinafter set forth, to lessen congestion in the streets, provide for the promotion of traffic safety and the orderly movement of traffic, provide adequate light and air, protect and enhance the overall appearance of the community, and to conserve the value of buildings and encourage the most appropriate use of land throughout this municipality. This code recognizes and subscribes to the right of businessmen to advertise their businesses upon their own business premises and, in proper circumstances, upon the premises of others; subject to reasonable regulations herein set forth for the purposes and reasons heretofore indicated.

### B. DEFINITIONS

1. Animated Sign. Any sign or any part thereof, which changes physical position in any movement or rotation.
2. 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.
3. Building Code. The Building Code of the City of Lakewood, as adopted by Ordinance No. 0-75-2 of 1975, as amended.
4. Building Front. One exterior wall of a building facing a front line of a lot; or in the event that the primary entrance is located on an exterior wall which is not the front line of the lot, the building front shall be the exterior wall containing the primary entrance to the building.



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5. Directional Sign. Any sign that directs the movement or placement of pedestrian or vehicular traffic on a lot with or without reference to, or inclusion of, the name of a product sold or service performed on the lot or in a building, structure or business enterprise occupying the same.
6. Display Surface. The display surface is the area made available by the sign structure for the purpose of displaying the advertising message.
7. Facade. Any face (as on a street or court) of a building given special architectural treatment; a false, superficial or artificial appearance or effect.
8. Flashing Signs. Any directly or indirectly illuminated sign either stationary or animated, which exhibits changing natural or artificial light or color effects by any means whatsoever.
9. Grade. The average elevation of the ground at the common boundary line of the street and the property or sidewalk and property line, not including common boundary lines with freeways.
10. Ground Sign. 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.
11. Identification Signs. Signs on any lot containing more than one (1) legal use. Said signs may be either ground signs or wall signs. The contents of said signs are limited to the name, telephone number, location of the use upon the lot, hours of operation, services and products offered, events and public service announcements.
12. Illuminated Sign. A sign lighted by or exposed to artificial lighting either by lights on or within the sign or directed towards the sign.
13. Legal Use. A "legal use" as used herein shall be deemed to mean a "use by right," i.e., any use of realty lawfully established in conformity with law and ordinance (or zoning resolution) 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, and any accessory use or uses incidental to and commonly associated with such lawfully established uses. As used herein, the term "legal use" is sometimes used for the purpose of referring to the person, firm or corporation entitled to a "legal use".
14. Marquee. A permanent roof structure attached to and entirely supported by a wall of a building, having no connection or relationship with the roof of the building to which it is attached.

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15. Marquee Sign. Any sign attached to the marquee.
16. Off-Premises Sign. 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.
17. Parapet Wall. A low wall or protective railing along the edge of a roof, balcony or terrace.
18. Permanent Sign. A sign constructed of durable material and affixed, lettered, attached to or placed upon a fixed, nonmoveable, non-portable supporting structure.
19. Political Sign. A sign advertising or promoting a candidate, political party, ballot issue or political issue to be voted upon in any public election.
20. Projecting Sign. A sign which projects from a wall or roof and is supported by a wall or roof of a building.
21. Roof Line. The highest point on any building where an exterior wall encloses usable floor area including roof area provided for housing or screening mechanical equipment.
22. Roof Sign. Roof sign shall mean a sign erected upon or above the roof or parapet of the building or structure.
23. Sign. Any object or device, or part thereof, situated outdoors or indoors, and which object or device or the effect produced is to advertise, announce, identify, declare, demonstrate, display, instruct, direct or attract attention by means including, but not limited to, words, letters, figures, designs, fixtures, colors, motions, illumination, sound, and projecting images. Sign, however, does not include the following items:
  - (a) Flags of nations, or an organization of nations, states, cities or fraternal, religious or civic organizations;
  - (b) Merchandise or models of products or services incorporated in a window display;
  - (c) National, state, religious, fraternal, professional or civic symbols or crests;
  - (d) Scoreboards on athletic fields; and

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- (e) In residential neighborhoods, announcements of charitable or public service functions or participation as long as such announcements are located on the same developed lot as the building housing the person or group of persons participating in such functions or services. Such announcements may include but not be limited to: helping hand symbols, announcement of church bazaars or rummage sales, or announcement of participation in money-raising projects for charitable purposes. Such announcements may also include announcement of private garage sales so long as said announcements are located on the same developed lot as the person conducting the garage sale.
24. Sign Message. Sign message is the thought or idea conveyed or expressed by the words, letters, insignia, figures, designs, fixtures, colors, motion, illumination, sound or projecting images or any combination thereof used on any one lot.
25. 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 of the City of Lakewood.
26. Sign Structure. 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 message conveyed by the sign.
27. 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.
28. 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.
29. 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.
30. Superintendent of Code Enforcement. The chief administrative officer of the Division of Code Enforcement of the Department of Community Development of the City of Lakewood.
31. Temporary Sign. Temporary sign shall include, but not be limited to, any exterior sign, banner, pennant, valance or advertising display:
- (a) Which is constructed of cardboard, paper, cloth, canvas, fabric, plywood, lightweight plastic or other lightweight material, with or without frame; or

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- (b) Which is designed for short-term use, or to be moved about from place to place, or not permanently affixed to a fixed, nonmoveable, nonportable, 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;

Provided, however, that 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.

32. Time and/or Temperature Devices. Signs consisting of devices which provide time or temperature information.
33. Wall Sign. A sign attached to, painted on, or erected against a wall or parapet wall of a building, structure or fence whose display surface is parallel to the face of the building, structure or fence and whose height does not exceed the height of the wall, structure or fence to which said sign is attached, painted upon or against which said sign is erected.
34. Window Sign. A sign which is applied or attached to or located within one foot (1') of the interior of a window, which sign can be seen through the window from the exterior of the structure.

C. SIGNS NOT SUBJECT TO PERMITS

The following signs may be erected and maintained in all districts without permit:

1. Bulletin Boards. Bulletin boards not over twenty (20) square feet in area for public, charitable or religious institutions where the same are located on the premises of said institutions and are set back ten feet (10') from all boundary lines of the lot, provided that a clear area be maintained to a height of seventy-two inches (72") within fifty-five feet (55') of the intersection of two streets, a railroad and a street, and a street and a driveway.
2. Cautionary or Warning Signs. Signs limited to sign messages warning of defect in construction of buildings, fences, walkways, parking areas, roadways or other structures, or signs warning of other hazards for the protection of persons or property in the immediate area of the sign. Said signs shall not exceed two (2) square feet in area per sign.
3. Contractor Signs Not more than twelve (12) square feet in area naming the contractors engaged in the construction on the property where

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the sign is located, the financing agency financing the construction on the property where the sign is located, or the realtor promoting the construction where the sign is located. Said signs shall be set back ten feet (10') from all boundary lines of the lot, provided that a clear area be maintained to a height of seventy-two inches (72") within fifty-five feet (55') of the intersection of two streets, a railroad and a street, or a street and a driveway.

4. Grand Openings. Signs, as defined herein, will be permitted at the initial opening of a new business, except for such signs placed in the open bed of a vehicle, or printed, affixed, lettered, placed upon or attached to a vehicle. "Grand openings" shall be conducted within sixty (60) days of the initial occupancy of the building by the new owner, lessee or tenant, and may be conducted for a period not to exceed seven (7) consecutive days. Signs of this nature shall be placed upon the premises in such manner as to meet the locational requirements established for permanent signs. A minimum of ten (10) days prior to such grand opening, the owner of such business shall contact the Division of Code Enforcement of the Department of Community Development of the City of Lakewood. Such notification shall be in writing and contain the name of the business, its location, the zone district within which it is conducted, the name of the individual who will be responsible for such signs, and the specific seven (7) days during which such signs will be utilized.
5. Holiday Decorations. Signs in the nature of decorations, clearly incidental, customarily and commonly associated with any national, local or religious holiday, may be of any type, number, area, height or illumination and shall be set back ten feet (10') from all boundary lines of the lot, provided that a clear area be maintained to a height of seventy-two inches (72") within fifty-five feet (55') of the intersection of two streets, a railroad and a street, and a street and a driveway; provided, however, that such signs shall be displayed for a period of not more than sixty (60) consecutive days nor more than sixty (60) days in any one year.
6. Memorial Signs, Religious Symbols. Memorial signs or tablets, name of building and date of erection, when cut into any masonry surface or inlaid so as to be part of the building or when constructed of bronze or other incombustible material, or religious symbols or statuary constructed as an integral part of any building housing a place of worship or as an integral part of the landscaping surrounding any building housing a place of worship.
7. Occupant Signs. Signs limited in content to the name of the occupant or occupants and address of the premises. Occupant signs shall not exceed two (2) square feet per sign in area and are limited to two (2) such signs per street front. Said signs shall not be located more than ten feet (10') above the grade of the lot. Occupant signs shall not be illuminated from other than a concealed light source and shall not flash, blink, fluctuate or be animated.

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8. Political Signs. Signs concerning candidates and/or issues to be considered at a public election shall meet the following requirements:
  - (a) Shall not exceed four (4) square feet in area;
  - (b) Shall not be posted more than forty-five (45) days prior to the election for which such signs are erected and shall be removed within fifteen (15) days after said election;
  - (c) Shall be set back ten feet (10') from all boundary lines of the lot upon which a sign is located, provided that a clear area is maintained to a height of seventy-two inches (72") within fifty-five (55') of the intersection of two streets, a railroad and a street, and a street and a driveway;
  - (d) Shall not be posted or erected on any property owned by a public utility in any public right-of-way, or on any public property;
  - (e) Shall not be erected or maintained along any street or highway in a Residential, Agricultural or Conservation Zone; and
  - (f) Notwithstanding any other provision of this Section 3-3, political signs may be printed, painted upon or attached to motor vehicles during the time period provided in Section C(8)(b).
9. Professional. Name plate signs not more than two (2) square feet in area which are fastened directly to the building and do not project more than six inches (6") from the surface to which the sign is attached.
10. Public Signs. Signs required or authorized for any public purpose by any law, statute or ordinance; which may be of any type, number, area, height above grade, location, illumination, or animation as required by the law, statute or ordinance under which the signs are erected.
11. Real Estate. Signs which advertise the sale, rental or lease of the premises upon which said signs are located shall meet the following requirements:
  - (a) Shall not be more than five (5) square feet per face for residential property and twenty (20) square feet per face for commercial and industrial property;
  - (b) Shall be set back ten feet (10') from all boundary lines of the lot; provided that a clear area be maintained to a height of seventy-two inches (72") within fifty-five feet (55') of the intersection of two streets, a railroad and a street, or a street and a driveway.
  - (c) Shall be limited to one sign per lot, of no more than two faces.

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12. Signs within Buildings, Enclosed Malls or other Enclosures. Any sign that is placed back one foot (1') or more from the inside surface of a window shall not be subject to the provisions of this ordinance; provided that said signs may not be animated by means of flashing lights that may be seen from the exterior of the building, enclosed malls or other enclosures and provided further that said signs meet the requirements of the Building Code.
13. Sandwich Boards and Hand-held Signs. Notwithstanding any other provision of this Section 3-3, signs favoring or opposing political candidates, or religious signs, or signs relating to public issues, or otherwise in exercise of the right of free speech guaranteed by the First Amendment to the Constitution of the United States, including, but not limited to, picket signs, may be printed, painted upon, or attached to sandwich boards carried or worn by any person, or may be held and carried by hand.

D. SIGNS NOT PERMITTED

Subject to the provisions of Sections E, F, and I hereof, the following types of signs are expressly prohibited in all districts, and no permits shall be issued therefor:

1. All temporary signs as defined in Section B(31) hereof, except for such signs used during the specifically permitted grand openings as provided in Section C(4).
2. Balloons or similar types of lighter-than-air objects, except that balloons and lighter-than-air objects which are subject to Federal Aviation Administration regulations because of their use or flight pattern are not regulated by this paragraph.
3. Search lights, except those used by emergency vehicles.

E. PERMITTED SIGNS IN ALL ZONE DISTRICTS

The following signs are permitted in all zone districts, subject to a permit:

1. Directional Signs. Signs giving parking directions shall be no more than twelve (12) square feet per face in sign area and no

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more than eight (8) feet in height above grade; provided, however, that such signs do not obstruct the visibility of traffic-control devices and signs. There may be four signs per curb cut, provided that the total sign area of all signs per curb cut does not exceed twelve (12) square feet. Such signs may be illuminated from a concealed light source which does not flash, blink or fluctuate, but such signs may not be animated. Twenty-five (25%) percent (i.e., no more than four square feet) of the sign area may be used to list the name or names of the uses for which the parking is provided. Directional signs are limited to wall and ground signs.

2. Political Signs. Political signs are limited to wall signs and temporary signs whose frames extend into the ground. Such signs shall not exceed thirty-two (32) square feet in face area in any instance. Political signs shall not be posted more than twelve feet (12') above grade and shall be at least ten feet (10') from the lot line, provided that a clear area be maintained to a height of seventy-two inches (72") within fifty-five feet (55') of the intersection of two streets, the intersection of a street and a railroad, or the intersection of a street and a driveway. Political signs shall not be illuminated or animated. Political signs shall not be erected more than forty-five (45) days prior to the election to which the signs relate and shall be removed by the person or persons erecting or causing the signs to be erected no more than fifteen (15) days after the election to which the signs relate; provided, however, no person shall erect or maintain any type of advertising device intended to promote the candidacy or election of any public official along any street or highway in a Residential, Agricultural or Conservation Zone.

### F. SIGNS SUBJECT TO A PERMIT IN SPECIFIC ZONE DISTRICTS

The following signs may be erected and maintained in the following Zone Districts upon application to and issuance by the Department of Community Development, Division of Code Enforcement of a permit therefor:

1. C-0, A-1, A-2, R-1, R-1A, R-1B, R-2, R-3A, R-3 and R-4 Zone Categories.
  - (a) General. Signs may be erected, altered and maintained only for and by the legal uses in the district in which the signs are located. Said signs shall be located on the same lot as the legal use and shall be clearly incidental to, and customarily and commonly associated with, the operation of the legal use; provided, however, that no sign of any type shall be erected or maintained for or by a single unit dwelling, duplex or triplex, except signs permitted in all districts.
  - (b) Permitted Contents. Identification by letter, numeral, symbol or design of the legal use, stating the name, telephone number, location of the use upon the lot, hours of operation, services and products offered, events and public service announcement.



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- (c) Permitted Sign Types. Wall and ground
- (d) Permitted Maximum Sign Area. Twenty (20) square feet or, in lieu thereof, two (2) square feet of sign area for each one thousand (1,000) square feet of lot area; provided, however, that such sign area shall not exceed ninety-six (96) square feet of the total sign area for each lot, and provided, further, that no more than two (2) signs are allowed and that no one sign may exceed forty-eight (48) square feet.
- (e) Permitted Maximum Height Above Grade.
  - (1) Wall signs - twenty feet (20')
  - (2) Ground signs - twelve feet (12')
- (f) Permitted Location.
  - (1) Wall Signs. Shall be set back from the boundary lines of the lot on which they are located the same distance as a building containing the legal use. Wall signs may not project more than eighteen inches (18") from the surface to which they are attached. Such signs may not be hazardous to public safety or vehicular and pedestrian traffic.
  - (2) Ground Signs. Ten feet (10') from any boundary line of the lot; provided, that a clear area be maintained to a height of seventy-two inches (72") within fifty-five feet (55') of the intersection of two streets, a railroad right-of-way and a street, or a driveway and a street.
- (g) Permitted Illumination. May be illuminated but only from a concealed light source and shall not flash, blink or fluctuate, nor shall red, green, or yellow lights be allowed within fifty-five feet (55') of the intersection of two streets, when the lights may be mistaken for traffic signal devices in the opinion of the Transportation Administrator of the City of Lakewood.
- (h) Animation. Shall not have moving, rotating or otherwise animated parts.
- (i) Contractor and Real Estate Signs. Subject to the conditions regarding dimensions and setback from the lot lines as herein-after set forth, any person who desires to erect a contractor sign, as defined in Subsection C(3) hereof, and/or real estate sign, as defined in Subsection C(11), hereof must apply for and receive a permit from the Division of Code Enforcement, Department of Community Development. No such sign shall be maintained for a period of more than twelve (12) calendar months and shall not be renewed for more than two (2) consecutive periods at the same location.

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- (1) Permitted Types of Contractor and Real Estate Signs. Wall and ground signs.
- (2) Permitted Maximum Number of Contractor and Real Estate Signs. One (1) sign for each lot.
- (3) Permitted Sign Area of Contractor and Real Estate Signs. Twenty (20) square feet or in lieu thereof, two (2) square feet of sign area for each acre of lot, but not to exceed two hundred (200) square feet.
- (4) Permitted Maximum Height Above Grade of Contractor and Real Estate Signs. Twelve feet (12')
- (5) Permitted Location of Contractor and Real Estate Signs. Shall be set back ten feet (10') from all boundary lines of the lot; provided that a clear area be maintained to a height of seventy-two inches (72") within fifty-five feet (55') of the intersection of two streets, and a railroad right-of-way and a street, or driveway and a street.
- (6) Permitted Illumination of Contractor and Real Estate Signs. May be illuminated, but only from a concealed light source; shall not remain illuminated between the hours of 11:00 p.m. and 6:00 a.m.; and shall not flash, blink, fluctuate or have otherwise moving parts.

2. R-C1 and R-T Districts.

- (a) General. Signs may be erected, altered and maintained only for and by the legal uses in the district in which the signs are located, shall be located on the same lot as the legal use, and be clearly incidental to, and customarily and commonly associated with, the operation of the legal use; provided, however, that no sign of any type shall be erected or maintained for or by a single-unit dwelling, duplex or triplex, except signs permitted in all districts.
- (b) Permitted Contents. Identification by letter, numeral, symbol or design of the legal use stating the name, telephone number, location of the use upon the lot, hours of operation, services and products offered, events and public service announcements.
- (c) A Single Use in a Building or Structure
  - (1) Permitted Sign Types. Wall, marquee, time and temperature, ground and grand opening signs as permitted in Subsection C(4); provided, however, that the applicant for a sign permit must elect either Category A or Category B at the time of application.
  - (2) Permitted Sign Area.

I. Category A (Wall signs only)

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1. Permitted Square Footage. (A) For a building or structure having but one use, thirty-six (36) square feet of sign area or, in lieu thereof, one (1) square foot of sign area for each one linear foot of street frontage; provided, however, that in computing the area of such signs no more than two (2) contiguous street fronts shall be used, nor shall frontage along vacant or undeveloped land be considered. In no case shall such sign exceed two hundred (200) square feet in total sign area, and provided further, that the total sign area does not exceed twenty-five percent (25%) of the total building frontage wall.  
  
(B) If the sign area allowed by the computation of twenty-five percent (25%) of the total building frontage wall is less than that allowed when computing one (1) square foot for one (1) linear foot of street frontage, the excess that would be allowed by the street frontage computation may be allowed on the other building walls, provided that only twenty-five percent (25%) of each wall is covered by any sign.
2. Permitted Height. Signs in this category may be erected to the full height of the building, but shall not be higher than the roofline, which for purposes of this section includes the parapet wall, but not facades.
3. Permitted Maximum Number. Five (5) signs per building or structure.
4. Permitted Illumination. May be illuminated, but only from a concealed light source, and shall not have moving or animated parts.
- II. Category B. (Marquee, wall, time and temperature and ground)
  1. Permitted Square Footage. For a building or structure having but one use, twenty-five (25) square feet or, in lieu thereof, one (1) square foot of sign area for each two linear feet of street frontage; provided, however, that in computing the area of such signs no more than two contiguous street fronts shall be used, nor shall frontage along vacant or undeveloped land be considered. In no case shall any individual sign exceed thirty-five (35) square feet in area nor shall total sign area of any use exceed one hundred (100) square feet.
  2. Permitted Height. (i) Marquee, wall and time and temperature signs in this category may be erected to the full height of the building, but shall not be higher than the

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roofline, which for purposes of this section includes the parapet wall, but not facades. (ii) Ground signs shall not exceed twenty (20) feet in height.

3. Permitted Maximum Number. Five (5) signs per building or structure.
4. Permitted Illumination. May be illuminated, but only from a concealed light source, and shall not have moving or animated parts.

(d) Multiple Uses in a Building or Structure.

- (1) Permitted Sign Types. Wall, marquee, time and temperature, and ground.
- (2) Permitted Sign Area. For a building or structure having two or more uses, twenty (20) square feet or, in lieu thereof, one square foot of sign area for each linear foot of building frontage occupied by a first floor use. The maximum sign area allowed for any such structure shall be ninety-six (96) square feet.
- (3) Permitted Maximum Number. Three (3) signs per building front or exterior wall exposure for each legal use on the first floor. Uses on second floor and floors above second floor may be identified by Joint Identification Sign only as authorized in Paragraph (e) of Subsection F of this Section.
- (4) Permitted Maximum Height Above Grade. (i) Marquee, wall and time and temperature signs in this category may be erected to the full height of the building, but shall not be higher than the roofline, which for purposes of this section includes the parapet wall, but not facades. (ii) Ground signs shall not exceed twenty feet (20') above grade.
- (5) Permitted Illumination. May be illuminated but only from a concealed light source but shall not have moving or animated parts.

(e) Identification Signs. Notwithstanding any other restrictions on sign area and types of signs in this section, identification signs shall be allowed on any lot containing more than one (1) legal use.

- (1) Permitted Sign Types. Wall or ground.
- (2) Permitted Sign Area. Twenty (20) square feet of sign area or, in lieu thereof, one square foot of sign area for each two (2) linear feet of street

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frontage; provided, however, that in computing the area of signs no more than two (2) contiguous street fronts shall be used, nor shall frontage along vacant or undeveloped land be considered. In no event shall any such sign be over fifty (50) square feet in total area.

- (3) Permitted Maximum Number. One (1) per street front, no more than two (2) signs.
- (4) Permitted Contents. Identification by letter, numeral, symbol or design of a legal use stating the name, telephone number, location of the use upon the lot, hours of operation, services and products offered, events and public service announcements.
- (5) Permitted Maximum Height Above Grade. (i) Signs in this category may be erected to the full height of the building, but shall not be higher than the roofline, which for purposes of this section includes the parapet wall, but not facades. (ii) Ground signs shall not exceed twenty feet (20').
- (6) Permitted Location.
  - (1) Wall Signs. Shall be set back from the boundary line of the lot on which they are located the same distance as a structure containing a legal use; provided, however, that wall signs may not project more than eighteen inches (18") from the surface to which they are attached. Such signs may not be hazardous to public safety or vehicular and pedestrian traffic.
  - (2) Ground Signs. Ten feet (10') from any boundary line of the lot.
- (7) Permitted Illumination. May be illuminated, but only from a concealed light source and shall not flash, blink or fluctuate, nor shall red, green, or yellow lights be allowed within fifty-five feet (55') of the intersection of two streets when the lights may be mistaken for traffic signal devices in the opinion of the Transportation Administrator of the City of Lakewood.
- (f) Animation. Shall not have moving, rotating or otherwise moving parts; provided, however, that barber poles shall be allowed to rotate.
- (g) Contractor and Real Estate Signs. Subject to the conditions regarding dimensions and set-back from the lot as hereinafter set forth, any person who desires to erect a contractor sign, as defined in Subsection C(3) hereof and/or real estate sign, as defined in Subsection C(11) hereof, shall

apply for and receive a permit from the Division of Code Enforcement, Department of Community Development. No such sign shall be maintained for a period of more than twelve (12) calendar months and shall not be renewed for more than two (2) consecutive periods at the same location.

- (1) Permitted Types of Contractor and Real Estate Signs. Wall and contractor and real estate signs whose frames extend into the ground.
  - (2) Permitted Maximum Number of Contractor and Real Estate Signs. One (1) sign for each lot.
  - (3) Permitted Area of Contractor and Real Estate Signs. Twenty (20) square feet or two (2) square feet of sign area for each acre of lot not to exceed two hundred (200) square feet.
  - (4) Permitted Maximum Height Above Grade. Twelve feet (12').
  - (5) Permitted Location of Contractor and Real Estate Signs. Shall be set back ten feet (10') from all boundary lines of the lot; provided that a clear area be maintained to a height of seventy-two inches (72") within fifty-five feet (55') of the intersection of two streets, a railroad right-of-way and a street, or a driveway and a street.
  - (6) Permitted Illumination of Contractor and Real Estate Signs. May be illuminated but only from a concealed light source.
  - (7) Animation of Contractor and Real Estate Signs. Shall not have moving, rotating or otherwise animated parts.
  - (h) Window signs. Notwithstanding any other restrictions regarding window signs in all commercial and industrial zone districts, ten (10) square feet of the total window area may be used for public service messages regarding services offered, hours of operation, or other such information.
3. R-C, C-1, C-2, IT-1, IT-2, IT-3, IT-4 Districts.
- (a) General. Signs may be erected, altered and maintained only for and by legal uses in the district in which the signs are located, shall be located on the same lot as the legal use, and be clearly incidental to, and customarily and commonly associated with, the operation of the legal use; provided, however, that no sign of any type shall be erected or maintained for or by a single unit dwelling, duplex or triplex, except signs permitted in all districts.
  - (b) Permitted Contents. Identification by letter, numeral symbol or design of a legal use stating the name, telephone number, location of the use upon the lot, hours of operation, services offered, events, public service announcements, products offered and prices on products and/or services.

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(c) A Single Use in a Building or Structure.

(1) Permitted Sign Types. Wall, marquee, time and temperature, ground, and grand opening signs as permitted by Subsection C(4).

(2) Permitted Sign Area.

I. Category A (Wall signs only)

1. Permitted Square Footage. (A) For a building or structure having but one use, seventy-five (75) square feet of sign area or, in lieu thereof, three square feet of sign area for one linear foot of street frontage; provided, however, that in computing the area of such signs no more than two (2) contiguous street fronts shall be used, nor shall frontage along vacant or undeveloped land be considered. In no case shall such signs exceed 1200 square feet in total sign area; and provided, further, that the total sign area does not exceed twenty-five percent (25%) of the total building frontage wall.

(B) If the sign area allowed by the computation of twenty-five percent (25%) of the total building frontage wall is less than that allowed when computing three (3) square feet for one (1) linear foot of street frontage, the excess that would be allowed by the street frontage computation may be allowed on the other building walls, provided that only twenty-five percent (25%) of each wall is covered by any sign.

2. Permitted Height. Signs in this category may be erected to the full height of the building, but shall not be higher than the roofline, which for purposes of this section includes the parapet wall but not facades.

3. Permitted Maximum Number. Five (5) signs per building or structure.

4. Permitted Illumination. May be illuminated, but only from a concealed light source, and shall not have moving or animated parts.

II. Category B (Marquee, wall, time and temperature and ground)

1. Permitted Square Footage. For building or structure having but one use, fifty (50) square feet or, in lieu thereof, one (1) square foot of sign area for each

- (3) Permitted Maximum Number. One (1) per street front, no more than two (2) signs.
- (4) Permitted Contents. Identification by letter, numeral, symbol or design of the legal use stating the name, telephone number, location of the use upon the lot, hours of operation, services and products offered, events and public service announcements.
- (5) Permitted Locations.

Alternate I. Ground signs shall be set back ten (10) feet from the right-of-way line of adjacent streets and set back from the side property lines at a distance of one-fourth (1/4) of the street frontage.

Alternate II. If ground signs are placed at intersections, the area calculations for frontage adjacent to such intersections shall include the largest street frontage only.

- (6) Permitted Maximum Height Above Grade. (i) Wall signs in this category may be erected to the full height of the building, but shall not be higher than the roofline, which for purposes of this section includes the parapet wall but not facades. (ii) Ground signs shall not exceed twenty-five feet (25') in height.
- (7) Permitted Location.
  - (1) Wall signs shall be set back from the boundary lines of the lot on which they are located the same distance as a structure containing a legal use; provided, however, wall signs may not extend from the face of the building more than eighteen inches (18") from the surface to which they are attached. Signs may not be hazardous to public safety or vehicular or pedestrian traffic.
  - (2) Ground signs shall be set back ten feet (10') from the boundary lines of the lot on which it is located, provided, however, that a clear area be maintained to a height of seventy-two inches (72") within fifty-five (55') of the intersection of two street, a railroad right-of-way and a street, or a driveway and a street.
- (8) Permitted Illumination. May be illuminated, but shall not flash, blink, fluctuate, nor shall red, green or yellow lights be allowed within fifty-five feet (55') of the intersection of two streets when the lights may be mistaken for traffic signal devices in the opinion of the Transportation Administrator of the City of Lakewood.

- (f) Animation. Shall not have moving, rotating or otherwise animated parts; provided, however, that barber poles shall be allowed to rotate.



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one linear foot of street frontage; provided, however, that in computing the area of such signs no more than two contiguous street fronts shall be used, nor shall frontage along vacant or undeveloped land be considered. In no case shall any individual sign exceed two hundred (200) square feet of area, nor shall total sign area of any use exceed six hundred (600) square feet.

2. Permitted Height. (i) Marquee, wall and time and temperature signs in this category may be erected to the full height of the building, but shall not be higher than the roofline, which for purposes of this section includes the parapet wall but not facades. (ii) Ground signs shall not exceed twenty-five feet (25') in height.
3. Permitted Maximum Number. Five (5) signs per building or structure.
4. Permitted Illumination. May be illuminated, but only from a concealed light source, and shall not have moving or animated parts.

(d) Multiple Uses in a Building or Structure

- (1) A first floor legal use may be permitted sign types and areas according to provisions of Categories A or B of Subsection F3(c) of this section, as computed in accordance with the linear frontage of such first floor legal use.
- (2) Second floor and above signs may be identified by the Joint Identification Signs only as authorized in Subsection F3(e) of this Section.

(e) Identification Signs. Notwithstanding any other restrictions on sign area and types of signs in this section, there shall be allowed identification signs on any lot containing more than one (1) legal use.

- (1) Permitted Sign Area. Fifty (50) square feet of sign area for each street frontage or, in lieu thereof, one square foot of sign area for each three (3) linear feet of street frontage; provided, however, that in computing the area of signs, calculations for sign area shall be made for each frontage independently and transfer of area from one frontage to another shall not be permitted. In no case shall any such sign exceed three hundred fifty (350) square feet in total sign area.
- (2) Permitted Sign Types Wall or ground.

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- (g) Contractor and Real Estate Signs. Any person who desires to erect a contractor sign, as defined in Subsection C(3) hereof, and/or real estate sign, as defined in Subsection C(11) hereof, shall apply for and receive a permit from the Division of Code Enforcement, Department of Community Development. Such permit shall be subject to the conditions regarding dimensions and setback from the lot lines as hereinafter set forth. No such sign shall be maintained for a period of more than twelve (12) calendar months and shall not be renewed for more than two (2) consecutive periods at the same location.
- (1) Permitted Sign Types of Contractor and Real Estate Signs. Wall and window signs and contractor and real estate signs whose frames extend into the ground.
  - (2) Permitted Maximum Number of Contractor and Real Estate Signs. One (1) sign for each lot.
  - (3) Permitted Sign Area of Contractor and Real Estate Sign. Thirty-two (32) square feet for each front line of the lot, or four (4) square feet of sign area for each acre of lot not to exceed two hundred (200) square feet.
  - (4) Permitted Maximum Height Above Grade of Contractor and Real Estate Signs. Twenty feet (20')
  - (5) Permitted Location of Contractor and Real Estate Signs. Shall be set back ten feet (10') from all boundary lines of the lot provided that a clear area be maintained to a height of seventy-two inches (72") within fifty-five feet (55') of the intersection of two streets, a railroad right-of-way and a street, or a driveway and a street.
  - (6) Permitted Illumination of Contractor and Real Estate Signs. May be illuminated but only from a concealed light source.
  - (7) Animation of Contractor and Real Estate Signs. Shall not have moving, rotating or otherwise animated parts.
- (h) Window Signs. Notwithstanding any other restrictions regarding window signs in all commercial and industrial zone districts, ten (10) square feet of the total window area may be used for public service messages or informational messages regarding services offered, hours of operation, or other such information.

4. Planned Development Zone Districts

Billboards. Billboards, as defined in Subsection B(2) hereof, shall be allowed in Planned Development Zone Districts only if the Planned Development stipulations allow billboards. Said stipulations shall

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specify requirements concerning dimensions, maximum height, setback, location on the lot, illumination, landscaping and other requirements deemed pertinent by the City Council subject to the following requirements:

- (1) Permitted maximum height above grade shall be twenty-five feet (25').
- (2) No billboard shall be allowed, constructed or erected upon the roof of a building.

5. Comprehensive Sign Plans

The Planning Commission may permit the utilization of comprehensive sign plans for multiple building complexes which are located on one tract or parcel of real estate or two or more contiguous parcels of real estate held in unified control, whether by partnership, corporate, condominium or association ownership, comprising twenty (20) acres or more; provided, however, that billboards shall not be allowed unless the property is zoned in accordance with Section 2-20 of this ordinance.

- (a) Submittal Requirements. Applicants must submit a detailed site plan with attached written stipulations. Such stipulations shall consider all appropriate concerns including, but not limited to, the following items, if applicable:
  - (1) Location.
  - (2) Size.
  - (3) Height.
  - (4) Color.
  - (5) Lighting.
  - (6) Visual effects.
  - (7) Orientation of all proposed signs.
- (b) Plans submitted for staff review and Planning Commission consideration must be on sheets eight and one-half by eleven inches (8 1/2 x 11") in size.
- (c) Plan Review Criteria. No minimum or maximum standards are established for the comprehensive sign plans. However, each plan must contain such limitations within the plan stipulations. Such limitations will be reviewed by means of the Program for Agency Referral to determine their impact upon and compatibility with land use; provided, however, that such plan must be in substantial conformity with the requirements of this section and the Community Development Plan of the City of Lakewood, and any other articulated policies of the City Council.

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- (d) All parties affected by provisions of the comprehensive sign plans must be signatory to such plans; provided, however, if the multiple building complex, or any part thereof, is governed by a management agreement, the duly constituted representative of the management association or firm shall be signatory to such plans. It is unnecessary for industrial owners or lessees to sign if said representative has signed on their behalf.
- (e) No comprehensive sign plan shall become effective until after a public hearing before the Planning Commission in relation thereto, at which parties and interested citizens shall have an opportunity to be heard. At least fifteen (15) days notice of the time and place of such hearing shall be published in an official paper or a paper of general circulation in the City of Lakewood. Furthermore, the applicant shall mail by certified or registered mail, first-class postage prepaid, return receipt requested, written notice of the public hearing to the adjacent landowners at least fifteen (15) days prior to the public hearing. The applicant shall file proof of such mailing, with return receipts received, with the Planning Commission at the time of the public hearing.
- (f) All the provisions of the comprehensive sign plan authorized to be enforced by the City of Lakewood may be modified, removed or released subject to the following:
  - (1) The Director of Community Development is hereby authorized to determine whether a modification, removal or release of a provision of the comprehensive sign plan is substantial or not substantial in accordance with guidelines established and adopted by the Planning Commission as official policy.
    - (A) If the determination is that the modification, removal or release is not substantial, the Director of Community Development is hereby authorized to grant such modification, removal or release.
    - (B) If, however, the determination is that the modification, removal or release is substantial, the Director of Community Development shall submit the proposed change and all relevant material to the Planning Commission for determination that the substantial modification, removal or release of the comprehensive sign plan can be permitted. Such determination shall be based upon the criteria set forth in Subsection F5(f)(2) of this Section.
  - (2) No substantial modification, removal or release of the provisions of the comprehensive sign plan by the Planning Commission of the City of Lakewood shall be permitted except upon a finding by the Planning Commission that the modification, removal or release is:

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- (A) Consistent with the efficient development and preservation of the entire comprehensive sign plan;
  - (B) Does not affect in a substantially adverse manner the enjoyment of land abutting upon or across the street from the multi-building complex;
  - (C) Does not affect in a substantially adverse manner the public interest; and
  - (D) Is not granted solely to confer a special benefit upon any person.
- (3) If the Planning Commission finds that the modification, removal or release does not meet the criteria set forth in Subsection F5(f)(2) of this Section, then any such modification, removal or release shall not be accomplished.
- (4) Nothing contained herein shall be construed to deny the Planning Commission power to require any modification, removal or release of the provision of the comprehensive sign plan so that the comprehensive sign plan conforms to the other ordinances of the City or the Subdivision Regulations.
- (5) No substantial modification, removal or release of the Comprehensive Sign Plan shall become effective until after a public hearing held in accordance with the provisions of Subsection F5(3) of this Section.

6. Benches Bearing Advertising

- None Allowed* →
- (a) Subject to the provisions of any existing ordinance regulating occupancy of the public rights-of-way and/or any existing ordinance regulating the placement of bus benches, benches bearing advertising are prohibited from containing advertising for or pertaining to fermented malt beverages, malt, vinous or spirituous liquors, tobacco products, politics, political matters or political personalities.
  - (b) Advertising Permit: The City Clerk or designated representative shall issue an advertising permit for benches bearing advertising to any person or corporation who has been permitted to place a bench in the public right-of-way pursuant to any existing ordinance regulating occupancy of the public rights-of-way or ordinance regulating the placement of bus benches. An annual permit fee of Ten Dollars (\$10.00) per bench is required.

7. High-Rise Building Identification Wall Signs.

- (a) For multi-storied buildings, additional wall sign area shall be permitted for building identification purposes in conformance

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with the schedule set forth below. Sign area shall be based upon the amount of square footage (factor) multiplied by the horizontal linear footage of the building facade at the elevation of the facade where the sign is placed.

For buildings in excess of fifty (50) feet, but less than one hundred and one (101) feet in height, the factor shall be three (3) square feet.

For buildings in excess of one hundred and one (101) feet, but less than one hundred and fifty-one (151) feet in height, the factor shall be five (5) square feet.

For buildings in excess of one hundred and fifty-one (151) feet, but less than two hundred and one (201) feet in height, the factor shall be six (6) square feet.

For buildings in excess of two hundred and one (201) feet, but less than three hundred and one (301) feet in height, the factor shall be seven (7) square feet.

For buildings in excess of three hundred and one (301) feet in height, the factor shall be eight (8) square feet.

- (b) Multi-storied buildings may be permitted identification wall signs of the size provided by Subsection F7(a) hereof for each building facade visible from a public right-of-way.
- (c) Wall sign areas permitted by this subsection for one facade may not be used for any facade other than the facade for which such allowance is granted.

#### G. SIGN CONTRACTOR'S LICENSE, PERMITS

1. Sign Contractor's License. No person, firm or corporation shall perform any work or services for any person, firm or corporation or for any governmental entity for compensation, in or in connection with the erection, construction, enlargement, alteration, moving, or conversion of any sign in the City of Lakewood, or any work or services in connection with causing any such work to be done unless such person, firm, or corporation shall first have obtained a sign contractor's license pursuant to the provisions of the Building Code of the City of Lakewood.
2. Permits, Inspections and Maintenance. No person, firm or corporation shall erect, construct, enlarge, alter, move or convert any sign in the City, or cause the same to be done,

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without first obtaining a separate building permit for each such sign, pursuant to the Building Code of the City of Lakewood, subject to the exceptions contained in subsection G3(c) hereof.

- (a) Any person, firm or corporation erecting, constructing, enlarging, altering, repairing, moving, improving, or converting any third party sign within this City shall attach thereto a name plate providing the name and address of the person, firm or corporation causing the same to be done.
- (b) For the purpose of this section the owner or lessee or other person entitled to possession of any lot shall be presumed to be the owner of any sign or sign structure located thereon and responsible for its erection, construction, enlargement, alteration, repair, movement, improvement, conversion or demolition.

3. Sign Application Information Required. In addition to the information required to be obtained by the Building Code of the City of Lakewood, each application for a sign permit shall also contain, or be accompanied by the following information:

- (a) Name and address of the owner of the sign.
- (b) Name and address of the owner of the premises where the sign is located or to be located.
- (c) Name and address of person entitled to possession of premises where the sign is located or to be located.
- (d) Plot plan definitely showing the location of the sign which is the subject of the permit and all other existing signs on the same premises.
- (e) Plans showing the dimensions, supports, sizes, and materials of the sign.
- (f) Statement of valuation of all materials and labor incorporated in the sign.
- (g) Statement of the period of intended use of the sign.

4. Inspections. All signs shall be subject to inspections by the Superintendent of Code Enforcement and all other persons duly authorized for such purposes under the ordinances of this City.

5. Maintenance. Every sign and sign structure in the City of Lakewood including, but not limited to, those signs and sign structures for which no permit or permit fees are required,

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shall be maintained in good structural condition at all times. All signs and sign structures, including those for which no permits are required shall be kept neatly painted, including all metal parts and supports that are not galvanized or of rust resistant materials. The Superintendent of Code Enforcement shall inspect and have the authority to order painting, repair, alteration or removal of a sign or sign structure which shall constitute a nuisance or hazard to safety, health, or public welfare by reason of inadequate maintenance, dilapidation, obsolescence or abandonment, or which shall constitute a hazard for any other reason.

H. SIGNS DECLARED A NUISANCE

1. (a) Any sign owned, kept, displayed or maintained by any person, firm, or corporation within this City, the ownership, keeping, display or maintenance of which is unlawful pursuant to the provisions of this Sign Code, is hereby declared to be a public nuisance.
  - (b) The Superintendent of Code Enforcement may declare any sign to be a nuisance or hazard to safety, health or public welfare, by reason of inadequate maintenance, dilapidation, obsolescence or abandonment or any other such reason, as provided by this Sign Code.
  - (c) Any such declaration shall state the reasons of the Superintendent of Code Enforcement for such a declaration.
  - (d) For purposes of this section, the word abandonment shall include, but not be limited to, signs or sign structures from which the sign message has been removed for any reason for a period of thirty (30) days or is no longer applicable to the premises upon which the sign or sign structure is located for a period of thirty (30) days.
2. The Superintendent of Code Enforcement shall serve a copy of such declaration upon the owner of the sign and the person entitled to the possession of the premises upon which the sign is located, together with a notice requiring the owner or person entitled to possession of the building or premises to commence the required repairs, improvements or demolition and removal of the sign declared to be a public nuisance. Such repair, improvement or demolition and removal shall be completed within thirty (30) days from the date of the notice unless otherwise stipulated by the Superintendent of Code Enforcement.



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3. If the owner of the premises is not the same person as the person entitled to possession of the premises, a copy of such declaration and notice shall also be mailed to said owner by certified or registered mail at the address shown upon the tax rolls of the county. If the tax rolls of the county do not reflect an address for the owner of the premises, a copy of such declaration and notice shall be mailed to said owner by certified or registered mail at his last known address.
4. The notice given by the Superintendent of Code Enforcement shall state the remedial action required to be taken. Said notice shall also state that if such action is not taken within the time limit set forth in this ordinance, the cost of demolition and removal shall be assessed against the property on which the sign is located. Said notice shall state that an additional five percent (5%) for inspection and incidental costs and an additional ten percent (10%) penalty for cost of collection has been assessed. The total amount shall be collected in the same manner as real estate taxes against the property.
5. In event that the owner of the premises or person entitled to possession, or the owner of the sign, shall fail, neglect or refuse to comply with the notice to repair, rehabilitate or demolish the sign declared to be a nuisance, the owner of the sign, the owner of the premises upon which the sign is located, or the person entitled to possession thereof (if other than the owner of the premises), or all of them, may be prosecuted for violation of this ordinance and the Superintendent of Code Enforcement may demolish and remove the sign declared to be a public nuisance.
6. If it shall be necessary for the Superintendent of Code Enforcement to demolish and remove any sign pursuant to the provisions hereof, the Superintendent of Code Enforcement shall certify to the City Clerk the legal description of the property upon which the work was done, together with the name of the owner thereof, as shown by the tax rolls of Jefferson County, together with a statement of work performed, the date of performance and the cost thereof.
7. Upon receipt of such a statement, the City Clerk shall mail a notice to the owner of said premises as shown by the tax rolls, to the address shown upon the tax rolls, by first class mail notifying such owner that work has been performed pursuant to this ordinance, stating the date of the performance of the work, the nature of the work, and demanding payment of the cost thereof together with five percent (5%) for inspection and other incidental costs in connection therewith and an additional ten percent (10%) penalty for cost of collection. Such notice shall state that if said amount is not paid within

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thirty (30) days of mailing the notice, it shall become an assessment upon and a lien against the property of the owner as described in the notice and will be certified as an assessment against the property to be collected in the same manner as real estate taxes upon the property.

8. If the City Clerk shall not receive payment within the period of thirty (30) days following the mailing of such notice, the City Clerk shall inform the City Council of such fact. The City Council may thereupon enact an ordinance assessing the whole cost of collection.
9. Following passage of such ordinance upon second reading, the City Clerk shall certify the same to the County Treasurer, who shall collect the assessment.
10. Each such assessment shall be a lien against each lot or tract of land assessed until paid and shall have priority over all other liens except general taxes and prior special assessments.
11. For all purposes hereof, the owner of the premises shall be presumed to be the owner of all signs thereon, unless the contrary shall appear from facts brought to the attention of the Superintendent of Code Enforcement.

### I. CONSTRUCTION OF SIGNS

1. Identification and Marking. Each sign subject to a permit hereafter erected or remodeled shall bear, in a permanent position thereon, a clearly legible identification plate stating the name and address of the owner of the sign, and the person, firm or corporation responsible for its construction and erection and the date of erection. Electrical signs shall be marked with input amperes at full load input.
2. Allowable Stresses, Materials, and Engineering Standards. The design of all members shall conform to the requirements of the Building Code. Loads, both vertical and horizontal, shall not produce stresses exceeding those specified in the Building Code, and materials, construction, and structures shall be of the quality and grade required by the Building Code. All signs and structures shall be designed and constructed to meet Building Code requirements.
3. Wall Signs. Shall not extend more than eighteen inches (18") from the face of the wall, parapet wall, fence or other structure to which they are attached.

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4. Time and/or Temperature Devices. Are limited to one such device per lot. Such devices may be illuminated and animated, but only to the extent necessary to display time or temperature or both and shall not flash, blink or rotate except to the extent necessary to periodically reflect time or temperature or both and changes of time and temperature. Such devices shall be a height of no greater than twenty-five feet (25') above grade, and no more than eight (8) square feet in area. Such devices are limited to wall, window and ground signs.

J. ADMINISTRATIVE PROVISIONS

1. Legal Nonconforming Signs.

- (a) The following provisions contained in Ordinance 0-71-57 adopted July 12, 1971, and as amended, relating to non-conforming signs, shall be and remain applicable with respect to all signs which were lawfully established or placed prior to the effective date of said ordinance and which became unlawful under the terms of said ordinance, to-wit:

The right to keep, own, maintain, or display any sign prohibited by the terms of said Ordinance No. 0-71-57 within the City of Lakewood as a legal nonconforming use shall cease and terminate in accordance with the following amortization schedule:

- (1) All temporary and portable signs expressly prohibited or not allowed by said ordinance shall be brought into conformity or removed within thirty days of the effective date of said ordinance, to-wit: August 15, 1971.
  - (2) All flashing, moving, rotating or animated parts of existing signs shall be brought into conformity or removed within six months of the effective date of said ordinance, August 15, 1971.
  - (3) All billboards shall be removed or brought into conformity by July 1, 1976.
- (b) The following provisions shall be applicable with respect to all signs lawful under the terms and provisions of said Ordinance No. 0-71-57, which are or may be made unlawful by the provisions of this Ordinance, to-wit:
    - (1) All temporary signs expressly prohibited or not allowed by this code shall be brought into conformity or removed within thirty days of the effective date of this ordinance.

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- (2) All flashing, moving, rotating or animated parts of existing signs, having been declared unlawful by said Ordinance No. 0-71-57 and having been required to be brought into conformity or removed within six months of the effective date of said Ordinance No. 0-71-57, are and remain unlawful, and no additional period of amortization is provided by this ordinance.
- (c) All other signs in violation of the terms and provisions of this ordinance, which were lawful under the terms and provisions of Ordinance No. 0-71-57 of 1971, and which are made unlawful by this ordinance, shall be removed or brought into conformity by July 1, 1976.
- (d) No extension of the period of amortization provided in Ordinance No. 0-71-57 of 1971 is granted hereby for signs which were unlawful under the terms and provisions of said ordinance.
- (e) The Board of Adjustment of the City of Lakewood may stay any part of the amortization schedule provided, for a period not to exceed six months beyond the date otherwise required for amortization and removal or compliance of a sign, if the applicant for stay shall show to the Board a genuine and substantial attempt to comply with the provisions of Ordinance No. 0-71-57 of 1971 or of this ordinance, by submitting the following information accompanying his application for extension or stay:
  - (1) Information demonstrating a bona fide attempt by the applicant to bring the sign into conformance.
  - (2) If the applicant is requesting a stay on economic hardship grounds, a thorough cost estimate delineating the costs to conform and a statement of finances showing applicant's inability to correct the sign.
  - (3) A statement of what the applicant intends to do during the period of stay to bring signs into conformance. The Board may recommend reasonable interpretations of the provisions.
- (f) Any firm or corporation maintaining a nonconforming sign in a newly annexed area shall remove the same or bring the same into conformity with this Code within thirty days of annexation with respect to temporary signs not in conformity herewith; six months with respect to flashing, moving, rotating or animated parts of existing signs not be allowed hereunder; and

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within five years with respect to all other signs lawfully existing in the annexed area and rendered unlawful by the provisions hereof, such period of time to commence with the effective date of the annexation ordinance.

- (g) A person, firm or corporation owning or maintaining a nonconforming sign may, before the date upon which said sign is required to be removed or brought into conformity herewith, alter such sign by reducing its height or dimensions during the amortization period allowed by this Code. However, in no instance may the sign message be changed. No such reduction in size or area shall be considered to increase the life of the sign, lengthen or increase its economic worth, or extend the date upon which such sign is required to be brought into conformity with this ordinance or removed. Any person, firm or corporation desiring to reduce the height or total area of such a sign during the amortization period shall obtain a permit from the Division of Code Enforcement and shall sign a waiver, waiving the right to challenge the amortization provision of this ordinance upon the basis that such person, firm or corporation was allowed to change or alter a nonconforming sign without bringing the same into conformity with this ordinance prior to the end of the amortization period provided for herein.

### 2. Sign Area Measurement

- (a) Area to be Measured. The area of a sign shall be measured in conformance with the regulations as herein set forth; provided that the structure or bracing of a sign shall be omitted from the measurement unless such structure or bracing is made a part of the message or face of the sign. Where there are not more than two (2) faces of a ground sign and where the faces are back to back, parallel or at less than a ninety degree (90°) angle, the total area of the largest face shall determine the area of the sign.
- (b) Sign With Backing. The area of all signs with backing or a background, material or otherwise, that is part of the overall sign display shall be measured by determining the sum of the areas of each square, rectangle, triangle, portion of a circle or any combination thereof, which creates the smallest single continuous perimeter enclosing the extreme limits of the display surface or face of the sign, including all frames, backing, face plates, non-structural trim or other component parts not otherwise used for support.

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- (c) Signs Without the Backing. The area of all signs without backing or a background, material or otherwise, that is part of the overall sign display shall be measured by determining the sum of the areas of each square, rectangle, triangle, portion of a circle, or any combination thereof, which creates the extreme limits of each word, written representation (including any series of letters), emblems or figures of similar character, including all frames, face plates, nonstructural trim or other component parts not otherwise used for support.
  - (d) All Other Signs or Combinations Thereof. The area of any sign having parts both with and without backing shall be measured by determining the total area of all squares, rectangles, triangles, portions of a circle, or any combination thereof constituting the smallest single continuous perimeter enclosing the extreme limits of either of the following combinations: the display surface or face of the sign, including all frames, backing, face plates, nonstructural trim or other component parts not otherwise used for support or parts of the sign that have backing and each word, written representation (including any series of letters), emblems or figures of similar character, including all frames, face plates, nonstructural trim or other component parts not otherwise used for support for parts of the sign having no backing.
3. Illegal Signs: Sign Code Governs in the Event of Conflict. It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, convert, maintain, own or display any sign prohibited by the terms of this ordinance within the City of Lakewood. The terms and provisions of this Sign Code shall prevail in the event that any conflict between the provisions hereof and any ordinance of this City heretofore enacted or in the event of any conflict between the provisions hereof and any other provision of the Zoning Ordinance of the City of Lakewood other than this Sign Code.
4. Severability and Transition of Sign Code. If for any reason any one or more sections, sentences, clauses or parts of the Sign Code are held invalid, such judgment shall not affect, impair or invalidate the remaining portions of this Sign Code, but shall be confined in its operation to the specific sections, sentences, clauses or parts of this ordinance held invalid. The invalidity of any section, sentence, clause or part of

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this ordinance in any one or more instances shall not affect or prejudice in any way the validity of this Sign Code in any other instance. All offenses committed and all liabilities incurred prior to the effective date of this ordinance shall be treated as though all prior applicable ordinances and amendments thereto were in full force and effect for the purpose of sustaining any proper suit, action or prosecution with respect to such offenses and liability. Nothing herein contained shall be taken to authorize or make lawful or to permit a period of amortization for any nonconforming sign or billboard or device which was not a lawful use prior to the effective date hereof, except as provided in Subsection J hereof.

5. Remedies Not Exclusive. In the event that any sign shall be declared a public nuisance by the Superintendent of Code Enforcement, the City Attorney is hereby authorized on behalf of the City to bring action to abate and enjoin such nuisance, and for damages, and for the cost of abatement, in addition to any other remedies which may be sought under this ordinance. No charge or conviction of violation of this ordinance, or action, or remedy exercised hereunder, shall be exclusive, and none shall preclude the bringing of any charges of violation, or the exercise of any other remedy hereunder.
6. Short Title. In citing the within and foregoing provisions added to the Zoning Ordinance of the City of Lakewood, it shall be sufficient to make reference to Section 3-3 of the Zoning Ordinance, without reference to this amending ordinance in any summons, subpoena, pleading, summons and complaint, or other document.

A BILL FOR AN

ORDINANCE AMENDING SECTION 3-3 (SIGN CODE) OF ORDINANCE 0-70-104 (ZONING ORDINANCE OF THE CITY OF LAKEWOOD, COLORADO), A PORTION OF THE LAKEWOOD MUNICIPAL CODE, RELATING TO SIGNS, THEIR DEFINITIONS, PROHIBITIONS AND PERMISSION RELATIVE TO SIGNS IN ZONE DISTRICTS AND GENERALLY, INCLUDING BILLBOARDS, AND PROVIDING FOR THE ADMINISTRATION AND ENFORCEMENT OF THE SIGN CODE.

WHEREAS, Ordinance 0-78-104 of the City of Lakewood, Colorado, as amended, is known as the Zoning Ordinance of the City of Lakewood, Colorado; and

WHEREAS, Section 3-3 of the Lakewood Zoning Ordinance (July 3, 1976 amendment) has become the subject of Civil Action No. 50720 in the District Court in and for the County of Jefferson, State of Colorado, wherein Colfax Unlimited Association, Inc., and others are Plaintiffs and City of Lakewood, Colorado, and others, are Defendants (hereinafter "the sign code litigation"); and

WHEREAS, in said sign code litigation, and as of August 31, 1978, the District Court in and for the County of Jefferson has declared Section 3-3 of the Lakewood Zoning Ordinance to be unconstitutional and void, and has further ordered that the City of Lakewood, and certain named officials thereof, are permanently enjoined from the enforcement of said ordinance; and

WHEREAS, it is the intention and present course of action of the Defendants to appeal the trial court ruling in the sign code litigation for the purpose of seeking a reversal of the trial court order of August 31, 1978; and

WHEREAS, the City of Lakewood is presently hampered in respect to general sign ordinance regulatory authority and an emergency condition is deemed to exist; and

WHEREAS, during the period pending final resolution of Civil Action No. 50720 or enactment of a new permanent sign code, it is deemed desirable to regulate the physical characteristics of signs constructed in Lakewood; and

WHEREAS, it is the intention of the City of Lakewood, Colorado, its Planning Commission, and its City Council that interim sign regulations shall be in effect, without, however, precluding the right of enforcement of such portions of Section 3-3 of the Lakewood Zoning Ordinance as may eventually be approved by an appellate court decision in the sign code litigation; and

WHEREAS, it is intended that, pending resolution of the sign code litigation, there be in effect enforceable interim sign code ordinance provisions, to continue in effect until the first shall occur among the following two events only: (a) that there be a final termination by appellate court action relative to Civil Action No. 50720 in the District Court in and for the County of Jefferson, State of Colorado, as hereinbefore described; or (b) that a further and more comprehensive sign code portion of the Lakewood Zoning Ordinance be adopted by the City Council of the City of Lakewood, Colorado.



NOW, THEREFORE, BE IT ORDAINED by City Council of the City of Lakewood, Colorado, that:

SECTION 1. The Zoning Ordinance of the City of Lakewood, Colorado, is hereby amended by the addition thereto of Section 3-3A, to be known as the Interim Sign Code, as follows:

A. PURPOSE

It is the purpose of this ordinance to promote, preserve and protect the health, safety, and general welfare of the inhabitants of this City by providing reasonable regulations and standards relating to signs, to provide for the promotion of traffic safety, provide adequate light and air, protect and enhance the overall appearance of the community, and to conserve the value of buildings and encourage the most appropriate use of land throughout this municipality.

B. DEFINITIONS

- .1 Animated Sign. Any sign or any part thereof, which changes physical position by any movement or rotation.
- .2 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.
- .3 Building Code. The Building Code of the City of Lakewood, as adopted by Ordinance No. 0-75-2 of 1975, as amended.
- .4 Building Front. One exterior wall of a building facing a front line of a lot; or, in the event that the primary entrance is located on an exterior wall which is not the front line of the lot, the building front shall be the exterior wall containing the primary entrance to the building.
- .5 Directional Sign. Any sign that directs the movement or placement of pedestrian or vehicular traffic on a lot with or without reference to, or inclusion of, the name of a product sold or service performed on the lot or in a building, structure or business enterprise occupying the same.
- .6 Display Surface. The display surface is the area made available by the sign structure for the purpose of displaying the advertising message.
- .7 Facade. Any face (as on a street or court) of a building given special architectural treatment; a false, superficial or artificial appearance or effect.

- .8 Flashing Signs. Any directly or indirectly illuminated sign, either stationary or animated, which exhibits changing natural or artificial light or color effects by any means whatsoever.
- .9 Grade. The average elevation of the ground at the common boundary line of the street and the property or sidewalk and property line, not including common boundary lines with freeways.
- .10 Ground Sign. 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.
- .11 Illuminated Sign. A sign lighted by or exposed to artificial lighting either by lights on or within the sign or directed towards the sign.
- .12 Legal Use. A "legal use" as used herein shall be deemed to mean a "use by right," i.e., any use of realty lawfully established in conformity with law and ordinance (or zoning resolution) 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, and any accessory use or uses incidental to and commonly associated with such lawfully established uses. As used herein, the term "legal use" is sometimes used for the purpose of referring to the person, firm or corporation entitled to a "legal use."
- .13 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.
- .14 Marquee Sign. Any sign attached to the marquee.
- .15 Non-Conforming Sign. 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 prior zoning ordinance and the applicable City of Lakewood 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 City of Lakewood building code, but which sign, by reason of amendment to the sign code after the effective date of this ordinance, does not conform to limitations established by such subsequent amendment.
- .16 Off-Premises Sign. 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.
- .17 Parapet Wall. A low wall or protective railing along the edge of a roof, balcony or terrace.
- .18 Permanent Sign. A sign constructed of durable material and affixed, lettered, attached to or placed upon a fixed, non-moveable, nonportable supporting structure.
- .19 Roof Line. The highest point on any building where an exterior wall encloses usable floor area including roof area provided for housing or screening mechanical equipment.
- .20 Roof Sign. Roof sign shall mean a sign erected upon or above the parapet, or upon the roof and above the roof line, of the building or structure.
- .21 Sign. A sign is 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.
- .22 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 of the City of Lakewood.

- .23 Sign Structure. 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 message conveyed by the sign.
- .24 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.
- .25 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.
- .26 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.
- .27 Supervisor of Zoning. The chief administrative officer of the Division of Code Enforcement of the Department of Community Development of the City of Lakewood.
- .28 Temporary Sign. Temporary sign shall include, but not be limited to, any exterior sign, banner, pennant, valance or advertising display:
  - .27.1 Which is constructed of cardboard, paper, cloth, canvas, fabric, plywood, lightweight plastic or other lightweight material, with or without frame; and
  - .27.2 Which is designed for short-term use, or to be moved about from place to place, or not permanently affixed to a fixed, nonmoveable, nonportable, 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;

Provided, however, that 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.

- .29 Time and/or Temperature Devices. Signs consisting of devices which provide time or temperature information.
- .30 Wall Sign. A sign attached to, painted on, or erected against a building, structure or fence.
- .31 Window Sign. A sign which is applied or attached to or located within one foot (1') of the interior of a window, which sign can be seen through the window from the exterior of the structure.

C. SIGNS NOT PERMITTED

The following types of signs are expressly prohibited in all districts, and no permits shall be issued therefor:

- .1 Balloons or similar types of lighter-than-air objects, when tethered to real estate or improvements thereon, except that balloons and lighter-than-air objects which are subject to Federal Aviation Administration regulations because of their use or flight pattern are not regulated by this paragraph.
- .2 Search lights, except those used by emergency vehicles.
- .3 Roof signs.

D. SIGNS PERMITTED IN ALL DISTRICTS

- .1 Signs Not Subject To Permits. The following signs may be erected and maintained in all districts without permit:
  - .1-1 Public Signs. Signs required or authorized for any public purpose by any law, statute or ordinance,

which may be of any type, number, area, height above grade, location, illumination, or animation as required by the law, statute or ordinance under which the signs are erected.

.1-2 Real Estate. Signs which advertise for sale, rental, or lease the particular structure or land area upon which said signs are located:

.1-2.1 Shall not be more than five (5) square feet in total visible display surface area for residential property and twenty (20) square feet in total visible display surface area for commercial and industrial property;

.1-2.2 Shall be set back ten feet (10') from all boundary lines of the lot; provided that a clear area be maintained to a height of seventy-two inches (72") within fifty-five feet (55') of the intersection of two streets, a railroad and a street, or a street and a driveway.

.1-3 Signs Within Buildings, Enclosed Walls or Other Enclosures. Any sign that is placed back one (1') or more from the inside surface of a window shall not be subject to the provisions of this ordinance; provided that said signs may not be animated by means of flashing lights that may be seen from the exterior of the building, or from enclosed malls or other enclosures and, provided further, that said signs meet the requirements of the Building Code.

.1-4 Sandwich Boards and Hand-Held Signs. Notwithstanding any other provision of this Sign Code, temporary signs, including but not being limited to picket signs, may be printed, painted upon, or attached to sandwich boards and carried or worn by any person, or may be held and carried by hand.

.2 Permitted Signs in All Zone Districts, Subject to Permit.

The following signs are permitted in all zone districts, subject to a permit:

.2-1 Directional Signs. Signs giving parking directions shall be no more than twelve (12) square feet per face in sign area and no more than eight feet (8') in height above grade; provided, however, that such signs do not obstruct the visibility of traffic-control devices and signs and, further provided, that the total sign area of all signs per curb cut does not exceed twelve (12) square feet. Such signs may be illuminated from a concealed light source which does not flash, blink or fluctuate, but such signs may not be animated. Twenty-five percent (25%) (i.e., no more than four square feet) of the sign area may be used to list the name or names of the uses for which the parking is provided. Directional signs are limited to wall and ground signs.

.2-2 Time and Temperature Devices. Such devices may be illuminated and animated, but only to the extent necessary to display time or temperature or both, and shall not flash, blink or rotate except to the extent necessary to periodically reflect time or temperature or both, and changes of time and temperature. Such devices shall be a height of no greater than twenty-five feet (25') above grade, and no more than eight (8) square feet in display surface area.

E. SIGNS PERMITTED, SUBJECT TO PERMIT AND RESTRICTIONS BASED UPON ZONE DISTRICT

The following signs may be erected and maintained in the following Zone Districts upon application to the Department of Community Development Division of Code Enforcement, for a permit, and the issuance of such Sign Permit.

.1 C-O, A-1, A-2, R-1, R-1A, R-1B, R-2, R-3, R-3A, R-4 and R-T Zone Districts.

General. Signs may be erected, altered and maintained only for and by the legal uses in the district in



which the signs are located. Said signs shall be located on the same lot as the legal use and shall be clearly incidental to, and customarily and commonly associated with, the operation of the legal use; provided, however, that no sign of any type shall be erected or maintained for or by a single unit dwelling, duplex or triplex, except signs permitted in all districts.

.1-1 Maximum Total Sign Area: Twenty (20) square feet, or alternatively, two (2) square feet for each one thousand (1000) square feet of lot area; provided, however, that no single sign may exceed forty-eight (48) square feet, and the total sign area for the lot may not exceed ninety-six (96) square feet.

.2 RC-1, R-C, C-1, C-2, IT-1, IT-2, IT-3, and IT-4 Zone Districts.

General. Signs may be erected, altered and maintained only for and by legal uses in the district in which the signs are located, shall be located on the same lot as the legal use, and be clearly incidental to, and customarily and commonly associated with, the operation of the legal use.

.2-1 Maximum Total Sign Area

(1) Single-Use Building or Structure

(a) Wall Signs: Seventy-five (75) square feet of sign area, or, alternatively, three (3) square feet of sign area for each linear foot of street frontage, provided that no more than two (2) contiguous street fronts and no street frontage along vacant or undeveloped land shall be used in this computation. Total square footage shall in no case exceed the lesser of twelve hundred (1200) square feet or twenty-five percent (25%) of the total building frontage wall.

(b) Other Signs, Including Ground, and Marquee: Fifty (50) square feet of sign area, or, alternatively, one (1) square foot of sign area for each one (1) linear foot of street frontage, provided that no more than two (2) contiguous street fronts and no street frontage along vacant or undeveloped land shall be used in this computation. Total square footage shall not exceed six hundred (600) square feet; nor shall individual sign area exceed two hundred (200) square feet.

(c) Avoidance of Duplicate Area Computations: Signs shall be permitted in accordance with the provisions of one or the other of the last hereinabove subsection (a) and (b), but not both.

(2) Multiple-Use Building or Structure:

(a) First Floor Use: Areas permitted according to subsection E .2-1(1) above, as computed in accordance with the linear frontage of such use.

(b) Second Floor and Above: Fifty (50) square feet of sign area for each street frontage, or, alternatively, one (1) square foot of sign area for each three (3) linear feet of street frontage. In computing sign area, calculations shall be made for each frontage independently and transfer of area from one frontage to another shall not be permitted. Total square footage of any sign shall not exceed three hundred fifty (350) square feet.

(c) Avoidance of Duplicate Area Computations: Signs shall be permitted in accordance with the provisions of one or the other of the last hereinabove subsections (a) and (b), but not both.

.3 High-Rise Building Identification Wall Signs.

.3-1 For multi-storied buildings in excess of fifty (50) feet above grade, additional wall sign area shall be permitted for building identification purposes in conformance with the schedule set forth below. Sign area shall be based upon a square footage factor multiplied by the horizontal linear footage of the building facade at the elevation of the facade where the sign is placed.

- (1) For buildings in excess of fifty (50) feet, but less than one hundred one (101) feet in height, the factor shall be three (3) square feet.
- (2) For buildings of one hundred one (101) feet, but less than one hundred fifty-one (151) feet in height, the factor shall be five (5) square feet.
- (3) For buildings of one hundred fifty-one (151) feet, but less than two hundred one (201) feet in height, the factor shall be six (6) square feet.
- (4) For buildings of two hundred one (201) feet, but less than three hundred one (301) feet in height, the factor shall be seven (7) square feet.
- (5) For buildings in excess of three hundred one (301) feet in height, the factor shall be eight (8) square feet.

.3-2 Multi-storied buildings may be permitted identification wall signs of the size provided by Subsection E .3-1 hereof for each building facade visible from a public right-of-way.

.3-3 Wall sign areas permitted by this subsection for one facade may not be used for any facade other than the facade for which such allowance is granted.

.4 Restrictions on Maximum Height, Location, Illumination and Animation for All Signs Which Are Permitted in All Zone Districts.

.4-1 Maximum Height

- (1) Ground Signs: Shall not exceed twenty-five (25) feet above grade.
- (2) Wall and Other Signs: May be erected to the full height of the building, but shall not be higher than the roofline.

.4-2 Location

- (1) Wall Signs: Shall be set back from the boundary lines of the lot on which they are located the same distance as the building containing the legal use. Such signs may not project more than eighteen (18) inches from the surface to which they are attached.
- (2) Ground Signs: Shall be set back ten (10) feet from any boundary line of the lot where the boundary line is adjacent to a street frontage, provided that a clear area free of signage shall be maintained to a height of not less than seventy-two (72) inches above ground level within fifty-five (55) feet of the intersection of a street with another street, a railroad right-of-way, or a driveway.

- .4-3 Illumination: May be from a concealed light source only. Signs shall not blink, flash or fluctuate; nor shall red, yellow or green lights be used within fifty-five (55) feet of the intersection of two streets.

- .4-4 Animation: Except for time and temperature services, signs shall not have moving, rotating or otherwise animated parts.

.5 Planned Development Zone Districts

Billboards. Billboards, as defined in Subsection B .2 hereof, shall be allowed in Planned Development Zone Districts only if the Planned Development stipulations allow billboards. Said stipulations shall specify

requirements concerning dimensions, maximum height, setback, location on the lot, illumination, landscaping and other requirements deemed pertinent by the City Council subject to the following requirements:

.5-1 Permitted maximum height above grade shall be twenty-five feet (25').

.5-2 No billboard shall be allowed, constructed or erected upon the roof of a building.

.6 Comprehensive Sign Plans

The Planning Commission may permit the utilization of comprehensive sign plans for multiple building complexes which are located on one tract or parcel of real estate or two or more contiguous parcels of real estate held in unified control, whether by single partnership, corporate, condominium or association ownership, comprising twenty (20) acres or more; provided, however, that billboards shall not be allowed unless the property is zoned in accordance with Section 2-20 of this Zoning Ordinance.

.6-1 Submittal Requirements. Applicants must submit a detailed site plan with attached written stipulations. Such stipulations shall consider all appropriate concerns including, but not limited to, the following items, if applicable:

- (1) Location
- (2) Size
- (3) Height
- (4) Color
- (5) Lighting
- (6) Visual effects
- (7) Orientation of all proposed signs

.6-2 Plans submitted for staff review and Planning Commission consideration must be on sheets eight and one-half by eleven inches (8 1/2" x 11") in size.

.6-3 Plan Review Criteria. Such plan must be in substantial conformity with the requirements of this section and the Community Development Plan of the City of Lakewood, and any other publicly articulated policies of the City Council.

- .6-4 All applicants affected by provisions of the comprehensive sign plans must be signatory to such plans; provided, however, if the multiple building complex, or any part thereof, is governed by a written and executed management agreement, it will be sufficient if the duly constituted representative of the management association or firm shall be signatory to such plans. It is unnecessary for industrial owners or lessees to sign if said representative has signed on their behalf.
- .6-5 No comprehensive sign plan shall become effective until after a public hearing before the Planning Commission in relation thereto, at which parties and interested citizens shall have an opportunity to be heard. At least fifteen (15) days notice of the time and place of such hearing shall be published in an official paper or a paper of general circulation in the City of Lakewood. Furthermore, the applicant shall mail by certified or registered mail, first class postage prepaid, return receipt requested, written notice of the public hearing to the adjacent landowners at least fifteen (15) days prior to the public hearing. The applicant shall file proof of such mailing, by return receipts received, with the Planning Commission at the time of the public hearing.
- .6-6 All the provisions of the comprehensive sign plan authorized to be enforced by the City of Lakewood may be modified, removed or released subject to the following:
- (1) The Director of Community Development is hereby authorized to determine whether a modification, removal or release of a provision of the comprehensive sign plan is substantial or not substantial in accordance with guidelines established and adopted by the Planning Commission as official policy.

- (a) If the determination is that the modification, removal or release is not substantial, the Director of Community Development is hereby authorized to grant such modification, removal or release.
  - (b) If, however, the determination is that the modification, removal or release is substantial, the Director of Community Development shall submit the proposed change and all relevant material to the Planning Commission for determination that the substantial modification, removal lease of the comprehensive sign plan can be permitted. Such determination shall be based upon the criteria set forth in Subsection E .6-3 of this Section.
- (2) No substantial modification, removal or release of the provisions of the comprehensive sign plan by the Planning Commission of the City of Lakewood shall be permitted except upon a finding by the Planning Commission that the modification, removal or release is:
- (a) Consistent with the efficient development and preservation of the entire comprehensive sign plan;
  - (b) Does not affect in a substantially adverse manner the enjoyment of land abutting upon or across the street from the multi-building complex;
  - (c) Does not affect in a substantially adverse manner the public interest; and

- (d) Is not granted solely to confer a special benefit upon any person.
- (3) If the Planning Commission finds that the modification, removal or release does not meet the criteria set forth in Subsection E .6-3 of this Section, then any such modification, removal or release shall not be accomplished.
- (4) Nothing contained herein shall be construed to deny the Planning Commission power to require any modification, removal or release of the provision of the comprehensive sign plan so that the comprehensive sign plan conforms to the other ordinances of the City or the Subdivision Regulations.
- (5) No substantial modification, removal or release of the Comprehensive Sign Plan shall become effective until after a public hearing held in accordance with the provisions of Subsection E .6-6 of this Section.

#### F. CONSTRUCTION OF SIGNS

- .1 Identification and Marking. Each sign subject to a permit hereafter erected or remodeled shall bear, in a permanent position thereon, a clearly legible identification plate stating the name and address of the owner of the sign, and the person, firm or corporation responsible for its construction and erection, and the date of erection. Electrical signs shall be marked with input amperes at full load input.
- .2 Allowable Stresses, Materials, and Engineering Standards. The design of all members shall conform to the requirements of the Building Code. Loads, both vertical and horizontal, shall not produce stresses exceeding those specified in the Building Code; and materials, construction, and structures shall be of the quality and grade required by the Building Code. All signs and structures shall be designed and constructed to meet Building Code requirements.



### .3 Sign Area Measurement

- (a) Area to be Measured. The area of a sign shall be measured in conformance with the regulation as herein set forth; provided that the structure or bracing of a sign shall be omitted from the measurement unless such structure or bracing is made a part of the message or face of the sign. Where there are not more than two (2) faces of a ground sign and where the faces are back to back, parallel or at less than a ninety-degree (90°) angle, the total area of the largest face shall determine the area of the sign.
- (b) Sign with Backing. The area of all signs with backing or a background, material or otherwise, that is part of the overall sign display shall be measured by determining the sum of the areas of each square, rectangle, triangle, portion of a circle or any combination thereof, which creates the smallest single continuous perimeter enclosing the extreme limits of the display surface or face of the sign, including all frames, backing, face plates, nonstructural trim, or other component parts not otherwise used for support.
- (c) Signs Without Backing. The area of all signs without backing or a background, material or otherwise, that is part of the overall sign display shall be measured by determining the sum of the areas of each square, rectangle, triangle, portion of a circle, or any combination thereof, which creates the extreme limits of each word, written representation (including any series of letters), emblems or figures of similar character, including all frames, face plates, nonstructural trim, or other component parts not otherwise used for support.
- (d) All Other Signs or Combinations Thereof. The area of any sign having parts both with and without backing shall be measured by determining the total area of all squares, rectangles, triangles, portions of a circle, or any combination thereof constituting the smallest single continuous perimeter enclosing the extreme limits of either of the following combinations: the display surface or face of the sign, including all frames, backing, face plates, nonstructural trim, or other component parts not otherwise used for support or parts of the sign that have backing and each word, written representation (including any series of letters), emblems or figures of similar character, including all frames, face plates, nonstructural trim, or other component parts not otherwise used for support for parts of the sign having no backing.

- .4 Inspections. All signs shall be subject to inspections by the Superintendent of Code Enforcement and all other persons duly authorized for such purposes under the ordinances of this City.
- .5 Maintenance. Every sign and sign structure in the City of Lakewood including, but not limited to, those signs and sign structures for which no permit or permit fees are required shall be maintained in good structural condition at all times. All signs and sign structures, including those for which no permits are required shall be kept neatly painted, including all metal parts and supports that are not galvanized or of rust-resistant materials. The Supervisor of Zoning shall inspect and have the authority to order painting, repair, alteration or removal of a sign or sign structure which shall constitute a nuisance or hazard to safety, health, or public welfare by reason of inadequate maintenance, dilapidation, obsolescence or abandonment, or which shall constitute a hazard for any other reason.

1. SIGNS DECLARED A NUISANCE

- .1 .1-1 Any sign within this City the ownership, keeping, display or maintenance of which is unlawful pursuant to the provisions of this Sign Code, is hereby declared to be a public nuisance.
- .1-2 The Supervisor of Zoning may declare any sign to be a nuisance or hazard to safety, health or public welfare, by reason of inadequate maintenance, dilapidation, obsolescence or abandonment, or any other such reason, as provided by this Sign Code.
- (1) Any such declaration shall state the reasons of the Supervisor of Zoning therefor.
- (2) For purposes of this section, the word abandonment shall include, but not be limited to, signs or sign structures from which the sign message has been removed for any reason for a period of thirty (30) days or is no longer applicable to the premises upon which the sign or sign structure is located for a period of thirty (30) days.

- .2 The Supervisor of Zoning shall serve a copy of such declaration upon the owner of the sign and the person entitled to the possession of the premises upon which the sign is located, together with a notice requiring the owner or person entitled to possession of the building or premises to commence the required repairs, improvements or demolition and removal of the sign declared to be a public nuisance. Such repair, improvement or demolition and removal shall be completed within thirty (30) days from the date of the notice unless otherwise stipulated by the Supervisor of Zoning.
- .3 If the owner of the premises is not the same person as the person entitled to possession of the premises, a copy of such declaration and notice shall also be mailed to said Owner by certified or registered mail at the address shown upon the tax rolls of the county. If the tax rolls of the county do not reflect an address for the owner of the premises, a copy of such declaration and notice shall be mailed to said owner by certified or registered mail at his last known address.
- .4. The notice given by the Supervisor of Zoning shall state the remedial action required to be taken. Said notice shall also state that if such action is not taken within the time limit set forth in this ordinance, the cost of demolition and removal shall be assessed against the property on which the sign is located. Said notice shall state that an additional five percent (5%) for inspection and incidental costs and an additional ten percent (10%) penalty for cost of collection has been assessed. The total amount shall be collected in the same manner as real estate taxes against the property.
- .5 In event that the owner of the premises or person entitled to possession, or the owner of the sign, shall fail, neglect or refuse to comply with the notice to repair, rehabilitate or demolish the sign declared to be a nuisance, the owner of the sign, the owner of the premises upon which the sign is located, or the person entitled to possession thereof (if other than the owner of the premises), or all of them, may be prosecuted for violation of this ordinance and the Supervisor of Zoning may demolish and remove the sign declared to be a public nuisance.

- .6 If it shall be necessary for the Supervisor of Zoning to demolish and remove any sign pursuant to the provisions hereof, the Supervisor of Zoning shall certify to the City Clerk the legal description of the property upon which the work was done, together with the name of the owner thereof, as shown by the tax rolls of Jefferson County, together with a statement of work performed, the date of performance, and the cost thereof.
- .7 Upon receipt of such a statement, the City Clerk shall mail a notice to the owner of said premises as shown by the tax rolls, to the address shown upon the tax rolls, by first class mail, notifying such owner that work has been performed pursuant to this ordinance, and stating the date of the performance of the work, the nature of the work, and demanding payment of the cost thereof together with five percent (5%) for inspection and other incidental costs in connection therewith and an additional ten percent (10%) penalty for cost of collection. Such notice shall state that if said amount is not paid within thirty (30) days of mailing the notice, it shall become an assessment upon and a lien against the property of the owner as described in the notice, and will be certified as an assessment against the property to be collected in the same manner as real estate taxes upon the property.
- .8 If the City Clerk shall not receive payment within the period of thirty (30) days following the mailing of such notice, the City Clerk shall inform the City Council of such fact. The City Council may thereupon enact an ordinance assessing the whole cost of collection.
- .9 Following passage of such ordinance upon second reading, the City Clerk shall certify the same to the County Treasurer, who shall collect the assessment.
- .10 Each such assessment shall be a lien against each lot or tract of land assessed until paid and shall have priority over all other liens except general taxes and prior special assessments.
- .11 For all purposes hereof, the owner of the premises shall be presumed to be the owner of all signs thereon, unless the contrary shall appear from facts brought to the attention of the Supervisor of Zoning.

## **H. SIGN CONTRACTOR'S LICENSE**

- .1** No person, firm or corporation shall perform any work or services for any person, firm or corporation or for any governmental entity, for compensation, in the erection, construction, enlargement, alteration, moving, or conversion of any sign in the City of Lakewood, unless such person, firm or corporation shall first have obtained a sign contractor's license pursuant to the provisions of the Building Code of the City of Lakewood.

## **I. SIGN PERMITS**

- .1** No person, firm or corporation shall erect, construct, enlarge, alter, move or convert any sign in the City, or cause the same to be done, without first obtaining a separate building permit for each such sign, pursuant to the Building Code of the City of Lakewood.
  - (a)** Any person, firm or corporation erecting, constructing, enlarging, altering, repairing, moving, improving or converting any third party sign within this City shall attach thereto a name plate providing the name and address of the person, firm or corporation causing the same to be done.
  - (b)** For the purpose of this section the owner or lessee or other person entitled to possession of any lot shall be presumed to be the owner of the sign or sign structure located thereon and responsible for its erection, construction, enlargement, alteration, repair, movement, improvement, conversion or demolition.
- .2** Sign Application Information Required. In addition to the information required to be obtained by the Building Code of the City of Lakewood, each application for a sign permit shall also contain, or be accompanied by the following information:
  - (a)** Name and address of the owner of the sign.
  - (b)** Name and address of the owner of the premises where the sign is located or to be located.
  - (c)** Name and address of person entitled to possession of premises where the sign is located or to be located.

- (d) Plot plan definitely showing the location of the sign which is the subject of the permit and all other existing signs on the same premises.
- (e) Plans showing the dimensions, supports, sizes, and materials of the sign.
- (f) Statement of valuation of all materials and labor incorporated in the sign.
- (g) Statement of the period of intended use of the sign.

#### ADMINISTRATIVE PROVISIONS

##### .1 Legal Nonconforming Signs.

- .1-1 Non-Conforming Sign - Policy. It is reasonable that a time limit be placed upon the continuance of an existing non-conforming sign. An amortization program permits the owner to plan during the period when he is allowed to continue the non-conforming sign while at the same time assuring that the district in which the non-conforming sign exists will eventually benefit from a substantial uniformity of signs.
- .1-2 Non-Conforming Sign - Continuance. Subject to the terms herein, any non-conforming sign may be continued in operation and maintained after the effective date of this ordinance; provided, however, that no such sign shall be changed in any manner that increases the non-compliance of such sign with the provisions of this title, and, provided, that the burden of establishing a sign to be non-conforming rests entirely upon the person or persons, firm, corporation or other entity claiming such status for a sign.
- .1-3 Non-Conforming Sign - Termination. The right to maintain a non-conforming sign terminates immediately upon any of the following:
  - (a) By abandonment of a sign for a continuous period of six months;
  - (b) By any violation of this ordinance;
  - (c) By destruction, damage or obsolescence whenever the sign is damaged or destroyed from any cause whatsoever, or becomes obsolete or

substandard under any applicable regulations of the City of Lakewood, or becomes a hazard or a danger. No repairs shall be permitted to a non-conforming sign;

(d) The right to erect, keep erected, maintain or display any sign prohibited by the terms of this ordinance, within the City of Lakewood and as a legal non-conforming use, shall cease and terminate in accordance with, and no later than, the following amortization schedule:

- (1) All temporary and portable signs expressly prohibited or not allowed by this ordinance shall be brought into conformity or removed within thirty (30) days of the effective date of this ordinance.
- (2) Except to the extent that time and temperature devices complying with Section D .2-2 of this ordinance shall continue to be allowed illumination and animation, all other flashing, moving, rotating or animated parts of existing signs shall be brought into conformity or removed within six (6) months of the effective date of this ordinance.
- (3) All roof signs, billboards, and all other non-conforming signs not covered in the last hereinabove subsections (1) and (2) shall be removed or brought into conformity within five (5) years of the effective date of this ordinance.

.1-4 In the event of final resolution and termination of the sign code litigation (Civil Action No. 50720 in the District Court in and for the County of Jefferson, State of Colorado, Colfax Unlimited Association, Inc., et al., Plaintiffs, vs. City of Lakewood, Colorado, et al., Defendants) by a judgment affirming any part of the sign code appearing at 3-3 of the Lakewood Zoning Ordinance, as amended July 3, 1976 (the "Old Sign Code"), the following provisions shall apply:

- (a) To the extent such judgment affirms the validity of any section of the Old Sign Code defining non-conforming uses, and to the extent such uses are non-conforming uses under this ordinance, they shall be terminated as provided for in the Old Sign Code; provided that any period of time provided for termination by amortization of such uses shall run from the effective date of the Old Sign Code.
- (b) Nothing contained in the last hereinabove subsection J .1-3 herein shall be construed as granting a new, additional or longer interval of time for amortization and abatement of a given sign if the final result of appellate action in the sign code litigation would be to allow earlier amortization or abatement of a given sign.
- (c) The provisions of this subsection .1-4 are expressly intended to be separable and severable, and shall not apply if their effect would be to render moot or otherwise prejudice the appeal by the City of Lakewood of said Civil Action No. 50720, or prejudice the enforcement of any other provisions of this ordinance.

.1-5 No extension of the period of amortization provided in Ordinance No. 0-71-57 of 1971 is granted hereby for signs which were unlawful under the terms and provisions of said ordinance.

.1-6 The Board of Adjustment of the City of Lakewood may stay any part of the amortization schedule provided, for a period not to exceed six months beyond the date otherwise required for amortization and removal or compliance of a sign, if the applicant for stay shall show to the Board a genuine and substantial attempt to comply with the provisions of Ordinance No. 0-71-57 of 1971 or of this ordinance, by submitting the following information accompanying his application for extension or stay:

- (1) Information demonstrating a bona fide attempt by the applicant to bring the sign into conformance.



(2) If the applicant is requesting a stay on economic hardship grounds, a thorough cost estimate delineating the costs to conform and a statement of finances showing applicant's inability to correct the sign.

(3) A statement of what the applicant intends to do during the period of stay to bring signs into conformance. The Board may recommend reasonable interpretations of the provisions.

.1-7 Any firm or corporation maintaining a nonconforming sign in a newly-annexed area shall remove the same or bring the same into conformity with this Code within thirty days of annexation with respect to temporary signs not in conformity herewith; six months with respect to flashing, moving, rotating or animated parts of existing signs not be allowed hereunder; and within five years with respect to all other signs lawfully existing in the annexed area and rendered unlawful by the provisions hereof, such period of time to commence with the effective date of the annexation ordinance.

.1-8 A person, firm or corporation owning or maintaining a nonconforming sign may, before the date upon which said sign is required to be removed or brought into conformity herewith, alter such sign by reducing its height or dimensions during the amortization period allowed by this Code. However, in no instance may the sign message be changed. No such reduction in size or area shall be considered to increase the life of the sign, lengthen or increase its economic worth, or extend the date upon which such sign is required to be brought into conformity with this ordinance or removed. Any person, firm or corporation desiring to reduce the height or total area of such a sign during the amortization period shall obtain a permit from the Division of Code Enforcement and shall sign a waiver, waiving the right to challenge the amortization provision of this ordinance upon the basis that such person, firm or corporation was allowed to change or alter a nonconforming sign without bringing the same into conformity with this ordinance prior to the end of the amortization period provided for herein.

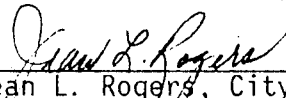
- .2 Illegal Signs: Sign Code Governs in the Event of Conflict. It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, move, improve, convert, own or display any sign prohibited by the terms of this ordinance within the City of Lakewood. The terms and provisions of this Sign Code shall prevail in the event that any conflict between the provisions hereof and any ordinance of this City heretofore enacted, or in the event of any conflict between the provisions hereof and any other provision of the Zoning Ordinance of the City of Lakewood other than this Sign Code.
- .3 Severability and Transition of Sign Code. If for any reason any one or more sections, sentences, clauses or parts of the Sign Code are held invalid, such judgment shall not affect, impair or invalidate the remaining portions of this Sign Code, but shall be confined in its operation to the specific sections, sentences, clauses or parts of this ordinance held invalid. The invalidity of any section, sentence, clause or part of this ordinance in any one or more instances shall not affect or prejudice in any way the validity of this Sign Code in any other instance. All offenses committed and all liabilities incurred prior to the effective date of this ordinance shall be treated as though all prior applicable ordinances and amendments thereto were in full force and effect for the purpose of sustaining any proper suit, action or prosecution with respect to such offenses and liability. Nothing herein contained shall be taken to authorize or make lawful or to permit a period of amortization for any nonconforming sign or billboard or device which was not a lawful use prior to the effective date hereof, except as provided in Subsection J hereof.
- .4 Remedies Not Exclusive. In the event that any sign shall be declared a public nuisance by the Superintendent of Code Enforcement, the City Attorney is hereby authorized on behalf of the City to bring action to abate and enjoin such nuisance, and for damages, and for the cost of abatement, in addition to any other remedies which may be sought under this ordinance. No charge or conviction of violation of this ordinance, or action, or remedy exercised hereunder, shall be exclusive, and none shall preclude the bringing of any charges of violation, or the exercise of any other remedy hereunder.
- .5 Short Title. In citing the within and foregoing provisions added to the Zoning Ordinance of the City of Lakewood, it shall be sufficient to make reference to Section 3-3A of the Zoning Ordinance, without reference to this amending ordinance in any summons, subpoena, pleading, summons and complaint, or other document.

SECTION 2. Emergency. This ordinance is necessary for the immediate preservation of the public health and safety and an emergency exists by reason of the fact that this amendment is necessary to provide interim sign code regulations within the municipality, pending either the final resolution of presently existing litigation or the subsequent adoption of a comprehensive and permanent ordinance affecting the sign code provisions of the Zoning Ordinance of the City of Lakewood, Colorado. Therefore, this ordinance shall take effect following adoption immediately upon the signature of this ordinance by the Mayor (or the Mayor Pro Tem) approving the same.

INTRODUCED, READ AND PASSED on first reading at a meeting of the City Council on December 11, 1978; ordered published in full in the Lakewood Sentinel and Public Hearing and consideration on final passage set for January 8, 1979, at 7 o'clock p.m. at Lakewood City Hall, 44 Union Boulevard, Lakewood, Colorado.

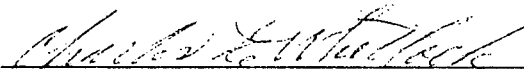
  
Charles E. Whitlock, Mayor

ATTEST:

  
Jean L. Rogers, City Clerk

INTRODUCED, READ AND ADOPTED by the City Council the 8th day of January, 1979.

SIGNED AND APPROVED THIS 9th DAY OF January, 1979 PURSUANT TO THE EMERGENCY PROVISION CONTAINED IN THIS ORDINANCE.

  
Charles E. Whitlock, Mayor

I hereby certify and attest that the within and foregoing ordinance was introduced, read and passed on first reading on the date hereinabove set forth, published in full in the Lakewood Sentinel on the 23rd day of November, 1978; introduced, read, finally passed and adopted by the City Council, and signed and approved by the Mayor on the dates hereinabove set forth.

ATTESTED AND CERTIFIED:

  
Jean L. Rogers, City Clerk

#### SECTION 3-4: ACCESSORY USES

A. IN ANY DISTRICT. Accessory uses or buildings are permitted in any district. Such accessory use or building must be one which:

1. Is subordinate to and serves the principal building or principal use.  
(Orig. 10-30-70)
2. Is subordinate in area, extent, or purpose to the principal buildings or principal use served.  
(Orig. 10-30-70)
3. Contributes to the comfort, convenience or necessity of occupants of the principal building or principal use served.
4. Is located on the same lot as the principal building or use served.  
(Orig. 10-30-70)

B. SPECIFIC PROVISIONS: The following accessory uses shall be permitted in addition to those hereinbefore mentioned:

1. RESIDENTIAL DISTRICTS

- a. The letting of rooms and the providing of table board for not more than five (5) persons in any private dwelling.  
(Orig. 6-6-50; Amend. 10-30-70)
- b. A restaurant, public dining room or other services customary to an apartment house and incidental to its residential use may be located therein as an accessory use.  
(Orig. 6-6-50; Amend. 10-30-70)

2. AGRICULTURAL DISTRICTS

- a. Dwellings for farm or ranch employees employed on the premises or for farm or ranch tenants on any farm or ranch. Any other building or structure incidental to the operation of any ordinary farm or ranch, irrespective of size.  
(Orig. 6-6-50; Amend. 12-26-62; Amend. 10-30-70)

3. COMMERCIAL AND INDUSTRIAL DISTRICTS

- a. In a commercial or industrial district, a use accessory to an authorized use shall be permitted. The parking of automobiles of clients, patients, patrons, or customers within a front, side or rear yard of a building within the C-1 (Commercial One) District, C-2 (Commercial Two) District, RC-1 (Restricted Commercial One) District, R-C (Restricted Commercial) District, IT-1 (Industrial Trade One) District, IT-2 (Industrial Trade Two) District, IT-3

## SECTION 3-4

(Industrial Trade Three) District, or IT-4 (Industrial Trade Four) District, without charge, and in connection with any use permitted in such district shall be deemed an accessory use. A use specified as an IT-3 (Industrial Trade Three) District use shall not be permitted as an accessory use in the IT-2 (Industrial Trade Two) District, IT-1 (Industrial Trade One) District nor the IT-4 (Industrial Trade Four) District.  
(Orig. 10-30-70)

- b. Buildings housing technical offices, laboratories, medical offices, pharmacies, radiological facilities, medical and surgical suppliers, housing for personnel employed on the premises, and other similar uses may be located on the grounds of any hospital or sanitarium  
(Orig. 10-30-70)

### 4. ABOVE GROUND STORAGE OF FLAMMABLE LIQUIDS AND GASES

- a. No above ground storage of flammable liquids or gases in excess of one thousand (1,000) gallons shall be permitted in any district other than the IT-2 (Industrial Trade Two) District or the IT-3 (Industrial Trade Three) District, unless approved by the Board of Adjustment as hereinafter provided.  
(Orig. 10-30-70)

## SECTION 3-5: MOVE AND SET

- A. No building, structure or improvement shall be moved or set from or upon land located in any zone district of the City, or transported upon any public highway in the City until and unless a building permit to move and set and a transport permit has been obtained therefore and said building, structure or improvement complies with the provisions of this section.  
(Orig. 4-1-59; Amend. 3-17-60; Amend. 10-30-70)
- B. All buildings, structures and improvements shall comply with the City of Lakewood Building Code.  
(Orig. 4-1-59; Amend. 10-30-70)
- C. PROCEDURE:
1. Any person who wishes to obtain a building permit, to move and set in compliance herewith shall apply at the office of the Building Official, request an inspection of the building, structure or improvement to be moved and set, and file an application for such permit with the Building Official.  
(Orig. 4-1-59; Amend. 3-17-60; Amend. 10-30-70)
  2. The applicant shall submit with his application for said building permit a plot plan, footing and foundation plan and construction plans for any new construction, which plans shall comply with the Building Code.  
(Orig. 4-1-59; Amend. 10-30-70)
  3. If the building, structure or improvement is located in the City, all outstanding property taxes shall be paid, and the applicant shall submit with his application, a statement from the County Treasurer showing that all past and current taxes have been paid before any permit shall be issued.  
(Orig. 4-1-59; Amend. 10-30-70)
  4. Upon receipt of the above items, the Building Official shall inspect said building, structure or improvement, and the proposed location where same will be set within the City of Lakewood and upon determining that the proposed development complies with the Building Code and Zoning Ordinance, the Building Official shall issue the building permit to move and set and then notify the office of the Director of Community Services, who shall issue a transport permit, providing said building complies with the Ordinance. The Director of Community Services or his agent will designate the route to be traveled. The transport permit is good only for the date specified on the permit, except Saturday, Sunday or holidays. The transport permit will not be issued if ninety (90) days or more have lapsed from the date of inspection by the Building Official.  
(Orig. 4-1-59; Amend. 5-11-59; Amend. 3-17-60; Amend. 10-30-70)

## SECTION 3-5

5. There will be a building permit fee as established in the City Building Code to cover costs of investigation and inspection for determining the structural soundness of buildings, structures or improvements to be moved, which fee is payable in advance and must accompany the application provided for herein. The inspection shall determine what will be necessary to bring buildings, structures, or improvements into compliance with the City of Lakewood Building Code should the building not comply. This fee is not returnable. If buildings, structures or improvements are found in compliance with the City of Lakewood Building Code, a building permit will be issued at the regular fee as determined by the valuation of said building, structure or improvements as published in the City of Lakewood Building Code.  
(Orig. 3-17-60; Amend. 3-23-64; Amend. 10-30-70)
6. The transport permit provided for in this section shall not be in lieu of any building permits which may be required by the City.  
(Orig. 4-1-59; Amend. 3-17-60; Amend. 10-30-70)
7. No transport or building permit to move and set shall be issued until the applicant has first obtained the necessary permits from the telephone company, public utilities companies, railroad companies and the State Highway Department of Colorado and the City Traffic Engineer unless it can be shown by the applicant that these agencies disclaim interest in the matter.  
(Orig. 4-1-59; Amend. 3-17-60; Amend. 10-30-70)
8. No transport or building permit to move and set shall be issued for any building, structure or improvement exceeding twenty-four (24) feet in width, twenty (20) feet maximum loaded in height, or in excess of fifty-five (55) feet in length.  
(Orig. 4-1-59; Amend. 3-17-60; Amend. 3-23-64; Amend. 10-30-70)
9. No person, corporation or company shall transport, move or set any building, structure or improvement in the City of Lakewood until and unless such person, corporation or company shall post with the Building Official a good and sufficient indemnity bond in the amount of ten thousand dollars (\$10,000.00) in favor of the City of Lakewood, and any persons who may suffer damage by reason of such transportation, moving or setting. Such bond shall be made by a surety corporation authorized to do business in this state; and may be issued on an annual basis, but shall not be in excess of such period of time.  
(Orig. 4-1-59; Amend. 10-30-70)

## SECTION 3-6: CHILD CARE FACILITIES, SCHOOLS AND CAMPS

### A. PURPOSE AND SCOPE:

It is the intention and purpose of this Section to provide safe and appropriate zoning for all types of institutions and businesses which assume responsibility, either temporarily or permanently, for the care of children who have not reached their sixteenth birthday; provided, however, children under jurisdiction of foster family care as the same is administered by the Jefferson County Department of Social Services shall not be affected by this Section.  
(Orig. 9-13-73)

### B. ESTABLISHMENT DECLARED UNLAWFUL:

It shall be unlawful for any child care facility or camp to be established, commenced or built, unless the same shall be in conformity with the provisions of this Section 3-6. Any existing child care facility which is not in conformity with the provisions of this Section on the effective date hereof shall be deemed a non-conforming use as provided in Section 1-14 of this Ordinance.  
(Orig. 9-13-73)

### C. DEFINITIONS:

The following definitions are hereby established for the purposes hereof:

1. The term "Colorado Child Care Act" refers to Article 12, Chapter 22, Colorado Revised Statutes 1963, as amended.  
(Orig. 9-13-73)
2. The term "properly licensed" or "proper licensing" refers to the securing of a license from the administrative agency of the State of Colorado which is charged with issuance of such licenses, under the provisions of the Colorado Child Care Act.  
(Orig. 9-13-73)
3. The term "child care facility" refers to any facility for the care of children who have not reached their sixteenth (16) birthday subject to the provisions of the Colorado Child Care Act. The said term shall include but not be limited to child care facilities which are also schools as defined in this Section 3-6.  
(Orig. 9-13-73)
4. The term "day child care facility" refers to any facility subject to the provisions of the Colorado Child Care Act, in which care is provided for less than twenty-four hours.  
(Orig. 9-13-73)



## SECTION 3-6

5. The term "full time child care facility, type one" refers to a child care facility, subject to the provisions of the Colorado Child Care Act in which care is provided for twenty-four hours, provided that: (1) no more than six (6) children are cared for simultaneously; (2) such facility and its program requires no more than two (2) resident staff members; (3) the visits or other activities of supporting staff requires only their occasional presence on the premises; (4) no aspect of the program or external identification of the facility conflicts substantially with the residential character of the neighborhood.  
(Orig. 9-13-73)
6. The term "full time child care facility, type two" refers to a child care facility in which care is provided for twenty-four hours, and which does not meet the specifications provided in Paragraph 5, this Subsection C.  
(Orig. 9-13-73)
7. The term "camp" refers to a facility intended to accommodate temporary group living for children under sixteen (16) years of age provided that the program is substantially oriented toward outdoor activities in a natural environment.  
(Orig. 9-13-73)
8. The term "school" refers to an institution which conducts a program of general mental and physical development and is integrated with the educational programs of the public, parochial or independent schools, which are accredited by the State Department of Education and designed for the training of young people who have not reached their sixteenth (16) birthday. A "child care facility" as defined in Paragraphs 3, 4, 5 and 6, this Subsection C, which also meets and conforms to the definition of "school", shall be deemed a "school".  
(Orig. 9-13-73)
9. The term "building code" refers to the Building Code of the City of Lakewood adopted by Ordinance No. 0-72-10 and the City of Lakewood Municipal Code, Title 14 therein, as heretofore or hereafter amended.  
(Orig. 9-13-73)
10. The term "unified shopping district" refers to a group of at least five (5) commercial establishments which provide shared off-street parking facilities immediately adjacent to the building comprising said group. The area included within such a unified shopping district shall be delineated by distinct boundaries and shall be comprised of at least three (3) acres.  
(Orig. 9-13-73)

D. LICENSE AND APPROVALS REQUIRED:

1. All child care facilities subject to the provisions of the Colorado Child Care Act shall be properly licensed including provisional licensing under the provisions of said Act before being permitted to operate. It shall be unlawful to operate any child care facility or camp within the City of Lakewood unless the same shall also be so licensed.  
(Orig. 9-13-73)
2. Any school or camp subject to the provisions of this ordinance which is required to be licensed or certified by the State of Colorado shall obtain such license or certificate before being permitted to operate and shall provide satisfactory proof of the existence of any such license or certificate to the Department of Community Development. It shall be unlawful to operate any such school or camp within the City of Lakewood unless the same shall be so licensed or certified.  
(Orig. 9-13-73)
3. Any facility subject to the provisions of this Section which is required by the ordinances of the City of Lakewood, the statutes of the State of Colorado, or the regulations promulgated by any fire district having jurisdiction over said facility to obtain approval of its construction plans or physical plant shall file written evidence of such approval before being issued any building permit or certificate of occupancy as set forth in the Building Code of the City of Lakewood.  
(Orig. 9-13-73)
4. Nothing in this Section shall prevent the application of the provisions of this ordinance to child care facilities and camps as hereinabove defined, even though the same may not have obtained required licenses or certifications.  
(Orig. 9-13-73)

E. USES IN ZONE DISTRICT:

Child care facilities and camps may be established and operated within the zone districts of the City as hereinafter set forth, and no other zone districts:

1. Conservation Zone (C-0): Camps, subject, however, to the provisions of Section 2-1 of the Zoning Ordinance. (Orig. 9-13-73)
2. Residential One District (R-1), Residential One A District (R-1A) Residential One B (R-1B), Residential Two District (R-2), Agricultural One District (A-1) and Agricultural Two District (A-2):  
(Orig. 9-13-73)

## SECTION 3-6

- a. Day child care facilities in which care is provided for six (6) or fewer children; except that the number of the operator's own pre-school children living at the facility under the operator's care shall be subtracted from six (6) to provide a lesser total permitted enrollment.  
(Orig. 9-13-73)
- b. Full-time child care facilities, Type One; except that the number of the operator's own pre-school children living at the facility under the operator's care shall be subtracted from six (6) to provide a lesser total permitted enrollment.  
(Orig. 9-13-73)
3. Residential Three A District (R-3A), Residential Three District (R-3), Residential Four District (R-4), Restricted Commercial District (R-C), and Restricted Commercial One District (R-C1):  
  
Any child care facility or school.  
(Orig. 9-13-73)
4. Commercial One District (C-1), Commercial Two District (C-2), Industrial Trade One District (IT-1), Industrial Trade Two District (IT-2), Industrial Trade Three District (IT-3), and Industrial Trade Four District (IT-4):  
  
None permitted, except as accessory uses to existing uses in these zones, and subject to the provisions of Section 3-4 of this ordinance.  
(Orig. 9-13-73)
5. Planned Development District (P-D):  
  
The types of child care facilities which are permitted by this ordinance within each of the different zone districts of the City shall also be permitted in areas within Planned Development Zone Districts in conformity with the zone district uses which are specified for such areas in the Official Development Plan of each Planned Development, unless excepted therefrom by the Official Development Plan; and in addition, child care facilities shall be permitted in Planned Developments if and as specifically provided for in the Official Development Plan.  
(Orig. 9-13-73)

## SECTION 3-6

### F. FIRE SAFETY, TRAFFIC SAFETY AND NOISE ABATEMENT:

#### 1. Fire Safety:

Any facility subject to the provisions of this Section 3-6 shall be required to conform to the standards set forth in the Building Code of the City of Lakewood as follows:

- a. Any facility licensed for more than six (6) children shall conform to the standards of group "C" occupancy as set forth in Chapter 8 of the Uniform Building Code adopted by reference therein and;  
(Orig. 9-13-73)
- b. Any facility licensed for not more than six (6) children shall conform to the standards for the group "I" occupancy as set forth in Chapter 14 of the Uniform Building Code adopted by reference therein.  
(Orig. 9-13-73)

#### 2. Traffic Safety and Noise Abatement:

Any facility subject to the provisions of this Section 3-6 shall comply with all provisions of the Lakewood Municipal Code relating to traffic safety, and all provisions of Lakewood municipal ordinances relating to noise abatement and noise levels as the same are or may hereafter be enacted.  
(Orig. 9-13-73)

### G. EXTENSION OF USES IN CERTAIN DISTRICTS PROHIBITED:

Any child care facility in any zone district which is in existence at the effective date of this amendment to the Zoning Ordinance, and which by this amendment becomes a non-conforming use, may not expand to care for a larger number of children than the maximum licensed capacity as authorized by the State of Colorado during the immediate past three-quarters (nine months) preceding the effective date of this amendment to the Zoning Ordinance.  
(Orig. 9-13-73)

### H. INTERPRETATION - FAMILY FOSTER CARE:

This Section 3-6 shall be construed and interpreted so that the same shall not apply to or affect any child care facility devoted solely to the care of children under the jurisdiction of the foster family care program administered by the Jefferson County Department of Social Services; provided, however, that in com-

SECTION 3-6

H. INTERPRETATION - FAMILY FOSTER CARE: (continued)

puting the number of children in a full-time child care facility, type one, or day care facilities as allowed in Zone Districts R-1, R-1A, R-1B, R-2, A-1 and A-2, the number of pre-school children living at the facility who are cared for by the operator under the jurisdiction of the foster family care program administered by the Jefferson County Department of Social Services shall be considered as the operator's own pre-school children living at the facility under the operator's care.  
(Orig. 9-13-73)

SECTION 3-7: FLOOD HAZARD AREA REGULATIONS

Old  
Ordinance

Old

A. FINDINGS AND PURPOSES

1. Findings. The City Council finds that there are within the City of Lakewood, Colorado, numerous "flood hazard areas" which may also be drainage easements and which are subject to periodic inundation, which results or may result in loss of life and property, hazards to health and safety, disruption of commerce and governmental services, extraordinary public expenditure for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare. (Orig. 1-20-74)
2. Purposes of Section. It is the purpose and intent of this Section 3-7 to promote the public health, safety and general welfare and to minimize the results of flooding hazards described in Paragraph 1, this Subsection A, by provisions designed to:  
(Orig. 1-20-74)
  - a. Permit only such uses within the flood hazard areas of the City of Lakewood as will not be dangerous to health, safety or property in times of flood, or cause excessive increases in flood heights or velocities as a result of encroachments. (Orig. 1-20-74)
  - b. Establish guidelines for uses within flood hazard areas commensurate with the degree and extent of the potential flooding hazards. (Orig. 1-20-74)
  - c. Identify areas which are unsuited by reason of potential flood hazard for uses to which the same might otherwise be put. (Orig. 1-20-74)
  - d. Encourage prudent development of flood hazard areas, including open space uses and to provide for such other improvements of drainways as will effectively handle and control flood flows. (Orig. 1-20-74)
  - e. Require that uses which are vulnerable to flooding, including public facilities, shall be protected against flood damage at the time of initial construction. (Orig. 1-20-74)
  - f. To protect the public from the burden of avoidable and recurring public expenditures due to flood damage for operation, maintenance and replacement costs caused by inadequate and insufficient drainage facilities. (Orig. 1-20-74)

B. DEFINITIONS. For the purposes of this Section 3-7, the following words or phrases are defined as follows: (Orig. 1-20-74)

1. Building Code. The Building Code of the City of Lakewood, as adopted by the Lakewood Municipal Code, 1972, Title 14 therein, and as amended. (Orig. 1-20-74)
2. Channel. That portion of a natural or artificial watercourse or

drainway with perceptibly defined beds and banks to confine and conduct continuously or periodically a flow of water. Channel flow is that water which flows or will flow within the limits of the defined channels. (Orig. 1-20-74)

3. Drainway or Drainageway. A natural or artificial land surface depression, with or without perceptibly defined bed and banks, to which surface runoff gravitates and collectively forms a flow of water continuously or intermittently in a definite direction. (Orig. 1-20-74)
4. Encroachment Lines. The lateral limits or lines on the Official Flood Hazard Area Map drawn along each side and generally parallel with a drainway, channel, or watercourse which delineate the Flood Hazard Area and within which the flood carrying capacity of the drainway is to be maintained. Their location along a drainway, channel, or watercourse should be such that the Flood Hazard Area between them will effectively carry and discharge a flood flow not less than the 100-year frequency flood. (Orig. 1-20-74)
5. Fill. A deposit of materials of any kind placed by artificial means. (Orig. 1-20-74)
6. Flow Line. A line shown on the Official Flood Hazard Area Map and within the Flood Hazard Area indicating flows which are either continuous or intermittent and which would inundate the Flood Hazard Area during a 100-year frequency flood; but for which encroachment lines have not as yet been established. (Orig. 1-20-74)
7. Flood. Temporary rise of water in a natural drainway or watercourse which results in inundation of adjoining lands not ordinarily covered by water. (Orig. 1-20-74)
8. Flood Fringe (FF). That portion of the Flood Hazard Area defined as the low hazard portion of a drainway, channel or watercourse, outside of the floodway portion. (Orig. 1-20-74)
9. Flood Hazard (FH). A risk or chance of loss of life, property or social disruption based on the extent and degree of runoff flows relative to: (Orig. 1-20-74)
  - a. Depths of flows (water surface elevations) relative to the land inundated. (Orig. 1-20-74)
  - b. Velocities of flows relative to the gradient of a flow. (Orig. 1-20-74)
  - c. Frequency and duration that a particular flow will occur. (Orig. 1-20-74)
10. Flood Hazard Area (FHA). That area of a drainway, channel or watercourse which will be inundated by flood flows as a result of the 100-year frequency flood, based upon conditions of complete development of the City and surrounding areas, taking into

consideration the Future Land Use Plans of the City of Lakewood and such surrounding areas, and other relevant factors, and without regard to whether the Flood Hazard Area or flow lines are shown upon the Official Flood Hazard Area Map. (Orig. 1-20-74)

11. Floodway (FW). That portion of the Flood Hazard Area defined as the high hazard portion of a drainway, channel or watercourse which is reasonably required to carry and discharge the 100-year frequency flood. (Orig. 1-20-74)
12. High Hazard Area. The floodway portion of the Flood Hazard Area of a drainway, channel or watercourse in which flows are characteristically of greater depths and high velocities. As a basis for the degree and the extent of the hazard, flood flow velocities of four feet per second or more, or flow depths of two feet or more, during the 100-year frequency flood, are considered hazardous to life, and within the high hazard area. (Orig. 1-20-74)
13. Low Hazard Area. The fringe portion of the Flood Hazard Area of a drainway, channel or watercourse in which flows are characteristically of shallow depths and low velocities. As a basis for the degree and the extent of the hazard, flood flow velocities of less than four feet per second, combined with flow depths of less than two feet, during the 100-year frequency flood, are within the low hazard area. (Orig. 1-20-74)
14. Obstruction. Any dam, wall, embankment, levee, dike, pile, abutment, projection, excavation, channel rectification, culvert, building, fence, stockpile, refuse, fill, structure or matter in, along, across, or projecting into any drainway, channel, watercourse, or 100-year frequency Flood Hazard Area which may impede, retard or change the direction of the flow of water, either by itself or by catching or collecting debris carried by such water, or that is placed where the flow of water might carry the debris downstream to the danger and injury of life and property. (Orig. 1-20-74)
15. Official Flood Hazard Area Map. The map adopted by this section which indicates Flood Hazard Areas within the City of Lakewood, and as amended. (Orig. 1-20-74)
16. 100-Year Frequency Flood. A flood flow the magnitude of which is expected to occur on the average of a 100-year frequency or has a one (1%) percent chance of being equalled or exceeded during any one year. (Orig. 1-20-74)
17. Regulatory Flood Protection Elevation. An elevation of not less than one foot above the water surface elevation associated with the 100-year frequency flood, plus any allowable increase in flood heights attributable to encroachments in the fringe areas. It is the elevation to which some uses regulated by this Section 3-7 are required to be elevated or flood proofed. (Orig. 1-20-74)



18. Watercourse or Stream. Any river, creek, gulch and their tributaries acting as a drainway or channel with or without perceptibly defined beds and banks, and whose flows are more continuous than intermittent. (Orig. 1-20-74)
19. Urban Storm Drainage Criteria Manual. The Urban Storm Drainage Manual, Volumes 1 and 2, as amended, published by The Denver Regional Council of Governments; March, 1969. (Orig. 1-20-74)

C. FLOOD HAZARD AREA. (FHA)

1. The Flood Hazard Area of the City of Lakewood is defined as encompassing all those areas of the City which will be inundated by flood flows as a result of the 100-year frequency flood, based upon conditions of complete development of the City and surrounding areas, taking into consideration the Future Land Use Plans of the City of Lakewood and such surrounding areas, and other relevant factors, whether or not the Flood Hazard Areas or flow lines are shown on the Official Flood Hazard Area Map. (Orig. 1-20-74)
2. The City Council finds and determines that the drainways, channels or watercourses of the City and the Flood Hazard Areas or flow lines thereof, which are susceptible of delineation at the present time are as shown upon the Official Flood Hazard Area Map, a true copy of which is on file and of record in the City Clerk's Office and the City Planning Commission, and incorporated herein and made a part hereof by this reference. (Orig. 1-20-74)
3. Establishment of the Flood Hazard Area.
  - a. The Director of Community Development, with the technical assistance of the Department of Community Services, shall cause the limits of the Flood Hazard Area to be determined by scaling distances and providing encroachment lines on the Official Flood Hazard Area Map. (Orig. 1-20-74)
  - b. The basis for determination of the Flood Hazard Area will be rainfall (hydrologic) data as compiled and statistically analyzed by the U.S. Weather Bureau for the Lakewood area. Rainfall runoff (hydraulic) analysis shall be in accordance with open-channel flow characteristics. In making said analysis and determination, the Department of Community Services will insure that professional hydrologic and hydraulic engineering techniques are adhered to, and in this regard engineering practice manuals of the American Society of Civil Engineers, applicable sections of the Urban Storm Drainage Criteria Manual, and as amended, and other similar competent manuals as applicable to professional hydrologic and hydraulic engineering techniques may be utilized. In all cases, the final determinant of the boundary of the Flood Hazard Area or the floodway or flood fringe portions

thereof will be a given area's topographic land features and the physical characteristics of the natural and/or existing drainage conditions. (Orig. 1-20-74)

- c. Where sufficient engineering data is not presently available to establish said encroachment lines, the flowline of the Official Flood Hazard Area may be provided on the Official Flood Hazard Area Map. Existing drainage patterns correlated with land topographic features shall be used to establish said flowline. (Orig. 1-20-74)
- d. The above criteria, supplemented with data obtained by field examinations and surveys as necessary, will initially be used to establish encroachment lines and flowlines on topographic maps of the City of Lakewood. Said delineation on the topographic maps will be transferred to the Official Flood Hazard Area Map, upon certification by the Director of Community Development. (Orig. 1-20-74)
- e. The Director of Community Development may require any person applying for a building permit or a conditional use permit under this section, or contemplating any activity regulated by this section, to establish the location of the Flood Hazard Area and encroachment lines thereof, (1) where only a flow line is designated on the Official Flood Hazard Area Map or (2) where said person disputes a boundary of the Flood Hazard area as designated on the Official Flood Hazard Area Map. The establishment of the Flood Hazard Area by said person shall follow professional hydraulic and hydrologic engineering techniques as specified in this Paragraph 3. In case of dispute between said person and the Director of Community Development, the decision of the Director of Community Development shall be adhered to by said person, provided, however, said person may appeal said decision to the Board of Adjustment, as per Section 1-6 of this ordinance. (Orig. 1-20-74)

- D. AMENDMENTS TO OFFICIAL FLOOD HAZARD AREA MAP. The Director of Community Development, with the technical assistance of the Department of Community Services, is authorized to make such amendments to the Official Flood Hazard Area Map at any time or from time to time after the effective date of this ordinance as he may find to be necessary and proper in conformance herewith, based upon additional studies or information and data submitted to him. Said Director shall certify that said amendments are in conformity with this Section 3-7 and shall cause them to be shown upon the Official Flood Hazard Area Map. Such amendments shall be effective upon such certification. (Orig. 1-20-74)

The Official Flood Hazard Area Map, as amended from time to time, shall be and is hereby designated as a Zoning Map of the City of Lakewood, and shall be kept on file in the Office of the City Clerk of the City of Lakewood and the City Planning Commission together with the Official Zone District Maps of this City. (Orig. 1-20-74)

E. USE REGULATIONS.

1. The terms and provisions of this Section 3-7 are in addition to and not in lieu of the other terms and provisions of the Zoning Ordinance No. 0-70-104, as heretofore or hereafter amended. Notwithstanding any other provision of this ordinance, nothing herein contained shall be taken or deemed to authorize the use of land or buildings within any Zone District of the City save and except in compliance with all other provisions of the Zoning Ordinance, No. 0-70-104; and the establishment and delineation of the Flood Hazard Area within the City of Lakewood shall not be taken or deemed to alter or amend the boundaries of any Zone District, or to remove land or buildings within the Flood Hazard Area from the Zone District or Districts in which such land and buildings are located. (Orig. 1-20-74)
2. No building or land lying within the limits of the Flood Hazard Area shall be used and no building or other structure lying within said limits shall hereafter be erected, converted or structurally altered, unless such use, erection, conversion or alteration shall be in compliance with the terms and provisions herein set forth. (Orig. 1-20-74)
3. Uses Within The Flood Hazard Area. No uses, including uses accessory to permitted or conditional uses, shall be permitted within the Flood Hazard Area except those specifically hereinafter provided for in this Section 3-7. (Orig. 1-20-74)
  - a. Permitted Uses. Subject to the restrictions of Subparagraph 5 of this Subparagraph a, the following will be deemed permitted uses within the Flood Hazard Area: (Orig. 1-20-74)
    - (1) General farming, pasture, grazing, outdoor plant nurseries, horticulture, viticulture, truck farming, forestry, sod farming, and wild crop harvesting. (Orig. 1-20-74)
    - (2) Airport landing strips and heliports. (Orig. 1-20-74)
    - (3) Private and public recreation uses, including but not limited to golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, boat landing ramps, swimming areas, parks, wild-life and nature preserves, game farms, fish hatcheries and fishing areas, hiking, bike and horseback riding trails, and other similar uses. (Orig. 1-20-74)
    - (4) Open area residential uses such as lawns, gardens, and play areas. (Orig. 1-20-74)
    - (5) Notwithstanding any other provision hereof, no use or obstruction shall be permitted which will adversely affect the efficiency or unduly restrict the capacity

of any drainway or existing channels of any tributary to a drainway, drainage ditch, or any other drainage facility or system. (Orig. 1-20-74)

- b. Conditional Uses. In addition to the permitted uses hereinabove provided for, the Board of Adjustment, following application made through the Zoning Administrator, may issue a conditional use permit upon a finding that the use does not substantially affect the efficiency or the capacity of the drainway, channel or watercourse or substantially increase the flood heights, for one or more of the following conditional uses of land within the Flood Hazard Area: (Orig. 1-20-74)
- (1) Uses or structures accessory to open space or conditional uses. (Orig. 1-20-74)
  - (2) Circuses, carnivals and similar transient amusement activities. (Orig. 1-20-74)
  - (3) Drive-in theaters, road-side stands and signs. (Orig. 1-20-74)
  - (4) Extraction of sand, gravel, and other materials. (Orig. 1-20-74)
  - (5) Marinas, boat rentals, docks, piers, and wharves. (Orig. 1-20-74)
  - (6) Storage yards for equipment, machinery or materials. (Orig. 1-20-74)
  - (7) Kennels and stables. (Orig. 1-20-74)
  - (8) Other uses similar in nature to uses allowed by Paragraph a, of this Subsection 3, and which are consistent with the provisions set out in this Subsection. (Orig. 1-20-74)
- c. Storage of Materials and Equipment. Storage or processing of materials that in time of flooding are buoyant, flammable, explosive or could be injurious to human, animal or plant life, is prohibited within the floodway portion of the Flood Hazard Area. (Orig. 1-20-74)
- d. Railroads, Streets, Bridges, Utility Lines and Facilities Flood Control and Drainage Structures. Railroads, streets, bridges, utility lines and facilities, structural works for the control and handling of flood flows, such as dams, embankments, floodwalls, velocity control structures or required storm drainage control and handling works, may be allowed within the Flood Hazard Area, upon approval of the Department of Community Services in a manner consistent with the criteria and the Rules and Regulations adopted herein. (Orig. 1-20-74)
- e. Utilities, Railroad Tracks, Streets and Bridges. Utility

lines and facilities, roads, railroad tracks and bridges within the Flood Hazard Area shall be designed to minimize increases in flood elevations and shall be compatible with comprehensive Flood Hazard Area development plans. Protection to the regulatory flood protection elevation shall be provided where failure or interruption of these public facilities would result in danger to the public health or safety or where such facilities are essential to the orderly functioning of the area. Where failure or interruption of service would not endanger life or health, a lesser degree of protection may be provided for minor or auxiliary roads, railroads or utilities. (Orig. 1-20-74)

f. Waste Treatment and Waste Disposal.

(1) No new construction, addition, or modification to existing waste treatment facilities shall be permitted within the Flood Hazard Area unless emergency plans and procedures for action to be taken in the event of flooding are prepared, filed with and approved by the Water Quality Control Division of the State of Colorado Department of Health. Such emergency plans and procedures shall provide for measures to prevent introduction of any pollutant or toxic material into the flood waters. (Orig. 1-20-74)

(2) There shall be no disposal of garbage or solid waste materials within the Flood Hazard Areas except upon issuance of a Conditional Use Permit from the Board of Adjustment at sites approved by the Water Quality Control Division of the State of Colorado Department of Health; provided, however, no conditional use permits for garbage and waste disposal shall be issued for the floodway portion of the Flood Hazard Area. (Orig. 1-20-74)

4. Special Provisions Applying to the Flood Fringe (FF) Portion of the Flood Hazard Area. Structural or other uses may be permitted within the flood fringe portion of the Flood Hazard Area as conditional uses upon approval of the Board of Adjustment, to the extent that they are permitted and not prohibited by any other ordinance or section of this ordinance and meet the following applicable standards: (Orig. 1-20-74)

a. Residential Uses. Residential occupancy areas shall be constructed with the first habitable floor at or above the regulatory flood protection elevation. The finished fill elevation shall be no more than one foot below the regulatory flood protection elevation for the particular area and shall extend at such elevation at least fifteen (15) feet beyond the limits of any structure or building erected thereon. Where existing streets or utilities are at elevations which make compliance with this provision impractical, or in other special circumstances, the Board of

Adjustment may authorize other techniques for protection. (Orig. 1-20-74)

- b. Non-Residential Uses. Structures other than residences shall ordinarily be elevated on fill as provided in Subparagraph a, this Paragraph 4, but may, in special circumstances, be required to be protected to a point at or above the regulatory flood protection elevation. (Orig. 1-20-74)
- c. Commercial Uses. Commercial structures shall be constructed with the first habitable floor at or above the regulatory flood protection elevation. Accessory land uses, such as yards, railroad tracks and parking lots may be at lower elevations. (Orig. 1-20-74)

A conditional use permit for facilities to be used by the general public may be granted, if the area will be inundated to a depth of not more than one foot and subject to flood velocities of less than four feet per second upon the occurrence of the 100-year frequency flood. If the area is inundated to a depth of more than one foot and subject to flood velocities of four feet per second or more upon the occurrence of the 100-year frequency flood, a conditional use permit for such facilities to be used by the general public shall not be issued except after adequate public notification by on-site posting visible to the general public. (Orig. 1-20-74)

- d. Manufacturing and Industrial Uses. Manufacturing and industrial buildings, structures and appurtenant works shall be protected to the regulatory flood protection elevation. Measures shall be taken to minimize interference with normal plant operations especially for streams having protracted flood durations. Certain accessory land uses such as yards and parking lots may be at lower elevations subject to requirements set out in Subparagraph c, this Paragraph 4. In considering permit applications, the Board of Adjustment shall give due consideration to needs of an industry whose business requires that it be located in a Flood Hazard Area. (Orig. 1-20-74)

#### F. ADMINISTRATION.

- 1. Administrator. The Zoning Administrator shall administer and enforce this Section 3-7 with the technical assistance of the Department of Community Services, subject to the requirements of this Section and the Rules and Regulations promulgated by the Director of Community Development as hereinafter provided. If the Administrator finds a violation of the provisions of this Section 3-7, he shall notify the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it. If said corrective action is not taken within a reasonable period of time as set forth

in such notice, the Zoning Administrator may cite said person for violation of this Ordinance and may take such other action as may be necessary to correct such condition consistent with the provisions of this and other ordinances of the City. (Orig. 1-20-74)

2. Rules and Regulations. The Director of Community Development, with the technical assistance of the Department of Community Services, shall promulgate in writing reasonable rules and regulations, and such amendments thereto as may be necessary from time to time, in conformity with this Section 3-7, as may be necessary or desirable to carry out the legislative purpose set forth in this Section 3-7. Upon initial promulgation of these rules and regulations, and any subsequent amendments thereto, the Director of Community Development shall give reasonable notice by advertisement in a newspaper of local circulation within the City of Lakewood and conduct a public hearing prior to the date the rules or regulations or amendments thereto become effective. (Orig. 1-20-74)

3. Board of Adjustment. In granting a conditional use permit, the Board of Adjustment may prescribe appropriate conditions and safeguards including flood proofing, drainway improvements, and dedications of right-of-ways, as are necessary to ensure compliance with this Section 3-7. Violations of such conditions and safeguards, when made a part of the terms under which the conditional use permit is granted, shall constitute a violation of this ordinance. (Orig. 1-20-74)

G. NONCONFORMING USES. A structure or the use of a structure or premises which was lawful before the passage or amendment of this Section 3-7, but which is not in conformity with the provisions of this Section 3-7 may be continued as a Nonconforming Use, subject to the restrictions of Section 1-14 of this Ordinance. (Orig. 1-20-74)

H. WARNING AND DISCLAIMER OF LIABILITY. This Section 3-7 does not imply that areas outside the Flood Hazard Area limits or land uses permitted within the area limits will be free from flooding or flood damages. This Section shall not create liability on the part of the City of Lakewood or any officer or employee thereof for any flood damages that result from reliance on this Ordinance or any administrative decision lawfully made hereunder." (Orig. 1-20-74)

# Revisions

## SECTION 3-7: FLOOD HAZARD AREA REGULATIONS (ORIG. 1-20-74 AMEND. 2-13-78)

### A. FINDINGS, PURPOSES AND INTERPRETATION

1. The City Council finds that there are within the City of Lakewood numerous flood hazard areas which are subject to periodic inundation resulting in potential loss of life and property, danger to health and safety, disruption of commerce and government services, extraordinary public expenditure for flood protection and relief and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

2. The City Council finds that the drainways and flood hazard areas of the City that are presently delineable are as shown on the Official Flood Hazard Area Map, a copy of which is on file in the City Clerk's Office, and which is incorporated herein by this reference as an Official Zone District Map of the City of Lakewood.

3. It is the purpose of this Section 3-7 to promote the public health, safety and welfare and to reduce the flood hazards described above. To this end it is the intent of the City Council to:

- a. Permit in the flood hazard areas of the City of Lakewood only those uses which are not dangerous to public health, safety and welfare in times of flood.
- b. Encourage prudent use of flood hazard areas and to provide for improvement of drainways to safely control flood flows.
- c. Require that new construction be protected from potential flood damage.
- d. Relieve the public from the potential burden of avoidable and repeated expenditures due to flood damage.

4. The provisions of this Section 3-7 are intended to be in addition to the other terms of this Zoning Ordinance of the City of Lakewood. Nothing contained herein is intended to authorize the



use of land or buildings in any zone district of the City except in compliance with all other provisions of this Zoning Ordinance, and establishment of flood hazard areas is not intended to alter the boundaries of any zone district or to remove land or buildings in flood hazard areas from the zone districts in which such land or buildings are located.

5. Delineation of flood hazard areas is not intended to imply that land or structures outside such areas will be free from flooding or flood damage; nor is it the purpose of this section to impose liability on the City of Lakewood or its employees, agents or officers for any act or omission, or reliance by others on the same, done pursuant to this section.

6. If any portion of this Section 3-7 shall be adjudged invalid or unenforceable for any reason, the remainder of the Section shall continue in full force unless to give effect to the remaining provisions would defeat the policies and purposes embodied herein.

B. **DEFINITIONS.** The following definitions shall apply to terms used in this Section 3-7.

1. Channel. That portion of a watercourse with a perceptibly defined bed and banks which confines and continuously or periodically conducts a flow of water.
2. Development. Any man-made change to real estate or property, including buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling.
3. Drainway. A natural or artificial land depression, with or without perceptible bed and banks, to which surface runoff gravitates to form a continuous or intermittent flow of water in a definite direction.
4. Encroachment Lines. The lateral lines along a drainway or watercourse which constitute the limits of a flood hazard area, and within which the flow of water in a 100-year frequency flood would be contained. Encroachment lines are also lines drawn on the Official Flood Hazard Area Map to delineate a flood hazard area.
5. Fill. A deposit of material of any kind by other than natural means.
6. Flood. Temporary rise of water in a drainway or watercourse resulting in inundation of adjacent land not ordinarily covered by water.

7. Flood Hazard Area. An area which would be inundated by water during a 100-year frequency flood under conditions of complete development of the City and surrounding areas, according to the master plans of the City and such surrounding areas, and without regard to whether the area is designated as a flood hazard area on the Official Flood Hazard Area Map.
8. Flood Insurance Rate Map. The official map on which the Federal Insurance Administration has designated areas of special flood hazards and the risk premium zones applicable to the City of Lakewood, including any amendments thereto, and used as one basis for preparation of the Official Flood Hazard Area Map.
9. Flood Insurance Study. The official report of the Federal Insurance Administration including flood profiles, the Flood Boundary - Floodway Map, and the water surface elevations of a 100-year frequency flood, and used as one basis for preparation of the Official Flood Hazard Area Map.
10. Floodproof. Constructed so as to be able to withstand the flood depths, pressures, water velocities, impact and uplift forces associated with a 100-year frequency flood.
11. Flow Line. A line on the Official Flood Hazard Area Map delineating a watercourse for which encroachment lines have not been established or determined.
12. High Hazard Area. That portion of a flood hazard area in which flood flows of four feet or more per second or flow depths of two feet or more would occur during a 100-year frequency flood.
13. Lowest Floor. The lowest floor including the basement of a structure.
14. Low Hazard Area. The portion of a flood hazard area which is not within a high hazard area.
15. Mobile Home. A structure which is transportable in one or more sections, built on a permanent chassis, and which is designed for use with or without a permanent foundation when connected to appropriate utilities.
16. Mobile Home Park or Mobile Home Subdivision. One or more contiguous parcels of land divided into two or more mobile home lots for rent or sale.

17. New Construction. Structures for which a building permit is issued after February 25, 1978.
  18. Obstruction. Any dam, wall, embankment, levee, dike, pile, abutment, projection, excavation, channel rectification, culvert, building, fence, stockpile, refuse, fill, structure or matter in, along, across, or projecting into any drainway, channel or watercourse, which might impede, retard or change the direction of a flow of water, either by itself or by catching or collecting debris carried by such water, or which is placed where a 100-year frequency flood flow might carry the debris downstream to the danger and injury of life and property.
  19. Official Flood Hazard Area Map. The map incorporated by Section 3-7 (A-2) of this Zoning Ordinance.
  20. 100-Year Frequency Flood. A flood of such magnitude that flows of equal or greater magnitude may be expected to occur once every 100 years or of which there is a one (1%) percent probability of occurrence in any given year.
  21. Regulatory Flood Protection Elevation. An elevation one foot above the water surface elevation which would occur in a 100-year frequency flood.
  22. Substantial Improvement. Any development of a structure, the cost of which equals or exceeds either 50% of the market value of the structure before the development is started, or, if the development is undertaken for repair of damage caused by accident or Acts of God, 50% of the market value of the structure before the damage occurred.
  23. 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.
- C. AMENDMENTS TO THE OFFICIAL FLOOD HAZARD AREA MAP. The Director of the Department of Community Development is authorized to amend the Official Flood Hazard Area Map from time to time as may be necessary or proper to reflect changes of circumstances or new or additional information submitted to him. Such amendments shall become effective upon filing thereof in the Office of the City Clerk. Amendments to the Official Flood Hazard Area Map shall be based on such information as the Director of the Department of Community Development deems it suitable to rely in his professional judgment.

D. USE REGULATION

1. No person shall use land in a flood hazard area except for the following uses:

- a. Farming, outdoor plant nurseries, wild crop harvesting.
- b. Private and public recreation uses which do not require structures.
- c. Open area residential uses.
- d. Railroads, streets, bridges, utility lines and facilities, flood control and drainage structures, provided that such uses are designed to cause minimal increases in flood elevation and that facilities whose failure or interruption would disrupt or endanger the public health, safety or welfare are protected to the regulatory flood protection elevation, and also provided that the use has first been approved in writing by the City Engineer.
- e. Water Distribution and Sewage Collection Facilities and ancillary facilities, including wells and septic tanks, provided that such facilities are designed to employ the best available technology to minimize or prevent infiltration of the facility by flood waters, and also provided that the use has first been approved in writing by the City Engineer.
- f. Water and Sewage Treatment Facilities and Solid Waste Disposal Facilities, provided that such facilities are designed to employ the best available technology to minimize or eliminate infiltration of the facility by flood waters and infiltration of flood waters by discharge from the facility, and further provided that, in the case of new construction, addition to or modification of existing facilities, emergency plans for action in time of flood, including measures to prevent introduction of any pollutant or toxic material into flood waters, have been prepared, filed with and approved by any local, state and federal agencies with jurisdiction over such facilities, and also provided that the proposed facility has first been approved in writing by the City Engineer.
- g. Lawful nonconforming uses as defined and regulated by Section 1-14 of this Zoning Ordinance, except that for purposes of these Flood Hazard Regulations

no building may be structurally altered to an extent exceeding fifty (50%) percent of the market value of the building before alterations unless the building is brought into conformity with these Flood Hazard Regulations.

- h. Any of the following, provided that a conditional use permit has first been obtained pursuant to Section 3-7(E-5) of this Zoning Ordinance.
  - (1) Any use similar or accessory to uses enumerated in Section 3-7(D-1)(a-f) of this Zoning Ordinance.
  - (2) Circuses, carnivals and similar transient amusement activities.
  - (3) Drive-in theaters, roadside stands and signs.
  - (4) Extraction of sand, gravel and other similar materials.
  - (5) Storage yards for machinery or materials.
  - (6) Kennels and stables.
  - (7) Parking lots accessory to permitted uses, provided that a warning of potential flood hazard is posted at all times in any parking lot in which flood depths over one (1) foot or flood velocities exceeding four (4) feet per second would occur in a 100-year frequency flood.
- i. Any of the following, provided that a conditional use permit has first been obtained pursuant to Section 3-7(E-5) of this Zoning Ordinance, and also provided that the use is located in a low hazard area:
  - (1) Dwellings provided that the lowest floor is above the regulatory flood protection elevation and the finished fill elevation is no more than one (1) foot below the regulatory flood protection elevation for a distance of fifteen (15) feet around the perimeter of the structure or, where unique conditions or circumstances make compliance with this latter condition impractical, equally effective flood protection is provided by some other means.

(2) Commercial, manufacturing, industrial and other structures except dwellings, provided that:

- (A) The lowest floor is located at or above the regulatory flood protection elevation; or
- (B) the structure is floodproof to a point at or above the regulatory flood protection elevation and special circumstances exist which, in the opinion of the Zoning Administrator, make compliance with paragraph (A) hereof impractical.

(3) Mobile home provided that:

- (A) it is anchored to the ground by over-the-top and frame ties to prevent flotation, collapse or lateral movement. Over-the-top ties shall be located at each corner of any mobile home and at least one point per side except that homes 50 or more feet long shall have at least two ties per side. Frame ties shall be provided at all corners of any mobile home, and at four other points per side except that homes 50 or more feet long shall have at least five frame ties per side. All components of the anchoring system shall be capable of restraining a force of 4800 pounds, and any addition to any mobile home shall be similarly anchored; and
- (B) it is elevated on compacted fill or pilings and that the lowest floor is at or above the regulatory flood protection elevation; and
- (C) it is located on land provided with adequate surface drainage and access for a hauler; and
- (D) if it is elevated on pilings, the lot on which it is located is large enough to permit steps to provide access to the mobile home and pilings are placed in stable soil no more than ten (10) feet apart and reinforcement is provided for pilings extending upward from ground level more than six (6) feet; and

- (E) if it is to be placed in a new or substantially improved mobile home park or subdivision, an evacuation plan has been filed with the Lakewood Department of Public Safety which indicates alternate vehicular access and escape routes.

2. Notwithstanding any other provision hereof, no new development shall be allowed nor shall any building or conditional use permit be issued for any use which would:

- a. cause any obstruction which would adversely and substantially affect the efficiency or capacity of any drainway or watercourse, or
- b. cause an increase of more than one foot in the probable water surface elevation in any flood hazard area; or
- c. result in storage or processing of flammable, explosive or dangerous materials within a flood hazard area; or
- d. authorize construction in a flood hazard area of any structure except structures (1) designed to prevent flotation, collapse or lateral movement, (2) employing materials and utility equipment resistant to flood damage, and (3) employing methods of construction which reduce the danger of flood damage.

#### E. ADMINISTRATION

1. Data Required. The Zoning Administrator may require any person applying for a building or conditional use permit to provide sufficient information and data from which to determine the location of any Flood Hazard Area which exists near or around the proposed development.

2. Building Permits and Certificates of Occupancy. The Zoning Administrator may withhold issuance of a building permit whenever he is aware that the proposed construction would result in violation of applicable state, local or federal laws. The Zoning Administrator shall permit state, local and federal enforcement officials to examine his records at mutually convenient times, and may suspend or revoke any building permit or certificate of occupancy whenever such officials provide him with information which establishes probable cause that the construction or use would violate any state, local or federal law. A building permit or Certificate of Occupancy which is suspended hereunder shall not be reinstated or reissued until the Zoning Administrator is reasonably satisfied that no violation exists or will exist.

The Zoning Administrator shall, from time to time, notify the Colorado Water Conservation Board, the Federal Insurance Administration, and any affected adjacent communities of alterations or relocations of any watercourse which result from permitted development when, in the opinion of the Zoning Administrator the alterations or relocations are substantial. The Zoning Administrator may withhold issuance of any building permit or certificate of occupancy whenever he deems it in the public interest to consult with other state, local or federal officials prior to issuance of such permit or Certificate.

3. Certified Elevations. No certificate of occupancy for any dwelling adjacent to a flood hazard area shall be issued unless a Registered Land Surveyor has certified to the Zoning Administrator that the dwelling has been constructed in conformity with Section 3-7(D-1)i(1). If a structure other than a dwelling is located adjacent to a flood hazard area, no certificate of occupancy shall be issued for the structure unless a Registered Land Surveyor has certified to the Zoning Administrator that the structure has been constructed in conformity with Section 3-7(D-1)i(2)(A) or a Registered Professional Engineer or Licensed Architect has certified to the Zoning Administrator that the structure has been constructed in conformity with Section 3-7(D-1)i(2)(B). Such certifications shall state the mean sea level elevation of the lowest floor of the structure and whether the structure has a basement. For floodproof structures, such certification shall also state the mean sea level elevation to which the structure is floodproof.

4. Appeals. Appeals of any decision or interpretation of this Section 3-7 by any City employee or officer shall be as provided by Section 1-6 of the Zoning Ordinance of the City of Lakewood.

5. Conditional Use Permits. a. The Zoning Administrator shall issue a conditional use permit for any use described in Sections 3-7(D-h and i) of this Zoning Ordinance only upon approval of the permit by the Board of Adjustment.

b. The applicant for a conditional use permit shall have the burden of proving all facts and conditions precedent to issuance of such a permit.

c. The Board of Adjustment may, as a continuing condition of any permitted use, require that safeguards such as floodproofing, reasonable drainway improvements and dedication of rights of way or easements be done to reduce flood hazards.

d. No conditional use permit or variance from the use regulations of this section shall be approved in violation of the provisions of Section 3-7(D-2).



6. Factors to be Considered. The Board of Adjustment shall not approve any conditional use permit nor reverse or alter any decision of the Zoning Administrator relating to use of specific land in a flood hazard area unless and until it has taken evidence of and considered the following:

- a. The probability that materials would be swept onto other properties to the injury of persons or property in time of flood.
- b. The susceptibility of the proposed use to flood damage.
- c. The importance of the proposed use to the community.
- d. The availability of safer and practical alternative locations for the proposed use.
- e. The compatibility of the proposed use with the Lakewood Master Plan and any applicable flood plain management program.
- f. The access to the property in times of flood for ordinary and emergency vehicles.
- g. The height, velocity, duration, rate of rise, and debris transport capability of the flood waters which would occur at the site in times of flood.
- h. The cost of providing governmental services to the property during and after a flood, including maintenance and the repair of public utilities and facilities such as sanitary sewer, gas, electrical, and water utilities, and streets and bridges.
- i. Any other relevant evidence submitted by the Zoning Administrator, the person requesting a permit, any appellant or other party at interest.

7. Duties of Zoning Administrator. In addition to those duties stated in Section 1-15 of this zoning ordinance, the Zoning Administrator shall:

- a. Promulgate reasonable rules and regulations for the enforcement of this Section 3-7, and render in writing, as may be necessary from time to time, interpretations of the provisions hereof.
- b. Review, investigate and report to the Board of Adjustment on any application for a conditional use permit in a flood hazard area, or any appeal taken hereunder to the Board of Adjustment.

- c. Maintain records of the elevation of all new construction above the regulatory flood protection elevation, including any required certifications by developers, surveyors, engineers or architects that new construction conforms to the requirements of this Section 3-7 and other applicable local, state and federal laws.

## SECTION 4-1: DEFINITIONS

- A. For the purpose of this Ordinance, the following words and terms are defined as follows:  
(Orig. 5-6-46; Amend. 10-30-70)

1. ACCESSORY BUILDING:

A subordinate building, or portion of a main building, the use of which is incidental to that of the main building on the same lot.  
(Orig. 5-6-46; Amend. 10-30-70)

2. ACCESSORY USE:

Accessory use is one which:

- (a) is subordinate to and serves the principal building or principal use, and
- (b) is subordinate in area, extent, or purpose to the principal building or principal use served, and
- (c) contributes to the comfort, convenience, or necessity of occupants of the principal building or principal use served, and
- (d) is located on the same lot as the principal building or principal use served.  
(Orig. 10-30-70)

3. BUILDING:

A structure having a roof supported by columns or walls.  
(Orig. 5-6-46; Amend. 10-30-70)

4. BUILDING - HEIGHT OF:

The vertical distance measured from the curb level to the highest point of the roof surface, if a flat roof; to the deck line of a mansard roof; and to the main height level between eaves and ridge for a gable, or hip roof; provided, however, where buildings are set back from the line, the height of the building shall be measured from the average elevation of the finished grade of the building.  
(Orig. 5-6-46; Amend. 11-1-65; Amend 10-30-70)

## SECTION 4-1

### 5. CATTERY:

Any building, structure or open space devoted in its entirety or in part to the raising, boarding or harboring of four (4) or more adult cats.  
(Orig. 11-15-65; Amend 10-30-70)

### 6. CUL-DE-SAC:

A non-through or dead end local street with special features (bulb) for the turning around of vehicles.  
(Orig. 4-7-69; Amend. 10-30-70)

### 7. CUL-DE-SAC LOT:

A parcel of land that is designed to be occupied by a main building and accessory buildings, which attaches to the turn circle (bulb) of a dead-end street.  
(Orig. 4-7-69; Amend. 10-30-70)

### 8. CUL-DE-SAC LOT WIDTH:

A cul-de-sac lot will have at least thirty (30) feet of street frontage. The average width of this lot shall be equal to the minimum required frontage of standard lots within any given zone district, and the lot will meet the area requirements of the zone district. However, lots fronting on cul-de-sacs (bulbs) will be excluded from meeting the "front yard" width requirements of the City of Lakewood Zoning Ordinance.  
(Orig. 4-7-69; Amend. 10-30-70)

### 9. DWELLING - ONE FAMILY:

A building designed for occupancy by not more than one family.  
(Orig. 5-6-46; Amend. 10-30-70)

### 10. DWELLING - TWO FAMILY:

A building designed for occupancy by two families living in separate apartments as tenants from month to month or for a term longer than one month.  
(Orig. 5-6-46; Amend. 10-30-70)

SECTION 4-1:

11. DWELLING - MULTIPLE:

A building or group of buildings designed for occupancy by three (3) or more families living in separate apartments as tenants from month to month or for a term longer than one (1) month.  
(Orig. 5-6-46; Amend. 10-30-70)

12. FAMILY:

Any number of individuals living together as a single housekeeping unit.  
(Orig. 5-6-46; Amend. 10-30-70)

13. FARMING:

The cultivation of land, including ranching or raising of livestock only, unless otherwise herein specifically provided.  
(Orig. 5-6-46; Amend. 11-15-65; Amend 10-30-70)

14. FREEWAY:

A state highway designated, in the manner provided by law, as a freeway.  
(Orig. 5-6-46; Amend. 10-30-70)

15. GARAGE - PRIVATE:

An accessory building or an accessory portion of a main building, designed for the shelter or storage of motor vehicles owned or operated by the occupants of the main building only.  
(Orig. 5-6-46; Amend. 11-15-65; Amend. 10-30-70)

16. GARAGE - PUBLIC:

A garage, other than a private garage, used for the housing or care of motor vehicles, or where such vehicles are equipped for operation, repaired or kept for remuneration, hire or sale.  
(Orig. 5-6-46; Amend. 10-30-70)

17. HIGHWAY - STATE:

A road designated, in the manner provided by law as a state highway; or a right-of-way or parcel of real property owned by the state, or a governmental subdivision thereof, as a part of a projected road to be constructed and designated as a state highway in the future.  
(Orig. 5-6-46; Amend 10-30-70)

SECTION 4-1:

18. HOME OCCUPATION:

Uses that may be deemed by the Board of Adjustment to be customary and incidental to the residential district and which are approved, and used, in conformance with provisions of Section 1-6 of this Zoning Ordinance. (Orig. 11-15-65; Amend. 10-30-70)

19. JUNK:

Scrap brass, scrap copper, scrap iron, scrap lead, scrap tin, scrap zinc, and all other scrap metals and the alloys and bones, rags, used cloth, used rope, used rubber, used tinfoil, used bottles, old or used machinery of any type, used tools, used appliances, used fixtures, used utensils, used lumber, used boxes or crates (fabricated of any material), used pipe or pipe fittings, used conduit or conduit fittings, used automobiles in non-operative condition, used tires and other manufactured goods that are so worn, deteriorated or obsolete as to make them unusable in their existing condition. (Orig. 11-15-65; Amend. 10-30-70)

20. JUNK YARD:

An open area where any waste, junk, used or second hand materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled, including but not limited to, scrap iron and other metals, paper, rags, rubber tires and bottles. A "junk yard" also including an auto wrecking yard, the storage or keeping of one (1) or more inoperative motor vehicles, (except where otherwise specifically permitted), but does not include uses established entirely within enclosed buildings. (Orig. 11-15-65; Amend. 10-30-70)

21. KENNEL:

Any building, structure or open space devoted in its entirety or in part, to the raising, boarding or harboring of four (4) or more adult dogs. (Orig. 11-15-65; Amend. 10-30-70)

SECTION 4-1:

22. LABORATORY:

A building or a portion of a building devoted to the experimental study in science or the testing and analysis of chemicals, drugs, explosives, minerals, etc. (Orig. 11-15-65; Amend. 10-30-70)

23. LABORATORY - MEDICAL OR DENTAL

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 or dentists and where no fabrication is conducted on the premises, except the custom fabrication of dentures. (Orig. 11-15-65; Amend. 10-30-70)

24. LIVESTOCK

Domestic animals of types customarily raised or kept on farms or ranches for profit or other productive purposes. (Orig. 11-15-65; Amend. 10-30-70)

25. LOT:

A parcel of land occupied or designed to be occupied by a main building and the accessory buildings or uses customarily incidental to such main building, including the open spaces required by this Ordinance and such open spaces as are arranged and designed to be used in connection with such buildings. A lot may or may not be the land shown as a lot on a duly recorded plat. (Orig. 5-6-46; Amend. 10-30-70)

26. LOT - CORNER:

A lot of which at least two (2) adjacent sides abut for their full length upon a street. (Orig. 5-6-46; Amend. 10-30-70)

27. LOT - INTERIOR:

A lot other than a corner lot. (Orig. 5-6-46; Amend. 10-30-70)

SECTION 4-1:

28. LOT - THROUGH:

An interior lot abutting on more than one (1) street or corner lot abutting on more than two (2) streets.  
(Orig. 5-6-46; Amend. 10-30-70)

29. LOT LINE - FRONT:

The common boundary line between an interior lot (other than a through lot) and a street, or the common boundary line between a corner lot (other than a through lot) and that street toward which the principal or usual entrance to the main building situate on such lot more nearly faces or the common boundary line between a through lot and any adjacent street.  
(Orig. 5-6-46; Amend. 10-30-70)

30. LOT LINE - REAR:

That boundary line of a lot which is most nearly opposite the front lot line of such lot, other than a through lot.  
(Orig. 5-6-46; Amend. 10-30-70)

31. LOT LINE - SIDE:

Any boundary line of a lot, other than a front lot line or rear lot line.  
(Orig. 5-6-46; Amend. 10-30-70)

32. MOBILE HOME:

Any assembled or manufactured living unit designed for permanent human occupancy, possessing a length greater than twenty-five (25) feet and being equipped for use with wheels for purposes of relocation by highway and/or rail transportation.  
(Orig. 11-15-65; Amend. 10-30-70)

33. MOBILE HOME PARK:

Land or property utilized for or intended for the use of renting occupancy spaces for one (1) or more mobile homes.  
(Orig. 11-15-65; Amend. 10-30-70)

34. PORCH - UNENCLOSED:

A porch which is open to the atmosphere on at least two (2) sides.  
(Orig. 5-6-46; Amend. 10-30-70)



SECTION 4-1:

35. SETBACK LINE - FRONT:

A line parallel with a front lot line of a lot, tangent to that part of a building situate on such lot (other than an open fire escape or stairway, a chimney or a one-story unenclosed porch) which is closest to such lot line and intersecting two (2) other lot lines of such lot.  
(Orig. 5-6-46; Amend. 10-30-70)

36. SETBACK LINE - FRONT - CUL-DE-SAC:

A line concentrically parallel to the right-of-way line of the street on the cul-de-sac (bulb) and a line parallel to and a minimum of twenty (20) feet from the right-of-way line of the remainder of the cul-de-sac. (See Figure 1, Section 4-1). On cul-de-sac lots, the Board of Adjustment may not issue a variance on the land that lies between the cul-de-sac front setback line and the cul-de-sac right-of-way line as depicted (See Figure 1, Section 4-1). The projection of the front setback line in situations where the cul-de-sac is eccentric, shall conform to Figure 1, Section 4-1.  
(Orig. 5-6-46; Amend. 10-30-70)

37. SETBACK LINE - REAR

A line parallel with a rear lot line of a lot, tangent to that part of a building situate on such lot which is closest to such rear lot line and intersecting two (2) other lot lines of such lot.  
(Orig. 5-6-46; Amend. 10-30-70)

38. SETBACK LINE - SIDE:

A line parallel with a side lot line of a lot, tangent to that part of a building situate on such lot which is closest to such side lot line and intersecting two (2) other lot lines of such lot.  
(Orig. 5-6-46; Amend. 10-30-70)

39. STREET:

A public thoroughfare for vehicular traffic.  
(Orig. 5-6-46; Amend. 10-30-70)

SECTION 4-1:

40. STRUCTURE:

Anything constructed or erected, the use of which requires a more or less permanent location on the ground; but not including earthworks, ditches, canals, dams, reservoirs, pipelines, telephone or telegraph or electric power lines, walks, driveways or curbs.  
(Orig. 5-6-46; Amend. 6-6-50; Amend 6-2-58; Amend. 10-30-70)

41. STRUCTURAL ALTERATIONS:

Any change in the supporting members of a building such as bearing walls, columns, beams or girders, floor joists or roof joists.  
(Orig. 5-6-46. Amend. 10-30-70)

42. TAVERN:

Any establishment selling by the drink, fermented malt beverages; or malt, vinous or spiritous liquors, as defined by Section 75-2-4 1963 C.R.S. as amended.  
(Orig. 10-30-70)

43. TOURIST COURT OR CAMP:

A building or a group of buildings designed for occupancy by transients.  
(Orig. 5-6-46; Amend. 10-30-70)

44. TRAVEL CAMPERS (ALSO TO INCLUDE FACILITIES REFERRED TO AS CAMPERS, CAMP TRAILERS OR TRAVEL TRAILERS:)

A living unit designated for temporary occupancy, attaining no further length than twenty-five (25) feet and being equipped for use with wheels or mounted on motorized vehicle, for the purpose of relocation by highway transportation.  
(Orig. 11-15-65; Amend. 10-30-70)

45. TRAVEL CAMPER PARK:

Land or property utilized for or intended for use of renting temporary occupancy space to transient users of travel campers.  
(Orig. 11-15-65; Amend. 10-30-70)

SECTION 4-1:

46. VETERINARY HOSPITAL:

A place where animals or pets of all types are given medical or surgical treatment. Use as a kennel shall be limited to short-time boarding and shall only be incidental to such hospital use and need not be enclosed within the main building.  
(Orig. 4-7-69; Amend. 10-30-70)

47. VETERINARY HOSPITAL (SMALL ANIMAL, ENCLOSED):

A place where small animals or pets (dogs, cats, birds and the like) are given medical or surgical treatment. Use as a kennel shall be limited to short-time boarding and shall only be incidental to such hospital use. All uses shall be enclosed within a sound-proof building and which shall not emit an objectionable odor.  
(Orig. 4-7-69; Amend. 10-30-70)

48. WIDTH OF LOT:

The shortest distance between any two (2) lot lines of a lot which are intersected by the same front setback line, measured from either of such points of intersection.  
(Orig. 5-6-46; Amend. 10-30-70)

49. YARD:

An open space on the same lot with a building, unoccupied and unobstructed from the ground upward except as otherwise provided herein.  
(Orig. 5-6-46; Amend. 10-30-70)

50. YARD - FRONT:

That portion of lot lying between a public street and nearest parallel front setback line of such lot.  
(Orig. 5-6-46; Amend. 10-30-70)

51. YARD - REAR:

That portion of a lot lying between the rear lot line and the rear setback line of such lot.  
(Orig. 5-6-46; Amend. 10-30-70)

SECTION 4-1

52. YARD-SIDE:

That portion of a lot lying between a side lot line and the nearest parallel side setback line of such lot.

(Orig. 5-6-46; Amend. 10-30-70)

- B. Words used in the present tense include the future; words in the singular number include the plural, and words in the plural number include the singular; the word "building" includes the word "structure" and the word "shall" is mandatory and not directory. (Orig. 5-6-46; Amend. 10-30-70)

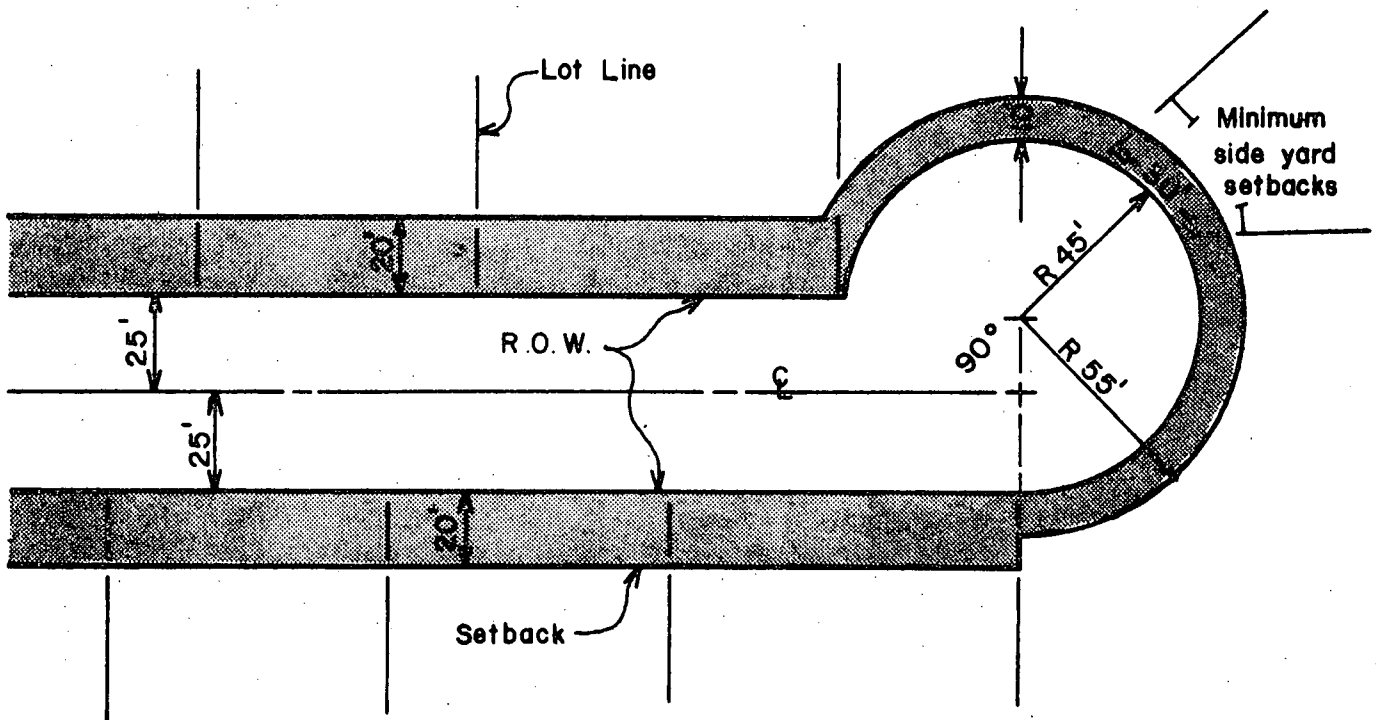
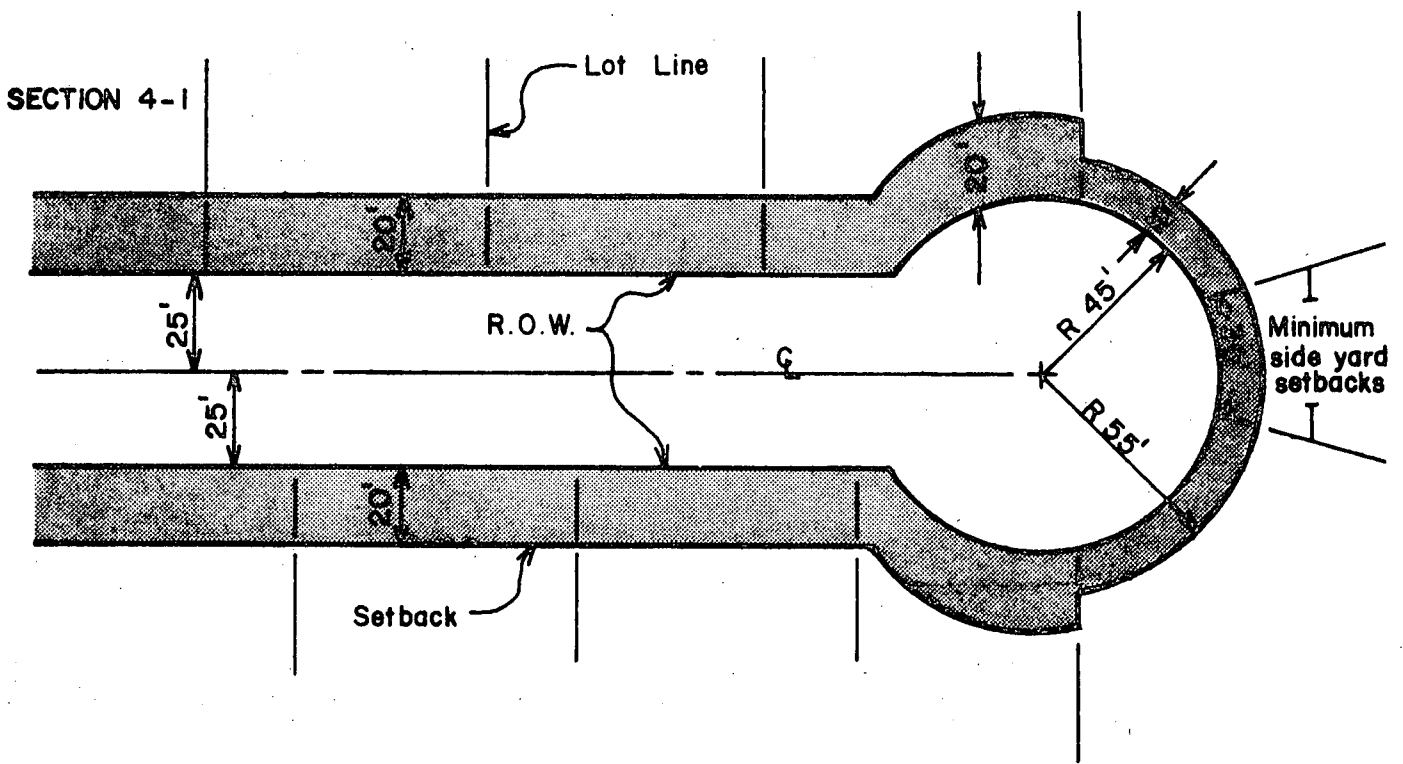


Figure 1 (Orig. 4-7-69) Amend. 10-30-70  
 This explanatory illustration is adopted and made a part of the Zoning Ordinance  
 of the City of Lakewood.

SECTION 4 - FINAL PLAT (continued)

- 4-2 (E) Construction Proposal: Subsequent to approval of the Preliminary Map as provided in Section 3-3, the subdivider shall submit, to the Department of Community Development, his proposal for the construction of all public improvements in the subdivision. Such proposal shall include a schedule of development by blocks of lots, or other suitable unit, showing the completion of the public improvements in relation to completion of buildings and appurtenant facilities on the individual sites. Definitive plans, in sufficient detail to estimate construction costs, shall be submitted with the construction proposal.

The Department of Community Development and the Department of Community Services shall give prompt consideration to the subdivider's construction proposal and shall make a decision thereon within fifteen (15) days from the date received by the Department of Community Development, City of Lakewood. In the event the subdivider's proposal is rejected, written notice thereof shall be provided specifying wherein the proposal is inadequate. If accepted, the proposal shall be incorporated in the agreement as provided in Section 4-2(F) hereof.

(Orig. 3-10-71)

- (F) PUBLIC IMPROVEMENTS AGREEMENT. Prior to the final approval and acceptance of a final plat, the subdivider shall enter into a Public Improvements Agreement with the City as required of applicants for building permits under Chapter 14.13 of Title 14 of the Lakewood Municipal Code, as amended.

(Orig. 9-16-70; Amend. 3-10-71; 1-22-75; 5-10-78)

The agreement shall state that, upon completion of the improvements included in the construction proposal, the subdivider shall request, in writing, that the Director of Community Services of the City issue a Certificate of Preliminary Acceptance to said subdivider. The agreement shall, upon the request of the Department of Community Services, also state that the written request must be accompanied by a letter from a registered professional engineer stating that said improvements are fully completed

SECTION 4 - FINAL PLAT (continued)

and installed in accordance with the construction agreement, the approved final engineering construction plans, and the Engineering Regulations, Construction Specifications, and Design Standards of the City of Lakewood, and be accompanied by as-built drawings certified by the registered professional engineer. Furthermore, the agreement shall state that the said Director of Community Services shall, within thirty (30) days, after receipt of the written request, either issue said Certificate of Preliminary Acceptance or deny the said Certificate of Preliminary Acceptance in writing to the subdivider, stating specifically the reasonable cause or causes for the failure to issue said Certificate. In any event, the Director of Community Services shall make every effort to speedily provide said Certificate.

(Orig. 9-16-70; Amend. 3-10-71; 1-22-75)

A warranty for materials and workmanship of the improvements constructed and installed shall be provided for a period of one (1) year from the date of their Preliminary Acceptance by the City. Furthermore, acceptable assurances shall be provided as security for the said warranty in an amount of at least ten percent (10%) but not to exceed one hundred percent (100%) of the total amount of the security for the guarantee, which amount will be determined by the Department of Community Services. Such determination shall be based upon consideration of the following factors:  
(Orig. 9-16-70, Amend. 3-10-71; 1-22-75)

1. Type and magnitude of improvements which have been constructed.
2. The overall conditions of the improvements and the potential of failure or damage to same during the warranty period as determined by the City Engineer.
3. The time and money it would take to repair or replace the original improvements.

The assurances for construction and installation of improvements and for the warranty for materials and workmanship of said improvements shall be secured by one or a combination of the methods below or other methods approved by the City:

(Orig. 3-10-71; Amend. 1-22-75)

SECTION 5. EMERGENCY:

This ordinance is necessary for the immediate preservation of the public health and safety, and an emergency exists for the reason that the immediate adoption of this ordinance is necessary for the protection of persons and property within the City of Lakewood and to permit the orderly growth and development of the City; therefore, this ordinance shall take effect 5 days after final publication.

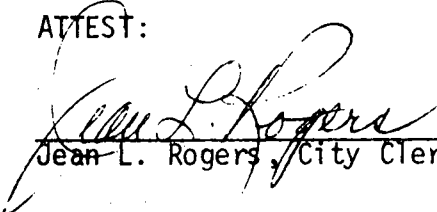
INTRODUCED, READ AND PASSED on first reading at a regular meeting of the City Council on September 28, 1970, and ordered published in full in the Lakewood Sentinel and public hearing and consideration on final passage set for October 19, 1970, at 7:00 o'clock P. M. at Lakewood City Hall, 1580 Yarrow Street, Lakewood, Colorado.

Published in full in the Lakewood Sentinel October 1, 1970. Passed on public hearing and final reading October 19, 1970, at a special meeting of the Lakewood City Council at Lakewood City Hall, 1580 Yarrow Street, Lakewood, Colorado.

Approved:

  
James J. Richey, Mayor

ATTEST:

  
Jean L. Rogers, City Clerk