

ORDINANCE 0-80-51
(City of Lakewood Zoning Ordinance)
As Amended By:

Ordinance 0-81-108
Ordinance 0-81-110
Ordinance 0-81-158
Ordinance 0-82-6
Ordinance 0-82-19
Ordinance 0-82-71
Ordinance 0-82-108

Effective 9/22/82

ZONING ORDINANCE OUTLINE
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A BILL FOR AN
ORDINANCE REGULATING AND RESTRICTING THE USE OF LAND AND THE USE, LOCATION,
HEIGHT AND BULK OF BUILDINGS AND STRUCTURES, AND DIVIDING THE CITY OF LAKEWOOD,
COLORADO, INTO ZONE DISTRICTS.

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

TITLE 17 (As Amended)

ARTICLE 1. GENERAL

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

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

(1) To promote the health, safety, order, convenience, prosperity and welfare of the present and future inhabitants of the City of Lakewood.

(2) To lessen the impact of traffic and congestion in the streets and roads, to secure safety from fire and other dangers, and to provide adequate sun, light and air.

(3) To provide for the classification of land uses and the distribution of land development within and utilization of those land uses.

(4) To avoid undue congestion of population, to facilitate the adequate provision of transportation, water, schools, sewerage, and other public requirements and to promote energy conservation.

(5) To accomplish the purposes of the City's Comprehensive Plan and of the zoning maps adopted herein.

(6) To promote vehicle and pedestrian safety.

(7) To enhance the appearance of the City, promote good civic design and arrangement, protect the value of property and conserve the value of buildings.

(8) To preserve open space and prevent the overcrowding of land.

(9) To protect property from adverse influences of adjacent property where differing zone districts abut.

(10) To provide planned and orderly use of land within the City.

(11) To update and modernize the previously adopted zoning ordinance of the City.

17-1-3. INTERPRETATION AND EFFECT ON PRIVATE COVENANTS: (1) In interpreting and applying the provisions of this Ordinance, they shall be held to be the minimum requirements for the promotion of public health, safety, convenience, order, prosperity and the general welfare. It is not intended by this Ordinance to interfere with or abrogate or annul any easements, covenants or agreements between parties, provided, however, that wherever this Ordinance imposes a greater restriction upon the use of buildings or land or upon the location or height of buildings or structures or requires larger open spaces about buildings than are imposed or required by other laws, ordinances or easements, covenants or agreements between parties, the provisions of this Ordinance shall govern.

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

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

17-1-5. REPEALER: (1) At the time all property not zoned PD (planned development), which is located within the City of Lakewood and which is subject to zoning regulation, is zoned or rezoned to a district created by this Ordinance 0-80-51, all portions of Ordinance 0-70-104, as amended, not previously repealed shall be automatically repealed. The City Council shall declare such occurrence by resolution which shall be conclusive as to the facts found by the Council therein.

(2) The following sections of Ordinance 0-70-104, as amended, are repealed as of the effective date of this Ordinance 0-80-51: Sections 1-5, 1-6, 1-7, 1-8, 1-14(C)(1), the Board of Adjustment authority to allow side yard exceptions contained in 1-14(C)(3), 1-14(C)(4)(b), 1-15(E)(3), 3-2, 3-5, and 3-7.

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

17-1-7. APPLICABILITY: (1) Any application for an initial zoning or rezoning of property filed on or after the effective date of this Ordinance shall be for a zone district created by this Ordinance. The application shall be governed by and approved or disapproved subject to Article 17 of this Ordinance, and this Ordinance shall in all respects govern the use of property so zoned or rezoned.

(2) Any application for an initial zoning or a rezoning of property filed prior to and pending on the effective date of this Ordinance shall be amended to propose a zone district created by this Ordinance and shall otherwise conform to and be governed by this Ordinance 0-80-51, unless a hearing on the application has been conducted by the Planning Commission. If a hearing thereon has been conducted by the Planning Commission, the application shall

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

(3) Notwithstanding any other provision of this Ordinance, the following portions of this Ordinance shall apply to all property on the effective date of this Ordinance, even though no rezoning of the property has occurred:

(a) Article 4. All powers granted therein to the Board of Adjustment and Director may be exercised with respect to the various regulations set forth in Ordinance 0-70-104, as amended.

(b) Article 9. The parking requirements therein shall apply to uses of property under Ordinance 0-70-104, as amended, which are comparable to uses of property under this Ordinance, unless the conditions set forth in subparagraphs (e)(1) and (2) or (3) below exist, in which event the applicable parking requirements of Ordinance 0-70-104, as amended, shall apply.

(c) Article 13. Home occupations permitted therein shall be permitted only in the CO, A-1, A-2, R-1, R-1A, R-1B, and R-2 zone districts of Ordinance 0-70-104, as amended.

(d) Article 14. The flood hazard area regulations shall apply to flood hazard areas under Ordinance 0-70-104, as amended, unless the conditions set forth in subparagraphs (e)(1) and (2) or (3) below exist, in which event the applicable flood hazard area regulations of Ordinance 0-70-104, as amended, shall apply.

(e) Article 15. The site development regulations shall apply to construction of any new building, structure, parking area, or loading area, or any substantial alteration to an existing building, structure, parking area or loading area, which is located in an R-3A, R-3, R-4, R-T, R-C1, R-C, C-1, C-2, IT-1, IT-2, IT-3, IT-4, or PD zone district under Ordinance 0-70-104, as amended, unless:

(1) A completed building permit application for the particular use is on file with the City on the effective date of this Ordinance but no permit has been issued; and

(2) The building permit is issued within thirty days after that effective date; or,

(3) The requirements of any of the sections will specifically and directly conflict with standards for a particular planned development approved by the City Council prior to the effective date of this Ordinance. If such a conflict exists, the requirements of those sections shall be waived but only to the extent necessary to avoid the conflict.

(f) All definitions in Article 2 which are applicable to the Articles listed in this subsection (3).

(g) Article 7. Setbacks permitted herein shall be applied to the CO, A-1, A-2, R-1, R-1A, R-1B, R-2, R-3, R-3A, R-4, R-C1, RC, C-1, C-2, IT-1, IT-2, IT-3 zone districts of Ordinance 0-70-104, as amended. ((As Amended by 0-81-108))

(4) Pursuant to Ordinance 0-70-104, as amended, land has been zoned P.D. Planned Development and in some instances the zoning designation further conditioned the zoning to designated uses, as defined within 0-70-104, as amended. Ordinance 0-80-51 has now eliminated the P.D. Planned Development District and generally replaced that district with the MU Mixed Use District. When property develops, if the prior conditional uses referred to uses set forth in Ordinance 0-70-104, as amended, then said property shall be permitted the uses pursuant to those defined in Ordinance 0-70-104, as amended, and not Ordinance 0-80-51. ((As Amended by 0-81-108))

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

17-1-9. VIOLATION AND PENALTY: (1) It shall be unlawful to construct, reconstruct, alter, maintain, use or cause to be used any building or structure, or to use or cause to be used any land in violation of this Zoning Ordinance or any amendment hereto. Any person, firm or corporation, including the officers or agents of a corporation responsible for its actions and the members of a partnership, firm or joint venture, violating or causing violations of this Zoning Ordinance or amendment hereto, upon conviction thereof, shall be fined not more than \$300.00 or imprisoned not more than 90 days, or both. Each day during which such violation continues shall be deemed a separate offense.

(2) If any building or structure is constructed, reconstructed, altered, maintained, used, or caused to be used, or any land is used or caused to be used, in violation of this Zoning Ordinance or amendment hereto, the City Attorney, or any owner of real estate located either within the district in which such buildings, structure or land is situated, or immediately adjacent thereto, in addition to other remedies or penalties provided in this Ordinance or by law, may institute injunction, mandamus, abatement or any other appropriate action or proceeding to prevent, enjoin, abate or remove such violation.

ARTICLE 2: DEFINITIONS AND INTERPRETATION

(as Amended by 0-81-108, 0-81-110, 0-81-158, 0-82-6, and 0-82-19)

17-2-1. GENERAL INTERPRETATION: (1) For purposes of this Ordinance, the words and terms used, defined, interpreted or further described herein shall be construed as follows:

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

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

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

(1) Accessory Building: A building, or portion of a main building, the use of which is supplementary and subordinate to that of the main building on the same lot.

(2) Accessory Use: (See Article 12).

(3) Amusement Arcade: A place of business where an individual, association, partnership or corporation maintains more than ten amusement devices. (As Amended by 0-82-108)

(4) Amusement Center: A place of business where an individual, association, partnership or corporation maintains less than eleven amusement devices and excepting any number of billiard tables either as a sole business or in conjunction with some other business. (As Amended by 0-82-108)

(5) Amusement Device: Any device which, upon insertion of a coin, slug, token, plate or disc, or payment of a consideration, may be used by the public for use as a game, entertainment, amusement, a test of skill, either mental or physical, whether or not registering a score; but shall not include radios, devices that provide music only, television carrying commercial broadcasts only, bowling lanes, or fixed-stand coin-operated kiddie rides. (As Amended by 0-82-108)

(6) Animated Sign: Any sign or any part thereof, which changes physical position by any movement or rotation.

(7) Automobile: A motor vehicle designed for the transportation of either passengers or cargo and weighing less than six thousand five hundred (6,500) pounds empty weight.

(8) Bike/Pedestrian Path: A surface designed to accommodate both pedestrian and bicycle movements.

(9) 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.

(10) Buffer Area: An area of land located within an office, commercial, or industrial zone district and adjacent to the property line of an abutting residential zone district.

(11) Building: Any structure having a roof supported by columns or walls and used or intended for supporting or sheltering any use or occupancy.

(12) Building Code: The Uniform Building Code, as adopted by the City of Lakewood and as amended from time to time.

(13) Building Front: One exterior wall of a building facing a front lot line; or, in the event that the primary entrance is located on an exterior wall which is not facing the front lot line, the building front shall be the exterior wall containing the primary entrance to the building.

(14) Building - Height of: The height of a building shall be the vertical distance measured from the grade at the building to the highest point of the coping of a flat roof, the deck line of a mansard roof, the average height of the highest gable of a pitched or hipped roof, or the highest point of any other type of roof. The height of a building shall not include mechanical equipment, screening for mechanical equipment, spires, chimneys and antennae.

(15) Camper: A unit, containing cooking or sleeping facilities, which is designed to be loaded onto or affixed to the bed or chassis of a truck to provide temporary living quarters for recreational camping or travel use.

(16) Canopy: A permanent shade or weather-protection structure which is attached to or supported by a building or other structure, or which is supported by columns or posts.

(17) Carport: A canopy for a motor vehicle or travel or utility trailer which may be detached from or partially supported by a building.

(18) Channel: That portion of a watercourse with a perceptibly defined bed and banks which confines and continuously or periodically conducts a flow of water.

(19) Child Care Camp: A facility intended to accommodate temporary group living for children under sixteen (16) years of age that is substantially oriented toward outdoor activities in a natural environment.

(20) Child Care Facility: Any facility, by whatever name known, which is licensed by the State of Colorado and maintained for compensation, for the whole or any part of a day, for the care of five (5) or more children under the age of sixteen (16) years who are not related to the owner, operator or

manager thereof. If a child care facility also meets the definition of household or group home as set forth in this Ordinance, it shall be regulated as a child care facility rather than a household or group home.

(21) Church: A building intended primarily for the practice and worship of a religious faith, including convents.

(22) City Hall: The primary office building operated by the City of Lakewood, and which houses principal administrative offices of the City. (As amended by 0-82-61).

(23) Colorado Child Care Act: Article 6, Title 26, Colorado Revised Statutes 1973, as amended.

(24) Commercial Trade or Service: An economic activity involving the provision of material goods and commodities or personal or professional skills for economic gain.

(25) Comprehensive Plan: Concept Lakewood, as adopted by the Planning Commission and approved by the City Council, including all adopted and approved amendments thereto.

(26) Correctional Institution: A building or group of buildings in which persons are confined for an indeterminate period of time while on trial for an offense, or while serving sentence for punishment of a crime, or as the result of a specific court order.

(27) Dance Hall: Any place of business, open to the public, the primary purpose or use of which is to furnish to its patrons facilities for dancing. The incidental sale of food or beverages to the patrons shall not change the nature of the business. The term shall include any discotheque or other establishment, regardless of title, which meets the definition of "dance hall" set forth herein.

(28) Days: Consecutive calendar days, unless otherwise specifically designated.

(29) Density: The number of dwelling units per acre of Lot-Total Area. (As Amended by 0-82-19)

(30) Development: Any man-made change to real estate or property, including buildings, or other structures, mining, dredging, filling, grading, paving, excavation, or drilling.

(31) 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.

(32) Director: Director of the Department of Community Development or his designee.

(33) Display Surface: The area made available by the sign structure for the purpose of displaying the advertising message.

(34) Drainway: A natural or artificial land depression, with or without perceptible bed and banks, to which surface run-off gravitates to form a continuous or intermittent flow of water in a definite direction.

(35) Drive-In: A commercial activity where, prior to service, the patron customarily drives a motor vehicle onto the premises, parks the vehicle in a defined parking space, and turns off the engine. Thereafter, the patron customarily is served in the automobile by a carhop or other means which eliminate the need for the customer to exit the vehicle.

(36) Drive-Through: A commercial facility where the patron customarily drives a motor vehicle onto the premises and to a window or mechanical device through or by which the customer is served without exiting the vehicle. Prior to service, the engine of the motor vehicle customarily remains in operation.

(37) Duplex: A building designed for occupancy by two (2) households living in separate dwelling units.

(38) Dwelling Unit - One Household: A building designed for occupancy by not more than one (1) household.

(39) Dwelling Unit - Multiple Household: A building designed for occupancy by three (3) or more households living in separate dwelling units, but not including motels or hotels.

(40) Dwelling Unit: A building or any portion of a building designed for occupancy as complete, independent living quarters for one or more persons, having direct access from the outside of the building or through a common hall and having living, sleeping, kitchen and sanitary facilities for the exclusive use of the occupants.

(41) Emergency Health Care Facility: An establishment having as its sole purpose the provision of emergency health care and emergency medical treatment for human ailments. No overnight accommodations for patients are available.

(42) Equipment - Heavy: Nonmotorized merchandise of six thousand (6,000) pounds or more empty weight, or motorized merchandise of more than six thousand (6,000) pounds empty weight, having motors of twenty (20) horsepower or more performance. (As Amended by 0-81-108)

(43) Equipment - Light: Nonmotorized merchandise of less than six thousand (6,000) pounds empty weight, or motorized merchandise of less than six thousand (6,000) pounds empty weight, having motors less than twenty (20) horsepower. (As Amended by 0-81-108)

(44) Fabrication: The construction of a specific good through the assembly of premanufactured parts which require no processing modification.

(45) Facade: Any face (as on a street or court) of a building given special architectural treatment; a false, superficial or artificial appearance or effect.

(46) Family: Any number of individuals who are related by blood, marriage or legal adoption and not more than two (2) unrelated individuals, who are living together as a single housekeeping unit.

(47) Fill: A deposit of material of any kind by other than natural means.

(48) 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.

(49) 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.

(50) Grade:

(a) For the purpose of determining height or depth requirements, grade shall mean the average of the finished adjacent ground level at the center of all walls of a building. In case walls are parallel to or within five (5) feet of a sidewalk, alley or other public way, the above ground level shall be measured at the elevation of the sidewalk, alley or public way.

(b) For the purpose of determining the slope of facilities such as streets, walkways and bike/pedestrian paths, grade shall mean the degree of slope of the ground or finished surface, expressed in a percentage and equal to the total rise or fall in any vertical distance divided by the horizontal distance. For a street, walkway or bike/pedestrian path, the grade shall be the degree of slope of the finished surface at the center line.

(51) Gross Floor Area:

(a) The gross area of all covered and enclosed space on all floor levels of a building including the following:

- (1) Halls, corridors, lobbies, mezzanines, display areas;
- (2) Stairways, elevator shafts, escalators, utility cores, air conditioning and heating area; and
- (3) Common facilities for use of all tenants, such as meeting rooms, nurseries, rest rooms, auditoriums, administrative offices, leasing offices, and first aid rooms.

(b) Gross floor area does not include:

- (1) Any relatively open exterior plazas which are eligible for inclusion in covered open space;
- (2) Fully or partially enclosed mall areas or atriums;
- (3) Fully or partially enclosed crosswalks, ramps, bridges, or other such buildings or structures intended for pedestrian use; and
- (4) Basement storage areas, loading areas, underground truck roads and service facilities.

(52) Gross Land Area:

(a) An area which includes the following:

(1) Horizontal lot area in designated use within the property lines, including public and private streets; and,

(2) One-half the area of any abutting alley or street right-of-way.

(b) Gross land area does not include:

(1) Areas not beneficial to the designated use of land because of restrictions on development due to irregular shape, topography, location or character, as determined by the Planning Commission; and

(2) Land area already used predominantly for other use purposes.

(53) 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.(54) Group Home: A single household dwelling unit in which persons numbering more than the number of persons permitted in the dwelling unit pursuant to the definition of household, live together as a single housekeeping unit. Any group home which meets the definition of any other use shall be regulated as the other use rather than as a group home.(55) Group Home For Juveniles: A dwelling unit used as a detention or receiving facility for persons under the age of eighteen (18) who, under the terms of Title 19, C.R.S. 1973, as amended, are on probation or parole, are delinquent children, or are children needing oversight, or who are detained in the facility by reason of court order resulting from an offense committed or allegedly committed by the person. Such juveniles, together with appropriate staff, must reside together as a single housekeeping unit. If a group home for juveniles also meets the definition of household or group home as set forth in this Ordinance, it shall be regulated as a group home for juveniles rather than as a household or group home. In no event shall this definition be deemed to include a neglected or dependent child under the terms of Title 19, C.R.S. 1973, as amended, unless such child also meets the requirements of this subsection (58).(56) Home Occupation: (See Article 13).(57) Hospital: An establishment administered by licensed physicians, having as its primary purpose the provision of general health care, nursing, and medical treatment for human ailments, including diagnostic and surgical services. Overnight accommodations are available, but patients normally remain within the hospital for only a limited term. A hospital shall not include nor be considered a residential health care facility.(58) Hotel: A building containing at least six (6) rooms designed and used as sleeping accommodations for usually transient occupancy, and access to the rooms is available through a lobby or supervised office.

(59) Household (Family): Means only the following:

(a) Any family; and

(b) Any number of unrelated individuals, or related and unrelated individuals, living together as a single housekeeping unit up to a maximum of one (1) person per habitable room which is being used for living purposes.

(c) For the purposes of this definition, a "habitable room which is being used for living purposes" is space in a structure for living, sleeping, eating or cooking. Not included in this definition are bathrooms, toilet compartments, porches, balconies, unfinished rooms, closets, halls, storage and utility spaces, and similar spaces.

(d) It is the intent of the City Council to limit the number of unrelated persons who may qualify as a household to the numbers set forth herein.

(60) Household Pet: Any species of animal commonly kept as a pet, as a custom in the community, within households, not of a type commonly raised as livestock on a farm, and the keeping of which is not prohibited by City ordinance.

(61) Illuminated Sign: A sign lighted by or exposed to artificial lighting either by lights on or within the sign or directed towards the sign.

(62) Inoperable Motor Vehicle: A motor vehicle not legally operable due to a lack of legal requirements, such as a current safety inspection sticker or license plates, or not capable of being operated due to mechanical deficiencies.

(63) Integrated Access System: A curb cut or access road connecting two (2) or more separate lots or buildings.

(64) Integrated Parking System: A common parking area or a series of interconnected parking areas which are utilized by two or more building units and where any owner, occupant, patron, customer, employee or other person utilizing any of the building units served has the right to park a motor vehicle within any of the parking areas. Such common right shall be evidenced by a reciprocal parking easement recorded with the Clerk and Recorder of Jefferson County or contained within a lease and shall run in perpetuity with the use of the land.

(65) Junk: Scrap metal, such as copper, iron, lead, tin, zinc and all other metals and their alloys; inoperable motor vehicles; and other manufactured goods that are so worn, deteriorated or obsolete as to make them unusable in their existing condition, including cloth, rope, rubber or rubber products, tinfoil, bottles, machinery, tools, appliances, fixtures, lumber, utensils, cartons and containers, pipe and pipe fittings, conduit and conduit fittings, and other similar goods.

(66) Junk Yard: An unenclosed but screened area where junk is bought, sold, exchanged, stored, baled, packed, disassembled or handled.

(67) Kennel: Any building, structure or open space used in whole or in part for the boarding of household pets for compensation and required to be licensed under Title 12, Article 57 of the C.R.S. 1973, as amended; and, any building, structure or open space devoted in its entirety or in part, to the raising or harboring of four (4) or more dogs, cats, or combination thereof, above the age of four (4) months.

(68) 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, and similar materials.

(69) Laboratory - Medical, Dental or Optical: A building or a portion of a building devoted to the use of providing bacteriological, biological, medical, X-ray, pathological and similar analytical or diagnostic services to doctors or dentists, where no fabrication is conducted on the premises except for the custom fabrication of dentures and the custom fabrication and grinding of optic lenses.

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

(71) 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."

(72) 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.

(73) Lot - Corner: A lot of which at least two (2) adjacent sides abut for their full length upon a public right-of-way (other than an alley).

(74) Lot - Interior: A lot other than a corner lot.

(75) Lot-Minimum Area: The minimum square footage that a lot is required to have under the zoning in order to meet the requirements for issuance of a building permit. (As Amended by 0-81-108)

(76) Lot - Through: An interior lot abutting on more than one (1) street or a corner lot abutting on more than two (2) streets.

(77) Lot-Total Area: The square footage of a lot excluding street rights-of-way. (As Amended by 0-81-108)

(78) Lot - Width: 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.

(79) Lot Line - Front: The boundary line of a lot which immediately abuts a public right-of-way (other than an alley).

(80) Lot Line - Rear: The boundary line of a lot which is most nearly opposite the front lot line of the lot, other than a through lot.

(81) Lot Line - Side: Any boundary line of a lot, other than a front lot line or rear lot line.

(82) Lowest Floor: The lowest floor, including the basement, of a structure.

(83) Main Building: The building used to house the principal use of the land.

(84) 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.

(85) Marquee Sign: Any sign attached to the marquee.

(86) Mechanical Equipment: Equipment or extensions thereof used to operate mechanical facilities within a building, including air vents and air heating/cooling/conditioning units.

(87) Mini-Warehouse: Enclosed warehouse units of less than five hundred (500) square feet per unit which are rented or leased to second parties for storage purposes, and which has no outside storage.

(88) Mobile Home: A factory-assembled structure or structure without a permanent foundation and greater than thirty-five (35) feet in length and designed to be transported on its own wheels arriving at the site as a complete dwelling unit, equipped with the necessary service connections, usually including major appliances and furniture and ready for occupancy. Removal of the wheels and placement on a foundation does not change its classification. The phrase "without a permanent foundation" indicates that the support system is constructed with the intent that the mobile home placed thereon will be moved from time to time at the convenience of the owner. The term "mobile home" does not include travel trailers, campers, camper buses, motor homes or modular homes. This definition includes half units that are transported to the site on their own wheels and then assembled as one (1) unit.

(89) Mobile Home Park: A lot, parcel, or tract of land which is designated and improved for the purpose of providing a location or accommodations for one (1) or more mobile homes and within which spaces are available to the general public for rent, lease, and the placement thereon of mobile homes for occupancy. Mobile home unit sales lots on which unoccupied mobile homes are located for inspection or sale shall not be considered mobile home parks.

(90) Motel: A building containing at least six (6) rooms designed and used as sleeping accommodations for usually transient occupancy, with access to each room available through an individual entrance from the outside of the building.

(91) Motor Fuel Filling and Service Stations: A retail establishment at which vehicles are serviced; especially with fuel, oil, air and water; and where ancillary repair, maintenance or replacement of electrical or mechanical devices may be obtained. (As Amended by 0-81-108)

(92) Motor Vehicle: A self-propelled piece of mechanized equipment powered by a self-contained power unit.

(93) Nonconforming Building or Structure: (See Article 16).

(94) Nonconforming Sign: Any sign which:

(a) On the effective date of this Ordinance was lawfully maintained and had been lawfully erected in accordance with the provisions of any sign regulations in any prior zoning ordinance and the applicable Building Code, but which sign does not conform to the limitations established by this Ordinance; or

(b) On or after the effective date of this Ordinance was lawfully erected and maintained in accordance with the provisions of this Ordinance, and the applicable Building Code, but which sign, by reason of amendment after the effective date of this Ordinance, does not conform to limitations established by such subsequent amendment.

(95) Nonconforming Use: (See Article 16).

(96) Nonprofit: A use which is operated where no part of the income or profit of which is distributable to its members, directors, or officers, except that income or profit may be distributable to a member which is another nonprofit use. (Title 7, Articles 20-29, Colorado Revised Statutes 1973, as amended.)

(97) 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.

(98) Open Space Area or Landscaped Area: (a) Open space areas or landscaped areas include:

(1) Walkways, pedestrian paths, open plazas and malls, concourses, passageways, terraces, natural drainage ways, playgrounds, improved rooftops and similar structures designed specifically for active and passive recreational use and which are not designed to be used by motor vehicles except for emergency and service purposes; and

(2) Areas used for design purposes, such as planted or landscaped areas, flowerbeds and planters.

(b) Open space areas or landscaped areas do not include:

(1) Unused or leftover portions of a property which are capable of being developed and which are specifically used for storage or reserved for future expansion, or outdoor areas which are developed for use as a storage area; and

(2) Motor vehicle uses such as parking lots, open-air show-rooms, roads, or service areas, at, above or below ground level. Landscaping over underground parking, however, will be included.

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

(100) Parking Area: The total area encompassed by off-street parking spaces, which are available to customers, employees, residents, and visitors to the designated area, with or without time limits, as well as the total area encompassed within all access and egress routes designed for use by motor vehicles. Parking area includes emergency access lanes and loading area spaces. (As Amended by 0-81-108)

(101) Perimeter Landscape Area: That portion of the perimeter of a property which is adjacent to a public right-of-way (except an alley), the length of which portion is equal to the length of the adjacent portion of the public right-of-way and the width of which portion is equal to the distance between the flow line of the adjacent public right-of-way and the nearest structure, parking lot or mobile home located within the property.

(102) Permanent Sign: A sign constructed of durable material and affixed, lettered, attached to or placed upon a fixed, nonmoveable, nonportable supporting structure.

(103) Planned Unit Development: (See Mixed Use District, Section 17-5-21).

(104) Porch, Patio or Deck: A structure open to the atmosphere on at least two (2) sides and projecting from the front, side or rear wall of a building. For the purposes of this Ordinance, only those porches, patios and decks which have a roof shall be subject to any required setbacks.

(105) Processing: The manufacture of goods and pieces by means of subjecting raw materials or preprocessed material to a special treatment involving synthesis or artificial modification.

(106) Residential Health Care Facility: A residential facility intended for the care of the infirm or aged where medical attention is provided as a continual benefit.

(107) Roof Line: The highest point on any building where an exterior wall encloses usable floor area.

(108) Roof Sign: A sign erected upon or above the parapet, or upon the roof and above the roof line, of the building or structure.

(109) School, Public, Parochial and Private: Any public, parochial or private school for any grades between kindergarten and twelfth that is either

accredited by the Colorado Department of Education or recognized by and in good standing with the Colorado Department of Education for purposes of compulsory education requirements.

(110) Screen: A solid visual barrier.

(111) Secondary Uses: (See Article 11).

(112) Setback Line - Front: A line parallel with a front lot line of a lot, tangent to that part of the building or structure (other than an open fire escape, stairway, or chimney) which is closest to the front lot line, and intersecting two (2) other lot lines of the lot; or the line concentrically parallel to the right-of-way line of the street on a cul-de-sac (bulb).

(113) Setback Line - Rear: A line parallel with a rear lot line of a lot, tangent to that part of the building or structure (other than an open fire escape, stairway or chimney) which is closest to the rear lot line, and intersecting two (2) other lot lines of the lot.

(114) Setback Line - Side: A line parallel with a side lot line of a lot, tangent to that part of the building or structure (other than an open fire escape, stairway or chimney) which is closest to such side lot line, and intersecting two (2) other lot lines of the lot.

(115) Sight Triangle: The corner area within a corner lot that is adjacent to both right-of-way frontages. The dimensions of the sight triangle are measured from the intersecting point of the property lines which adjoin the right-of-way line a distance of fifty-five (55) feet along each of the property lines and the resulting distance along a line which connects the end point of these measurements.

(116) Sign: Any stationary object or device or part thereof situated outdoors or indoors, but subject to public view, which is used to advertise or identify an object, person, institution, organization, business, product, service, or event by means including words, letters, figures, designs, symbols, fixtures, colors, motion, illumination or projected images.

(117) 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.

(118) 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. (As Amended by 0-81-108)

(119) 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.

(120) 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.

(121) Storage Structure: A structure not to exceed one hundred twenty (120) square feet of floor area located on a residential lot and designed to be used solely for the storage and use of personal equipment and possessions of the occupants of the residence.

(122) Store Unit: An enclosed floor space designed for occupancy by not more than one business or commercial establishment with an entrance not common to any other business or commercial establishment.

(123) Street: A thoroughfare for vehicular traffic.

(124) Street - Arterial, Collector, Local: Classification for these basic streets shall be as set forth in the Comprehensive Plan.

(125) 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.

(126) Structure: Anything built or constructed and located on or in the ground or attached to something on or in the ground.

(127) Structural Alteration: Any change in the supporting member of a building such as bearing walls, columns, beams or girders, floor joists or roof joists.

(128) Substantial Alteration: An increase in the gross floor area of a building or structure, or an increase in the size of a parking area or loading area, by an amount of twenty (20) percent or more from the size as it existed on the effective date of this Ordinance.

(129) Tavern: Any establishment selling by the drink, fermented malt beverages, or malt, vinous or spiritous liquors, but not including dance halls.

(130) Temporary Sign: Includes but is not limited to, any exterior sign, banner, pennant, valance or advertising display which is:

(a) Constructed of cardboard, paper, cloth, canvas, fabric, plywood, lightweight plastic or other lightweight material, with or without frame; and

(b) Designed for short-term use, or to be moved about from place to place, or not permanently affixed to a fixed, 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; but, however,

(c) Temporary signs shall not include signs printed, painted upon or attached to motor vehicles used primarily for the delivery of products, passengers, or services, or for business purposes other than as a sign.

(131) Time and/or Temperature Devices: Signs consisting of devices which provide time or temperature information.

(132) Travel Trailer: A portable structure, mounted on wheels and designed to be towed by a motor vehicle and which is of a length equal to or less than thirty-five (35) feet and containing cooking or sleeping facilities to provide temporary living quarters for recreational camping or travel use. Such structures may be constructed with rigid sides or may have collapsible side walls of fabric, plastic or other pliable material.

(133) Travel Trailer Campground: Land or property utilized for or intended for use of renting temporary occupancy space to transient users of travel trailers, mounted camper units, motor homes, and tents.

(134) Veterinary Hospital: A place where animals of all types are given medical or surgical treatment, and where use as a kennel is limited to short-time boarding and only incidental to such hospital use and need not be enclosed within the main building.

(135) Veterinary Clinic - Small Animal: A place where small animals such as dogs, cats, birds and the like are given medical or surgical treatment, and where use as a kennel is limited to short-time boarding and only incidental to such hospital use, and where all uses are enclosed within a sound-proof building and no objectionable odor is emitted.

(136) Walkway: An all-weather surface designed to accommodate pedestrian movements.

(137) Wall Sign: A sign attached to, painted on, or erected against a building, structure or fence.

(138) 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.

(139) Wind-powered Electric Generators: A mill or other machine that runs on the energy generated by a wheel of adjustable blades or slats rotated by the wind for the purpose of converting mechanical energy into electrical energy. (As Amended by 0-81-108)

(140) Window Sign: A sign which is applied or attached to or located within one (1) foot of the interior of a window, which sign can be seen through the window from the exterior of the structure.

(141) Yard: An open space which is located on the same lot as a building and which is unoccupied and unobstructed over a height of thirty (30) inches.

(142) Yard - Front: That portion of yard lying between the front lot line and the front setback line of such lot. A corner lot shall have at least two (2) front yards.

(143) Yard - Rear: That portion of a yard lying between the rear lot line and the rear setback line of the lot.

(144) Yard - Side: That portion of a yard lying between a side lot line and the nearest parallel side setback line of the lot.

(145) Zero Lot Line Dwelling: A dwelling unit constructed such that one or more walls are located immediately adjacent to one or more lot lines, either side or rear.

ARTICLE 3: DISTRICTS AND MAPS

17-3-1. CREATION OF DISTRICTS: In order to carry out the purposes of this Ordinance, the City of Lakewood shall be divided into the following zone districts:

| | |
|-----|-------------------------------------|
| CN | Conservation District |
| 1-R | Large Lot Residential District |
| 2-R | Small Lot Residential District |
| 3-R | Duplex Residential District |
| 4-R | Medium Density Residential District |
| 5-R | High Density Residential District |
| 6-R | Mobile Home Residential District |
| OF | Office District |
| 1-C | Convenience Commercial District |
| 2-C | Neighborhood Commercial District |
| 3-C | Community Commercial District |
| 4-C | Regional Commercial District |
| 5-C | Large Lot Commercial District |
| IN | Industrial District |
| MU | Mixed Use Development District |

17-3-2. ZONING DISTRICT MAP: (1) The location of land placed within specified zone districts prior to the effective date of this Ordinance is shown on the maps entitled Official Zoning District Map of the City of Lakewood, hereby designated as the official City of Lakewood zoning district maps. These maps are made a part of this Ordinance by this reference, and the districts set forth and shown therein are hereby approved. The official maps shall be filed in the Office of the City Clerk of the City of Lakewood and with the City Planning Commission.

(2) When land is initially zoned or rezoned pursuant to this Ordinance, such changes shall be made on the Official Zoning District Map of the City of Lakewood within thirty (30) days after the ordinance embodying the zoning or rezoning is adopted by the City Council.

(3) In the event that the Official Zoning District Map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes and additions, the City Council may, by resolution, adopt a new Official Zoning District Map, which shall supersede the prior Official Zoning District Map. The new Official Zoning District Map may correct drafting or other errors or omissions in the prior Official Zoning District Map, but no such correction shall have the effect of amending the original zoning ordinance or any subsequent amendment thereto.

17-3-3. INTERPRETATION OF DISTRICT BOUNDARIES: Where uncertainty exists with respect to the boundaries of the various districts as shown on the zoning district maps, the following rules shall apply:

(1) In subdivided areas, unless otherwise shown on the maps, the district boundaries are either streets, alleys or record lot lines, and where a district boundary line is approximately along a street, alley or record lot line, said street, 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.

ARTICLE 4: ADMINISTRATION, VARIANCES AND APPEALS

17-4-1. BUILDING PERMITS: (1) In addition to the requirements of the Building Code, no building permit shall be issued unless:

- (a) Issuance of the permit is authorized by the Director; and
- (b) The plans for the proposed construction, enlargement, alteration, repair, improvement or conversion, and the use of the building or structure conforms to all requirements of this Zoning Ordinance.

(2) The application for each building permit, in addition to any other required information, shall give a description of the lot or land involved, the 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 by this Ordinance. All applications for permits and copies of permits issued shall be kept for ready public reference by the Department of Community Development.

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

17-4-2. DEPARTMENT OF COMMUNITY DEVELOPMENT: (1) It shall be the duty of the Director of the Department of Community Development to enforce the provisions of this Ordinance and the regulations contained herein.

(2) The Director of the Department of Community Development may delegate to any employee of the Department of Community Development any of the responsibilities assigned to the Director by this Ordinance. The delegation by the Director shall be in writing with the specific responsibilities delegated also designated in writing. The designee shall be subject to the same restrictions and standards as are applicable to the Director.

(3) The Director of the Department of Community Development and such persons as he may designate in writing shall be considered peace officers within the meaning of the Lakewood Municipal Code Section 1.04.010(10) solely for the purposes of enforcing the provisions of this Ordinance.

(4) No oversight or dereliction or error on the part of the Director or any employee of the Department of Community Development or on the part of any other official or employee of the City of Lakewood shall legalize, authorize, or excuse the violation of any of the provisions of this Ordinance.

17-4-3. BOARD OF ADJUSTMENT VARIANCES: (1) In passing upon appeals, the Board of Adjustment may vary the application of the regulations set forth in this Zoning Ordinance only if the Board finds that:

- (a) By reason of exceptional narrowness, shallowness or shape of a specific piece of property on the date this section takes effect or by reason of exceptional topographic conditions or other extraordinary and

exceptional situation or condition of the piece of property, the strict application of the regulation would result in peculiar and undue practical difficulties for, or peculiar and unnecessary hardship on, the owner of the property;

(b) The variance, if granted, will observe the spirit of this Ordinance, secure the public safety and welfare, and achieve substantial justice;

(c) The variance, if granted, will not adversely affect the adjacent property or the neighborhood;

(d) The variance, if granted, will not substantially or permanently impair the appropriate use or development of adjacent property;

(e) The variance, if granted, is the minimum variance that will afford relief with the least modification possible of this Ordinance; and,

(f) The variance, if granted, together with any other variance granted for the property or owner thereof, does not deviate more than forty (40) percent from any numerical limitation contained within the regulation; provided, however, the Board of Adjustment may not grant variances of lot area and lot width in excess of twenty (20) percent of the minimum lot area and lot width provisions. (As Amended by 0-81-108)

(2) In deciding variance applications, the Board may consider whether the alleged difficulty or hardship was self-imposed.

(3) The Board of Adjustment may not grant any variance relating to the use of property unless it finds, in addition to the findings previously set forth in this section, that:

(a) The property cannot be used for any purpose permitted within the zone district applicable to the property;

(b) The applicant applied for a rezoning of the property but was denied by the City Council;

(c) The proposed use is the use for the property most compatible with the standards and policies set forth in the Comprehensive Plan;

(d) The proposed use will not be detrimental to nor incompatible with other uses in the neighborhood; and,

(e) The proposed use is the least traffic intensive use possible which will permit some reasonable use of the property.

(4) The Board of Adjustment shall conduct a public hearing on each variance application, with prior notice thereof pursuant to its rules and regulations.

17-4-4. MINOR VARIANCES: (1) Upon application, the Director may grant a variance from the application to a particular property of setback, lot area, and lot width requirements of this Ordinance only if:

(a) The variance, if granted, together with any other variance granted for the property or owner thereof, does not deviate more than twenty (20) percent from the requirement; provided, however, the Director may not vary the lot area and lot width requirements more than ten (10) percent of the applicable lot area and lot width standards; and, that the Director shall have no authority to grant a variance for the purpose of qualifying any property for rezoning consideration; and,

(b) The Director finds that the proposed variance meets each of the standards set forth in 17-4-3(1)(a) through (e). (As Amended by 0-81-108)

(2) In deciding variance applications, the Director may consider whether the alleged difficulty or hardship was self-imposed.

(3) Written notice shall be provided at the applicant's expense, on forms provided by the Department of Community Development, to all owners of property adjacent to the applicant's property, that a variance application is pending, describing the variance requested, indicating where written or oral objections to the variance may be presented, and stating that no hearing on the variance application will be held unless objections to the variance and a request for a hearing are filed, in writing, with a specified person in the Department of Community Development, within a time set forth in the notice, but not earlier than ten (10) days after mailing of the notice. On the same day that written notice is provided to owners of adjacent property, notice that the variance application is pending shall also be posted by the applicant on the applicant's property for at least ten (10) days and shall state where additional information on the variance may be obtained. The posted notice shall be in such form and contain such additional information as the Director may require.

17-4-5. EXPIRATION OF VARIANCE: Any variance granted by the Board or Director shall automatically expire within one hundred eighty (180) days of the date it was granted, or within such other time as the Board or Director may prescribe, unless a building permit for the variance is obtained within such period of time. Extensions of time may be granted for good cause shown, but only if an application for the extension is made prior to the expiration of the variance.

17-4-6. APPEALS TO THE BOARD OF ADJUSTMENT: The Board of Adjustment may hear and decide appeals from any order, requirement, decision, or determination by the Director or any employee of the Department of Community Development in the enforcement of this Ordinance.

17-4-7. ADDITIONAL POWERS OF THE BOARD OF ADJUSTMENT: (1) Upon application, the Board of Adjustment may reduce the total number of off-street parking spaces required pursuant to 17-9-1(3) if the Board finds that the parking demand engendered by different uses included in any integrated parking and access system occurs at such different times of day that successive, rather than simultaneous, demands for use will be placed on the parking spaces within the system. The total number of spaces required, although reduced, shall remain sufficient to reasonably serve the demand created by all uses included in the system.

(2) Upon application, the Board of Adjustment may reduce the number of off-street parking spaces required for any particular use if the Board finds

that, because of the unique and peculiar nature of a proposed use of property, the total number of parking spaces required by this Ordinance for the use is unnecessary or would create practical difficulties or unnecessary hardship. The number of spaces required for such use, although reduced, shall remain sufficient to reasonably serve the demand created by the use.

(3) Upon application, the Board of Adjustment may reduce the structural parking requirements of 17-9-2(3)(b) for multi-family structures upon evidence that the parking required by Article 17-9-2(3)(a) and the open space required by Article 17-5-12(5) for such multi-family structures is provided on the site. (As Amended by 0-82-71)

(4) The Board shall have such other powers as are granted to it by this and any other ordinance of the City of Lakewood.

17-4-8. MINIMUM WIDTH OR AREA OF LOT: Upon proof that a lot is shown on a subdivision plat of record in the Office of the County Clerk and Recorder of Jefferson County on or before April 30, 1969, with a smaller area or less width than the minimum area or width requirements of this Ordinance, a building permit for the construction, conversion, or structural alteration of a building or buildings on such lot may be issued so long as all other requirements of this Ordinance are met.

17-4-9. JUDICIAL REVIEW: Any person applying to the courts for a review of any final and reviewable decision made under this Zoning Ordinance by the City Council, Planning Commission or Board of Adjustment, shall pay the cost of preparing any necessary transcript and any necessary record of proceedings.

ARTICLE 5: DISTRICT REGULATIONS

17-5-1. LOTS: Except as may be otherwise specifically 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 zone district where located, except where the Board of Adjustment grants a variance and the use of the remaining land within its zone district would not create a hazardous situation or be unreasonable.

(2) Every building hereafter constructed shall be located on a lot and in no case shall there be more than one (1) main building on one (1) lot except as provided in the 4-R and 5-R districts where there may be more than one main building per lot provided all buildings on the lot are in single ownership or unified control and are in conformance with the Site Development Standards as set forth in Article 15 of this Ordinance. (Amended by 0-81-108)

(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 adjacent to a public street which corresponds to the fronts of the majority of the lots in the block. A corner lot shall have at least two (2) front yards.

(4) Street Frontage - Cul-de-Sac Lot: A cul-de-sac lot will have at least thirty (30) feet of street frontage. (As Amended by 0-82-19)

17-5-2. UNNAMED USES: Uses not specifically named within a zone district are not allowed except as follows:

(1) Upon application therefor, the Director of the Department of Community Development may determine whether a proposed use which is not specifically named within any zone district created by this Ordinance, and is not an accessory or secondary use, is similar to and compatible with uses otherwise allowed within a specific zone district and may, upon making a determination of similar and compatible uses, allow the proposed use within that district.

(2) In making the determination of similarity and compatibility, the Director shall consider, among other relevant matters, traffic generation, density of population and hours of operation of the proposed use in comparison to specifically named uses within the zone district, and the location of use criteria set forth in the Comprehensive Plan.

(3) Any appeal from a decision of the Director shall be made to the Board of Adjustment pursuant to 17-4-6. In considering the appeal, the Board of Adjustment shall apply the same standards applicable to the decision of the Director.

17-5-3. ADDITIONAL USE REGULATIONS: (1) In addition to other applicable regulations, uses in every zone district shall comply with the applicable regulations set forth in this Zoning Ordinance for setbacks, fences, walls, and obstructions, off-street parking of motor vehicles, display of signs, secondary uses, accessory uses, and flood hazards.

(2) Regulation of Illumination on Private Property. In the interest of compatibility of surrounding land uses, illumination of any kind on private property shall be directed and controlled in such a manner so that there shall be no direct rays of light which extend beyond the boundaries of the property from where it originates. It is not the intent of this section 17-5-7 to regulate illumination of public recreation facilities. (Amended by 0-81-108)

17-5-4. ADDITIONAL USES PERMITTED IN ALL ZONE DISTRICTS: (1) The following uses are permitted in every zone district:

- (a) Public transportation structures and facilities;
- (b) Irrigation ditches;
- (c) Electric transmission lines;
- (d) Telephone exchanges, electric substations designed to provide switching, voltage transformation, or voltage control required for the transmission of electricity at less than 115 kilovolts; and gas regulator stations; provided that no repair or storage facilities are maintained;
- (e) Railroad rights-of-way, but not including railroad freight yards, passenger stations, or storage; and
- (f) Public parks.

(2) The following uses are permitted in every zone district upon approval of a site plan pursuant to Article 15 of this Ordinance:

- (a) Electric substations designed to provide switching, voltage transformation, or voltage control required for the transmission of electricity at 115 or more kilovolts;
- (b) Public recreational facilities;
- (c) Private nonprofit recreational facilities open to use by the public;
- (d) Emergency health care facilities, other than ambulance service facilities;
- (e) Public fire and police stations;
- (f) Emergency, noncommercial, helipad;
- (g) Public water supply wells, public water treatment and storage facilities, but not including waste water;
- (h) Churches; and
- (i) Public, parochial, and private schools.
- (j) City Hall, subject to the restrictions and regulations of the Office (OF) District. (As Amended by 0-82-6)

(3) In any zone district, a mobile home or other structure may be used temporarily for office purposes during construction or remodeling activities connected with a use permitted on a lot, provided that:

(a) The mobile home or other structure is removed from the site when the construction or remodeling is completed;

(b) The mobile home or other structure is adequately secured against damage and overturning by winds; and

(c) The mobile home or other structure meets the requirements of the Building Code regarding construction, foundation, blocking and utilities, and such compliance is evidenced by issuance of a temporary certificate of occupancy for a period of one (1) year, with one renewal permitted but not to exceed a total period of two (2) years.

17-5-5. OCCUPANCY OF TRAVEL TRAILER, MOTOR HOME, OR CAMPER UNIT: A travel trailer, motor home, or camper unit not located within a travel trailer campground, may be occupied for a period of time not to exceed two (2) weeks from the date that the travel trailer, motor home, or camper unit first arrives within the City. During such time an adequate water supply and adequate toilet facilities shall be available at all times to the occupants of the trailer. In no case shall occupancy of such travel trailer, motor home, or camper unit extend beyond the two week limitation set forth herein.

17-5-6. STORAGE OF TRAVEL TRAILER, MOTOR HOME OR CAMPER UNIT: Not more than one travel trailer, motor home or camper unit per dwelling unit shall be stored on private premises in any residential zone district.

17-5-7. (CN) CONSERVATION: (1) No building or land within the CN District shall be used and no building or structure shall be hereafter constructed or altered except for one or more of the following uses:

- (a) Agricultural uses.
- (b) Cemeteries and crematoriums.
- (c) Single household dwellings.
- (d) Child care camps.
- (e) Public and private stables, including riding academies, and the keeping of only the following animals: horses, cattle, sheep, goats, poultry, pigeons, rabbits, and chinchillas.

(1) All horses, cattle, sheep, and goats shall be kept in a fenced area. The minimum square footage of open lot area, not including the dwelling unit but including the garage, shall be nine thousand (9,000) square feet for the first such animal, and six thousand (6,000) square feet for each additional such animal.

(2) The use of temporary buildings or trailers for the stabling of horses in excess of one (1) fifteen (15) day period during each calendar year is prohibited.

(3) No building, riding ring, or corral, shall be located in any manner so that any part thereof shall be less than one hundred (100) feet from the front lot line or less than fifteen (15) feet from the side or rear lot line.

(4) Private poultry houses and pigeon coops, with no more than four hundred (400) square feet of gross floor area; and private rabbit and chinchilla hutches with no more than one hundred (100) square feet of gross floor area are permitted. All such houses, coops and hutches must be set back fifteen (15) feet from the side and rear property lines and one hundred (100) feet from the front lot line.

- (f) Home occupations;
- (g) Private garage.
- (h) Veterinary hospitals.
- (i) Wind-powered electric generators not to exceed sixty (60) feet in height measured from ground level to the top of the blade diameter. (As Amended by 0-81-108)

(2) The following uses are permitted as Special Uses subject to approval of a Special Use Permit as provided for within Article 6 of this Ordinance:

- (a) Group home for juveniles.

(b) Mineral and aggregate resource excavation and processing of sand, gravel, rock, earth, and other similar materials.

(c) Golf driving ranges.

(d) Private golf course, country club, or other private club operated for benefit of members only and not for gain.

(e) Campground for travel trailers, mounted camper units, motor homes, and tents. This permits only campground areas for tourists, campers, hunters, fishermen, mountain climbers and other such individuals involved in similar temporary transient activity. It shall not be construed to permit mobile homes.

(f) Greenhouses and nurseries, including landscaping materials, both wholesale and retail.

(g) Roadside 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 set back at least thirty (30) feet from the front lot line.

(h) Airports, commercial radio and television studios, commercial radio and television towers. (As Amended by 0-81-108)

(i) Racetracks.

(j) Sanitary landfills.

(3) No dwelling unit shall exceed a height of thirty-five (35) feet. All buildings other than dwelling units shall not exceed a height of fifty (50) feet. Radio antennae and towers shall not be subject to any height restriction.

(4) The following lot area and width requirements shall apply:

(a) For any dwelling unit hereafter constructed or altered for any use as contained within subsection 17-5-7(1), there shall be a minimum lot area of one (1) acre. For any other building hereafter constructed or altered for any use as contained within subsection 17-5-7(1), there shall be no minimum lot size;

(b) For any use as contained within subsection 17-5-7(2), there shall be a minimum lot area of three (3) acres;

(c) The minimum width of a lot for any use shall be one hundred forty (140) feet;

(d) Buildings, including accessory structures, shall not cover more than ten (10) 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.

(5) Manure storage areas shall be so screened as to not be in view of other adjacent private property, from adjacent public thoroughfares, or from areas of public access. Manure shall not be allowed to accumulate so as to cause a hazard to the health, welfare, or safety of humans or animals. The outside storage of manure in piles shall not be permitted within one hundred (100) feet of the front lot line and shall conform to the side and rear setback requirements for a dwelling.

17-5-8. (1-R) LARGE LOT RESIDENTIAL DISTRICT: (1) No building or land within the 1-R District shall be used, and no building shall be hereafter constructed or altered, except for one or more of the following uses:

(a) One-household dwelling.

(b) Private garage.

(c) Private stables and barns, and the keeping of only the following animals: horses, cattle, sheep, goats, poultry, pigeons, rabbits and chinchillas.

(1) All horses, cattle, sheep, and goats shall be kept in a fenced area. The minimum square footage of open lot area, not including the dwelling unit but including the garage, shall be nine thousand (9,000) square feet for the first such animal and six thousand (6,000) square feet for each additional such animal, but in no event to exceed a total of four (4) such animals per acre, except that offspring of animals on the property may be kept until weaned.

(2) Manure shall not be allowed to accumulate so as to cause a hazard to the health, welfare or safety of humans and animals. The outside storage of manure in piles shall not be permitted within one hundred (100) feet of the front lot line, within fifteen (15) feet of the side lot line, or within twenty (20) feet of the rear lot line. Manure storage areas shall be so screened as to not be in view from adjacent private property, from adjacent public thoroughfare, or from areas of public access.

(3) No building, riding ring, or corral, shall be located in any manner so that any part thereof shall be less than one hundred (100) feet from the front lot line or less than fifteen (15) feet from the side or rear lot line.

(4) The use of temporary buildings or trailers for the stabling of horses in excess of one (1) fifteen (15) day period in each calendar year is prohibited.

(5) Private poultry houses and pigeon coops, with no more than four hundred (400) square feet of gross floor area; and private rabbit and chinchilla hutches with no more than one hundred (100) square feet of gross floor area are permitted. All such houses, coops, and hutches must be set back fifteen (15) feet from the side and rear property lines and one hundred (100) feet from the front lot line.

(d) Home occupations.

(2) The following uses are permitted as Special Uses subject to approval of a Special Use Permit as provided for within Article 6 of this Ordinance:

(a) Group homes; and

(b) Limited office and personal services including only professional, business, medical, dental, optical offices, hair care salons, tailor shops, shoe repair shops, and art and photographic studios, located on arterial streets designated in the Comprehensive Plan.

(c) Wind-powered electric generators. (As Amended by 0-81-108)

(3) No building shall exceed thirty-five (35) feet in height.

(4) For every dwelling or other main building constructed or 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.

17-5-9. (2-R) SMALL LOT RESIDENTIAL DISTRICT: (1) No building or land within the 2-R District shall be used, and no building shall be hereafter constructed or altered, except for one or more of the following uses:

(a) Single household dwellings.

(b) Single household, detached dwelling with one (1) side zero lot line, located on a lot which is subdivided after the effective date of this Ordinance.

(c) Private garage.

(d) Home occupations.

(2) The following use is permitted as a Special Use subject to approval of a Special Use Permit as provided for within Article 6 of this Ordinance:

(a) Group homes.

(b) Wind-powered electric generators. (As Amended by 0-81-108)

(3) No building shall exceed thirty-five (35) feet in height.

(4) The following lot area and width requirements shall apply:

(a) For any single household dwelling constructed or altered, there shall be provided a minimum lot area of not less than six thousand (6,000) square feet, except that, for a zero lot line, detached, single household dwelling unit, the minimum lot area shall be not less than five thousand five hundred (5,500) square feet. For the purposes of this section, one side setback may be reduced to zero, as provided for in 17-5-9(1)(b). The minimum lot area of any other main building constructed or altered, shall be not less than six thousand (6,000) square feet.

(b) The minimum width for any lot shall be as follows:

(1) For any single household dwelling without a zero lot line, sixty (60) feet.

(2) For any single household dwelling with one side zero lot line, fifty (50) feet.

17-5-10. (3-R DUPLEX) RESIDENTIAL DISTRICT: (1) No building or land within the 3-R District shall be used, and no building shall be hereafter constructed or altered, except for one or more of the following uses:

(a) Duplex.

(b) Duplex with one (1) side zero lot line, located at the common wall, located on a lot which is subdivided after the effective date of this Ordinance.

(c) Private garage.

(d) Home occupations.

(2) The following use is permitted as a Special Use subject to approval of a Special Use Permit as provided for within Article 6 of this Ordinance:

(a) Group homes.

(3) No building shall exceed thirty-five (35) feet in height.

(4) The following lot area and width requirements shall apply:

(a) For any duplex, the minimum lot area shall not be less than twelve thousand (12,000) square feet. For any duplex with one side zero lot line, located at the common wall between the dwelling units, the minimum lot area per dwelling unit shall not be less than six thousand (6,000) square feet. The minimum lot area of any other main building constructed or altered shall not be less than twelve thousand (12,000) square feet. (As Amended by 0-81-108)

(b) For any duplex, each dwelling unit shall have a minimum lot width of forty-five (45) feet, and the duplex shall have a total lot width of at least ninety (90) feet. (As Amended by 0-81-108)

17-5-11. (4-R) MEDIUM DENSITY RESIDENTIAL DISTRICT: (1) No building or land within the 4-R District shall be used, and no building shall be hereafter constructed or altered, except for one or more of the following uses:

(a) Duplexes and multiple household dwelling units, with densities not to exceed fifteen (15) dwelling units per acre.

(b) Private garage and parking facilities for uses permitted herein.

(c) Child care facilities.

(d) Single household attached or detached dwelling with not less than one (1) and not more than two (2) zero lot lines located only on the side or rear, and located on a lot which is subdivided after the effective date of this Ordinance, and which complies with Article 15 of this Ordinance;

(e) Residential health care facilities.

(2) The following uses are permitted as Special Uses subject to approval of a Special Use Permit as provided within Article 6 of this Ordinance.

(a) Group homes; and

(b) Group homes for juveniles.

(3) No building shall exceed fifty (50) feet in height.

(4) For every main building hereafter constructed or altered, the following regulations shall apply:

(a) The minimum lot area for a single household zero lot line dwelling shall be four thousand five hundred (4,500) square feet. For any duplex with one side zero lot line, located at the common wall between the dwelling units, the minimum lot area per dwelling unit shall not be less than four thousand five hundred (4,500) square feet. The minimum lot area for a duplex dwelling shall be nine thousand (9,000) square feet. For main buildings containing three (3) or more dwelling units, a minimum lot area of two thousand nine hundred (2,900) square feet for each dwelling unit is required, except that no such lot or combination of lots for multiple household, attached wall townhouse dwelling units shall be less than twelve thousand five hundred (12,500) square feet. For any such multiple household, attached wall townhouse dwelling unit, the two thousand nine hundred (2,900) square feet for each dwelling unit may be divided in any proportion between the townhouse lot and the common area. For any building other than a dwelling unit, the minimum lot area shall be twelve thousand five hundred (12,500) square feet. (As Amended by 0-81-108)

(b) The minimum lot width for a zero lot line unit shall be fifty (50) feet. For any duplex, each dwelling unit shall have a minimum lot width of thirty-seven and one-half (37.5) feet, and the duplex shall have a total lot width of at least seventy-five (75) feet. For multiple household, attached wall townhouse dwelling units, there shall be a

minimum townhouse lot width of eighteen (18) feet; however, the main building lot width shall not be less than one hundred (100) feet. (As Amended by 0-81-108)

(5) For every main building hereafter constructed, an Open Space area shall be provided and maintained in an amount of at least fifty (50) percent of the total lot area, or the amount required by Article 15 of this Ordinance, whichever is greater.

(6) Any multiple household dwelling, child care facility, residential health care facility or group home structure hereafter constructed or substantially altered within this zone district shall comply with the site plan regulations set forth in Article 15 of this Ordinance. (As Amended by 0-81-108)

17-5-12. (5-R) HIGH DENSITY RESIDENTIAL DISTRICT: (1) No building or land within the 5-R District shall be used and no buildings shall be hereafter constructed or altered, except for one or more of the following uses:

- (a) Multiple household dwellings with densities of greater than fifteen (15) dwelling units per acre.
- (b) Private garage or parking facilities for uses as permitted herein.
- (c) Child care facilities.
- (d) Residential health care facility.
- (e) Single household attached dwelling with not less than one (1) and not more than two (2) zero lot lines located only on the side or rear, and located on a lot which is subdivided after the effective date of this Ordinance, and which complies with Article 15 of this Ordinance.

(2) The following use is permitted as a Special Use subject to approval of a Special Use Permit as provided for within Article 6 of this Ordinance:

- (a) Group homes.
- (3) No building shall exceed eighty-five (85) feet in height.
- (4) For every main building hereafter constructed or altered:
- (a) There shall be a minimum lot area of one (1) acre;
 - (b) There shall be a minimum lot width of one hundred fifty (150) feet.

(5) No main building or combination of buildings shall be hereafter constructed resulting in a density of fifteen and one tenth (15.1) to twenty-five (25) dwelling units per acre unless there is provided and maintained an Open Space area of at least fifty (50) percent of the total lot area or the amount required by Article 15, whichever is greater. No main building or combination of buildings shall be hereafter constructed resulting in a density of twenty-five (25) or more dwelling units per acre unless there is provided and maintained an Open Space area of at least forty (40) percent of the total lot area or the amount required by Article 15, whichever is greater.

(6) Any building or structure hereafter constructed or substantially altered within this zone district shall comply with the site plan regulations set forth in Article 15 of this Ordinance.

17-5-13. (6-R) MOBILE HOME RESIDENTIAL DISTRICT: (1) No building, structure, mobile home or land within the 6-R District shall be used and no building, structure, or mobile home shall be hereafter constructed or altered except for one or more of the following uses:

- (a) Mobile homes.
- (b) Structures which contain a mobile home and provide additional living area.
- (c) Single household dwelling for park manager.
- (d) Common facilities such as laundry rooms, toilet rooms, shower and bath houses, and indoor or outdoor recreation facilities.
- (e) Accessory structures, including carports or other off-street parking, storage structures, patios, patio covers, and other appurtenances.
- (f) Office facilities for management of park.

(2) No building shall exceed thirty-five (35) feet in height.

(3) There shall be a minimum parcel size of five (5) acres. For a single-wide trailer, there shall be a minimum lot size of two thousand four hundred (2,400) square feet and a minimum width of thirty-five (35) feet. For a double-wide trailer, there shall be a minimum lot size of three thousand six hundred (3,600) square feet of lot area and a minimum width of forty (40) feet.

(4) For any new mobile home park or any substantial expansion of a mobile home park, at least eight (8) percent of the gross land area within the mobile home park shall be devoted to recreational facilities which shall be generally provided in a central location. The area or areas designated for recreation use shall be separate from the mobile home spaces. This space shall be in addition to the buffering areas required by Article 15 of this Ordinance. For the purposes of this section and the site plan requirements of Article 15, "substantial alteration" means an expansion of at least twenty (20) percent of the gross land area of the park as it existed on the effective date of this Ordinance.

(5) All uses shall conform to the following regulations:

- (a) Any park hereafter constructed or substantially altered within this zone district shall comply with the site plan regulations set forth in Article 15 of this Ordinance;

- (b) For safety purposes, all utility service lines, including all telephone lines and television signal cables, within the mobile home district shall be installed underground; and

- (c) A mobile home park shall be allowed only where the same abuts on or has access to streets and highways no less than sixty (60) feet wide. At least two (2) entrances shall be provided to the park.

17-5-14. (OF) OFFICE DISTRICT: (1) No building or land within the OF District shall be used and no building shall be hereafter constructed or altered, except for one or more of the following uses:

(a) General Office Uses, including:

(1) Business and professional offices, other than professional health facilities as permitted in paragraph (c) of this subsection (1).

(2) Banks, savings and loans, other financial offices and institutions, including pedestrian and bicycle facilities, but not including motor vehicle drive-through facilities.

(3) Newspaper offices.

(4) Printing facilities.

(5) Art, photographic, dance, music, radio studios and television studios. (As Amended by 0-81-108)

(b) Professional Health Facilities, including:

(1) Medical, dental and optical clinics and laboratories.

(2) Mortuaries, including facilities for cremation.

(3) Veterinary clinics for small animals.

(4) Hospitals and sanitariums.

(5) Residential health care facilities.

(6) Pharmacies.

(c) Public Use Facilities, including only the following:

(1) Public library, public and private nonprofit museum, and public and private nonprofit art gallery.

(2) Post office including drive-in and drive-through facilities and related storage of operable motor vehicles.

(3) Public health clinics, public social and employment agencies, and municipal buildings.

(4) Private nonprofit athletic associations, private athletic clubs, including outdoor accessory facilities, tennis courts, swimming pools, gymnasiums and health spas.

(5) Colleges, universities, private vocational, trade or professional schools, and schools for the developmentally disabled.

(6) Child care facilities.

(d) Parking for automobiles of the clients, patients, patrons or customers of the occupants of adjacent commercial zone districts. (As Amended by 0-81-108)

(2) The following use is permitted as Special Use subject to approval of a Special Use Permit as provided for within Article 6 of this Ordinance: correctional institution and wind-powered electric generator. (As Amended by 0-81-108)

(3) No building or structure shall exceed sixty (60) feet in height. Office uses allowed in other zone districts shall conform to the height regulations in those districts.

(4) For every building hereafter constructed, an Open Space area shall be provided and maintained in an amount of at least twenty (20) percent of the total lot area, or in the amount required by Article 15 of this Ordinance, whichever is greater.

(5) Any building or structure hereafter constructed or substantially altered within this zone district shall comply with the site plan regulations set forth in Article 15 of this Ordinance.

17-5-15. (1-C) CONVENIENCE COMMERCIAL DISTRICT: (1) No building or land within the 1-C District shall be used, and no building shall be hereafter constructed or altered, except for one or more of the following uses:

(a) Any use, other than a Special Use, permitted in the OF (Office) District.

(b) Store for retail trade not specifically provided for within other zone districts.

(c) Restaurant, fast food restaurant, specialty food service, and other outlets for sale of prepared foods.

(d) Package liquor stores, fermented malt beverage stores or outlets, and taverns.

(e) Drive-through car wash.

(f) Motor fuel filling and service stations, including those associated with food stores. (As Amended by 0-81-108)

(g) Studio for custom work or for making articles to be sold at retail on the premises, provided all work areas and storage facilities are enclosed as part of the main building.

(h) Cold storage lockers, but not including slaughtering on the premises.

(i) Motels.

(j) Home service and appliance repair outlets.

(k) Rental services, but not including rental of equipment with motors of more than twenty (20) horsepower.

(l) Display, service and sales of motorcycles, snowmobiles, mopeds and bicycles.

(m) Garment work, hair care facilities, and watch and jewelry repair shops.

(n) Grocery store.

(o) Printing establishment.

(p) Except where specifically permitted, uses listed in the preceding paragraphs may not be designed or operated as drive-through facilities. Any such use may be designed and operated as drive-in facilities where appropriate.

(2) No building or structure shall exceed thirty-five (35) feet in height.

(3) For every building or structure hereafter constructed or altered, there shall be a MAXIMUM store unit size of five thousand (5,000) square feet of gross floor area.

(4) For every main building hereafter constructed, an Open Space area shall be provided and maintained in an amount equal to at least fifteen (15) percent of the total lot area or in the amount required by Article 15 of this Ordinance, whichever is greater.

(5) For every building hereafter constructed or substantially altered, the building or structure shall comply with the site plan regulations set forth in Article 15 of this Ordinance.

17-5-16. (2-C) NEIGHBORHOOD COMMERCIAL DISTRICT: (1) No building or land within the 2-C District shall be used, and no building shall be hereafter constructed or altered, except for any of the following uses: Any use permitted in the 1-C (Convenience Commercial) District.

(2) No building or structure shall exceed forty-five (45) feet in height.

(3) For any building or structure hereafter constructed or altered there shall be a MAXIMUM store unit size of twenty thousand (20,000) square feet of gross floor area;

(4) For any main building hereafter constructed:

(a) An Open Space area shall be provided and maintained in an amount equal to at least fifteen (15) percent of the total lot area or in the amount required by Article 15 of this Ordinance, whichever is greater.

(b) The building or structure shall be designed to permit an integrated parking and access system. Written stipulations shall be submitted relative to the provisions of integrated parking and access as a part of the site plan as required within Article 15 of this Ordinance.

(5) For any building hereafter constructed or substantially altered, the building or structure shall comply with the site plan regulations set forth in Article 15 of this Ordinance.

17-5-17. (3-C) COMMUNITY COMMERCIAL DISTRICT: (1) No building or land within the 3-C District shall be used, and no building shall be hereafter constructed or altered, except for one of the following uses: (As Amended by 0-81-108)

- (a) Any use permitted in the 2-C (Neighborhood Commercial) District.
- (b) Theaters, ice or roller skating rinks, bowling centers, pool or billiard parlors.
- (c) Postal sub-stations, and related storage of operable motor vehicles.
- (d) Dance halls.
- (e) Indoor firing ranges.
- (f) Indoor archery ranges.
- (g) Lawn and garden centers, landscape material centers, home improvement centers, but no outdoor storage of inventory.
- (h) Amusement centers, if otherwise in conformance with the City of Lakewood Municipal Code. (As Amended by 0-82-108)
- (i) Ambulance service facilities.
- (j) Any of the above uses may be designed and operated as drive-in or drive-through facilities where appropriate.

(2) No building or structure shall exceed sixty (60) feet in height.

(3) For any building or structure hereafter constructed or altered there shall be a MAXIMUM store unit size of sixty thousand (60,000) square feet of gross floor area, except that any use listed in paragraph (1)(b) above shall have a maximum store unit size of one hundred thousand (100,000) square feet of gross floor area.

(4) For any main building hereafter constructed:

(a) An Open Space area shall be provided and maintained in an amount equal to at least fifteen (15) percent of the total lot area or in the amount required by Article 15 of this Ordinance, whichever is greater; and

(b) The building or structure shall be designed to permit an integrated parking and access system. Written stipulations shall be submitted relative to the provision of integrated parking and access as a part of the site plan as required within Article 15 of this Ordinance.

(5) For any building or structure hereafter constructed or substantially altered, the building or structure shall comply with the site plan regulations set forth in Article 15 of this Ordinance.

17-5-18. (4-C) REGIONAL COMMERCIAL DISTRICT: (1) No building or land within the 4-C District shall be used, and no building shall be hereafter constructed or altered, except for one of the following uses:

(a) Any use permitted in the 3-C (Neighborhood Commercial) District.

(b) Hotels.

(c) Assembly, convention, or exposition halls, but not including the showing of animals, other than household pets.

(d) Amusement arcades, if otherwise in conformance with the City of Lakewood Municipal Code. (As Amended by 0-82-108)

(2) No building or structure shall exceed sixty (60) feet in height.

(3) For any building or structure hereafter constructed or altered there shall be a MAXIMUM store unit size of one hundred fifty thousand (150,000) square feet of gross floor area;

(4) For any main building hereafter constructed:

(a) An Open Space area shall be provided and maintained in an amount equal to at least fifteen (15) percent of the total lot area or in the amount required by Article 15 of this Ordinance, whichever is greater;

(b) The building or structure shall be designed to permit an integrated parking and access system. Written stipulations shall be submitted relative to the provision of integrated parking and access as a part of the site plan as required within Article 15 of this Ordinance.

(5) For any building or structure hereafter constructed or substantially altered, the building or structure shall comply with the site plan regulations set forth in Article 15 of this Ordinance.

17-5-19. (5-C) LARGE LOT COMMERCIAL DISTRICT: (1) No building or land within the 5-C District shall be used, and no building shall be hereafter constructed or altered, except for one of the following uses:

- (a) Lumber yard.
 - (b) Auction houses, except for the auctioning of live animals.
 - (c) Drive-in movie theaters.
 - (d) Sale at retail of any commodity warehoused on the premises and not intended for distribution as a wholesale product.
 - (e) Display, service, sales and storage of mobile homes, travel trailers, motor homes, trailers, campers, boats and motor vehicles, but not including auto wrecking yards, junkyards, or storage of metals or inoperable motor vehicles.
 - (f) Rental agencies for automobiles, campers, trailers, motor homes, light and heavy equipment, and related service facilities.
 - (g) Lawn and garden centers, landscape material centers, and home improvement centers, with outside storage of inventory.
 - (h) Mini-warehouses.
 - (i) Parking on premises of motor vehicles to serve permitted uses.
 - (j) Racetracks, miniature golf or putting ranges, golf driving ranges, skateboard parks, amusement parks, go-cart tracks and trampoline centers.
 - (k) Kennels.
 - (l) Flea markets.
 - (m) Contractor shops and building trades supplies storage if totally enclosed within a building or structure. (As Amended by 0-82-19)
- (2) No building shall exceed sixty (60) feet in height.
- (3) For every building or structure hereafter constructed or altered there shall be a minimum lot area of one-half (0.5) acre.
- (4) For any main building hereafter constructed:
- (a) An open space area shall be provided and maintained in an amount equal to at least fifteen (15) percent of the total lot area or in the amount required by Article 15 of this Ordinance, whichever is greater; and,
 - (b) Outdoor storage of any materials not intended for display shall be screened from view from adjacent streets and adjoining property to a height of six (6) feet.

(5) For any building or structure hereafter constructed or substantially altered, the building or structure shall comply with the site plan regulations set forth in Article 15 of this Ordinance.

17-5-20. (IN) INDUSTRIAL DISTRICT: (1) No building or land within the IN District shall be used, and no building shall be hereafter constructed or substantially altered, except for one of the following uses:

(a) Manufacturing, processing, fabrication, assembly, packaging, warehousing, storage, wholesaling, retailing, repair, rental, or servicing of any commodity, but only if totally enclosed within a building or structure.

(b) Junkyards, automobile wrecking and processing yards, salvage yards, and the outdoor storage of any commodity, including operable or inoperable machinery or motor vehicles, but only if screened from public view to a height of at least six (6) feet.

(c) Cement and asphalt batch plants.

(d) Communication centers, including radio and television studios, transmitting centers, towers, and accessory equipment, telephone exchanges.

(e) Printing establishments.

(f) Auction houses for animals.

(g) Railroad facilities, including shops, freight yards, passenger stations and storage.

(h) Public wastewater facilities.

(i) Laboratories.

(j) Parking of vehicles on premises to serve permitted uses.

(k) Motor vehicle service and repair facilities.

(l) Motor fuel filling stations.

(2) No building shall exceed a height of sixty (60) feet, excluding towers.

(3) For any building or structure hereafter constructed or altered there shall be a minimum lot size of one-half (0.5) acre.

(4) For any building or structure hereafter constructed or substantially altered, an Open Space area shall be provided and maintained in an amount equal to at least fifteen (15) percent of the total lot area or in the amount required by Article 15 of this Ordinance, whichever is greater.

17-5-21. (MU) MIXED USE DISTRICT: (1) The Mixed Use District permits the planning and development of substantial parcels of land which are suitable in location and character for the uses proposed as unified and integrated developments in accordance with detailed development plans. The Mixed Use District is intended to provide a means of accomplishing the following objectives:

(a) To provide for development concepts not otherwise permitted within standard zone districts.

(b) To provide flexibility, unity and diversity in land planning and development, resulting in convenient and harmonious groupings of uses, structures and common facilities; varied type design and layout of housing and other buildings; and appropriate relationships of open spaces to intended uses and structures.

(c) To provide for the public health, safety, integrity and general welfare, and otherwise achieve the purposes as provided for within the Planned Unit Development Act of 1972, Title 24, Article 67, Colorado Revised Statutes 1973, as amended.

(2) Uses within a Mixed Use development shall be multiple in nature and shall include uses not otherwise permitted within the same zone district. The location and relationship of these uses shall be as established in and conform to the policies and standards contained within the Comprehensive Plan and other appropriate adopted and approved plans, including but not limited to locational criteria within that Comprehensive Plan. Planned Developments of single uses approved under Ordinance 0-70-104, as amended, are deemed to be conforming uses. (As Amended by 0-81-108)

(3) Applications for Mixed Use District zoning which include billboards, shall be limited to geographic areas which are either within the following existing zone districts or have uses which are compatible with uses permitted in only the following zone districts: 1-C, 2-C, 3-C, 4-C, 5-C, and IN. Applications and proposed stipulations for an MU District to permit construction of a billboard shall comply with the following standards in addition to any standards generally applicable to an MU District:

(a) A billboard shall be limited to a display surface not to exceed four hundred fifty (450) square feet per side, or a total of not more than nine hundred (900) square feet of display surface in the aggregate for a sign which shall have two (2) display surfaces or sides.

(b) A billboard shall not have more than two (2) supports between the sign structure and the ground.

(c) There shall be not less than ten (10) feet of minimum setback between the nearest lot line and the point on the sign structure nearest to the lot line. Setbacks shall comply additionally with those specified for buildings or structures permitted in the commercial and industrial districts.

(d) Billboards shall be limited to one (1) display surface or sign face per direction per lot, not to exceed a maximum of two (2) display surfaces per lot, provided that such multiple display surfaces must either be attached back-to-back or attached at a single point (allowing a "V" alignment of the billboards).

(e) No billboard shall be constructed or maintained which is not separated by at least nine hundred (900) feet from the nearest display surface of any other lawfully erected or maintained billboard.

(f) No billboard shall be constructed or maintained at a distance closer than one hundred (100) feet between the display surface and the nearest lot line of any residential zone district in the City of Lakewood or in any geographic area not more distant than one hundred (100) feet from the boundary of the City of Lakewood.

(g) In the interest of compatability of surrounding land uses, and to conserve energy:

(1) Illumination of any billboard shall be directed and controlled in such manner so that there shall be no direct rays of light which extend beyond the boundaries of the property from where it originates.

(2) Billboards shall not be illuminated between the hours of twelve o'clock (12:00) a.m. (midnight) and six o'clock (6:00) a.m., local time, if the billboard is situated with a display surface closer than nine hundred (900) feet from the nearest lot line of a property zoned for a residential use.

(4) Height limitations applicable to any use within the Mixed Use District shall be as provided for that use where permitted in other zone districts. If there is a conflict among height limitations applicable to uses within the MU District, the limitation permitting the greater height shall apply to all uses within the District plan. If the Comprehensive Plan recommends a greater height for uses located within a designated geographic area of the City than would otherwise be permitted for the uses under this Ordinance, the height limitation permitted by the Comprehensive Plan shall govern the height of the uses within that designated geographic area.

(5) Parcels of land submitted for consideration as Mixed Use development shall be at least one (1) acre in size. However, a Mixed Use development intended for use in locating a billboard shall not be required to provide a minimum parcel size.

(6) When not specifically mentioned in the Mixed Use development stipulations, the following additional regulations will be applicable as they apply to standard zone categories of a nature similar to the uses established within a given Mixed Use development: setbacks, fences, walls and obstructions to view; off street parking of automobiles; display of signs; secondary uses; accessory uses; and site development standards. Any land which is classified within this zone district and which also lies within the Flood Hazard Area limits as defined in Article 14 of this Ordinance, shall also comply with the requirements and restrictions of said Article 14.

(7) The application for a Mixed Use District shall include and be approved or disapproved as follows:

(a) The application for a zoning amendment to establish a Mixed Use District shall comply with all procedures for rezoning set forth in Article 17 of this Ordinance;

(b) In addition to the rezoning procedures, the developer shall submit with the rezoning application, an Official Development Plan containing written stipulations addressing the following specific points:

(1) Type and location of all intended uses.

(2) Expected gross land areas of all intended uses including Open Space.

(3) Gross floor area or residential unit size and number for all buildings or structures, including a statement pertaining to the appropriateness of the density and intensity of the suggested uses relative to policies and standards contained within the Comprehensive Plan.

(4) Statement of the height limitations applicable pursuant to the requirements of subsection (4) above.

(5) Statement of type and format of signage and fencing if different than provided for within Article 10 and Article 8 of this Ordinance.

(6) Transportation, access and circulation patterns including vehicle, bicycle, pedestrian and transit circulation patterns.

(7) Schedule of order of development and delineation of sub-areas if construction is to be in stages.

(8) Improvement and continuing maintenance and management of any private streets or ways or common open space not offered and accepted for dedication for general public use.

(9) The name of the Official Development Plan which is to be different from any other previously recorded in Jefferson County.

(10) Certification blocks for Planning Commission, City Council, County Clerk and Recorder, Land Owner(s), and Developer(s) signatures.

(11) A survey and legal description of the property.

(12) Building elevation, describing the general design and architecture of the buildings.

(13) Lighting detail.

(c) Review and final approval or disapproval of the rezoning and Official Development Plan shall be in accordance with procedures set forth in Article 17 of this Ordinance and shall be completed within two hundred seventy (270) days after the filing of a complete application.

(d) Final approval of an Official Development Plan shall not become effective until all required changes and amendments have been shown on the final Official Development Plan which is on file with the Department of Community Development, and the Official Development Plan is recorded in the Office of the Clerk and Recorder of Jefferson County.

(e) All construction shall be in accordance with the approved and recorded Official Development Plan and any amendments thereto.

(8) No application for a Mixed Use Development shall be approved unless:

(a) The proposed development conforms with policies and standards contained within this Ordinance, within the Planned Unit Development Act of 1972, as amended and within the Comprehensive Plan;

(b) All requirements of this Article, Article 15 and Article 17 are met; and

(c) All landowners whose property is included within the Mixed Use Development have given their written consent to the Mixed Use Development.

(9) 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 provisions:

(a) If such modification, removal or release involves an increase of the gross floor area by an amount of twenty (20) percent or more of the original measurement of the gross floor area, as set forth on the Official Development Plan, or if it involves a specific change in use or uses within the Mixed Use Development, the applicant shall be required to submit a new application for rezoning the parcel as provided for within Article 17 of this Ordinance.

(b) If such modification, removal or release involves only a change in the site plan, the applicant shall be required to submit a new site plan indicating such changes in conformance with Article 15 of this Ordinance.

(c) If such modification, removal or release involves a change in any of the written stipulations as required within subsection (7) of this section, except for a change as specified within paragraph (a) above, the applicant shall apply to the City Council for such change. A public hearing before the City Council on the application shall be held, with prior notice thereof published and mailed as provided in 17-17-4(1)(a), (b), and (d), except the City Clerk shall perform the functions of the Secretary to the Planning Commission. After the hearing, the City Council may permit the modification, removal, or release only if it finds that the modification, removal, or release meets all of the following criteria:

(1) Consistent with the efficient development and preservation of the entire Mixed Use Development;

(2) Does not affect in a substantially adverse manner the enjoyment of land abutting upon or across the street from the Mixed Use 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.

If the Council finds that it does not meet all of the above criteria, the modification, removal or release can be effected only by a rezoning.

(10) Phasing of Mixed Use Developments. (As Amended by 0-81-108)

(a) 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 Article 17-5-21 of this Ordinance which the Planning Commission 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 Planning Commission.

(b) The Planning Commission shall consider the request of the applicant for rezoning to the Mixed Use 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 Planning Commission, or if the proposed uses, use patterns, and the intensity and density of such uses are approved by the Planning Commission with amendments, and if the Planning Commission 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 Comprehensive Development Plan of the City of Lakewood, and other articulated policies of the Planning Commission, the land may be rezoned to the Mixed Use Zone District.

(c) 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.

(d) After initial rezoning to the Mixed Use Zone District, and in the consideration of the subsequent phases, the Planning Commission shall

consider only those factors listed in Article 17-5-21 of this Chapter which relate to division of land and the way in which the land will be made ready for building development and which they 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 this Ordinance. (As Amended by 0-81-108)

ARTICLE 6: SPECIAL USE PERMITS

17-6-1. APPLICABILITY: The requirements of this Article 6 shall apply to all uses listed as special uses within Article 5 of this Ordinance.

17-6-2. APPLICATION FORM AND REVIEW PROCEDURE: (1) Special Use Permit applications may only be initiated by the fee owner of the property or his designated agent.

(2) Application shall be submitted on forms provided by the Department of Community Development and shall contain the following:

- (a) Name and address of the applicant;
- (b) A survey and a legal description of the property;
- (c) The names and addresses of all persons, firms or corporations who, or which hold fee title to the property for which the Special Use application is made, as shown by the records of the Clerk and Recorder of Jefferson County as of the date of the application, and a copy of the warranty deed to the property;
- (d) The location of the property with reference to street and address if such are present;
- (e) Present zoning of the property;
- (f) Proposed Special Use; and,
- (g) Written stipulations stating that all development standards applicable to the specific use have been and will continue to be met.

(3) The application shall be signed by the applicant or his duly authorized representative and shall be accompanied by the necessary fee as shown within the fee schedule adopted by Planning Commission resolution to cover necessary costs related to the application. There shall be no refund of and fee which accompanies an application. An application shall not be considered accepted until all required information is submitted.

(4) The Department of Community Development shall study the application and shall, within twenty-five (25) days after acceptance of a complete application, make a written report to the Planning Commission of its findings.

(5) Action of the Planning Commission on the application shall be as follows:

- (a) The Secretary to the Planning Commission shall schedule a public hearing on the application on the agenda of a meeting of the Commission and shall give notice thereof in the same manner and to the same persons as provided in 17-17-4, except that no publication of the notice shall be required.

(b) Upon consideration of the application, the Planning Commission shall hear any evidence or statement presented by the applicant or his representative, by the Director, or by any person in attendance at the hearing. The Planning Commission may, in its sole discretion, hear and consider any other statement or evidence, written or oral.

(c) Within sixteen (16) days after hearing such evidence, the Planning Commission shall deliver a copy of said findings and decision to the applicant, and to any other person who shall submit a written request for a copy. The decision of the Planning Commission may impose conditions upon the Special Use Permit in addition to those set forth in paragraph 17-6-4 of this Article 6, which, if not complied with, shall be grounds for revocation of the Special Use Permit. (As Amended by 0-81-108)

(d) The Planning Commission shall approve the application for a Special Use Permit if it is complete in form, has all of the required information, and conforms to all applicable standards set forth in this Article. Otherwise, the application shall be denied.

(e) The decision of the Planning Commission shall be final, and any appeal of the decision shall be to the courts.

17-6-3. REVOCATION OF SPECIAL USE PERMIT: (1) All stipulations submitted as part of the Special Use Permit and all conditions imposed by the Planning Commission shall be maintained in perpetuity with the special use. If at any time the stipulations are not enforced or are found to have been altered in scope, application or design, the special use shall be in violation of the Special Use Permit. (As Amended by 0-81-108)

(2) If and when any special use is determined to be in violation of the Special Use Permit, the Director shall notify the permit holder in writing of said violation and of the thirty (30) day period in which to rectify the violation. The notice shall state a time and place after the thirty (30) day period at which a revocation hearing will be held if the violation is not timely rectified.

(3) Within thirty (30) days after notification of violation of a Special Use Permit, the permit holder shall rectify the violation. Upon completion of any required changes, the permit holder shall notify the Director that said changes have been made.

(4) Failure of the permit holder to rectify said violations within thirty (30) days shall be cause for cancellation and revocation of the Special Use Permit by the Director. A hearing shall be conducted by the Director prior to any revocation. Notice of the hearing shall be provided as required by subsection (2) above. Any decision by the Director to revoke a Special Use Permit may be appealed to the Board of Adjustment, pursuant to 17-4-6. After hearing, with prior notice to the permit holder, the Board shall sustain the decision of the Director if it finds a violation of the permit has occurred. The revocation of the Special Use Permit shall require the permit holder to vacate the premises of or stop the use authorized by the Special Use Permit. After revocation, the permit holder may reapply for a Special Use Permit pursuant to the procedures outlined in 17-6-2 of this Ordinance.

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

(1) Airports, Commerical Radio and Television Towers: No building or structure shall exceed any given height limit as required by the Federal Aviation Administration.

(2) Correctional Institution: Any use shall be so designed and located to assure maximum security to adjoining properties and to the neighborhood in general.

(3) Golf Driving Range:

(a) All parking areas required to service customers shall be located on site. Three quarters (0.75) parking spaces shall be required for each driving tee.

(b) Any use adjacent to a residential district shall be restricted in operations to between the hours of eight o'clock (8:00) a.m. and ten o'clock (10:00) p.m. local time daily. Uses not adjacent to a residential district shall not be so restricted.

(c) Adequate fencing must be installed and maintained to prevent pedestrian traffic from entering the driving range field. The boundaries of the driving range field shall be placed no closer than twenty-five (25) feet to the lot line. Appropriate design measures shall be implemented to prevent golf balls from endangering adjoining property and property residents.

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

(5) Group Home:

(a) No group home shall be located within seven hundred fifty (750) feet of any other group home.

(b) Every group home shall comply with the building, fire and safety codes of the City of Lakewood.

(c) The group home must comply with the height, setback, area coverage, lot size, and external signage, and other requirements applicable to the particular zone district in which the home is to be located.

(d) No architectural designs substantially inconsistent with the character of the surrounding neighborhood shall be permitted.

(e) No administrative activities of any private or public organization or agency shall be conducted on the premises of the group home.

(f) No treatment activities or rendering of service shall be conducted in a manner substantially inconsistent with the activities otherwise allowed in the zone district in which the group home is to be located.

(g) The group home shall be located in reasonable proximity to insure availability to the residents of such services and facilities as convenience stores, commercial services, transportation, and public recreation facilities.

(h) The group home shall comply with any applicable license requirements of the State.

(6) Group Home For Juveniles:

(a) Every group home for juveniles shall be so designed and located to assure maximum security to adjoining properties and to the neighborhood in general.

(b) Every group home for juveniles shall comply with the building, fire and safety codes of the City of Lakewood.

(c) Every group home for juveniles must comply with the height, setback, area coverage, lot size, external signage, and other requirements applicable to the particular zone district in which the home is to be located.

(d) No architectural designs substantially inconsistent with the character of the surrounding neighborhood shall be permitted.

(e) No administrative activities of any private or public organization or agency shall be conducted on the premises of the group home for juveniles.

(f) No treatment activities or rendering of services shall be conducted in a manner substantially inconsistent with the activities otherwise allowed in the zone district in which the group home is to be located.

(7) Limited Office And Personal Services:

(a) Structures on lots separated from the arterial street by frontage or service roads are excluded from this special use category.

(b) The gross floor area of the residential structure must not exceed that existing at the time of adoption of this Ordinance and the location of lot lines must be as they existed at the time of the adoption of this Ordinance. The residential character of the building must not change.

(c) No hazardous or flammable material may be stored outdoors. There shall be no outdoor storage of inventory or supplies.

(d) Any use of the structure must be in compliance with the Building Code.

(e) Any use of the property must comply with the site plan requirements of Article 15 of this Ordinance.

(f) Parking requirements for allowed uses shall be those set forth for comparable uses in Article 9.

(8) Mineral and Aggregate Resource Excavation and Processing:

(a) All vehicles connected with mineral and aggregate resource processing shall operate in conformance with Article 10 of the Lakewood Municipal Code. (As Amended by 0-81-108 and 0-82-19)

(b) Hours of operation shall be restricted to between the hours of six o'clock (6:00) a.m. and eight o'clock (8:00) p.m. local time daily.

(c) All operations shall conform to extraction and reclamation requirements of the State of Colorado Mined Land Reclamation Board.

(9) Private Golf Course; Country Club:

(a) Two tenths (0.2) parking spaces shall be required for every member. All parking areas required to service members, guests, employees or other patrons shall be provided on site and shall be designed in accordance with Article 15 of this Ordinance.

(b) Any use adjacent to a residential district shall restrict its outdoor operations to between the hours of five o'clock (5:00) a.m. and ten o'clock (10:00) p.m. local time daily. Uses not adjacent to a residential district shall not be so restricted.

(c) Adequate measures shall be taken to prevent golf balls from endangering adjoining property and property residents.

(10) Racetrack:

(a) The Special Use Permit shall be valid only for a specified time period set forth in the permit.

(b) All structures and operating equipment shall be set back at least one hundred (100) feet from all property lines.

(11) Roadside Stand:

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

(b) Hours of operation shall be restricted to between the hours of six o'clock (6:00) a.m. and ten o'clock (10:00) p.m. local time daily.

(12) Sanitary Landfill: No sanitary landfill shall create a water diversion hazard which would endanger adjacent areas, nor shall the landfill create any undesirable odors or any unsightly areas to adjacent properties and buildings.

(13) Travel Trailer Campgrounds:

(a) All campgrounds shall comply with the Colorado Department of Health Standards and Regulations for Campgrounds and Recreation Areas, as amended from time to time.

(b) Interior roads and drives shall be screened such that vehicle headlights shall not cast direct light beyond the boundaries of the property.

(14) Wind-powered Electric Generators:

(a) No wind-powered electric generator shall exceed sixty (60) feet in height measured from ground level to the top of the blade diameter.

(b) No wind-powered electric generator or portion thereof may extend or encroach into the building setback areas or onto any adjacent property.

(c) Prior to the issuance of the Special Use Permit, the applicant shall provide written approval of the complete installation by a Registered Professional Engineer. Such review shall include structural, electrical, safety, and noise components.

(d) A site plan showing the proposed location of the wind-powered electric generator(s) shall be submitted for approval by the Planning Commission as part of the Special Use Permit application.

(e) All electrical wiring shall be underground. (As Amended by 0-81-108)

ARTICLE 7: SETBACK REQUIREMENTS

17-7-1. GENERAL PROVISIONS: (1) Unless specifically excluded, any building or structure including any accessory building or structure located within a zone district set forth below, shall conform to the setback requirements applicable to that zone district. Street classifications set forth in this Article are as designated in the Comprehensive Plan.

(2) Setbacks shall be measured from the applicable front, rear, or side lot line to the applicable front, rear or side setback line.

17-7-2. CN DISTRICT: The following setbacks shall apply within the CN District:

(1) 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 on the lot. Accessory buildings housing horses, cattle, sheep, goats, rabbits, chinchillas, poultry, and pigeons, 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.

(2) The minimum depth of any side or rear yard shall be fifteen (15) feet; however, accessory structures not regulated in Section 17-5-7 may have a minimum depth of any side or rear yard of ten (10) feet. (As Amended by 0-82-19)

17-7-3. 1-R DISTRICT: The following setbacks shall apply within the 1-R District:

(1) The minimum depth of front yard for dwellings and other main buildings shall be twenty (20) feet when the front yard is adjacent to a local street. The minimum depth of front yard for dwellings and other main buildings shall be thirty (30) feet when the front yard is adjacent to a collector street. The minimum depth of front yard for dwellings and other main buildings shall be forty (40) feet when the front yard is adjacent to a major arterial street. Private garages shall have the same front yard as the dwelling or other main buildings on the lot. Accessory buildings housing horses, cattle, sheep, goats, rabbits, chinchillas, poultry, and pigeons 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.

(2) The minimum depth of any side or rear yard shall be fifteen (15) feet; however, accessory structures not regulated in Section 17-5-8 may have a minimum depth of any side or rear yard of five (5) feet. (As Amended by 0-82-19)

17-7-4. 2-R DISTRICT: The following setbacks shall apply within the 2-R District:

(1) The minimum depth of front yard for dwellings and other main buildings shall be twenty (20) feet when the front yard is adjacent to a local street. The minimum depth of front yard for dwellings and other main buildings

shall be thirty (30) feet when the front yard is adjacent to a collector street. The minimum depth of front yard for dwellings and other main buildings shall be forty (40) feet when the front yard is adjacent to a major arterial street. Private garages shall have the same front yard as the dwelling or other main buildings on the lot. All other accessory buildings not otherwise listed herein shall be set back at least seventy-five (75) feet from the front lot line.

(2) The minimum depth of any side yard shall be five (5) feet. In the case of a single-household dwelling with one side zero lot line, at least three (3) feet shall be added to the side yard setback on the side opposite to the zero lot line.

(3) The minimum depth of any rear yard shall be twenty (20) feet; however, accessory structures may have a minimum depth of any rear yard and of five (5) feet. (As Amended by 0-82-19)

17-7-5. 3-R DISTRICT: The following setbacks shall apply within the 3-R District:

(1) The minimum depth of front yard for dwellings and other main buildings shall be twenty (20) feet when the front yard is adjacent to a local street. The minimum depth of front yard for dwellings and other main buildings shall be thirty (30) feet when the front yard is adjacent to a collector street. The minimum depth of front yard shall be forty (40) feet when the front yard is adjacent to a major arterial.

(2) The minimum depth of any side yard shall be five (5) feet. In the case of a single-household dwelling with one side zero lot line, at least three (3) feet shall be added to the side yard setback on the side opposite the zero lot line.

(3) The minimum depth of any rear yard shall be twenty (20) feet; however, accessory structures may have a minimum depth of any rear yard of five (5) feet. (As Amended by 0-82-19)

17-7-6. 4-R DISTRICT AND 5-R DISTRICT: The following setbacks shall apply within the 4-R District and 5-R District for multiple household dwelling units; however, for single and duplex household dwelling units refer to 3-R DISTRICT. (As Amended by 0-82-19)

(1) The minimum depth of front yard for dwellings and other main buildings shall be thirty (30) feet when the front yard is adjacent to a local street. The minimum depth of front yard for dwellings and other main buildings shall be forty (40) feet when the front yard is adjacent to a collector street. The minimum depth of front yard shall be fifty (50) feet when the front yard is adjacent to a major arterial.

(2) The minimum depth of any side yard shall be twenty (20) feet; however, accessory structures may have a minimum depth of any side yard of ten (10) feet. (As Amended by 0-82-19)

(3) The minimum depth of any rear yard shall be thirty (30) feet; however, accessory structures may have a minimum depth of any rear yard of fifteen (15) feet. (As amended by 0-82-19)

17-7-7. 6-R DISTRICT: The following setbacks shall apply to each mobile home park.

(1) The minimum depth of the front yard shall be thirty (30) feet when the front yard is adjacent to a local street. The minimum depth of the front yard shall be forty (4) feet when the front yard is adjacent to a collector street. The minimum depth of the front yard shall be fifty (50) feet when the front yard is adjacent to a major arterial.

(2) The minimum depth of any side yard or rear yard shall be thirty (30) feet; however, accessory structures may have a minimum depth of any side or rear yard of fifteen (15) feet. (As Amended by 0-82-19)

17-7-8. ALL OFFICE, COMMERCIAL AND INDUSTRIAL DISTRICTS: The following setbacks shall apply to all office, commercial and industrial districts:

(1) The minimum depth of front yard for any building shall be thirty (30) feet.

(2) The minimum depth of any side or rear yard shall be zero (0) feet or at least five (5) feet.

(3) Motor fuel pumps shall not be located less than eighteen (18) feet from the front lot line.

(4) The setback for any yard containing a loading dock shall be increased to sixty-five (65) feet.

17-7-9. ZERO LOT LINE SETBACKS AND STRUCTURE SEPARATIONS: Zero lot line structures permitted in the 3-R, 4-R, 5-R, and MU districts may be constructed so that the wall of the structure is placed on a particular lot line. However, in such cases, provision must be made for both encroachment of any overhang and maintenance access for such structure from the owner of the adjacent lot. However, if a building is constructed of masonry or fireproof materials, separation between individual buildings is restricted only to those requirements of the materials themselves as specified in the Building Code.

17-7-10. EXCEPTION FROM REQUIRED FRONT YARD SETBACKS IN ALL ZONE DISTRICTS. Porches as defined in Section 17-2-2, may project eight (8) feet into the required front yard setback. (As Amended by 0-82-19)

ARTICLE 8: FENCES, WALLS AND OBSTRUCTIONS TO VIEW

17-8-1. VISION CLEARANCE AT CORNER AND RAILROAD CROSSINGS: (1) Except as specifically permitted in this Ordinance, no fence, wall, hedge, or other structure or obstruction above a height of forty-two (42) inches as measured from the flow line or in the absence of curbs and gutters, as measured from the property line, shall be constructed, placed or maintained within fifty-five (55) feet of the intersection of the right-of-way lines of two (2) streets or railroads or at a street intersection.

(2) The Director of Public Works shall adopt, and may from time to time amend, standards by which persons may be exempted by him from the limitations of this section. Any such exemption shall be in writing. No exemption shall permit a fence, wall, hedge or other structure or obstruction to be constructed, placed or maintained in such a manner as to endanger or potentially endanger the public health or safety.

17-8-2. PERMITTED FENCES AND WALLS: (1) For the purpose of this Article, the following definitions apply:

(a) "Open" means a fence or wall with more than fifty (50) percent open space in its vertical surface.

(b) "Solid" means a fence or wall with fifty (50) percent or less open space in its vertical surface.

(2) Except as provided in subsection (3), the following fences and walls shall be permitted within the following zone districts:

| <u>Zone District</u> | <u>Types Permitted</u> | <u>Max. Height</u> | <u>Location</u> |
|----------------------------------|--|--------------------|--|
| CN | Open, solid, Barbed wire, Electrified (if adequate warning signs are provided) | 84" | When CN district is adjacent to any other zone district, the fence along the common boundary line of the districts shall be that allowed in the other zone district. |
| All residential districts | Open, solid | 72" | Side and rear yards |
| | Open | 42" | Front yard |
| | Open, solid | 72" | Front yards of a lot not adjacent to the main entrance (second and third front yards). |
| Office and all Commer. districts | Open, solid | 72" | Side and rear yards |
| | Open | 72" | Front yard |

| | | | |
|----|-------------|--|---------------------|
| IN | Solid | 84" | Side and rear yards |
| | Open | 84" | Front yard |
| | Barbed wire | max height of 84" but may not be located below 72" | Side and rear yards |

(3) Publicly owned utility installations are permitted eighty-four (84) inches maximum height fences located in the front, side and rear yards in any district, with barbed wire permitted only above seventy-two (72) inch height. Any fence used to enclose a tennis court shall be of open construction and not more than ten (10) feet in height; however, the fence shall be located only in the rear or side yard area and shall be placed no closer than fifteen (15) feet to the lot line.

17-8-3. MEASUREMENTS: (1) All fences and wall heights, except those described in 17-8-1, shall be measured from the lowest finished grade at the location of the fence. Heights of fences described in 17-8-1 shall be measured from finished curb level.

(2) A combination fence and retaining wall may be erected to a height of seventy-two (72) inches above the highest finished grade or ninety-six (96) inches above the lowest finished grade, at the location of the fence, except that the fence portion may not exceed seventy-two (72) inches above the highest finished grade.

17-8-4. SWIMMING POOLS: Every person owning land in the City of Lakewood on which there is situated a swimming pool, either above ground, semi-sunk, or full depth recess, being eighteen (18) inches or more in depth at any point, shall erect and maintain thereon an adequate fence sufficient to make such swimming pool inaccessible to small children. Such fence, including gates therein, must be not less than forty-two (42) inches above the underlying ground; all gates must be self-latching with latches placed forty-two (42) inches in height. Space between the pool edge and the interior of the fence shall be a minimum of five (5) feet.

17-8-5. NOISE CONTROL WALLS AND FENCES (BARRIER): Solid fences and walls may be erected to a height in excess of the limits specified in 17-8-2 when so positioned as to separate a property from a major collector or arterial street as designated in the Comprehensive Plan. An engineering analysis must be provided to demonstrate that the design and location of the barrier actually results in reduced sound pressure levels.

ARTICLE 9: PARKING REQUIREMENTS

17-9-1. GENERAL PROVISIONS: (1) No land shall be used or occupied, no structures shall be designed, constructed 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 within the parking space requirements of this article.

(2) All required off-street parking spaces shall be provided within the lot lines established for the uses to be developed or redeveloped. All other parking proposals shall be reviewed by the Board of Adjustment for approval. (As Amended by 0-82-19)

(3) Provision of parking spaces within an integrated parking and access system is encouraged. In such case, however, the total number of spaces provided shall be the sum total of the individual requirements; provided, however, that the parking requirement will be based on the land use(s). (As Amended by 0-81-108)

(4) All parking areas and all parking spaces within those areas located in districts other than Conservation (CN), One Residential (1-R), and Two Residential (2-R) shall be designed and designated in conformance with the Site Plan requirements of Article 15.

(5) Parking ratios in combined multi-family/office/commercial buildings or developments shall be prorated based upon the square footage devoted to the respective type of use. (As Amended by 0-81-108)

17-9-2. PARKING SPACE REQUIREMENTS: The minimum off-street parking spaces required for permitted and special uses shall be as follows:

(1) Conservation (CN) District:

(a) Two (2) off-street spaces, gravel or paved, covered or open, for each dwelling unit.

(b) For every use other than a dwelling unit, one (1) space shall be provided off-street for every three (3) simultaneous users of or visitors to the property, including spectators for horse shows or similar events.

(2) Residential 1-R, 2-R, 3-R District: Two off-street spaces, graveled or paved, covered or open, for each dwelling unit.

(3) Residential 4-R and 5-R Districts:

(a) One and One-half (1.5) spaces for each dwelling unit; except that upon utilization of a multi-family structure for the housing of low/moderate income elderly persons (as defined by HUD Minimum Property Standards 1973, as amended), parking requirements shall be three-quarters (0.75) of one space for each dwelling unit. (As Amended by 0-82-71)

(b) Within the following ranges of dwelling unit densities, the percentage of total parking spaces required to be in a structure and located below or above, but not on, ground level, shall be as follows:

Dwelling Units Per Acre% Structural Parking Required

Less than 25 dwelling units

0 (zero)

25 and above dwelling units

33.3 (one third)

(c) Of the total required number of spaces, one-half (0.5) space per dwelling unit shall be provided for joint use in a common parking area.

(d) For child care facilities there shall be provided six (6) off-street parking spaces for every one thousand (1,000) square feet or any fraction thereof of gross floor area plus one (1) off-street parking space for every vehicle operated by the child care facility. (As Amended by 0-81-108)

(e) The Board of Adjustment may waive the requirements for structural parking pursuant to its authority as set forth in Article 17-4-7(3). (As Amended by 0-82-71)

(4) Residential 6-R District: At least two and one-half (2.5) on site, off-street or drive-in parking spaces shall be provided for each mobile home unit within the park. Of these required spaces, one-half (0.5) space shall be provided for joint use in a common parking area.

(5) OF (Office) District and Office Uses in Other Districts:

(a) General Office Uses, and Correctional Institution: Three and one-half (3.5) spaces for every one thousand (1,000) square feet or any fraction thereof of gross floor area.

(b) Professional Health Facilities: Four and one-half (4.5) spaces for every one thousand (1,000) square feet or any fraction thereof of gross floor area.

(c) Public Uses: Five and one-half (5.5) spaces for every one thousand (1,000) square feet or any fraction thereof of gross floor area.

(d) For child care facilities there shall be provided six (6) off-street parking spaces for every one thousand (1,000) square feet or any fraction thereof of gross floor area plus one (1) off-street parking space for every vehicle operated by the child care facility. (As Amended by 0-81-108)

(6) 1-C (Convenience Commercial) District: Four (4) spaces for every one thousand (1,000) square feet or any fraction thereof of gross floor area.

(7) 2-C (Neighborhood Commercial) District, 3-C (Community Commercial) District, and 4-C (Regional Commercial) District: Five (5) spaces for every one thousand (1,000) square feet or any fraction thereof of gross floor area.

(8) 5-C (Large Lot Commercial) District, IN (Industrial) District: Two and one-half (2.5) spaces for every one thousand (1,000) square feet or any fraction thereof of gross floor area.

(9) Handicapped Parking Space Requirements: The following parking requirements shall apply to all public, office, commercial, and industrial uses in all districts:

(a) One (1) handicapped parking space shall be provided in a lot containing one (1) to (50) spaces.

(b) Two (2) handicapped parking spaces shall be provided in a lot containing fifty-one (51) to one hundred (100) spaces.

(c) Any lot containing one hundred one (101) and over shall provide three (3) handicapped parking spaces plus one (1) handicapped parking space per each additional one hundred (100) spaces over the first one hundred (100) spaces.

(10) Parking for Restaurants, Churches, Auditoriums, Theatres and Convention Halls: One (1) space for every three (3) seats, seating equivalents for benches to be determined in conformance with the Building Code.

(11) Parking for motels, hotels, boarding houses, fraternity or sorority houses or dormitories: One and one-half (1.5) spaces for every guest room in addition to the number of parking stalls required for dining and entertainment uses. (As Amended by 0-81-108)

17-9-3. OFF-STREET LOADING SPACE REQUIREMENTS: For each manufacturing or industrial use, there shall be provided a separate off-street truck loading space on the lot as follows:

(1) The loading space shall be not less than thirty-five (35) feet in length, twelve (12) feet in width and fifteen (15) feet in height.

(2) For structures containing zero (0) to twenty-five thousand (25,000) square feet of gross floor area, there shall be provided one (1) loading space.

(3) For structures containing more than twenty-five thousand (25,000) square feet of gross floor area, the number of loading spaces specified in the following table shall apply:

| <u>SQ. FT. OF GROSS FLOOR AREA</u> | <u>MIN. REQUIRED NO. OF SPACES</u> |
|--|------------------------------------|
| 25,001 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 |

ARTICLE 10: SIGNS

17-10-1. 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.

(4) Temporary signs.

(5) Banners, pennants, sandwich boards, and nonanchored portable signs.

17-10-2. SIGNS PERMITTED IN ALL DISTRICTS: The following signs may be erected and maintained in all districts without permit:

(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.

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

(a) 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;

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

(3) Signs Within Buildings, Enclosed Walls or Other Enclosures: Any sign that is placed back one (1) foot 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.

(4) Sandwich Board and Hand-Held Signs. Notwithstanding any other provisions 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.

17-10-3. SIGNS PERMITTED IN ALL DISTRICTS, SUBJECT TO PERMIT: 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 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 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 (25) percent (i.e., no more than four (4) square feet) of the sign area may be used to list the name or names of the users for which the parking is provided. Directional signs are limited to wall and ground signs.

(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. Such devices shall be a height of no greater than twenty-five (25) feet above grade, and no more than eight (8) square feet in display surface area.

17-10-4. 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 Director for a permit and the issuance of such Sign Permit:

(1) CN, 1-R, 2-R, 3-R, 4-R, 5-R, and 6-R Zone 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. 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) Maximum Total Sign Area: Twenty (20) square feet, or alternatively, two (2) square feet for each one thousand (1,000) 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.

(c) Limited Office and Personal Service: For this special use only wall signs shall be permitted, not to exceed twelve (12) square feet of sign area.

(2) OF, 1-C, 2-C, 3-C, 4-C, 5-C, and IN Zone 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.

(b) Maximum Total Sign Area for Single-Use Building or Structure:

(1) 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 (1,200) square feet or twenty-five (25) percent of the total building frontage wall.

(2) 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.

(3) Avoidance of Duplicate Area Computations: Signs shall be permitted in accordance with the provisions of one or the other of the last hereinabove subparagraphs (1) and (2), but not both.

(c) Maximum Total Sign Area for Multiple-Use Building or Structure: 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).

(3) High-Rise Building Identification Wall Signs:

(a) 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 of three hundred one (301) feet in height or more, the factor shall be eight (8) square feet.

(b) Multi-storied buildings may be permitted identification wall signs of the size provided by paragraph (a) above for each building facade visible from a public right-of-way.

(c) Wall sign areas permitted by this subsection (3) 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:

(a) 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 roof line.

(b) 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 shall 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.

(c) 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.

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

(5) Mixed Use Development Districts: Billboards shall be allowed in Mixed Use Development Districts only if the Mixed Use Development stipulations allow billboards. Said stipulations shall specify requirements concerning dimensions, maximum height, setback, location on the lot, illumination, landscaping and other requirements in conformance with 17-5-21(3), subject to the following requirements:

(a) Permitted maximum height above grade shall be twenty-five (25) feet.

(b) 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 (1) tract or parcel of real estate or two (2) 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 17-5-21.

(a) Submittal Requirements: Applicants shall submit a comprehensive sign plan with attached written stipulations as a part of the required site plan. The 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) Plan Review Criteria: Such plan must be in substantial conformity with the requirements of this section and the Comprehensive Plan, and any other publicly articulated policies of the City Council.

(c) All applicants affected by provisions of the comprehensive sign plans must be signatory to such plans; provided, however, if the multiple buildings 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.

(d) 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. Notice of the time and place of the hearing shall be as provided in 17-17-4(1), except that posting of the notice shall not be required.

(e) The Director 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.

(1) If the determination is made that the modification, removal or release is not substantial, the Director is hereby authorized to grant such modification, removal or release.

(2) If, however, the determination is made that the modification, removal or release is substantial, the Director 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 17-10-4(6)(b) and (f).

(f) 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:

(1) Consistent with the efficient development and preservation of the entire comprehensive sign plan;

(2) Does not affect in a substantially adverse manner the enjoyment of land abutting upon or across the street from the multi-building complex;

(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.

(g) If the Planning Commission finds that the modification, removal or release does not meet the criteria set forth in 17-10-4(6)(b) and (f), then any such modification, removal or release shall not be accomplished.

(h) 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.

(i) 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 17-10-4(6)(d).

17-10-5. 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 their 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 inspection by the Director and all other persons duly authorized for such purposes under the ordinances of the City of Lakewood.

(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 Director 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 a 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.

17-10-6. SIGNS DECLARED A NUISANCE (1) Any sign within this City, the ownership, keeping, display or maintenance of which is unlawful pursuant to the provisions of this Article, is hereby declared to be a public nuisance.

(2) The Director 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 Article.

(a) Any such declaration shall state the reasons of the Director therefor.

(b) 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.

(3) The Director 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 Director.

(4) 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.

(5) The notice given by the Director 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 (5) percent for inspection and incidental costs and an additional ten (10) percent 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.

(6) The notice shall also state that the declaration of the Director may be appealed to the Board of Adjustment pursuant to 17-4-6 and the procedures established by the Board of Adjustment for such appeals.

(7) In the 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 Director may demolish and remove the sign declared to be a public nuisance.

(8) If it shall be necessary for the Director to demolish and remove any sign pursuant to the provisions hereof, the Director 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.

(9) 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 (5) percent for inspection and other incidental costs in connection therewith and an additional ten (10) percent 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.

(10) 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.

(11) Following passage of such ordinance upon second reading, the City Clerk shall certify the same to the County Treasurer, who shall collect the assessment.

(12) 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.

(13) 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 Director.

17-10-7. 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 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.

17-10-8. 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 Uniform Building Code.

(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 for a building permit, 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; and

(g) Statement of the period of intended use of the sign.

17-10-9. LEGAL NONCONFORMING SIGNS

(1) Policy: It is reasonable that a time limit be placed upon the continuance of an existing nonconforming sign. An amortization program permits the owner to plan during the period when he is allowed to continue the nonconforming sign while at the same time assuring that the district in which the nonconforming sign exists will eventually benefit from a substantial uniformity of signs.

(2) Continuance: Subject to the terms herein, any nonconforming 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 noncompliance of such sign with the provisions of this title, and provided that the burden of establishing a sign to be nonconforming rests entirely upon the person or persons, firm, corporation or other entity claiming such status for a sign.

(3) Termination: The right to maintain a nonconforming sign terminates immediately upon any of the following:

(a) By abandonment of a sign for a continuous period of six (6) 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 nonconforming sign; or,

(d) All nonconforming signs, including nonconforming roof signs and nonconforming billboards, shall be removed or brought into conformity by January 9, 1984.

(4) Sign Code Litigation: (1) 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 Section 3-3 of the Lakewood Zoning Ordinance No. 0-70-104, 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 nonconforming uses, and to the extent such uses are nonconforming 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 subsection (3) of this section 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 (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 provision of this Ordinance.

(5) No extension of the period of amortization provided in Ordinance No. 0-71-57 of 1971 or provided in Ordinance No. 0-78-125 of 1979 is granted hereby for signs which were unlawful under the terms and provisions of said Ordinances.

(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 one (1) year 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 Ordinance No. 0-78-125 or of this Ordinance, by submitting the following information accompanying his application for extension or stay:

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

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

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

(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 (30) days of annexation with respect to temporary signs not in conformity herewith; six (6) months with respect to flashing, moving, rotating or animated parts of existing signs not allowed hereunder; and within five (5) 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.

(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 Director 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.

17-10-10. ILLEGAL SIGNS (1) 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 Article 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 this Ordinance.

(2) Nothing contained in this Article shall be taken to authorize or make lawful or to permit a period of amortization for any nonconforming sign, billboard or device which was not a lawful use prior to the date this Ordinance applied to the property on which the sign, billboard or device was located hereof, except as provided in 17-10-9.

17-10-11. REMEDIES NOT EXCLUSIVE: In the event that any sign shall be declared a public nuisance, 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.

ARTICLE 11: SECONDARY USES

17-11-1. DEFINITION: As used in this Ordinance, a "Secondary Use" is one which:

- (1) Is subordinate to and serves the main building or principal use;
- (2) Is subordinate in area, extent, and purpose to the main building or principal use served;
- (3) Contributes to the comfort, convenience, or necessity of occupants of the main building or principal use served; and
- (4) Is located within the main building or structure.

17-11-2. USE REGULATIONS: (1) Secondary Uses are uses by right. Uses not contained within the main building but otherwise meeting the definition of a secondary use shall be considered an Accessory Use as provided for within Article 12.

(2) The following specific Secondary Uses shall be permitted as uses by right within the zone district indicated provided they conform to the requirements of this section.

(a) 4-R District: Private noncommercial athletic or recreational facilities operated for the benefit of members only and not for economic gain.

(b) 5-R District:

(1) Private noncommercial athletic or recreational facilities operated for the benefit of members only and not for economic gain.

(2) Any use permitted within the OF District or the 1-C District.

(c) OF District:

(1) Any use permitted within the 1-C District.

(2) Living quarters for not more than one household in a building not designed primarily for occupancy as a dwelling unit and occupied by the owner or operator of the office or secondary commercial use.

(d) 5-C District:

(1) Administrative offices serving the principal use. Additional subordinate administrative office space serving more than the principal use may not exceed exceed fifty (50) percent of the gross floor area of the main building. (As Amended by 0-82-19)

(e) IN District:

(1) Administrative offices, which shall not exceed fifty (50) percent of the gross floor area of the main building.

(2) Child care facilities.

(3) Restaurant.

17-11-3. AREA REGULATIONS: The sum total of gross floor area utilized by all Secondary Uses shall not exceed more than ten (10) percent of the gross floor area of any single building or structure within which it is contained, except as otherwise specifically allowed in this article. The entrance to any such Secondary Use shall be from inside the main building and no sign advertising said use shall be visible from outside the building.

ARTICLE 12: ACCESSORY USES

17-12-1. DEFINITION: As used in this Ordinance, an "Accessory Use" is a use which:

- (1) Is subordinate to and serves the main building or principal use;
- (2) Is subordinate in area, extent and purpose to the main building or principal use served;
- (3) Contributes to the comfort, convenience or necessity of occupants of the main building or principal use served; and,
- (4) Is located external to the existing main building but on the same lot as the existing main building or principal use served.

17-12-2. USE REGULATIONS: (1) Accessory uses are uses by right.

(2) The following specific Accessory Uses are uses by right within the zone districts indicated, if they conform to the requirements set forth herein:

(a) Conservation (CN) District:

(1) Dwellings for farm or ranch employees employed on the premises or dwellings for farm or ranch tenants on any farm or ranch.

(2) Any building or structure other than a dwelling incidental to the operation of any ordinary farm or ranch, or any other use provided for within the CN (Conservation) District, irrespective of size.

(b) OF District:

(1) Dormitories and recreation fields within the campus confines of a school, college or university, but not including garage, vehicle service and maintenance center.

(2) Buildings housing personnel employed on the grounds of a hospital or sanitarium.

(c) Community Commercial (3-C) and Regional Commercial (4-C) Districts: Carnivals and fairs, but only if located farther than five hundred (500) feet from any residential district, and only if operated for a period of time not to exceed fourteen (14) days in each calendar year.

(d) Industrial (IN) District: Administrative offices.

(e) All Districts:

- (1) Off-street parking areas, including off-street parking spaces only for the purpose of storage of recreational vehicles.
- (2) Keeping of household pets, but not kennels.
- (3) Private, noncommercial greenhouses.
- (4) Private, noncommercial swimming pools.
- (5) Storage facilities not to exceed one hundred twenty (120) square feet, and less than ten (10) feet in height. Such facilities are exempted from side and rear yard setback requirements.
- (6) Private, noncommercial recreational facilities and club-houses.
- (7) Church parish house but not in the Large Lot Commercial (5-C) and Industrial (IN) Districts.
- (8) Fall out shelters.
- (9) Residence for caretaker of public park or public recreation area if located in such park or area.

ARTICLE 13: HOME OCCUPATIONS

17-13-1. DEFINITION: As used in this Ordinance, a "home occupation" is a commercial or business activity, operating from a residential dwelling unit located within a CN, 1-R, 2-R, or 3-R zone district, or from a conforming single household dwelling unit in the 4-R zone district, which meets the following conditions: (As Amended by 0-81-108)

(1) Such use shall be conducted entirely within a dwelling and carried on by the inhabitants living there with not more than one (1) other employee.

(2) Such use shall be clearly incidental and secondary to the use of the dwelling for dwelling purposes and shall not change the character thereof.

(3) The total area used for said purposes shall not exceed twenty-five (25) percent of the floor area of the habitable space in the user's dwelling unit. "Habitable space" shall be as defined in the Building Code.

(4) There shall be no advertising signage, except a maximum of one (1) non-illuminated sign, not to exceed one-and-one-half (1½) square feet, to be attached to the dwelling.

(5) There shall be only incidental storage of stocks, supplies or products conducted on the premises.

(6) There shall be no exterior storage on the premises of material or equipment used as a part of the home occupation.

(7) There shall be no offensive noise, vibration, smoke, dust, odors, heat or glare noticeable at or beyond the property line due to the conduct of the home occupation.

(8) Parking related to the home occupation shall be confined to the street frontage of the lot in question, the driveway, and the garage/carport.

17-13-2. HOME OCCUPATIONS PERMITTED: Home occupations are limited solely to the following business or commercial activities and no others, provided that all the requirements set forth in 17-13-1 are met:

(1) Craft work, such as the making of pottery, jewelry, or dolls, gunsmithing, and woodworking.

(2) Garment work, such as tailoring, dressmaking, millinery work, ironing and garment repair.

(3) Office uses, such as office uses for door-to-door, home party and phone solicitation sales, investment counseling, typing, notary public, travel services, surveyors, landscaping services, physicians, dentists, lawyers, certified public accountants, architects and engineers.

(4) Repair services for electronics, small appliances and upholstery.

(5) Tutoring, music lessons, dance lessons, gymnastics lessons, swim lessons, and tennis lessons.

(6) Artistic endeavors, such as art studios, portrait studios, photography studios, writing and lithography.

(7) The renting of rooms to not more than two (2) persons per dwelling.

(8) Garage sales, not to exceed four (4) sales and a total of fourteen (14) days, which need not be consecutive, per calendar year.

(9) Hair care services and/or manicuring services carried on by only one (1) inhabitant of the dwelling. Notwithstanding 17-13-1(1), no other employee shall be permitted. (As Amended by 0-81-108)

(10) Providing care for compensation for fewer than five (5) children under the age of sixteen (16) who are not related to the inhabitants of the dwelling unit.

17-13-3. SPECIFIC EXCLUSIONS: In no event shall any of the home occupations permitted in 17-13-2 be interpreted to allow any of the following business or commercial activities:

(1) Body or mechanical repair or modification of motor vehicles (for hire).

(2) Animal hospital, or kennel.

(3) Residential Health Care Facility.

(4) Restaurant.

17-13-4. ADDITIONAL LIMITATIONS: In no event shall more than one home occupation be operated within any single dwelling unit, except that a garage sale may be operated in addition to any other home occupation. No home occupation shall be operated within any dwelling unit in a 1-R District in which a limited office and personal service special use is being operated.

ARTICLE 14. FLOOD PLAIN MANAGEMENT
(As Amended by 0-81-158)

17-14-1 TITLE: This Ordinance shall be known and may be cited as "Flood Plain Management Ordinance of Lakewood, Colorado."

17-14-2 PURPOSE: This Ordinance is enacted for the following purposes:

(1) To establish regulations to help minimize the extent of floods and the losses incurred in flood hazard areas.

(2) To promote the public health, safety and welfare.

17-14-3 LEGISLATIVE INTENT: The intention of this Article is:

(1) To permit only that development within the flood plain which is appropriate in light of the probability of flood damage.

(2) That the regulations in this article shall apply to all property located in the flood plains, as indicated in the Official Flood Studies for the City of Lakewood, as adopted by this article and filed with the City Clerk.

(3) That these regulations combine with and qualify with the zoning ordinance regulations.

(4) That any use not permitted by the primary zone shall not be permitted in the flood plain and any use as permitted by the primary zone shall be permitted in the flood plain only upon meeting conditions and any requirements as prescribed by this article.

17-14-4 DEFINITIONS: As used within this Article, except where otherwise specifically defined, or unless the context otherwise requires, the following terms, phrases, words and their derivatives shall have the following meanings:

(1) Administrator: The Federal Insurance Administrator.

(2) Appurtenant Structure: A structure which is on the same parcel of property as the principal structure to be insured and the use of which is incidental to the use of the principal structure.

(3) Area of Shallow Flooding: Land designated as shallow, indeterminate flooding in the Official Flood Studies. No clearly defined channel exists and the path of flooding is unpredictable.

(4) Base Flood or 100-Year Flood: The flood having a one percent chance of occurrence in any given year.

(5) Base Flood Elevation (Flood Protection Elevation): The water surface elevation of the 100 year flood as indicated in the Official Flood Studies.

(6) Chief Executive Officer: The City Administrator or his/her appointed designee.

(7) Development: For the purpose of Article 14 only, shall mean any man-made change to improved or unimproved real estate including but not limited to buildings, fences, or other structures, mining, dredging, filling, grading, paving, or excavation operations.

(8) Equal Degree of Encroachment: A standard applied in determining the location of encroachment limits so that flood plain lands on both sides of a stream are capable of conveying a proportionate share of flood flows. This is determined by considering the effect of encroachment on the hydraulic efficiency of the flood plain along both sides of a stream for a significant reach.

(9) Existing Construction: Structures for which the "start of construction" commenced before the effective date of the Flood Plain Management Regulations adopted by Lakewood, Colorado, July 21, 1972.

(10) Existing Mobile Home Park or Mobile Home Subdivision: A parcel (or contiguous parcels) of land divided into two or more mobile home lots for rent or sale for which the construction of facilities for servicing the lot on which the mobile home is to be affixed (including, at a minimum, the installation of utilities, either final site grading or the pouring of concrete pads, and the construction of streets) was commenced before the effective date of the Flood Plain Management Regulations adopted by Lakewood, Colorado, July 21, 1972.

(11) Expansion to an Existing Mobile Home Park or Mobile Home Subdivision: The preparation of additional sites by the construction of facilities for servicing the lots on which the mobile homes are to be affixed (including the installation of utilities, either final site grading or pouring of concrete pads, or the construction of streets).

(12) Flood Hazard Area: Means the area which would be inundated during the occurrence of the base flood or 100-year flood.

(13) Flood or Flooding: A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland waters, or the unusual and rapid accumulation or runoff of surface waters from any source.

(14) Floodway Fringe District: The land located between the Encroachment Lines of the Floodway and maximum elevation subject to inundation by the 100-year flood as defined herein.

(15) Flood Insurance Rate Map (FIRM): Means an official map of a community on which the Administrator has delineated both the flood hazard areas and the risk premium zones applicable to the community.

(16) Flood Plain Management Regulations: Subdivision regulations, building codes, health regulations, special purpose ordinances (such as grading ordinance or erosion control ordinance) and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

(17) Flood Plain: Means the area which would be inundated during the occurrence of the base flood or 100-year flood.

(18) Flood Plain Management: The operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and flood plain management regulations.

(19) Floodproofing: Any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

(20) Floodway: The channel of a gulch or other watercourse and the adjacent land areas that must be reserved in order to discharge the 100-year flood without cumulatively increasing the water surface elevation more than six inches (6") at any point.

(21) Floodway Encroachment Lines: The lines marking the limits of floodways as tabulated in the Official Flood Studies.

(22) Habitable Floor: Any floor usable for living purposes, which includes working, sleeping, eating, cooking or recreation, or a combination thereof. A floor used only for storage purposes is not a habitable floor.

(23) Mean Sea Level: The average height of the sea for all stages of the tide. Mean sea level shall be used as the elevation datum in Lakewood, Colorado, for purposes of these Regulations.

(24) Mobile Home: For the purposes of Article 14 only, means a structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. It does not include recreational vehicles or travel trailers. The term includes, but it is not limited to, the definition of mobile home as set forth in regulations governing the Mobile Home Safety and Construction Standards Program (24 CFR 3282.7 (a)).

(25) New Construction: Structures for which the start of construction commenced on or after the effective date of the Flood Plain Management Regulations adopted by Lakewood, Colorado, July 21, 1972.

(26) New Mobile Home Park or Mobile Home Subdivision: For the purposes of Article 14 only, means a parcel (or contiguous parcels) of land divided into two or more mobile home lots for rent or sale for which the construction of facilities for servicing the lot on which the mobile home is to be affixed (including at a minimum, the installation of utilities, either final site grading or the pouring of concrete pads, and the construction of streets) is commenced on or after the effective date of the Flood Plain Management Regulations adopted by Lakewood, Colorado, July 21, 1972.

(27) Official Flood Hazard Map: A map delineating the 100-year Flood Hazard Area.

(28) Official Flood Studies: Official studies adopted by the City of Lakewood to determine the location, size and elevation of the flood plain and floodway. The studies adopted are enumerated in section 17-14-5.

(29) Person: Any individual or group of individuals, corporation, partnership, association, or any other entity, including state and local governments and agencies.

(30) Reach: A hydraulic engineering term to describe longitudinal segments of a stream or river. In an urban area, an example of a reach would be the segment of a stream or gulch between two consecutive bridge crossings.

(31) Start of Construction: Means the first placement of permanent construction of a structure (other than a mobile home) on a site, such as the pouring of slabs or footings or any work beyond the stage of excavation.

(32) Structure: For the purposes of Article 14 only, means a walled and roofed building, including gas or liquid storage tank, that is principally above ground, as well as a mobile home.

(33) Substantial Improvement: Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either, (a) before the improvement or repair is started, or (b) if the structure has been damaged, and is being restored, before the damage occurred. For the purposes of this definition substantial improvement is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either (1) any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions or (2) any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

(34) Variance: A grant of relief by Lakewood, Colorado, from the terms of the Flood Plain Management Ordinance.

(35) Water Surface Elevation: The height in relation to Mean Sea Level reached by floods of various magnitudes and frequencies in flood plains.

(36) Exhibit A: For illustrative purposes, and in order to facilitate understanding the definitions and provisions of this Article, Exhibit A is attached hereto and is incorporated herein by reference.

17-14-5 ADOPTION OF FLOOD INSURANCE RATE MAP, OFFICIAL FLOOD STUDIES, AND OFFICIAL FLOOD HAZARD MAP: Lakewood, Colorado hereby adopts the Flood Insurance Rate Map and the following studies and addendums thereto and all technical back-up information as the Official Flood Studies for Lakewood, Colorado. The flood plains indicated in these studies shall be shown on a single Official Flood Hazard Map which is hereby adopted by Lakewood, Colorado, is attached hereto as Exhibit B and incorporated herein by reference. A copy of said map, studies and addendums are on file in the City Clerk's office and available for public inspection. No provision in this Article will be enforced based upon modified data reflecting natural or man-made physical changes without prior

approval of the change in the documents by the Urban Drainage and Flood Control District and the Federal Insurance Administration.

- (1)(a) Flood Hazard Area Delineation
Weir Gulch Tributaries
1st Avenue - Dakota Avenue July, 1977
- (b) Major Drainageway Planning
Weir Gulch Tributaries
1st Avenue and Dakota Avenue,
Depew Street Basin July, 1978
- (c) Major Drainageway Planning
Sanderson Gulch/Weir Gulch*
Volume 2 Drawings August, 1972
- *Portions of this study are superseded by (1)(d) and (1)(e) below.
- (d) Weir Gulch
Drainage Improvements
Schedule III So. Garrison Street
to Main Reservoir January, 1977
- (e) Flood Hazard Area Delineation
Sanderson Gulch & North Sanderson Gulch August, 1979
- (f) Flood Hazard Area Delineation
Lakewood Gulch February, 1979
- (g) Flood Hazard Area Delineation
McIntyre Gulch October, 1977
- (h) Flood Hazard Area Delineation
Sloans Lake Basin October, 1977
- (i) Flood Hazard Area Delineation
Green Mountain Area April, 1978
- (j) Flood Hazard Area Delineation
South Lakewood Gulch July, 1977
- (k) Flood Hazard Area Delineation
Bear Creek December, 1979
- (l) Lena Gulch
Master Drainage Plan
Volume Two June, 1975
- (m) Flood Hazard Area Delineation
Dry Gulch and Tributaries November, 1977

(n) Master Plan for Major Drainage
Henry's Lake Area
Subbasin 1-31-5501-01
Final Report

October, 1971

(o) Flood Hazard Area Delineation
Weaver Creek

May, 1981

(p) Flood Insurance Study prepared for the Federal Insurance Administration by the United States Army Engineering District, Corps of Engineers, Omaha, Nebraska, 1971.

(2) The official flood studies listed as (a) through (o) above are to be used in all cases for administration of this ordinance with one exception. When the 1971 study indicates a base flood elevation higher than that listed in studies (a) through (o), the higher elevation shall be used for determining the following:

- (a) The elevation of lowest floor.
- (b) Floodproofing elevation.

(3) In all cases, without exception, studies (a) through (o) shall be used for determining the width and location of the floodway.

17-14-6 APPLICABILITY: This Article shall apply to all lands within Lakewood, Colorado, as indicated in the Official Flood Studies as being located within the 100-year flood plain.

17-14-7 RULES FOR DETERMINING THE EXACT LOCATION OF THE FLOOD PLAIN AND FLOODWAY:

The boundaries of the Flood Plain and the Floodway shall be determined from information presented in the Official Flood Studies. In the absence of other information, boundaries shall be determined by scaling distances on the map. Where interpretation is needed as to the exact location of the boundaries, the City Engineer shall make the necessary interpretation. In all cases, the level of the 100 year flood shall be the governing factor in locating the boundary on any property.

17-14-8 ESTABLISHMENT OF FLOOD PLAIN AND FLOODWAY: Lakewood hereby establishes Flood Plains and Floodways whose boundaries are those of the designated 100-year Flood Plain and the designated Floodway respectively, as shown or tabulated in the Official Flood Studies adopted in Section 17-14-5. The Flood Plain includes the Floodway.

17-14-9 INTERPRETATION: In their interpretation and application, the provisions of this Article shall be held to be minimum requirements and shall not be deemed a limitation or repeal of any other powers granted by Colorado state statutes.

17-14-10 DISCLAIMER OF LIABILITY: The degree of flood protection required by this Article is considered reasonable for regulatory purposes and is based on engineering and scientific methods of study. Larger floods may occur on rare occasions or flood heights may be increased by man-made or natural causes, such as bridge openings restricted by debris. This article does not imply that

areas outside the flood plain will be free from flooding or flood damages. This article 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 section or any administrative decision lawfully made thereunder.

17-14-11 FLOOD PLAIN REGULATIONS: Unless modified by other parts of this Ordinance, the following general Flood Plain Regulations shall be in force:

(1)(a) In areas of shallow indeterminate flooding, all new construction and substantial improvements of nonresidential and residential structures shall have the lowest floor, including basement, elevated one foot (1') above the crown of the nearest street.

(b) As an alternative for nonresidential structures only, the structure, including utility and sanitary facilities, can be completely flood proofed to the level mentioned above. The walls and basement floor shall be completely waterproofed and they shall be built to withstand lateral and uplift water pressure.

(2)(a) In flood plain areas in which the 100-year flood elevations are known, all new construction and substantial improvements of residential and nonresidential structures shall have the lowest floor, including basement, elevated one foot (1') above the 100-year flood level as indicated in the Official Flood Studies.

(b) As an alternative for nonresidential structures only, the structure, including utility and sanitary facilities, can be completely floodproofed one foot (1') above the level of the 100-year flood as indicated in the Official Flood Studies. The walls and basement floor shall be completely waterproofed and they shall be built to withstand lateral and uplift water pressure.

(3) When flood proofing is used for nonresidential structures, a registered professional engineer or licensed architect shall certify that the flood proofing methods are adequate to withstand the flood pressures, velocities, impact and uplift forces, and other factors caused by the 100-year flood. A record of this certification shall be maintained on file with the building permit by the Building Official. The elevation to which the structure is flood proofed (based on sea level) shall be attached to the certification.

(4) All new individual mobile homes, new mobile home parks, expansions of mobile home parks, and mobile home parks where the repair, reconstruction or improvements of the streets, utilities and pads equal or exceed 50 percent of their value before the repair, reconstruction or improvement was started, shall have stands or lots that are elevated on compacted fill or on pilings so that the lowest floor of the mobile home will be one foot (1') above the 100-year flood level as indicated in the Official Flood Studies and adequate surface drainage and access for a hauler are provided. When mobile homes are put on pilings, the lot must be large enough to have steps up to the mobile home. The pilings must be reinforced if they are more than six feet (6') high and they must be placed in stable soil on ten foot (10') centers or less.

(5) Individual building permits shall be required for the placement of any mobile homes anywhere in the flood plain.

(6)(a) All mobile homes placed after the effective date of these regulations in the 100-year flood plain shall be anchored to resist flotation, collapse or lateral movement by providing over-the-top and frame ties to ground anchors. There shall be top ties at each corner with one mid-point tie on each side of mobile homes shorter than fifty feet (50'). Longer mobile homes shall have two ties at intermediate points on each side.

(b) There shall be frame ties at each corner with four (4) additional ties on each side of mobile homes shorter than fifty feet (50'). Longer mobile homes shall have five (5) ties on each side.

(c) All parts of the anchoring system shall have a strength of 4,800 pounds. Additions to mobile homes shall be anchored in the same way.

(7) All land development proposals shall follow the guidelines for drainage studies outlined in Appendix 2 of the Engineering Regulations, Construction Specifications, and Design Standards adopted by the City Council of Lakewood, Colorado.

(8) The City of Lakewood will review all proposed development in the flood plain to verify appropriate permits have been obtained and to ensure compliance with Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 USC 1334.

(9) The City of Lakewood will:

(a) Require flood plain construction permits for all new development and other activities such as filling, paving and dredging in the flood plain.

(b) Require building permits for structures in the flood plain according to the Uniform Building Code and this Article.

(c) Review all building permit applications to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is in a flood hazard area, all new construction and substantial improvements (including the placement of prefabricated buildings and mobile homes) shall be:

(1) designed or modified and adequately anchored to prevent flotation, collapse, or lateral movement of the structure,

(2) be constructed with materials and utility equipment resistant to flood damage, and

(3) be constructed by methods and practices that minimize flood damage.

(d) Require every builder or developer to submit a statement from a registered land surveyor listing the first floor elevation and the elevation of the lowest habitable floor including basement.

(e) Review subdivision proposals and other proposed new development to determine whether such proposals will be reasonably safe from flooding. If

a subdivision proposal or other proposed new development is in a flood hazard area, any such proposals shall be reviewed to assure that:

- (1) all such proposals are consistent with the need to minimize flood damage within the flood hazard area,
- (2) all public utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damage, and
- (3) adequate drainage is provided to reduce exposure to flood hazards.

(f) Require within flood hazard areas:

- (1) new and replacement water supply systems to be designed to minimize or eliminate infiltration of flood waters into the systems,
- (2) new and replacement sanitary sewage systems to be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters, and
- (3) on-site waste disposal systems to be located to avoid impairment to them or contamination from them during flooding.

17-14-12 FLOODWAY REGULATIONS:

(1) The Floodway delineates the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the 100-year flood without cumulatively increasing the base flood water surface elevation more than six inches (6") at any point.

There shall never be encroachment of fill, new construction, substantial improvements or any other development within or above the floodway unless a Special Use Permit has been issued under the conditions of Section 17-14-13.

(2) Permitted Uses in the Floodway: The following uses shall be permitted within the Floodway to the extent that they are otherwise permitted by the Zoning Ordinance.

(a) General farming, pasture, outdoor plant nurseries, horticulture, forestry, wildlife sanctuary, game farm and other similar agricultural, wildlife and related uses.

(b) Loading areas, parking areas and other similar uses provided they are no closer than ten feet (10') to the stream bank. Signs 18"x24" shall be posted listing the depth of water in a base flood.

(c) Lawns, gardens, play areas, bikeways, pedestrian pathways and other similar uses.

(d) Portions of golf courses, driving ranges, archery ranges, picnic grounds, parks, hiking or horseback riding trails, open space and other similar private and public recreational uses not involving structures.

(e) Streets, railroads, overhead utility lines, creek and storm drainage facilities, sewage or waste treatment plant outlets, water supply intake structures and other similar public, community or utility uses.

(f) Boat docks, ramps, piers for publicly owned structures or similar structures.

(g) Dams, provided they are constructed in accordance with regulations of the Department of Public Works, and other federal and state agencies.

(3) Uses Prohibited in or above the Floodway

(a) All fill, encroachments, new construction, any artificial obstruction, substantial improvements of existing structures or other development unless a Special Use Permit is obtained.

(b) Any portion of a new mobile home park, any expansion to an existing mobile home park, or any new mobile home not in an existing mobile home park.

17-14-13 SPECIAL USE PERMITS:

(1) Uses permitted by Special Use Permit in the Floodway: The following uses may be permitted within a Floodway upon approval of a Special Use Permit:

(a) Any use or accessory use employing a structure; however, no structure which is designed for human habitation shall ever be allowed under any conditions in or above the Floodway.

(b) Open storage of any material or equipment.

(c) Parking, loading areas and other similar uses when located less than ten feet (10') from the stream bank. If a Special Use Permit is granted, 18"x 24" signs shall be posted listing depth of water in a base flood.

(d) Other uses similar in nature to those listed in items (a) through (c) above.

(2) Uses listed in this Article as requiring a Special Use Permit may be established only after approval of the Planning Commission.

(3) Standards relating to Special Use Permits in the Floodway

(a) The base flood elevation (or flood protection elevation) is the water level for the 100-year flood assuming only that encroachment on the flood plain that existed when each Official Flood Study was adopted. Additional and complete encroachment to the floodway encroachment lines will cause the water level to surcharge six inches or less above the flood protection elevation. A Special Use Permit shall never cause a surcharge to a level higher

than the six inches (6") described above, assuming future complete encroachment to the floodway lines will occur. Consideration of the effects of a proposed use shall be based on a reasonable assumption that there will be an equal degree of encroachment extending for a significant reach on both sides of the stream.

(b) Maintaining an unobstructed floodway capable of carrying the 100-year flood without surcharging water levels more than six inches (6") at any point is an integral purpose of this Ordinance. As such, special conditions apply to Floodway Special Use Permits as follows:

(1) Any fill proposed to be deposited in the Floodway must be shown to have some beneficial purpose and the amount placed shall not be greater than necessary to achieve the purpose demonstrated on a plan submitted by the applicant. Any fill or other materials shall be protected against erosion by rip rap, a vegetative cover or bulkheading.

(2) Structures. Under no conditions shall structures in or above the Floodway ever be designed for human habitation. Structures shall have a low flood damage potential and shall be constructed and located on the building site in a manner which minimizes obstruction of the flow of floodwaters. Whenever possible, structures shall be placed with the longitudinal axis of the building parallel to the direction of the floodflow and structures shall be placed approximately on the same floodflow line as other adjacent structures. All structures shall have the lowest floor, including basement, elevated one foot (1') above the level of the 100-year flood as indicated in the Official Flood Studies or together with attendant utility and sanitary facilities, shall be floodproofed one foot (1') above the level of the 100-year flood as indicated in the Flood Studies. A registered professional engineer or licensed architect shall certify that the flood proofing methods are adequate to withstand the flood pressures, velocities, impact and uplift forces and other factors caused by the 100-year flood.

(3) Any structure allowed by a Special Use Permit shall be firmly anchored to prevent flotation, collapse or a lateral movement of the structure which may result in damage to other structures, restrictions of bridge openings or restrictions of narrow sections of the stream or river.

(4) The storage or processing of materials that are buoyant, flammable, explosive or could be injurious to human, animal, or plant life during times of flooding is prohibited under all conditions; however storage of other materials or equipment may be allowed if not subject to major damage by floods and if firmly anchored to prevent flotation or if readily removable from the area within the time available after flood warning.

(4) Application for Special Use Permit

(a) Applications for Special Use Permits shall be filed with the Department of Community Development and considered by the Planning Commission. The procedure shall be as outlined in Article 6 of the Zoning Ordinance unless modified by this section.

(b) The applicant shall submit forms together with four sets of plans drawn to scale, showing the nature, location, dimensions and elevation

of the lot, existing or proposed structures, fill, storage of materials, floodproofing measures, and the relationship of the above to the location of the channel, floodway and 100-year flood elevation as indicated in the Official Flood Studies. The applicant shall furnish such of the following additional information as is deemed necessary by the Department of Community Development for the evaluation of the effects of the proposed use upon flood flows:

(1) Typical valley cross-sections showing the channel of the stream, elevation of land areas adjoining each side of the channel, cross-sectional areas to be occupied by the proposed development, and high water information.

(2) Plan view showing elevations or contours of the ground; pertinent structures, fill, or storage elevations; size, location and special arrangement of all proposed and existing structures on the site; location and elevations of streets, water supply, sanitary facilities, photographs showing existing land uses and vegetation upstream, soil types, flood plain and floodway boundaries, and other pertinent information.

(3) Profile showing the slope of the bottom of the existing channel, 100-year water surface profile, and proposed channel and water surface profile.

(4) Specifications for building construction and materials, floodproofing, filling, dredging, grading, channel improvements, storage of materials, water supply, and sanitary facilities.

(5) Additional information as may be required.

(5) In passing on an application for a Special Use Permit, the Planning Commission shall determine the specific flood hazard at the site and shall evaluate the suitability of the proposed use in relation to the flood hazard. The application shall be submitted to the Urban Drainage and Flood Control District for review and a recommendation to the Planning Commission. In addition, the Planning Commission shall consider the following factors although not limited to such factors.

(a) The probability that materials may be swept onto other lands or downstream to the injury of others.

(b) The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination and unsanitary conditions.

(c) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage to the individual owner.

(d) The availability of alternative locations not subject to flooding for the proposed use.

(e) The safety of access to the property in times of flood for ordinary and emergency vehicles.

(f) The expected heights, velocity, duration, rate of rise and sediment and debris transport of the floodwaters expected at the site.

17-14-14 PROCEDURES FOR MODIFYING THE OFFICIAL FLOOD STUDIES, THE FLOOD INSURANCE RATE MAP, AND THE OFFICIAL FLOOD HAZARD MAP:

(1) Lakewood's 100-year flood elevations may increase or decrease resulting from physical changes affecting flooding conditions. Within six months of the date that such information becomes available, Lakewood shall notify the Federal Insurance Administration of the changes by submitting technical or scientific data indicating that the Official Flood Studies, the Flood Insurance Rate Map, and the Official Flood Hazard Map do not accurately reflect flood risks as they currently exist.

(2) The City of Lakewood shall notify adjacent communities, when affected, and the Federal Insurance Administration prior to any alteration or relocation of a watercourse on which the 100-year flood elevations have been provided by the Federal Insurance Administration. This notice will certify that the flood carrying capacity within the altered or relocated portion of the watercourse has been maintained.

(3) Following these submissions, the Federal Insurance Administration shall notify Lakewood that the 100-year flood elevations in the affected studies are correct or that new 100-year flood elevations will be established by the Federal Insurance Administration.

17-14-15 NON-CONFORMING STRUCTURES: A structure which was lawful before becoming subject to this article but which is not in conformity with the provisions of this article may be continued subject to the following conditions:

(1) Such structure shall not be expanded, changed, enlarged or altered in a way which increases its non-conformity.

(2) If any non-conforming structure is destroyed by any means, including floods, to the extent that the cost of restoration would equal or exceed 60 percent of the market value of the structure before the structure was damaged; the following regulations shall apply:

(a) If the non-conforming structure is in the Floodway, the structure may be rebuilt; however it shall not be expanded, changed, enlarged or altered in any way which would create an obstruction to water flow greater than that which existed before damage to the structure occurred. Upon reconstruction, nonresidential and residential structures shall be elevated one foot (1') above the level of the 100-year flood as indicated in the Official Flood Studies. As an alternative for nonresidential facilities, can be completely floodproofed one foot (1') above the level of the 100-year flood as indicated in the Official Flood Studies. The walls and basement floor shall be completely waterproofed and they shall be built to withstand lateral and uplift water pressure.

(b) If the structure is located in the Floodway Fringe District, it may be reconstructed provided nonresidential and residential structures are elevated one foot (1') above the level of the 100-year flood as indicated in the Official Flood Studies. As an alternative for nonresidential structures only, the structure, including utility and sanitary facilities, can be completely floodproofed one foot (1') above the level of the 100-year flood as

indicated in the Official Flood Studies. The walls and basement floor shall be completely waterproofed and they shall be built to withstand lateral and uplift water pressure.

(c) If any mobile home or mobile home park is destroyed by any means such that the cost of restoration would exceed 60 percent of the market value of the structure prior to damage; then such mobile home or mobile home park shall not be rebuilt if it is located in the Floodway and if it is located in the Floodway Fringe, it shall be rebuilt in conformance with this ordinance.

17-14-16 FLOOD PLAIN MANAGEMENT ORDINANCE ADMINISTRATOR: Notwithstanding Section 17-4-2 of the Lakewood Zoning Ordinance, this Article shall be administered and enforced by the Chief Executive Officer or his/her appointed designee.

17-14-17 VARIANCES:

(1) Notwithstanding Article 4 of the Lakewood Zoning Ordinance, for purposes of this Article, the following provisions shall govern the granting of variances.

(a) The Lakewood Board of Adjustment shall interpret this Article and shall judge where variances from the provisions of this Article may be granted.

(b) Administrative Review - The Board shall hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by the Chief Executive Officer in the enforcement or administration of this Article. Those aggrieved by the decision of the Board of Adjustment, or any taxpayer, may appeal such decision to a court of competent jurisdiction.

(c) General Requirements for Granting of a Variance - In all circumstances variances may only be granted upon (1) a showing of good and sufficient cause, (2) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (3) a determination that the variance issuance will not result in increased flood height, additional threats to public safety, extraordinary public expense, will not create nuisances, cause fraud on or victimization of the public or conflict with any other local laws or ordinances. No variance shall have the effect of allowing in any zoning district uses prohibited in that district by either this section or the Lakewood Zoning Ordinance.

(d) Variances shall not, under any condition, be issued within or above any Floodway if any increase in flood level during the 100-year flood would result.

(2) Notice of Granting of Variance: In an annual report, the City of Lakewood shall notify the Federal Flood Insurance Administrator of the issuance of variances from the Flood Plain Management Ordinance and justification for issuing such. Lakewood shall maintain a record of all variance actions including justification for their issuance.

(3) Special Exceptions for Historic Places: The City of Lakewood Board of Adjustment may permit special exceptions from the Flood Plain Management Ordinance for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or a State Inventory of Historic Places without regard to the variance procedures set forth in this section.

(4) Notice to Applicant: Lakewood shall notify the variance applicant in writing that the issuance of a variance to construct a structure below the 100-year flood level will result in increased premium rates for flood insurance up to amounts as high as \$25.00 per \$100.00 of flood insurance coverage and that such construction below the level of the 100-year flood increases risks to life and property. This notification shall be maintained in the Board of Adjustment files relating to this variance.

17-14-18 ABROGATION AND GREATER RESTRICTIONS: It is not intended by this article to repeal, abrogate, annul, or in any way to impair or interfere with any existing provisions of law or ordinance, or any rules, regulations, or permits previously adopted or issued, or which shall be adopted or issued, in conformity with law, relating to the use of buildings or premises. However, where this article imposes a greater restriction upon the use of buildings or premises or requires larger yards, courts, or other open spaces then are imposed or required by such existing provisions of law or ordinance, or by such rules, regulations, or permits, or by such easements, covenants, or agreements, the provisions of this article shall control.

17-14-19 SEVERABILITY: If any section, clause, provision or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

17-14-20 RECORDS: The City of Lakewood shall maintain for public inspection:

(1) Official Flood Studies, a Flood Insurance Rate Map, and an Official Flood Hazard Map.

(2) Certificates of floodproofing and a statement whether a structure has been flood proofed and to what elevation (with Building Permits as applicable).

(3) For structures in the Flood Plain:

(a) Information on the elevation of the lowest habitable floor, including basement, for all new or substantially improved structures,

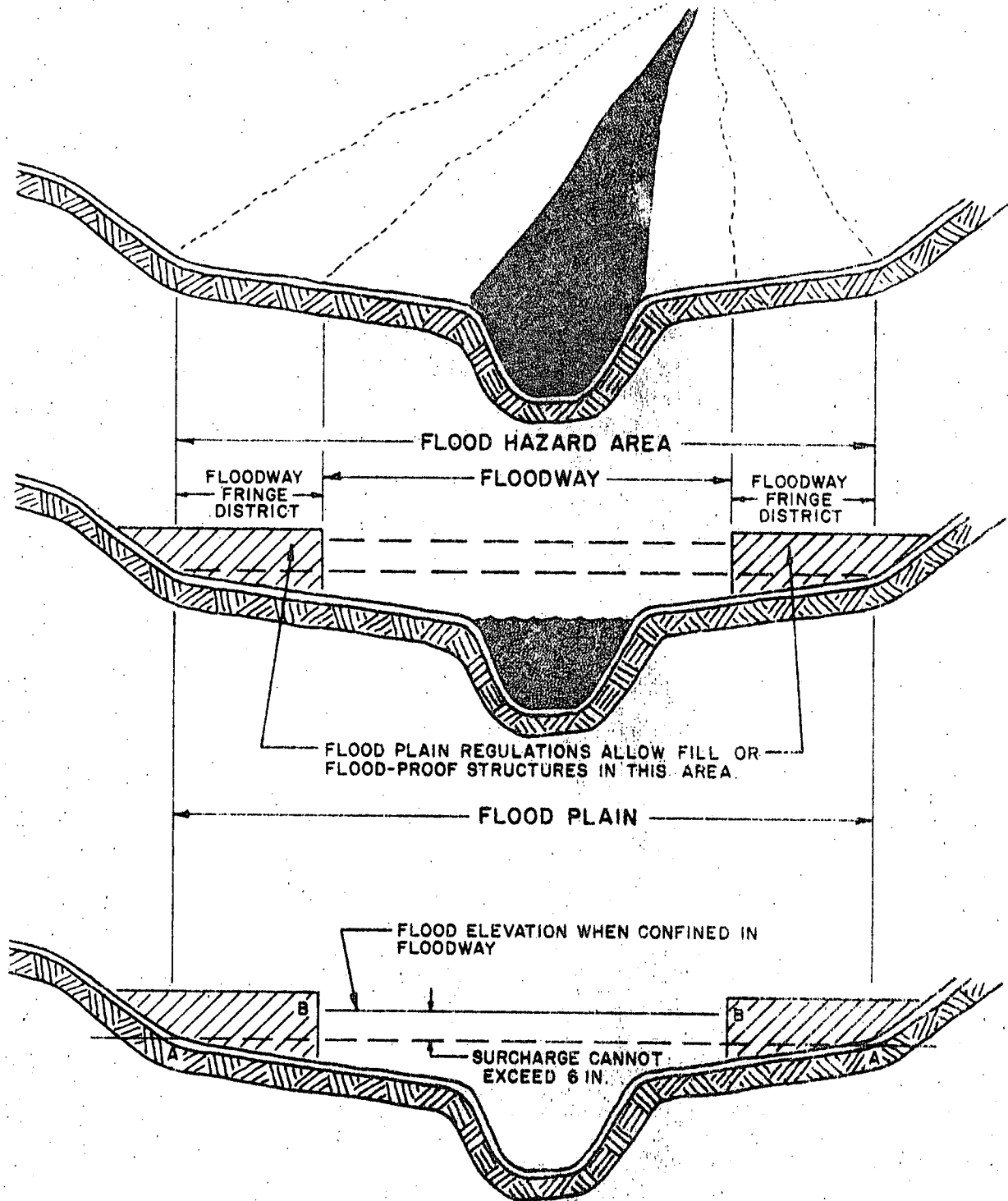
(b) A statement whether a new or substantially improved structure contains a basement.

17-14-21 ANNEXATION NOTIFICATION OF FEDERAL INSURANCE ADMINISTRATION: The City of Lakewood will annually notify the Federal Insurance Administration whenever the boundaries of Lakewood have been added to by annexation or decreased by de-annexation. With the notification, Lakewood will include a copy of the map of the community suitable for reproduction, clearly delineating the new corporate limits.

17-14-22 ANNUAL REPORT TO FEDERAL INSURANCE ADMINISTRATION: The City of Lakewood shall submit an annual report to the Federal Insurance Administrator, utilizing an annual report form designated by the Federal Insurance Administrator.

EXHIBIT A

FLOOD PLAIN MANAGEMENT ORDINANCE



LINE A-A IS FLOOD ELEVATION BEFORE ENCROACHMENT. THIS IS DEFINED AS THE "100 YEAR FLOOD ELEVATION". STRUCTURES MUST BE FLOODPROOFED ONE FOOT ABOVE THIS LEVEL.

LINE B-B IS FLOOD ELEVATION AFTER ENCROACHMENT.

ARTICLE 15: SITE DEVELOPMENT STANDARDS

17-15-1. APPLICABILITY OF THE SITE DEVELOPMENT STANDARDS: (1) The site development regulations shall apply to:

(a) All uses located within the following zone districts:

4-R Medium Density Residential District
 5-R High Density Residential District
 6-R Mobile Home Residential District
 OF Office District
 1-C Convenience Commercial District
 2-C Neighborhood Commercial District
 3-C Community Commercial District
 4-C Regional Commercial District
 5-C Large Lot Commercial District
 IN Industrial District
 MU Mixed Use District, which permits uses allowed in any of the above listed zone districts.

(b) Uses which are located within any other zone district which are specifically made subject to this Article 15.

(c) Uses which are located or to be located on property within any other zone district and the owner of the property requests application of the site development regulations.

(2) No building permit for any use described in subsection (1) shall be issued for the construction of any new building, structure, parking area, or loading area, or any substantial alteration thereto without first obtaining the approval of a site plan from the Director. A site plan may be required prior to a proposed rezoning of property only pursuant to the provisions of Article 17.

(3) The site development standards set forth in this Article apply throughout the zone districts and to the uses set forth in subsection (1) above and are in addition to any other site development standards which may otherwise be applicable to a particular property or geographic area of the City, unless specifically provided otherwise by an adopted and approved amendment to the Comprehensive Plan. In case of any conflict among applicable site development standards, the more restrictive standards will apply.

17-15-2. APPLICATION FORM AND SITE PLAN: (1) Every request for site plan approval shall be accompanied by a completed application form and three (3) copies of the site plan except when the site plan is a condition of a rezoning request as provided for in Section 17-17-3(3). In such case the applicant shall provide, in addition to the three (3) copies, thirteen (13) copies of the final site plan for Planning Commission review. These shall be submitted to the Director on one or more sheets of paper measuring a minimum of twenty-four (24) by thirty-six (36) inches and drawn to a minimum scale of one inch equals fifty feet (1"=50') (i.e., 1"=40', 1"=30', 1"=20', and 1"=10' shall be acceptable) and signed by the applicant. The site plan shall contain the following information: (As Amended by 0-81-108)

- (a) Date.
- (b) North arrow.
- (c) Written and graphic scale.

(d) Finished floor elevation related to United States Geological Survey (USGS) datum. All lots shall show grading and drainage with existing grades and contours and finished grades and contours clearly indicated.

(e) The size and location of all existing and proposed public and private utility and emergency easements or other rights-of-way.

(f) The building envelope, size, setback dimensions and height of all proposed structures and all existing structures which are to be retained on the site.

(g) Location, dimensions and names of adjacent streets, and proposed internal streets showing center line radii and curb return radii. Location and dimensions of bike/pedestrian paths and walkways shall be shown.

(h) The proposed layout of the parking lot including location and dimensions of parking spaces, curb islands, internal planter strips, maneuvering aisles and access driveways with indication of direction of travel.

(i) Location of all exterior lighting, signage, and fencing used to divide properties and to screen mechanical equipment and trash containers.

(j) Existing specific physical features on the site, including drainage ways, lakes, buildings, and structures, with indication as to which are to be retained. Adjacent properties and their physical features within fifty 50 feet of the property line shall be identified including setback dimensions of adjacent structures.

(k) The location of all existing trees greater than four (4) inch caliper and those which are to be retained on the property, the location and dimensions of landscaped areas, location and names of all proposed plant material and ground cover, and the location of other pertinent landscape features.

(l) Location of all existing and proposed recreational amenities such as open play areas, swimming pools, tennis courts, tot lots, and similar facilities.

(2) Other information which shall be required, but need not be designated on the site plan includes:

(a) A metes and bounds legal description of the property verified and signed by a registered land surveyor in the State of Colorado. If the property is the subject of a recorded plat, a legal description referencing lot, block and subdivision name shall be sufficient.

(b) Statement of the present zoning and the intended use of the property.

(c) Statement of maintenance responsibility for all improvements shown on the site plan.

(d) Site data in tabular form including:

- (1) Total area of the property (sq. ft.)
- (2) Building coverage (sq. ft.)
- (3) Parking lot coverage (sq. ft.)
- (4) Parking lot landscape area (sq. ft.), as defined in 17-15-9.
- (5) All other landscape area coverage (sq. ft.)
- (6) Number of parking stalls provided
- (7) Number of residential units as appropriate
- (8) Existing and proposed gross floor area (sq. ft.)

17-15-3. REVIEW PROCEDURES AND REQUIREMENTS FOR APPROVAL: (1) A nonrefundable application fee shall be paid in an amount as set by Council resolution. The amount of the application fee shall be credited against the amount of the building permit fee.

(2) The Director shall approve or deny the site plan within fifteen (15) working days after receipt of a complete application and site plan. A site plan shall be approved if it is complete in form, has all the required information and meets all of the applicable standards as set forth in this Article. Otherwise it shall be denied.

(3) Any approval or denial shall be in writing with the reasons for denial set forth. Red line changes on the site plan shall constitute sufficient detail of the reasons for denial.

(4) Upon denial of a site plan the applicant may request in writing, within five (5) working days after denial, that the Director reconsider his decision. The request for reconsideration shall state the grounds therefor. A decision upon reconsideration will be given by the Director within ten (10) working days after receipt of the request. No appeal to the Board of Adjustment shall be permitted unless a request for reconsideration was previously filed with and denied by the Director.

(5) If a building permit has not been issued within two (2) years from the date the approval of the site plan has occurred, the site plan shall be null and void unless extended. An extension may be granted for a maximum of one year upon written request of the applicant. No extension shall be granted if this Ordinance has been amended such that the site plan no longer conforms to the requirements of this Ordinance. If a zone change for any property included within an approved site plan has occurred, the site plan shall be null and void.

17-15-4. APPEALS: (1) If the Director denies the application upon reconsideration, the applicant may appeal to the Board of Adjustment. Written appeals from the decision of the Director must be received by the Secretary to the Board of Adjustment within thirty (30) days of the date of denial upon

reconsideration. During the time an appeal is pending, no building permit shall be issued.

(2) The Board of Adjustment shall conduct any public hearing within thirty (30) days on every appeal made in writing by the applicant of a decision made by the Director pursuant to this Ordinance. The inquiry of the Board of Adjustment shall be limited to whether or not the decision of the Director was contrary to or violated this Ordinance.

(3) Any decisions of the Board of Adjustment shall be set forth in writing giving reasons for affirming, modifying, or reversing the administrative decision of the Director. Any decision of the Board of Adjustment shall be final and any appeal therefrom shall be to the courts.

17-15-5. WAIVERS AND VARIANCES: (1) Upon request, the Director may waive specific site plan form or information requirements as set forth in 17-15-2, or any requirement of a site plan for a developed property, if, in his opinion, specific requirements are unnecessary due to circumstances unique to the property or if the requirements have been previously submitted and approved. Such requirements may be set aside only to the extent that the intent and purpose of this Ordinance is not violated. (As Amended by 0-81-108)

(2) Upon request, the Director may approve a site plan for vacant land varying any dimension contained in this Article as much as twenty (20) percent if, in his opinion, strict application of the standard would result in peculiar, exceptional and undue hardship on the applicant, or the physical conditions of the property make implementation of the standards unnecessarily difficult, or if practical difficulties exist in carrying out the strict requirements of the standard; provided, however, any variance may be granted only to the extent that the intent and purpose of this Ordinance is not violated.

(As Amended by 0-81-108)

(3) To vary any dimension of a site plan for vacant land greater than twenty (20) percent the applicant must submit the proposal to vary that specific standard directly to the Board of Adjustment. The Board may grant the variance only upon proof that the standards for variance set forth in subsection (2) of this section will be met. (As Amended by 0-81-108)

17-15-6. AMENDMENTS TO SITE PLAN: (1) Except as provided in paragraph (2) of this section 17-15-6, amendments to an approved site plan shall be subject to the same application, review and appeal process applicable to the original site plan. The applicant shall provide the Director with an updated site plan with all current amendments shown on the most recent approved site plan.

(2)(a) If a rezoning includes as a condition thereof the use of a specific approved site plan, such site plan may be amended or modified only by the following procedures:

The applicant shall be required to submit a new site plan indicating such changes in conformance with Article 15 of this Ordinance. The Director shall then determine whether such changes are minor or substantial based on the criteria contained herein. A change shall be deemed minor unless it involves one or more of the following:

(1) A change altering any other condition of the rezoning.

(2) A change in the size or location of existing or proposed easements or rights-of-way that would result in a significant change in the circulatory system or alter the provision of services for existing structures.

(3) A change of twenty percent (20%) or more in the building envelope, size, setback, dimensions, or height of any proposed or existing structures to be retained, the number of parking spaces, the size of signage, fencing or landscaped areas.

(4) A change in the location of the parking area, access driveways, recreational amenities, exterior lighting, signage, or fencing or landscaping used as buffering, if such change would significantly affect the compatibility of the use of the site with surrounding areas.

(b) The Director of Community Development shall have the following authority:

(1) If the modification is determined to be minor, the Director shall approve or deny the modifications pursuant to the provisions of Article 15 of this Ordinance.

(2) If the modification is determined to be substantial, the applicant shall be required to submit a new application for rezoning the parcel as provided for within Article 17 of this Ordinance.

(3) If the Director is unable to determine if the modification is minor or substantial, he shall present the proposed change and all relevant material to the Planning Commission which shall make such determination. If the Planning Commission determines that the change is minor, then the provisions of paragraph (a) above shall apply. If the Planning Commission determines that the change is substantial, then the provisions of paragraph (b) above shall apply.
(As Amended by 0-82-108)

17-15-7. PERIMETER LANDSCAPE AREA: (1) Where the property lies adjacent to an arterial or collector street, a landscaped strip along the entire perimeter area averaging at least twenty (20) feet in width but not less than fifteen (15) feet at any point, as measured from the eventual cross section of the street, shall be provided. Any bikeways and walkways shall be included in the perimeter landscape area and counted as part of the twenty (20) feet. The eventual cross section shall be based upon the Transportation section of the Comprehensive Plan. Landscaping within this area shall include two (2) trees for each one thousand (1,000) square feet, four (4) shrubs for each one thousand (1,000) square feet and ground cover over the entire area. One (1) tree can be substituted for two (2) shrubs. All plant materials should be in accordance with the Recommended Plant List of the City of Lakewood.

(2) Where the property lies adjacent to a local street, a landscaped strip along the entire perimeter area averaging at least fifteen (15) feet in width but not less than eight (8) feet at any point, as measured from the eventual cross section of the street, shall be provided. Any bikeways and walkways shall be included in the perimeter landscape area and counted as part of the fifteen (15) feet. The eventual cross section shall be based upon the Transportation section of the Comprehensive Plan. Landscaping within this area shall include two (2) trees and four (4) shrubs for each one thousand (1,000) square feet, and ground cover over the entire area. One (1) tree can be substituted for two (2) shrubs. All plant materials should be in accordance with the Recommended Plant List of the City of Lakewood.

17-15-8. SIGHT TRIANGLE AREA: Within the sight triangle area, landscaping and structures shall not exceed the requirements of 17-8-1.

17-15-9. PARKING LOT LANDSCAPE AREAS: An area or a combination of areas equal to ten (10) percent of the total parking lot area shall be landscaped. Any parking area in excess of one hundred (100) spaces or four (4) parking rows shall require interior landscape islands. Landscape islands shall be a minimum of nine (9) feet in width and eighteen (18) feet in length with a minimum of one (1) tree and four (4) shrubs per island. If the island is larger than two hundred (200) square feet, landscaping shall include one (1) additional tree and four (4) additional shrubs for every additional two hundred (200) square feet or fraction thereof.

17-15-10. DRAINAGE: Surface water from a property shall be discharged into a storm sewer system or into an alternate drainage system if storm sewers are unavailable, provided however, the alternate drainage system is designed and constructed in accordance with the adopted standards of the City of Lakewood.

17-15-11. BUFFER AREAS: (1) A buffer area not less than ten (10) feet wide shall be provided.

(2) A solid fence or wall shall be placed adjacent to the property line which abuts the residential district and shall have a minimum height of five (5) feet. The fence requirement may be waived by the Director if a continuous hedge with a minimum height of five (5) feet is existing, or if there is no loading or access adjacent to the residential district and the materials, color and finish of the rear of the building match those of the front. (As Amended by 0-82-19)

(3) Landscaping shall include one (1) tree for each fifteen (15) linear feet or fraction thereof of the buffer area (as measured along the property line) and ground cover over the entire area. Shrubs are optional. The size of the individual plant material used within the buffer area, at the time of planting, shall be the same size as required by 17-15-15(3). All plant materials should be in accordance with the Recommended Plant List for the City of Lakewood. (As Amended by 0-82-19)

17-15-12. TRASH CONTAINERS, ELECTRICAL AND MECHANICAL EQUIPMENT AND SERVICE LINES:

(1) All trash containers shall be screened to a height of six (6) feet.

(2) Roof-mounted electrical and mechanical equipment shall be placed or screened such that the equipment is not visible from any point ten (10) feet above the ground and from any point within a two hundred (200) foot radius of the building upon which it is mounted.

17-15-13. WALKWAYS AND BIKE/PEDESTRIAN PATHS: (1) The minimum width of an on-site walkway shall be five (5) feet unless head-in parking is permitted adjacent to one side of the walkway, in which case the walkway shall have a minimum width of seven (7) feet. If head-in parking is permitted adjacent to both sides of the walkway, the walkway shall have a minimum width of nine (9) feet.

(2) Walkways designed to accommodate bicycles shall be referred to as bike/pedestrian paths and shall have a minimum width of eight (8) feet. If head-in parking is permitted adjacent to bike/pedestrian paths, then two (2) feet additional width shall be required for vehicle overhang on each side where head-in parking is allowed.

(3) Sustained grades for walkways and pedestrian paths shall not exceed eight (8) percent or the grade of the adjacent public street.

(4) A walkway connecting the walkway or bikepath in the public right-of-way to the building or parking lot must be provided. (As Amended by 0-81-108)

17-15-14. PARKING LOT DESIGN STANDARDS: (1) All new parking lot structural sections shall be designed by a registered professional engineer. The design procedure for flexible pavement shall be based on the Asphalt Institute methodology and the design of rigid pavements shall be based on the Portland Cement Association design procedure. The minimum cross-section under any conditions shall be 2-1/2 inches of hot bituminous pavement and 4 inches of aggregate base course (Class VI) on compacted subgrade or 4-1/2 inches of nonreinforced Portland cement concrete pavement on compacted subgrade. An equivalent full depth asphalt of section may also be used over compacted subgrade. All construction techniques and material specifications shall meet the requirements set out in the Engineering Regulations, Construction Specifications and Design Standards as adopted by the City Council. (As Amended by 0-81-110)

(2) The size of a parking stall, its angle, and the width of the access aisle shall conform to Figure 1. Stall width shall be increased a minimum of three (3) feet for handicapped spaces.

(3) The required length of a parking stall which is adjacent to a landscaped area may be reduced by two (2) feet provided the curb is either a minimum two (2) feet in width or a suitable substitute material, such as gravel, is used behind the raised curb. If a median island is provided, it must be a minimum of nine (9) feet in width. (As Amended by 0-81-108)

(4) Parking spaces shall be defined on the pavement surface with painted lines or other suitable means.

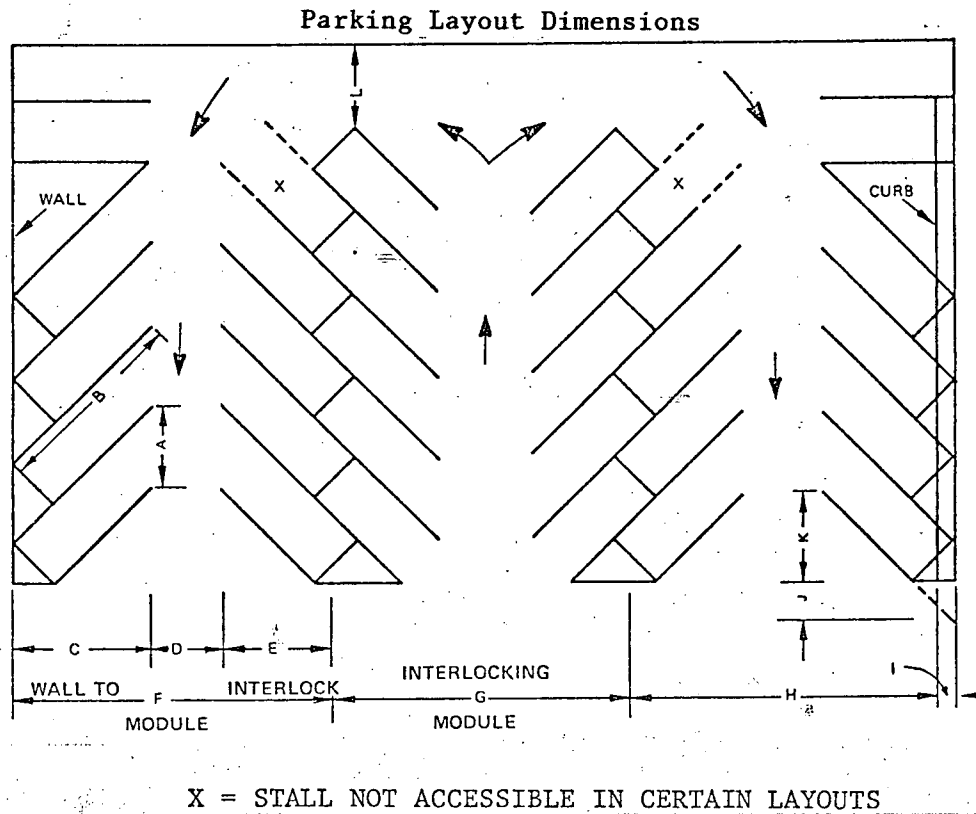
(5) Parking lots and loading areas shall have access from a clearly defined driveway not less than eighteen (18) feet in width for one-way traffic and twenty-four (24) feet in width for two-way traffic. If the driveway is to serve as a fire lane, it shall not be less than twenty-five (25) feet in width.

(6) Both sides of a parking bay shall be the same angle. The layout of the parking area shall be such that no vehicle shall protrude into a traffic lane.

(7) Dead-end aisles shall provide back-around space of five (5) feet in depth and the same width as the aisle. (As Amended by 0-81-108)

(8) Raised curb islands shall be required for each parking aisle containing more than eight (8) vehicles to define the ends of each parking aisle. No curb island shall be constructed of asphalt.

FIGURE 1



**PARKING LAYOUT DIMENSIONS (in feet) FOR 9-FT. STALLS
AT VARIOUS ANGLES**

| <u>Dimension</u> | <u>On Diagram</u> | 0° | 45° | 60° | 75° | 90° |
|---------------------------------|-------------------|-----|------|------|------|------|
| Stall width, parallel to aisle | A | 9 | 12.7 | 10.4 | 9.3 | 9.0 |
| Stall length of line | B | 24 | 24.5 | 21.5 | 19.5 | 18.0 |
| Stall depth to wall | C | 9 | 17.0 | 18.5 | 19.0 | 18.0 |
| Aisle width between stall lines | D | 12 | 12.0 | 16.0 | 22.0 | 24.0 |
| Stall depth, interlock | E | 9 | 14.8 | 17.0 | 18.3 | 18.0 |
| Module, wall to interlock | F | 30 | 43.8 | 51.5 | 59.3 | 60.0 |
| Module, interlocking | G | 30 | 41.6 | 50.0 | 58.6 | 60.0 |
| Module, interlock to curb cace | H | 30 | 41.8 | 49.4 | 56.9 | 58.0 |
| Bumper overhang (typical) | I | 0 | 1.5 | 1.8 | 2.0 | 2.0 |
| Offset | J | --- | 6.3 | 2.7 | 0.5 | 0.0 |
| Setback | K | 24 | 11.0 | 8.3 | 5.0 | 0.0 |
| Cross aisle, one-way | L | 18 | 18 | 18 | 18 | 18 |
| Cross aisle, two-way | - | 24 | 24 | 24 | 24 | 24 |

(As Amended by 0-82-19)

(9) The perimeter of the parking lot shall be concrete curb meeting standard M-609-A (curb, type 6 inch barrier) of the Colorado Division of Highways or concrete curb and gutter meeting the requirements of Design Standards 8 and 9 of the Engineering Regulations, Construction Specifications and Design Standards as adopted by the City Council. The curb shall at all times be set back from the property line a minimum distance of four (4) feet, except that, for integrated parking and access systems, the curb may be eliminated for the length of the property line which joins the joint use or shared parking lot(s). (As Amended by 0-81-110)

(10) All buildings shall be separated from the parking lot by a minimum five (5) foot wide walkway or combination walkway and landscaping. Such walkway shall have the same finished height as the raised curb. If head-in parking is permitted adjacent to one side of the walkway, the separation shall have a minimum width of seven (7) feet.

(11) Lighting used to illuminate the parking lot or any building shall have no direct rays which extend beyond the boundaries of the property from which the lighting originates.

(12) Bicycle parking racks for securing bicycles shall be provided in all office, commercial and industrial zone districts. A minimum of one bicycle space for each 25 automobile spaces shall be provided by the racks.

(13) Design characteristics regarding safety and engineering not specifically covered by this ordinance shall be designed and constructed in accordance with the Engineering Regulations of the City of Lakewood. (As Amended by 0-81-108)

17-15-15. LANDSCAPING STANDARDS: (1) All open areas not covered by paving, buildings or other structures shall be landscaped.

(2) No artificial trees, shrubs, turf or plants shall be used to fulfill the minimum requirements for landscaping as required by this Article.

(3) Minimum size for landscaping material as measured at the time of planting shall be:

(a) Deciduous Trees: Two (2) inch caliper, measured one (1) foot above the ground.

(b) Ornamental and Flowering Trees: Two (2) inch caliper measured one (1) foot above the ground, except that a multi-stemmed specimen shall have a minimum caliper of one and one-half (1½) inches as measured one (1) foot above the ground.

(c) Evergreen Trees: Five (5) feet in height.

(d) Flowering and evergreen shrubs and hedges shall be of five (5) gallon size. If in ball and burlap, the minimum size shall be fifteen (15) inches in diameter.

(e) Rock and stone: Minimum three-quarter (¾) inch in size, and poured to a minimum depth of three (3) inches over a minimum 10 mil plastic ground cover.

(4) No living tree which exceeds four (4) inches caliper shall be removed from the property except in accordance with an approved site plan.

(5) The City shall provide a Recommended Plant List.

(6) All landscape improvements indicated on or contained in an approved site plan shall be completed prior to issuance of a Certificate of Occupancy. However, if all conditions necessary for issuance of a Certificate of Occupancy are met except landscape improvements, and the reason for not finishing these landscape improvements is because completion of construction occurred outside of a planting season, a Temporary Certificate of Occupancy will be issued. In this situation, all landscape improvements must be completed by the next planting season within a time frame established by the Director, but in no case shall exceed one hundred eighty (180) days after issuance of the Temporary Certificate of Occupancy. (As Amended by 0-81-108)

17-15-16. MAINTENANCE RESPONSIBILITY: (1) The owner of the property, his successors, heirs and assigns shall be responsible for the proper maintenance of the area subject to an approved site plan. That area shall be deemed to include an area as measured from the back of the curb line to, and including all areas subject to the approved site plan.

(2) Landscaping shall be continuously maintained including necessary watering, weeding, pruning, pest control and replacement of dead or diseased plant material. Replacement for dead or diseased plant material shall be of the same type of plant material as set forth in the approved site plan; for example, a tree must replace a tree, a shrub must replace a shrub, a ground cover must replace a ground cover, etc. Replacement shall occur in the next planting season, but in any event, such replacement time shall not exceed one (1) year. Any replacement which conforms to the requirements of this section shall not be considered an amendment to the site plan.

ARTICLE 16: NONCONFORMING USES

17-16-1. DEFINITIONS: For the purposes of this Article 16:

(1) "Nonconforming use" means a use which lawfully occupied a building or land at the time this Ordinance applied to the property, or at the time of any amendment hereto, and which does not conform to the use regulations of the zone district in which it is located.

(2) "Nonconforming building or structure" means a building or structure, or portion thereof, lawfully existing at the time this Ordinance applied to the property, or at the time of any amendment hereto, which does not conform to all the height, setback, lot coverage, lot width and lot area regulations of the zone district in which it is located.

(3) "Nonconforming vacant lot" means a parcel of land which meets all of the following requirements:

(a) No main building is constructed thereon;

(b) On the effective date of this Ordinance, the lot did not meet the minimum lot area or lot width requirements of this Ordinance; and,

(c) The lot was lawfully established prior to the adoption of this Ordinance.

17-16-2. NONCONFORMING USE OF BUILDING OR STRUCTURE: (1) The nonconforming use of a building or structure may be continued, except as otherwise provided herein.

(2) A conforming building or structure containing a nonconforming use may be repaired, but it may not be structurally altered unless the building, structure, or a portion thereof, is declared unsafe by the City building inspector, in which case the building, structure, or portion thereof declared unsafe may be strengthened, altered, or restored to a safe condition.

(3) The nonconforming use shall not be changed to a different nonconforming use.

(4) The nonconforming use, if changed to a conforming use, may not thereafter be changed to any nonconforming use.

(5) The nonconforming use shall not be extended or expanded. An "extension or expansion" shall include any increase in the floor area of the building or structure in which the nonconforming use is conducted, and any expansion or relocation of the nonconforming use, in whole or in part, to a different part of the building or structure.

(6) If the nonconforming use is discontinued for a period of one hundred eighty (180) days or more, regardless of any intent to resume operations, any future use of the building or structure must be a conforming use.

(7) If a conforming building or structure containing a nonconforming use is destroyed or damaged to the extent of more than sixty (60) percent of its

value, as determined pursuant to the method of valuation of buildings for permit issuance in the Building Code, any future use of the rebuilt or restored building or structure shall be a conforming use. However, a legal nonconforming single-household dwelling unit, on the effective date of this Ordinance, located in a 3-R or 4-R Residential District may be rebuilt or reconstructed and used as a single-household dwelling unit if a building permit for the single-household dwelling unit is applied for within one year after the destruction or damage occurred. Further, a legal conforming two-household dwelling unit, on the effective date of this Ordinance, located in a 1-R or 2-R Residential District may be rebuilt or reconstructed and used as a two-household dwelling if a building permit for the two-household dwelling unit is applied for within one year after the destruction or damage occurred. (As Amended by 0-81-108)

17-16-3. NONCONFORMING BUILDING OR STRUCTURE: (1) A nonconforming building or structure may continue to be used, except as otherwise provided herein.

(2) A nonconforming building or structure may be repaired, structurally altered, or expanded only if the alteration, repair or expansion complies with this Ordinance. If the nonconforming building or structure, or any portion thereof, is declared unsafe by the City building inspector, the building may be strengthened or restored to a safe condition even if compliance with the requirements of this Ordinance is impossible.

(3) No nonconforming building or structure which is destroyed or damaged to the extent of more than sixty (60) percent of its value, as determined pursuant to the method of valuation of buildings for permit issuance in the Building Code, shall be repaired or rebuilt except in compliance with the requirements of this Ordinance.

(4) If a nonconforming building or structure becomes conforming, it shall not be changed back to a nonconforming building or structure.

17-16-4. NONCONFORMING USE OF LAND: (1) A nonconforming use of land, where no building is involved and where the nonconforming use is the principal use, may be continued, except as otherwise provided herein.

(2) Such nonconforming use of land shall not be extended or expanded, either on the same or adjoining properties. An "extension or expansion" shall include any increase in the area of land used for the nonconforming use, and any relocation of the nonconforming use, in whole or in part, to an area of land different from the area used on the date the use became nonconforming.

(3) If the nonconforming use of land is discontinued for a period of one hundred eighty (180) days or more, regardless of any intent to resume operations, any future use of the land must conform to the requirements of this Ordinance.

(4) The nonconforming use of land shall not be changed to a different nonconforming use.

(5) The nonconforming use of land, if changed to a conforming use, may not thereafter be changed to any nonconforming use.

17-16-5. NONCONFORMING VACANT LOT: (1) A nonconforming vacant lot may be used only for a use permitted in the zone district in which the lot is located. The Director may waive minimum open space, parking lot area, setback and lot width requirements. The Director may grant said waiver only if he finds that:

(a) The property cannot otherwise be used for any purpose permitted within the zone district applicable to the property;

(b) The property was included in the applicable zone district during the initial comprehensive city-initiated rezonings occurring subsequent to the effective date of this Ordinance; and

(c) The waiver, if granted, is necessary to afford relief with the least modification possible of this Ordinance.

(2) Any appeal from the Director's decision shall be to the Board of Adjustment which shall apply the same criteria as set forth in this Section 17-16-5 in determining the appropriateness of granting said waiver. (As Amended by 0-82-108)

17-16-6. NONCONFORMING KEEPING OF HORSES, CATTLE, SHEEP OR GOATS: (1) The keeping of horses, cattle, sheep or goats which was lawful on the date this Ordinance applied to the property on which such animals were kept, but which does not conform with the requirements of this Ordinance, may be continued, except as provided in subsection (2) of this section.

(2) On and after January 1, 1990, the nonconforming keeping of horses, cattle, sheep or goats allowed in subsection (1) shall cease. On and after that date, any keeping of horses, cattle, sheep or goats shall conform to the requirements of this Ordinance.

17-16-7. NONCONFORMING MOBILE HOME PARKS AND NONCONFORMING MOBILE HOMES:

(1) If a mobile home park was in existence in the City on the date this Ordinance applied to the property on which the park is located, or was in existence on property annexed to the City after the effective date of this Ordinance, and such mobile home park complied with all applicable legal requirements then in effect, the mobile home park shall be considered legally nonconforming and shall not be subject to the requirements of this Ordinance except:

(a) Any expansion or extension of the mobile home park shall be subject to all applicable requirements of this Ordinance; and,

(b) Any individual mobile home may be replaced or relocated within a legally nonconforming mobile home park.

(2) If a mobile home is used for residential purposes in the City on the date this Ordinance applied to the property on which the mobile home is located, or is located on property annexed to the City after the effective date of this Ordinance and the mobile home complied with all applicable legal requirements then in effect, the mobile home shall be considered legally nonconforming and shall not be subject to the requirements of this Ordinance, except:

(a) If the mobile home is moved from its location, the mobile home shall not be replaced or relocated except within a mobile home park; and,

(b) If the use of the mobile home is discontinued for a period of one hundred eighty (180) days or more, the mobile home shall not be reoccupied until it is relocated within a mobile home park.

17-16-8. EXPANSION OF CHILD CARE FACILITIES: Any child care facility which was in existence on the date this Ordinance applied to the property on which the child care facility is located, and which by this Ordinance becomes a nonconforming use, may not expand to care for a larger number of children than the maximum licensed capacity as authorized by the State of Colorado on the effective date of this Ordinance.

17-16-9. PROPERTY TAKEN FOR PUBLIC USE: If a portion of a parcel of land is taken for public use such that the remaining portion of the parcel does not conform to the requirements of this Ordinance, the following shall apply:

(1) If the taking causes a variance of no greater than twenty (20) percent in one or more numerical requirements, then the use shall be considered a legal, conforming use and a permanent variance shall be granted by the Board of Adjustment.

(2) If the taking of land causes a variance of more than twenty (20) percent in one or more numerical requirements and, in the judgment of the Board of Adjustment, would not create a hazardous situation or be otherwise unreasonable, the use shall be considered a legal nonconforming use and shall be subject to the applicable nonconforming use regulations set forth in this Article 16.

17-16-10. KEEPING OF ANIMALS IN 3-R AND 4-R DISTRICT: Private stables and barns and the keeping of only horses, cattle, sheep, goats, poultry, pigeons, rabbits, and chinchillas are permitted uses in the 3-R and 4-R District, but only in conjunction with a legally nonconforming, one-household detached dwelling unit and subject to the regulations for the keeping of such animals set forth in section 17-5-8(1)(c).

ARTICLE 17: PROCEDURE FOR INITIAL ZONING AND REZONING

17-17-1. GENERAL PROVISIONS: (1) The procedure for changing the boundaries or area of any zone district, or for changing the zoning classification of any parcel of land within the City of Lakewood, as shown on the official zoning map of the City of Lakewood, herein referred to as "rezoning", shall be as provided in this Article 17.

(2) A rezoning may be initiated by:

- (a) The owner of any property;
- (b) Any person, firm or corporation with the written consent of the owner of the property;
- (c) The Planning Commission ("City-initiated"); or,
- (d) The City Administrator of the City of Lakewood ("City-initiated").

(3) The procedure for the initial zoning of property annexed or to be annexed to the City shall follow, to the extent practicable, the procedures applicable herein to rezonings. In such circumstances, the zoning procedures may be instituted at any time after a resolution of intent to annex is adopted pursuant to C.R.S. 1973, 31-12-106, as amended, or after a petition for annexation or a petition for annexation election has been found to be valid in accordance with C.R.S. 1973, 31-12-107, as amended.

(a) No ordinance initially zoning property annexed to the City shall be adopted on second reading prior to the date the annexation ordinance is adopted on second reading.

(b) Property annexed to the City shall be initially zoned by the City within ninety (90) days after the effective date of the annexation ordinance. Any time requirements set forth herein, and not required by statute, shall be modified to the extent necessary to meet the ninety (90) day requirement.

17-17-2. PRE-APPLICATION REVIEW: (1)(a). Prior to filing an application to rezone any parcel of land, the applicant shall participate in a preapplication review with the Department of Community Development. No application for rezoning shall be accepted until after the preapplication review is completed and written notification of the Department's conclusions is received by the applicant.

(b) In addition to a preapplication review with the Department of Community Development, the City Engineer may review the rezoning application to determine if public improvements may be necessitated as a result of the zoning or rezoning. The City Engineer may require public improvements after making a determination of need based on his consideration of the following items:

- 1) The extent of existing and contemplated development of the surrounding area.

2) Then need to insure that the health, safety and welfare of the public will be maintained.

3) Whether the zoning or rezoning may ultimately create a need for public improvements to serve the area.

If public improvements are necessary, that standards, criteria, timing and extent of public improvements as specified in Chapter 14.13 of the Lakewood Municipal Code shall apply, except that all rights-of-way, easements, and access rights shall be required at the time of zoning or rezoning and other public improvements shall be constructed at a time designated by the City Engineer. (As Amended by 0-82-19)

(2) When an application is submitted by the Planning Commission, any member or groups of members of the Planning Commission may serve as the applicant.

(3) At the time of the preapplication review, the applicant shall submit the following:

(a) Plan of the general layout of the parcel. Plans submitted may be sketched on sheets eight and one-half (8½) inches by eleven (11) inches in size or, at the option of the applicant, may be in final form.

(b) Letter stating the proposed uses of the parcel, the approximate gross floor area of any intended buildings or structures and the number and size of residential dwellings to be included, and the gross land area of the parcel, including public rights-of-way contained within the parcel.

(4) Official minutes summarizing the preapplication review shall be kept and a copy of the minutes shall be provided to the applicant.

(5) Within fourteen (14) days after the date of the preapplication review, the Department of Community Development shall notify the applicant in writing of its conclusions regarding the desired change with respect to the following items:

(a) Appropriateness of the change with respect to the policies set forth in the Comprehensive Plan.

(b) Need, if any, to plat pursuant to the Subdivision Regulations.

(c) Any required site plan considerations.

(d) General concerns related to the anticipated impact upon public rights-of-way and public improvements and appropriate requirements.

17-17-3. APPLICATION PROCEDURE: (1) An application for a rezoning shall be submitted on forms approved by the Director. A rezoning application shall expire one (1) year after submittal, provided however, that the Director may extend the application for six (6) months for just cause. (As Amended by 0-81-108)

(2) If the requested rezoning for the parcel is for a Mixed Use District, the applicant also shall include with the application all information required by 17-5-21.

(3) If an application proposes a rezoning to a zone district listed in 17-15-1, a site plan which complies with the requirements of Article 15 may be required:

(a) By the Director of the Department of Community Development, to be filed along with the application for rezoning;

(b) By the Planning Commission, to be filed prior to completion of its fact-finding hearing on the application; or

(c) By the City Council, to be filed prior to completion of its hearing on the rezoning ordinance. If the City Council requires the site plan, the Council must remand consideration of the application to the Planning Commission for further proceedings prior to voting upon the rezoning ordinance on second reading.

(d) No site plan may be required pursuant to this subsection (3) unless the Director, Planning Commission, or City Council determines that the method of development of the site subject to the rezoning may be essential to a determination that the proposed rezoning and use of the property will be compatible and consistent with development standards in the Comprehensive Plan, such as buffering, screening, traffic circulation, and similar development standards.

(4) The application shall be signed by the applicant or his duly authorized representative and shall be accompanied by the necessary fee as shown within the applicable fee schedule adopted by Council resolution. No fee shall be charged for a City-initiated rezoning.

(5) The Department of Community Development shall study the application and shall make a written report of its findings within forty-five (45) days after acceptance of a complete application and at least two (2) days prior to the fact-finding hearing on the application. This report shall include a determination of the compatibility of the proposed rezoning with policies and standards contained in the Comprehensive Plan.

17-17-4. FACT-FINDING HEARING: For the purpose of reducing costs, reducing time required to grant or deny rezoning applications, and ensuring full protection of the applicant's rights as well as the interests of other property owners and residents, and except as otherwise specifically provided herein, the Planning Commission shall function as the City Council's fact-finding hearing agency on all rezoning applications. Procedures to be followed by the Planning Commission are as follows:

(1) The Secretary to the Planning Commission shall schedule a public hearing on a rezoning application, to be held not later than forty-five (45) days after the Department of Community Development accepts a completed application unless the hearing is continued by action of the Commission. Notice of the hearing shall be provided as follows:

(a) The Secretary shall give written notice of the date, time and place of the hearing, by first class mail, to the applicant.

(b) Upon receipt of such notice, the applicant shall prepare notices on forms provided by the Department of Community Development, including the date, time and place of the hearing, to be mailed by first class mail, return receipt requested, postage prepaid, addressed to all persons, firms or corporations who or which hold fee title to the property to which the application applies and to owners of all abutting property, disregarding any intervening public right-of-way. Such notices shall be mailed by the applicant at least fifteen (15) days prior to the date of the hearing. The applicant shall certify in writing to the Secretary to the Planning Commission, at least two (2) working days prior to the date of the hearing, that the required notice was given.

(c) Upon notification by the Secretary of the date of hearing, the applicant also shall erect upon the property or aggregate of properties described within the application and to which the application applies, one (1) or more signs containing notice of the public hearing and stating the date, time and place the hearing will be held. Such signs shall be provided by the City, with the mounting boards and supports provided by the applicant, and shall be posted for a period of at least fifteen (15) days prior to the date of such hearing.

(d) The Secretary shall cause notice of the hearing, including date, time and place, to be published in full in an official paper or paper of general circulation in the City at least fifteen (15) days prior to the date of the hearing.

(e) Failure of the applicant to provide the certification required in paragraph (b) of this subsection (1) shall cause the public hearing to be postponed for at least fifteen (15) days and until the applicant provides the certification.

(2) During the fact-finding hearing, the Planning Commission shall hear any relevant evidence or statement provided by the applicant or his representative, by the Director or any member of the staff, and by any person in attendance at the hearing. The Planning Commission may, in its sole discretion, hear and consider any other relevant statement or evidence, written or oral.

(3) The Planning Commission shall cause the hearing to be recorded by a reporter or by an electronic recording device. When required pursuant to section 17-17-5, the Planning Commission shall cause the hearing proceedings, or any portion thereof, to be transcribed, the cost of the transcription to be paid by the person or entity requesting the transcription. If the City Council acquires a copy of the transcription of the proceedings, its copy of the transcription shall be made available to any person at reasonable times for inspection and study.

(4) Within sixteen (16) days after the hearing, the Planning Commission shall provide to the applicant its written findings and recommendation on the application. The written findings and recommendation shall include a statement of the Commission's findings and conclusions upon all relevant issues of fact

or law raised by the application, and a recommendation for approval or denial thereof. A copy of the written findings and recommendation also shall be mailed to any other person who requested in writing a copy thereof.

(5) If the recommendation of the Planning Commission is to approve the rezoning, the Planning Commission shall transmit to the City Council a copy of its written findings and recommendation and a notice of the availability, at a location convenient to the Council, of the entire record of the application and hearing, including the application itself and any written evidence, exhibits, and other papers or matters considered by the Planning Commission. The applicant may request that such materials not be transmitted to the City Council for a period of time not to exceed six (6) months from the date of the Planning Commission's written findings and recommendation, or the applicant may withdraw his application at any time.

(6) If the recommendation of the Planning Commission is to deny the rezoning, the materials described in subsection (5) shall be transmitted to the City Council only upon written request of the applicant filed with the Secretary to the Planning Commission not later than thirty (30) days after the public hearing at which the Planning Commission recommended the denial. (As Amended by 0-82-19)

(7) No substantial amendment to an application for a rezoning may be made after a decision on the rezoning has been made by the Planning Commission. (As Amended by 0-81-108)

17-17-5. WRITTEN OBJECTIONS AND TRANSCRIPT OF HEARING: (1) After receipt by the City Council of the written findings and recommendation and notice described in 17-17-4(5), an ordinance embodying the proposed rezoning shall be placed on the agenda of a meeting of the City Council for first reading.

(2) Within ten (10) days after transmittal of the written findings and recommendation and notice to the City Council, any person who objects to a finding or the recommendation of the Planning Commission shall file a written statement with the City Council specifying in detail the finding or recommendation subject to objection, the reasons for the objection, and all parts of the transcript of the hearing proceedings before the Planning Commission relevant to such objection, and shall advance the cost of such transcription. A copy of the written objection shall also be served upon the applicant (if other than the objector), the Director, and any other person who requests in writing, a copy of the written objection.

(3) Within five (5) days after receipt of a written objection, the staff of the Department of Community Development, the City Council, or any other interested person may file a designation of additional parts of the hearing proceedings which are to be transcribed.

(4) No transcript shall be required in any case where the objector does not seek to amend or reverse a basic finding of fact set forth in the Commission's written findings of fact and recommendation, as distinguished from the recommendation of the Commission or its ultimate findings as to the matters set forth in 17-17-7.

(5) If a transcript would otherwise be required pursuant to this section, the applicant, objector (if different from the applicant), and Director of the Department of Community Development may approve a written summary of the relevant testimony and evidence presented at the Planning Commission hearing in place of the transcript.

(6) The transcript or approved written summary shall be filed with the City Council at least three (3) days prior to its consideration of the rezoning ordinance on second reading. If no transcript or approved written summary is provided to the Council as required herein, the Commission's basic findings of fact are conclusively presumed to be complete and accurate.

17-17-6. CITY COUNCIL HEARING AND DECISION: (1) Notice of the Council's consideration of the rezoning ordinance on second reading, and of the Council's hearing thereon, shall be provided pursuant to the procedures set forth in 17-17-4(1) except that the City Clerk shall perform the responsibilities assigned therein to the Secretary to the Planning Commission.

(2) The Council shall establish a period of time, prior to voting upon the rezoning ordinance on second reading, during which the applicant, any person filing a written objection, or any other interested person may comment and be heard upon the findings and recommendation of the Planning Commission. Upon consideration of the rezoning ordinance on second reading, the Council may consider only the record before the Planning Commission, the written findings and recommendation of the Planning Commission, any previously filed written objections to those findings and recommendation, and the comments related thereto made during the Council hearing. In addition the City Council may, in its sole discretion, hear any other relevant written or oral statement regarding the findings and conclusions of the Planning Commission. No other materials or evidence shall be considered by the Council.

(3) If it is shown that the written findings and recommendation of the Planning Commission contain a finding based on incorrect information, or if there is shown to be newly discovered information not available at the time of the Planning Commission's fact-finding hearing, and if the correct or newly discovered information could, in the opinion of the Council, change the recommendation of the Planning Commission, then the entire matter shall be referred by the City Council to the Planning Commission for its consideration. If there is shown to be a clerical mistake in the written findings or recommendation of the Planning Commission, the mistake may be corrected by Council action without referral to the Planning Commission.

(4) After its hearing, the Council may:

(a) Continue the matter by remanding consideration of the rezoning to the Planning Commission for further proceedings as the Council may direct; or,

(b) Revise the Commission's findings of fact only if such revision is supported by evidence in the record made before the Commission, and proceed to vote upon the rezoning ordinance; or,

(c) Adopt the Commission's findings of fact and proceed to vote upon the rezoning ordinance; or,

(d) Table its decision to a specified date.

(5) Final action by the City Council on the rezoning ordinance shall be taken within ninety (90) days after the date of the Council's hearing on the Ordinance, or within thirty (30) days after the date the Council receives the Ordinance after remand to the Planning Commission, whichever is later. Failure to take final action within such period shall be considered a final decision of the Council denying the rezoning. If the vote on any rezoning ordinance is tabled by the City Council pursuant to the provisions of City of Lakewood Municipal Code Section 1.20.030, an additional fourteen (14) days shall be added to the time limitation for each such tabling.

(6) The City Clerk shall provide written notice to any person who has requested in writing to receive such notice, the results of the Council's final action adopting or rejecting the rezoning ordinance.

(7) The fact-finding hearing on the rezoning application shall be conducted by the City Council itself, rather than by the Planning Commission, only when the formal application for rezoning is initiated by the Planning Commission. Where the City Council conducts the fact-finding hearing, the procedures for the conduct of the hearing, notice prior thereto, and written findings thereafter shall comply to the extent possible with section 17-17-4. The hearing shall be held prior to the Council vote on the rezoning ordinance on second reading.

17-17-7. STANDARDS FOR ZONING AND REZONING: (1) To promote stability in zoning and appropriate development of property within the City, no application for rezoning of property shall be approved unless the applicant demonstrates:

(a) That the proposed rezoning promotes the health, safety or welfare of the inhabitants of the City of Lakewood and the purposes of this Ordinance; and,

(b) That at least one of the following additional factors exist:

(1) The proposed rezoning is consistent with the Comprehensive Plan;

(2) There has been a material change in the character of the neighborhood or in the City generally, such that the proposed rezoning would be in the public interest and consistent with the change; or,

(3) The property to be rezoned was previously zoned in error.

(2) The requirements of paragraph (b) of subsection (1) shall not apply to the initial zoning of property annexed to the City or to rezonings which occur incidental to a comprehensive City-initiated revision of the City's Official Zoning District Maps.

17-17-8. COMPREHENSIVE INITIAL CITY-INITIATED REZONINGS: Notwithstanding any other provision of this Article 17, only the following procedures shall be required for the initial comprehensive City-initiated rezonings occurring subsequent to the effective date of this Ordinance:

(1) The rezonings may be initiated by the City Administrator in such form as the Planning Commission may direct.

(2) Public hearings on the rezonings, either individually or in groups, shall be conducted by the Planning Commission. Notice of the hearings, including date, time and place, shall be published in an official newspaper or paper of general circulation in the City at least fifteen (15) days prior to the date of the hearings. In the discretion of the Planning Commission, additional notice of the hearings may be provided.

(3) The Planning Commission shall follow the procedures set forth in subsection (2) through (5) of section 17-17-4 except that the Planning Commission may recommend to the City Council a zone category for particular property different than the zone category proposed by the City Administrator.

(4) The provisions of sections 17-17-5 and 17-17-6 shall be followed except that the only required notice of the hearings before the City Council shall be publication of the date, time and place thereof in an official paper or paper of general circulation in the City at least fifteen (15) days prior to the date of the hearings. In the discretion of the City Council, additional notice of the hearings may be provided.

17-17-9. WHEN REZONING APPLICATIONS ARE NOT ACCEPTED: (1) Except as provided in subsection (2) of this section, no application for rezoning property shall be accepted within six (6) months following a final decision on a prior rezoning application relating to all or any portion of that same property. A "final decision" shall mean:

(a) Withdrawal of an application pending before the City Council;

(b) A decision by the City Council finally adopting or refusing to adopt a proposed ordinance for rezoning, from which no judicial review is sought; or,

(c) A final judgement by a Court, from which no appeal is taken.

(2) The limitation of subsection (1) of this section shall not apply if the Planning Commission determines that, within six (6) months subsequent to the final decision:

(a) The proposed rezoning and use of the property previously did not comply with the Comprehensive Plan but the Plan was amended in such a manner that the previously proposed rezoning and use of the property likely will comply with the Plan as amended; or,

(b) Substantial physical changes occurred to the property and such substantial physical changes likely will warrant the proposed rezoning and use of the property.

(3) No application for rezoning property shall be accepted during the pendency of any Court proceedings in which the zoning, or use under the zoning, of that same property is at issue.

17-17-10. ZONING CONDITIONS: The Planning Commission may recommend to the City Council that an application for an initial zoning or a 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. The Planning Commission may recommend:

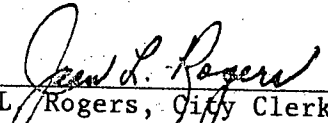
(1) That the initial zoning or the rezoning becomes effective on the day that initial zoning ordinance or rezoning ordinance becomes effective, but that no building permit may be issued for the subject property until a plat of the subject property, together with such adjacent or contiguous land under 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; or,

(2) That the initial zoning or the rezoning becomes effective on the day that the initial zoning ordinance or the 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 initial zoning or the 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.

INTRODUCED, READ AND PASSED on first reading at a regular meeting of the City Council on June 23, 1980; published in full in the Lakewood Sentinel and Public Hearing and consideration set for July 14, 1980, at 7 o'clock p.m. at Lakewood City Hall, 44 Union Boulevard, Lakewood, Colorado.


C. W. Reitler, Mayor

ATTEST:


Jean L. Rogers, City Clerk

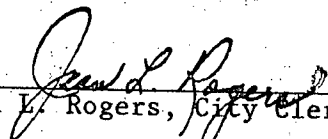
INTRODUCED, READ AND ADOPTED by the City Council this 28th day of July, 1980.

APPROVED AND SIGNED this 29th day of July, 1980.


C. W. Reitler, Mayor

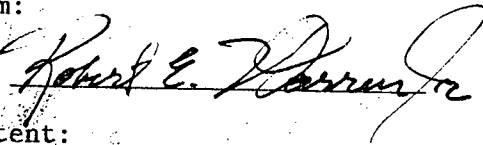
I hereby certify and attest that the within and foregoing ordinance was introduced, read and passed on first reading on the date hereinabove set forth, published in full in the Lakewood Sentinel on the 26th day of June, 1980; introduced, read, finally passed and adopted by the City Council, and signed and approved by the Mayor on the dates hereinabove set forth.

ATTESTED AND CERTIFIED:


Jean L. Rogers, City Clerk

Approved as to form:

City Attorney



Date 8/5/80

Approved as to content:

Community Development 8/5
Parks and Recreation 8/5
Employee Relations _____
Finance _____

Date 7/31/80
Date _____
Date _____
Date _____

City Administration _____ Date _____
Public Safety _____ Date _____
Public Works _____ Date _____