

# ZONING ORDINANCE

## TITLE 17

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## **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 not 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-CI, 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) The legislative history of the City of Lakewood's use of the terms Mixed Use and Planned Development is as follows:
- (a) Pursuant to Ordinance 0-70-104, as amended, land had been zoned PD Planned Development and in some instances the zoning designation had further conditioned the zoning to designated uses, as defined within 0-70-104, as amended.
  - (b) Ordinance 0-80-51 subsequently eliminated the PD Planned Development District and generally replaced that district with the MU Mixed Use District.
  - (c) Ordinance 0-85-79 subsequently amended the term MU Mixed Use District and replaced it with the term MU Mixed Use District and replaced it with the term MU Mixed or Single Use District.
  - (d) This Ordinance 0-93-34 eliminates the MU Mixed or Single Use District and replaces it with the PD Planned Development District.
  - (e) When property develops, if the prior conditional uses referred to uses set forth in Ordinances 0-70-104, 0-80-51, or 0-85-79, as amended, then said property shall be permitted the uses pursuant to those ordinances. (As amended by 0-93-34.)
- (5) (a) Any property zoned R-1, pursuant to Ordinance 0-70-104, as amended, which retained such zoning classification as a result of a special referendum election held August 10, 1982, shall be subject to all regulations applicable to property within the 1-R District of this Ordinance.
- (b) Any property zoned R-1A, pursuant to Ordinance 0-70-104, as amended, which retained such zoning classification as a result of a special referendum election held August 10, 1982, shall be subject to all regulations applicable to property within the 2-R District of this Ordinance.
- (c) Any property zoned A-1, pursuant to Ordinance 0-70-104, as amended, which retained such zoning classification as a result of a special referendum election held August 10, 1982, shall be subject to all regulations applicable to property within the CN District of this Ordinance. (As amended by 0-82-140.)
- (6) Development of property located within the Villa Italia Activity Center shall be subject to review by the Villa Italia Design Review Committee. The Committee is advisory to the Planning Commission or the Director of Planning, Permits and Public Works, depending on the review status of the development application. (As amended by 0-85-27.)

**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 one thousand dollars or imprisoned not more than three hundred sixty-five days or both. Each day during which such violation continues shall be deemed a separate offense. (As amended by 0-99-4.)
- (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 or 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.

**17-1-10. FEES.**

- (1) The City Council shall by resolution establish fees as it deems necessary for any appeal, process, procedure or other action relating to the Zoning Ordinance.
- (2) Upon application to the City Manager, the City Manager may waive or reduce said fees if such action will further the economic goals of the City as set forth in Section 3.26.010 of the Lakewood Municipal Code. Such finding shall be made in writing.(As amended by 0-95-46.)

## ARTICLE 2: DEFINITIONS AND INTERPRETATION

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

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

(5) **Acreage:**

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

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

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

(8) **Alameda Avenue Overlay District:** That area of Lakewood generally bordered by Sheridan Boulevard, Carr Street, Bayaud Avenue, and Ohio Avenue identified in Section 17-21-12, also referred to in this Ordinance as the “District” or “Overlay District” or “Overlay Zone District.”

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

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

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

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

- (11) **Amortization**: The process by which nonconforming uses and structures must be discontinued or made to conform to the requirements of the Code at the end of a specified period of time.
- (12) **Amusement Arcade**: A place of business where an individual, association, partnership or corporation maintains more than ten amusement devices.
- (13) **Amusement Center**: A place of business where an individual, association, partnership or corporation maintains less than eleven amusement devices excluding any number of billiard tables either as a sole business or in conjunction with some other business.
- (14) **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.
- (15) **Animal Day Care Facility**: Any facility licensed by the State of Colorado where animals may be groomed, trained, exercised, and socialized, but not kept or boarded overnight, bred, sold or let for hire.
- (16) **Animal, Household Pet**:
- a) Regulated species of household pets shall be any species of animal commonly kept as a pet within households, and which are more than four months of age, such as a dog, cat, rabbit, duck, pot belly pig less than seventy (70) pounds, and ferret, the keeping of which is not prohibited by the Municipal Code. Also see Animal, Servant.
  - b) Non-regulated species of household pets shall be animals that are typically kept indoors in a cage or container such as tropical fish, non-poisonous snakes, hamsters, gerbils, mice, and small birds; any of which are kept as a pet and are not being raised for commercial purposes and the keeping of which is not prohibited by the Municipal Code.
- (17) **Animal, Livestock**: Domestic animals, raised for home use or for profit. For purposes of this Code, livestock shall include cattle, horses, goats, llamas, and sheep.
- (18) **Animal, Fowl**: Regulated fowl, such as chickens, ducks, geese and pigeons, that are permitted to be kept within appropriately zoned property including, peacocks, ostriches, and emus.
- (19) **Animal, Servant**: An animal that is needed to perform duties for any person because of the person's medical or disabled circumstances, or which is used under a health care provider's order.
- (20) **Apartment**: A room or set of rooms designed as housekeeping facilities, including a bedroom, bathroom and kitchen, and leased as a dwelling.

- (21) **Arbor**: A shady garden shelter typically made of open latticework.
- (22) **Assisted Living**: See Residential Health Care.
- (23) **Attached Wall Townhouse**: A single family dwelling that is attached to a similar dwelling by a common wall.
- (24) **Automobile**: See Vehicle, Automobile
- (25) **Bank**: See Financial Institution.
- (26) **Bar**: A commercial establishment offering on-site consumption of alcoholic beverages for sale by the drink.
- (27) **Basement**: Any floor level below the first story in a building, except that a floor level in a building having only one floor level shall be classified as a basement unless such floor level qualifies as a first story as defined herein. Also see Story.
- (28) **Batch Plant**: An industrial establishment or factory where gravel or sand are combined with a mixture of bitumens to create a substance used for paving, roofing and waterproofing, or for the manufacture of a building material made from sand, pebbles, and/or crushed stone held together by a mass of cement or mortar.
- (29) **Bed and Breakfast**: A one-family dwelling which is occupied by the resident, where short-term lodging is provided through the rental of individual rooms to the general public, with common dining and cooking facilities.
- (30) **Bedroom**: A room planned and intended for sleeping.
- (31) **Berm**: A raised earthen mound. Soil must be stabilized by terracing or soil stabilizing mats with ground cover or solid turf. The berm should not exceed a side slope with a rise of greater than one foot in three feet of run.
- (32) **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.
- (33) **Block**: A unit of land within a subdivision containing one or more lots and/or tracts which is bounded by public or private streets, highways, railroad rights-of-way, subdivision boundaries, property boundaries or a combination thereof.
- (34) **Boat**: See Vehicle, Recreational.

- (35) **Bowling Center**: A structure containing bowling lanes for use by the public for sport and entertainment, and compensated for by a fee.
- (36) **Buffer Area**: An area of land located within a development that provides a landscaped transition and screen between the development and abutting land uses, the requirements for which are specified in this Ordinance.
- (37) **Building**: Any structure having a roof supported by columns or walls and used or intended for supporting or sheltering any use or occupancy.
- (38) **Building Code**: The Building Code, as adopted by the City of Lakewood.
- (39) **Building Coverage**: The ratio of the horizontal area measured from the exterior surface of the exterior walls of the ground floor of all structures on a lot to the total lot area. This calculation excludes all uncovered porches, patios, and decks under thirty (30) inches in height as measured from grade.
- (40) **Building Footprint**: The outline of the total area which is covered by a building's perimeter at the ground level.
- (41) **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.
- (42) **Building - Height of**: The height of a building shall be the vertical distance measured from the grade at the building to the highest point of the coping of a flat roof, the deck line of a mansard roof, the highest point of the highest gable of a pitched or hipped roof, or the highest point of any other type of roof. The height of a building shall not include mechanical equipment, screening for mechanical equipment, spires, chimneys and antennae. See Grade.
- (43) **Building Official**: The officer or other designated authority charged with the administration and enforcement of the Building Code or the building official's authorized representative.
- (44) **Bus**: a motor vehicle consisting primarily of a transport device designed for carrying more than ten persons.
- (45) **Business, Retail**: A commercial establishment offering products or goods for sale to the general public. The Article 5: District Regulations determine the zone district which permit the establishment of specific retail business based upon the intensity of the business.
- (46) **Business, Service**: A commercial establishment offering services, including repair, copying, support, and transport or delivery of products or goods.

- (47) **Business Site, Single**: A single lot or series of contiguous lots having common ownership and occupied by one free standing building where a single or multiple businesses are housed.
- (48) **Caliper**: The diameter of a tree trunk measured one foot above the ground.
- (49) **Camper**: A unit, containing cooking or sleeping facilities, which is designed to be loaded onto or affixed to the bed or chassis of a truck to provide temporary living quarters for recreational camping or travel use. See Vehicle, Recreational.
- (50) **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.
- (51) **Carnivals**: A traveling organized enterprise offering amusements, entertainment or exhibition.
- (52) **Carport**: A structure open on a minimum of two sides designed or used to shelter vehicles.
- (53) **Car Wash**: Any building, premises or portions thereof used for the washing, polishing or detailing of vehicles.
- (54) **Cemetery**: A place for burying the dead. A cemetery may include a mausoleum and crematorium. Also see Mortuary.
- (55) **Certificate Of Occupancy**: An official certificate issued by the City through the Building Official which indicates conformance with, or approved conditional waiver from the zoning regulations, and other applicable regulations, and authorizes legal use of the premises for which it is issued.
- (56) **Change In Use**: A change in the purpose or activity for which a particular piece of land or its building is designed, arranged or intended, or for which it is occupied or maintained.
- (57) **Channel**: That portion of a watercourse with a perceptibly defined bed and banks which confines and continuously or periodically conducts a flow of water.
- (58) **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.
- (59) **Child Care Facility**: Any facility, by whatever name known, which is licensed by the State of Colorado and maintained for compensation, for the whole or any part of a day, for the care of five (5) or more children under the age of sixteen (16) years who are not related to the owner, operator or manager thereof, except when such facility serves as the primary residence for said children, in which case the facility shall be regulated as a group home or group living quarters.

- (60) **Church/Synagogue/Temple**: A structure which is intended for conducting organized religious services and associated activities such as religious classes, childcare, and committee and office work, and parish house. For the purpose of this Ordinance, reference to church shall include all religious facilities.
- (61) **Church Parish House**: A single-family dwelling used by a minister, monk, rabbi, or priest as their primary place of residence.
- (62) **City Hall**: The primary office buildings operated by the City of Lakewood, and which houses principal administrative offices of the City. See Community Buildings.
- (63) **Clinic**: A facility providing health services, medical, or surgical care for individuals where overnight stays are usually on an emergency basis only.
- (64) **CMRS Freestanding Telecommunications Facility**: A facility that consists of a stand-alone support structure such as a lattice tower or monopole, antenna(e), and associated equipment storage shelter(s).
- (65) **CMRS Telecommunications Equipment Shelter**: An unattended structure such as a small building or cabinet(s) used to house equipment for a CMRS telecommunications facility associated with either a freestanding CMRS telecommunication facility or a structure or building mounted CMRS telecommunications facility.
- (66) **CMRS Structure or Building Mounted Telecommunications Facility**: Any CMRS facility, antenna, or equipment attached to or mounted upon any structure or building. Structure or building mounted CMRS telecommunication facilities do not include freestanding CMRS telecommunication facilities as defined by this section 17-2-2. All structure or building mounted CMRS telecommunication facilities shall be deemed an accessory use of the property to which the facility is attached or mounted.
- (67) **CMRS Telecommunications Provider**: A public or private company providing any type of CMRS or other related technology.
- (68) **Cold Storage Locker**: Freezers used for the keeping of food in a frozen state.
- (69) **Colfax Overlay District/Zone**: An area defined on the zoning maps with a shaded pattern identifying properties that are along West Colfax Avenue. The development requirements for this overlay district are identified in Article 19 of this Ordinance.
- (70) **College/University**: A place which is accredited by the Colorado Commission on Higher Education providing higher education beyond grade twelve, which offers either a two year or four year degree in specific disciplines that may include a combination of the following uses but is not limited to: higher education classrooms, higher education offices, administrative buildings, athletic facilities and fields, student living units, laboratories, library, cafeteria, student center, bookstore and auditorium that are owned or controlled by the College or University.

- (71) **Colorado Child Care Act**: See Article 6, Title 26, 1 C.R.S. (1997).
- (72) **Commercial Mobile Radio Service (CMRS) Telecommunications Site**: Any use of property for antennae, equipment, and equipment shelter(s) employed in the reception, switching, and/or transmission of wireless telecommunication services including, but not limited to, paging, enhanced specialized mobile radio, personal communication services, microwave link antenna, cellular telephone, and other related technologies.
- (73) **Commercial Trade or Service**: See Business, Retail, Service.
- (74) **Commercial Trailer**: Any wheeled vehicle, without motive power, which is designed to be drawn by a motor vehicle and to carry its cargo load wholly upon its own structure and which is generally and commonly used to carry and transport property over the public highways and which is registered under the ton-mile tax laws of the State of Colorado.
- (75) **Commercial Vehicle**: See Vehicle, Commercial.
- (76) **Common Area/Commonly Owned Land**: Land, or land and improvements held in common ownership by a group of people who individually own dwellings or businesses within the same development, and are responsible for the upkeep and maintenance of the commonly owned land and/or improvements. See also Common Facilities and Condominium.
- (77) **Common Facilities**: Land, facilities, or improvements such as open space, a clubhouse, tennis court or swimming pool, or roads, driveways, or parking areas which are located within a development and in which the owners of the development have an undivided interest and/or a common responsibility for maintenance and repair.
- (78) **Common Wall**: A wall or floor of a structure separating two independent or separate dwelling units.
- (79) **Communication Centers**: Facilities, including radio and television studios, transmitting centers, towers and accessory equipment, and telephone exchanges designed for the transmission or relay of various telecommunications media.
- (80) **Communication Towers**: A structure that is intended for transmitting or receiving television, radio, telephone or microwave communications, excluding those used exclusively for dispatch communications. See antenna, CMRS freestanding telecommunications facility.
- (81) **Community Building**: A building used exclusively for public gatherings for educational, religious, governmental, or non-profit recreational purposes.

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

- (96) **Department**: Department of Community Planning and Development for the City of Lakewood.
- (97) **Detention Area**: An area which is designed to capture stormwater and to gradually release it to reduce or avert flooding.
- (98) **Development**: All activities involving earth disturbance and requiring a building or grading permit, the placement, construction, erection, reconstruction, movement, and alteration of structures or buildings, construction of roads, driveways, and parking areas, placement of paved areas, construction of drainage improvements or alterations of the historic flow of drainage patterns and amounts, installation of utilities, division of a parcel of land into two or more parcels where the division is subject to subdivision regulations, any mining or excavation, and any use or extension of any use of land.
- (99) **Director**: Director of the Department of Community Planning and Development, City of Lakewood, or his designee.
- (100) **Display, Outdoor**: The placement and presentation of commodities, goods or products on the grounds of a business for view by the public to attract the attention of customers in order to sell the commodities, goods or products, but such display shall not violate the governing limitations of the sign code.
- (101) **Drainage Way**: A natural or artificial land depression, with or without perceptible bed and banks, to which surface run-off gravitates to form a continuous or intermittent flow of water in a definite direction.
- (102) **Drive-In**: A commercial activity where, prior to service, the patron customarily drives a motorized vehicle onto the premises, parks the vehicle in a defined parking space, and customarily turns off the engine. Thereafter, the patron is provided service in the vehicle by a carhop or other means which eliminates the need for the customer to exit the vehicle.
- (103) **Drive-Through**: A commercial facility where the patron customarily drives a motorized vehicle onto the premises and to a window or mechanical device through or by which the customer is served without exiting the vehicle. Prior to service, the engine of the motorized vehicle customarily remains in operation.
- (104) **Driveway**: A thoroughfare for vehicles providing access from a public or private street or alley to a dwelling unit or to a parking area serving structures, facilities, or uses contained in a development project.
- (105) **Dump Truck**: Any motor vehicle equipped with a body designed to carry property and which is generally and commonly used to carry and transport property over the public highways and whose truck bed tilts up or backward to dump material which it carries.

- (106) **Duplex**: A building designed for occupancy by two (2) single family households living in two (2) separate single family dwelling units attached by one or more common walls.
- (107) **Dwelling Unit – Single Family**:
- a) A building designed for occupancy by not more than one (1) single family household.
  - b) **Manufactured Home**: A single family dwelling unit which is partially or entirely manufactured in a factory, is not less than twenty-four (24) feet in width and thirty-six (36) feet in length, is installed on an engineered permanent foundation, has brick, wood or cosmetically equivalent exterior siding and a pitched roof, and is certified pursuant to the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 USC 5401, et seq., as amended, and is built for the Colorado climate and snow loads according to the Department of Housing and Urban Development standards established under the provisions of 42 USC 5401, et seq.
  - c) **Factory Built Home**: A single family dwelling unit which is partially or entirely manufactured in a factory and designed for long-term residential use; built in multiple sections, each on a chassis which enables it to be transported to its occupancy site; and is installed on a permanent foundation. Factory built homes must be constructed to the standards of the State of Colorado Factory Built Construction Code (8 CCR 1302-3) and bear a certification insignia in compliance with those standards.
- (108) **Dwelling Unit - Multiple Household**: building designed for occupancy by three (3) or more households living in separate dwelling units, but not including motels or hotels. Said dwelling units may be stacked flats, one above the other, or side by side connected by one or more common walls. The land underneath the structure is not divided into separate lots. Multiple household dwelling units include structures commonly called garden apartments, apartments, stacked flats, and condominiums.
- (109) **Dwelling Unit - Attached Wall Townhouse**: A building designed for occupancy by three (3) or more households living in separate units attached by side wall or rear wall connection, which usually includes fee simple ownership of the land under the dwelling. Townhouses do not include motels, hotels, or stacked flats.
- (110) **Easement**: An interest in real property generally established in a real estate document or on a recorded plat to reserve, convey or dedicate the use of land for a specialized or limited purpose without the transfer of fee title. Such specified uses may include, but are not limited to transportation facilities, utilities, access, storm water drainage, signage, pedestrian uses and solar exposure.
- (111) **Electric Substation**: Structures or facilities designed to provide switching, voltage transformation, or voltage control required for the transmission of electricity.

- (112) **Emergency Health Care Facility**: An establishment having as its sole purpose the provision of emergency health care and emergency medical treatment for human ailments, but not including overnight accommodations for patients or ambulance service facility.
- (113) **Emergency Shelter**: An accessory residential use providing eating, sleeping and other similar facilities for temporary shelter only during emergency situations.
- (114) **Entertainment Center**: A commercial business offering recreational and entertainment activities which must include a combination of amusement devices and amusement rides contained within a building and which must also include the sale and consumption of food within the same premises.
- (115) **Equipment - Heavy**: Non-motorized merchandise of six thousand (6,000) pounds or more empty weight, or motorized merchandise of six thousand (6,000) pounds or more empty weight, having motors of twenty (20) horsepower or more performance.
- (116) **Equipment - Light**: Non-motorized merchandise of less than six thousand (6,000) pounds empty weight, or motorized merchandise of less than six thousand (6,000) pounds empty weight, having motors less than twenty (20) horsepower.
- (117) **Extended Stay Motel/Hotel**: A building containing at least six (6) rooms designed and generally used as sleeping accommodations for transient occupancy, and intended for occupancy by patrons desiring accommodations for a week or more. See Motel, Hotel.
- (118) **Exercise Area**: An area of the property on which horses, cattle, sheep, and goats are enclosed containing a minimum area of 6,000 square feet per animal.
- (119) **Extraction, Gravel and Sand**: The removal of rock from natural or historical deposits through mechanical means and stockpiling of it for the purpose of crushing it into gravel or sand, but excluding any crushing operation.
- (120) **Fabrication**: The construction of a specific good through the assembly of pre-manufactured parts which require no processing modification. See Assembly.
- (121) **Facade**: Any face (as on a street or court) of a building given special architectural treatment; a false, superficial or artificial appearance or effect.
- (122) **Fair**: A competitive exhibition, or festival with accompanying entertainment and amusements.
- (123) **Family**:
- 1) An individual living alone; or
  - 2) Any number of individuals, who are related by blood, marriage, or legal adoption, including foster children.

- (124) **Farmers Market**: The sale of breads, fruit, flowers, honey, preserves, vegetables or other products from the gardens and kitchens of the growers/producers, directly to the public from a temporary outdoor market set up for such sales.
- (125) **Fence**: A free-standing structure made of metal, masonry, composition, wood, a free-standing wall or any combination thereof, which may be resting on or may be partially buried in the ground, and rising above ground level. It is generally used for confinement, screening, partition or ornamental purposes. See the following.
- (126) **Fence, Lattice**: An open, interwoven framework, typically made of wood or metal that is used as, or attached to, a fence. Is considered to be part of the fence and must meet all applicable regulations.
- (127) **Fence, Nonconforming**: A fence, including gates that at the time it was erected, a fence permit was issued and it complied with the fence regulations in effect at the time but no longer meets the requirements of the new regulations.
- (128) **Fence, Ornamental**: A fence, including gates, not exceeding 24 inches in height and one that is used specifically for the purpose of decoration or ornamentation and not for confining an area. An example includes but is not limited to a garden or flower bed fence. An ornamental fence meeting this requirement shall be exempt from permitting.
- (129) **Fence, Open**: A fence, including gates, where each one foot wide segment for the full length and height of the fence contains at least 50% open space which affords a direct view through the fence. Examples include but are not limited to a chainlink fence, a picket fence or a split rail fence.
- (130) **Fence, Solid**: A fence, including gates, which does not provide for open space along its length or height and conceals the activity conducted behind it from view from adjoining properties, public or private streets or alleyways. An example includes but is not limited to a solid cedar fence.
- (131) **Fill**: A deposit of material by other than natural means, the purpose of which is to build up the ground level of property, which shall be imported in accordance with Lakewood City Code requirements.
- (132) **Financial Institution**: A business engaged in monetary transactions, including banks, savings and loans, thrift, and lending institutions. A financial institution may include a drive-through facility.
- (133) **Final Site Plan**: For the purpose of this Code reference to a final site plan shall mean those requirements set forth in Article 15 for a site development plan. A final site plan must conform to the approved conceptual site plan.

- (134) **Flea Market**: The sale of new or used personal goods or commodities by an individual, or group of individuals.
- (135) **Floor Area**: The area included within the surrounding exterior walls of a building or portion thereof. For purposes of this Code, floor area shall be categorized as follows:
- a) **Floor Area, Gross**: The area within the exterior facade of a building, including all covered and enclosed space on all floor levels of a building, halls, corridors, lobbies, mezzanines, display areas, stairways, elevator shafts, escalators, utility cores, air conditioning and heating areas, and common facilities for use of all tenants, except that gross floor area shall not include any open exterior plazas which are eligible for inclusion in covered open space, partially enclosed crosswalks, ramps, bridges, or other such buildings or structures intended for pedestrian use, loading areas, underground truck roads and service facilities.
  - b) **Floor Area, Gross Leasable**: The total floor area located with the exterior walls of a building less the square footage in the following:
    - 1. Areas used to house mechanical, electrical, telephone, heating, ventilating, air conditioning, and other similar building operating equipment.
    - 2. Stairwells, elevators, vertical shafts, and rated corridors.
    - 3. Atriums, lobbies and elevator lobbies.
- (136) **Floor Area Ratio (FAR)**: The ratio of gross leasable floor area permitted on a site to the net acreage contained within the site. See also Lot Coverage.
- (137) **Frontage**: Frontage is that side of a lot abutting on a public or private right-of-way, or tract designated for access to the subject lot. Primary frontage is the right-of-way from which the access to the lot is taken and the address of the lot is assigned. See also Lot Line.
- (138) **Garden Apartment**: An apartment which has its floor below the grade of the adjoining land surface, but has its windows above the grade of the adjoining land surface for light and ventilation.
- (139) **Garage, Private**: A building or portion of a building in which only motor vehicles used by tenants of the building or buildings on the premises are stored or kept. See also Structured Parking.
- (140) **Garage, Public**: Any garage other than a private garage.
- (141) **Garment Work**: Work involving the design, sewing, alteration, tailoring, ironing, or repair of clothing.

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

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

- (156) **Group Living Quarters**: A structure other than a one-household dwelling unit, duplex, hotel, or motel designed and operated for the purpose of housing, or special care and housing, of unrelated individuals or related and unrelated individuals, where centralized provision of meals and services and individual or group sleeping accommodations are included. Group living quarters shall be limited to those group living quarters listed below. Any group living quarters that meets the definitions of correctional institution shall be regulated as a correctional institution. Any group living quarters that meets the definition of a group home or household shall be regulated as group living quarters rather than as a household or group home
- a) Group living quarters for elderly persons: A residential facility for elderly persons who do not require medical attention associated with a residential health care facility. Group living quarters for elderly shall be either (1) licensed as a personal care boarding home or alternative care boarding home by either the State Department of Health or Social Services, or (2) certified as an adult foster care facility by Jefferson County Social Services.
  - b) Group living quarters for the handicapped: A facility for handicapped persons as such term is defined in Section 17-6-5 of the Lakewood Zoning Ordinance and which, if applicable, is licensed by the state.
  - c) Group living quarters for dependent, neglected children: A Colorado Department of Human Services licensed facility exclusively for the care of persons under the age of eighteen (18) years with emotional, behavioral, or social problems, who under the terms of Title 19, Colorado Revised Statutes, are determined to be dependent or neglected.
  - d) Group living quarters for adult or juvenile offenders: A facility licensed or certified by the State of Colorado, housing adult offenders or juvenile offenders who have been determined to be delinquent, who have been sentenced, referred or otherwise placed in the facility as a condition of their sentence or court-ordered supervision. This category shall not include facilities meeting the definition of a correctional institution. Any adult offender or juvenile offender, who has been sentenced, referred or otherwise placed in a program as a condition of his sentence or court-ordered supervision shall live only with his immediate family or in a Group Living Quarters for Adult or Juvenile Offenders.
  - e) Group living quarters for the temporary shelter of homeless persons: A facility established and maintained to provide housing and personal care on a "temporary basis" for indigent or homeless persons. The "temporary" period shall be defined by the facility but shall not exceed thirty (30) consecutive days.
  - f) Group living quarters for victims of domestic violence: A facility housing residents for the purposes of rehabilitation or special care for domestic violence victims of physical, emotional, or mental abuse.
- (157) **Habitable Structure**: A dwelling capable of being lived in by a human, meeting the safety requirements of the building code.

- (158) **Hair Care**: Businesses devoted to the cutting and grooming of their clients hair.
- (159) **Hazardous Substances**: Any substance or material that, by reason of its toxic, caustic, corrosive, abrasive, or otherwise injurious properties, may be detrimental or deleterious to the health of any person handling or otherwise coming into contact with such material or substance and as defined by State and Federal regulations.
- (160) **Health Facilities**: See Hospital, Medical Clinics.
- (161) **Health Clubs, Spas**: Businesses providing aerobics, exercise, weight lifting, and swimming.
- (162) **Height**: See Building Height.
- (163) **Historic Place**: Buildings, historic and prehistoric sites, structures and objects of national, state, or local importance which have been officially designated by the City.
- (164) **Home Improvement Center**: A business providing electrical, building, plumbing and garden materials for the general public and contractors.
- (165) **Home Occupation**: Any occupation of a service character which is clearly accessory to the main use of the premises as a dwelling unit, and which does not change the character thereof except as provided in the Zoning Ordinance of the City of Lakewood. See Article 13 for detailed criteria.
- (166) **Home Service**: A commercial business intended to provide maintenance or repair of a residential structure such as housecleaning, chimney sweeping, burglar alarms, yard care, etc.
- (167) **Homeowner's Association**: An association of homeowners or property owners within a residential subdivision, condominium project, or townhouse development, often organized for the purpose of enforcement of private covenants and/or the carrying out the maintenance of common areas, landscaping, parks, building exteriors, and streets
- (168) **Hospital**: A facility having as its primary purpose the provision of general health care, nursing, and medical treatment for human ailments, including diagnostic and surgical services. Overnight accommodations are available, but patients normally remain within the hospital for only a limited time. A hospital shall not be considered a residential health care facility. See also Residential Health Care Facility And Clinic.
- (169) **Hotel**: A building designed and used as sleeping accommodations for usually transient occupancy, with access to the rooms available through a lobby or supervised office. May also provide additional services such as restaurants, meeting rooms, and recreational facilities. See also Motel.

(170) **Household**: This Zoning Ordinance allows "Households". For the purpose of differentiation between allowed single-family dwelling units and multiple household dwelling units the following two definitions shall be used to regulate occupants allowed in a household.

A. Single Family Household:

- 1) Any Family; or
- 2) Any unrelated group of individuals living together as a single housekeeping unit up to a maximum of one person per five hundred (500) gross square feet in the dwelling unit (including basements and excluding attached and/or detached garages) not to exceed five (5) individuals per dwelling unit; or
- 3) Not more than two (2) unrelated individuals and their related children and/or parents.
- 4) The following words, terms and phrases, and the following criteria, when used in this definition, shall have the meanings ascribed to them in this subsection.
  - a) Every dwelling unit shall be allowed three (3) individuals regardless of the number of square feet in the dwelling unit.
  - b) Any household which meets the definition of a group home or group living quarters shall be evaluated, permitted and regulated as a group home or group living quarters rather than as a household.
  - c) "Living together as a single housekeeping unit" is generally characterized by a family like structure, and/or a sharing of responsibility associated with the household, and a concept of functioning as a family unit with a sense of permanency, as opposed to the transient nature of a bed and breakfast establishment, motel or hotel.
  - d) A household shall not include more than one individual who is required to register as a sex offender under the provisions of the Colorado Revised Statutes, 18-3-412.5, as amended. This Subsection (d) shall not apply to a registered sex offender who is living with his immediate family. For purposes of this Subsection (d), immediate family is defined as a person, the person's spouse, the person's parent, the person's grandparent, the person's brother or sister of the whole or half blood, the person's child, the person's step-child or the person's child by adoption and shall include children who have been placed in foster care, as defined by the Colorado Revised Statutes.
  - e) Enforcement of Subsection (d) above shall occur only after notice of the violation has been sent by regular mail to the owner and tenant of the household and ten (10) days have elapsed after mailing of said notice.

**B. Multiple Household:**

- 1) Any Family; or
- 2) Any unrelated group of individuals living together as a single housekeeping unit up to a maximum of one person per habitable room;
- 3) Not more than two (2) unrelated individuals and their related children and/or parents.
- 4) The following words, terms and phrases, and the following criteria, when used in this definition, shall have the meanings ascribed to them in this subsection.
  - a) "Habitable room" is space in a structure for living, sleeping, eating or cooking. Not included in this definition are bathrooms, toilet compartments, porches, balconies, unfinished rooms, closets, halls, storage and utility spaces, and similar spaces.
  - b) "Living together as a single housekeeping unit" is generally characterized by a family like structure, and/or a sharing of responsibility associated with the household, and a concept of functioning as a family unit with a sense of permanency, as opposed to the transient nature of a bed and breakfast establishment, motel or hotel.
  - c) Any household which meets the definition of a group home or group living quarters shall be evaluated, permitted and regulated as a group home or group living quarters rather than as a household.

A household shall not include more than one individual who is required to register as a sex offender under the provisions of the Colorado Revised Statutes, 18-3-412.5, as amended. This Subsection (d) shall not apply to a registered sex offender who is living with his immediate family. For purposes of this Subsection (d), immediate family is defined as a person, the person's spouse, the person's parent, the person's grandparent, the person's brother or sister of the whole or half blood, the person's child, the person's step-child or the person's child by adoption and shall include children who have been placed in foster care, as defined by the Colorado Revised Statutes.

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

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

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

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

- (174) **Illumination, Concealed**: Lighting intended to illuminate a sign or building by directing a light source at a reflecting surface of the sign or building, either internally or shielded from public view and from the surrounding properties.
- (175) **Illumination, Direct**: Lighting intended to illuminate a sign or building by directing a light source at a surface of the sign or building by means of an unshielded light source that is effectively visible as part of the sign or building, where light travels directly from the source to the viewer's eye.
- (176) **Illumination, Indirect**: Lighting intended to illuminate a sign by directing a light source at a surface on the sign in such a way as to illuminate the sign from the front, or a light source that is primarily designed to illuminate the entire building facade upon which a sign is displayed, but does not include lighting that is primarily used for purposes other than sign illumination, including without limitation, parking lot lights, or lights inside a building that may silhouette a window sign but that are not primarily installed to serve as inside illumination.
- (177) **Illumination, Internal**: Lighting by means of a light source that is within a sign having a translucent background, silhouetting opaque letters or designs, or that is within letters or designs that are themselves made of translucent material. For the purpose of Article 10, back lighted signage shall be considered internally illuminated.
- (178) **Illumination, Private Property**: Illumination used to light walks, buildings, parking areas, and landscaping, which shall be directed and controlled in such a manner so that no direct rays of light extend beyond the boundaries of the property from which it originates.
- (179) **Individual Letter Sign**: See Sign, Individual Letter.
- (180) **Industrial Use**: Businesses involved in the extraction and processing of raw materials, the invention, manufacture, fabrication, assembly, and construction of products, or the provision of services to commercial or manufacturing establishments where such services usually involve the use of machinery and equipment.
- (181) **Impound Yard**: A fenced area used for the storage of vehicles retrieved by a towing company or by police personnel until reclaimed by their owners, or disposed of as abandoned. See also Government Facilities, Storage.
- (182) **Infill**: Development that occurs on vacant properties scattered within areas that are already largely developed or urbanized. Generally, these sites are vacant because they were once considered of insufficient size for development, because an existing building located on the site was demolished, or because there were other, more desirable, or less costly sites for development.
- (183) **Inoperable Motor Vehicle**: See Vehicle, Inoperable.

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

- (194) **Laboratory - Medical, Dental or Optical**: A building or a portion of a building devoted to the use of providing bacteriological, biological, medical, X-ray, pathological and similar analytical or diagnostic services to doctors, opticians, or dentists, and where fabrication is conducted on the premises for the custom manufacture of dentures, grinding of optic lenses, and the custom fabrication of orthopedic limbs.
- (195) **Laboratory, Scientific**: A building or a portion of a building devoted to the experimental study in science or the testing and analysis of any product, animal, chemicals, drugs, explosives, minerals, and similar materials.
- (196) **Land Area, Gross**:
- a) An area for a specific land use which includes the following:
    - 1. Horizontal lot area in designated use within the property lines, including all internal public and private streets; and
    - 2. One-half the area of any abutting alley or street right-of-way.
  - b) Gross land area does not include:
    - 1. Areas not beneficial to the designated use of land because of restrictions on development due to irregular shape, topography, location or character, as determined by the Planning Commission; and
    - 2. Land area already used predominantly for other use purposes.
- (197) **Landscaping**: The improvement of a parcel of land with any combination of living plants, such as trees, shrubs, vines, ground covers, flowers or lawns; natural features and nonliving ground covers such as rock, stone and bark; and structural features, such as fountains, reflecting pools, art works, screen walls, fences and benches.
- (198) **Lawn and Garden Center**: A business providing shrubs, trees, flowering plants, fertilizer and garden materials for the general public and contractors.
- (199) **Legal Use**: Any use of realty or improvements lawfully established in conformity with existing law and the City of Lakewood Zoning Ordinance in existence at the time of establishment of such use, and which is also presently lawful under applicable law and ordinance. Legal use shall include nonconforming uses lawfully established at the time of establishment, and lawfully maintained, principal uses permitted by the District Regulations for the zoning of the subject property, and any accessory use or uses incidental to and commonly associated with such lawfully established uses. As used herein, legal use sometimes refers to the person, firm, or corporation entitled to a legal use. See also Permitted Use.

- (200) **Library**: A facility, operated by a public or nonprofit organization, used to keep literary and artistic materials, such as books, periodicals, newspapers, pamphlets, and prints, for reading, reference, or borrowing.
- (201) **Limited Office and Personal Services**: Refers only to professional, business, medical, dental, optical offices, hair salons, tailor shops, shoe repair shops, and art and photographic studios, located on those arterial streets which are so designated in the Comprehensive Plan.
- (202) **Liquor Store**: A commercial establishment selling packaged alcohol beverages, with no on-site consumption permitted.
- (203) **Livestock**: See Animal, Livestock.
- (204) **Living Quarters**: See Dwelling Unit.
- (205) **Lot**: A unit or area of land within a subdivision, or created by a valid and recorded instrument of conveyance prior to January 22, 1975, or prior to annexation to the City of Lakewood, or legally subdivided by the City of Lakewood since January 22, 1975, or as otherwise permitted by law, to be used, developed, or built upon. The classification of lots are:
- a) **Corner**: A lot, of which at least two adjacent sides abut for their full length upon a public right-of-way other than an alley, and one side, abutting either another property or a another public right-of-way, is considered a rear lot line.
  - b) **Flag**: A lot having access to a street by means of a parcel of land included as part of the lot, having a depth greater than its frontage, and having a width less than the minimum required lot width.
  - c) **Interior**: A lot, other than a corner lot, abutting only one street, and generally having two sides abutting adjacent properties, and a rear lot line.
  - d) **Key**: A lot with a lone side that abuts the rear line of any one or more adjoining lots.
  - e) **Reverse Corner**: A corner lot, the rear of which abuts the side of another lot.
  - f) **Through**: An interior lot abutting on a street at both the front and rear lot line, or a corner lot abutting on a street on the front, one side, and the rear lot lines.
- (206) **Lot Area**: The area contained within the legal boundaries of a lot including any easements which restrict surface use of the property. The area of the lot extension for flag lots is not computed into the area of the lot.
- (207) **Lot Coverage**: Determined by dividing that area of a lot which is occupied or covered by the total horizontal projected surface of all buildings, including covered porches and accessory buildings, and parking and drives, by the gross area of that lot. See also Density.

- (208) **Lot Depth**: The average distance between the front and rear lot lines or between the front line and the intersection of the two side lines, if there is no rear line.
- (209) **Lot Frontage**: The portion of the lot contiguous to a public right-of-way or private street or tract created for access to the subject lot.
- (210) **Lot, Illegal**: A lot which did not comply with the provisions of the law or regulations in effect at the time it was created. See also Lot, Legal Non-Conforming.
- (211) **Lot, Legal Non-conforming**: A lot which was lawful when created but which does not comply with the provisions of law or regulations passed at a later date in that it fails to meet requirements regarding area, width, or other characteristics of the zoning district in which it is located.
- (212) **Lot - Minimum Area**: The minimum square footage that a lot is required to have under the zoning, as described in the District Regulations, in order to meet the requirements for issuance of a building permit. The area of the lot extension for flag lots is not computed into the area of the lot.
- (213) **Lot - Total Area**: The square footage of a lot contained within the lot lines of the property excluding street rights-of-way.
- (214) **Lot Width**: The shortest distance between any two (2) lot lines of a lot which are intersected by the front setback line, measured at a point of intersection parallel to the front property line.
- (215) **Lot Line - Front**: The boundary line of a lot which immediately abuts a public right-of-way (other than an alley) or private right-of-way, or tract designated for access to the subject lot. Front lot lines may be either primary front lot lines or non-primary (secondary, or tertiary) front lot lines.
- a) **Primary Front Lot Line**: The front lot line closest to that face of the primary, principal or main building(s) on the lot which contains the primary entrance to the building(s), or, in the event the primary entrance does not face a front lot line, the front lot line which abuts the street used in the address assigned to the primary, principal or main building(s) on the lot.
  - b) **Non-Primary (Secondary, or Tertiary) Front Lot Line**: A front lot line which is not the primary front lot line.
- (216) **Lot Line - Rear**: The boundary line of a lot which is most nearly opposite the front lot line of the lot, other than a through lot.
- (217) **Lot Line - Side**: Any boundary line of a lot, other than a front lot line or rear lot line.

- (218) **Lot, Minimum Size/Area**: The smallest area measured in square feet which is required for any property within a specific zone district.
- (219) **Lowest Floor**: The lowest floor, including the basement, of a structure. Also see basement.
- (220) **Lumberyard**: The use of land or buildings for the sale of building materials and construction supplies which may include outdoor storage of materials or supplies.
- (221) **Main Building**: The building used to house the principal use of the land. Also referred to as principal, or primary structure or building.
- (222) **Major Architectural Detail**: Distinguishable design features of the exterior of the building such as windows, doors, balconies, columns, or patterns or designs formed at the time of construction by the building material.
- (223) **Major Street Plan**: The adopted City plan designating local, collector and arterial streets within the City.
- (224) **Mansard Roof**: A roof with two slopes on each of the four sides, the lower steeper than the upper.
- (225) **Manufactured Housing**: See Dwelling Unit-Single Family.
- (226) **Manufacturing**: Establishments engaged in the mechanical or chemical transformation of materials or substances into new products including the fabrication and assembly of component parts into products.
- (227) **Market**:
- a) Convenience: A commercial establishment, not more than 5,000 square feet of gross floor area (GFA), selling food and other convenience items, where the food is usually packaged, but not a supermarket.
  - b) Supermarket: A self-service retail store of more than 5,000 square feet of GFA selling processed and packaged foods and other household goods.
- (228) **Marquee**: A permanent roof structure attached to and uniformly supported by a wall of a building, having no connection or relationship with the roof of the building to which it is attached and projecting over public property.
- (229) **Marquee Sign**: See Sign, Marquee.
- (230) **Mausoleum**: Property used for the interring of the dead where bodies are interred above ground in stacked vaults.

- (231) **Mechanical Equipment**: Equipment or extensions thereof used to operate mechanical facilities within a building, including air vents and air heating/cooling/conditioning units.
- (232) **Median**: An area in the approximate center of a right-of-way which is used to separate the directional flow of traffic, may contain left-turn lanes, and is demarcated by painted or thermally applied stripes, curb and guttering with a raised surface of patterned concrete, landscaping, or other means of distinguishing it from the portion of the roadway utilized for through traffic.
- (233) **Medical Clinic**: A facility providing medical health services for individuals.
- (234) **Metes and Bounds**: A system of describing and identifying land by measures (metes) and direction (bounds) from an identifiable point of reference such as a monument or other marker, the corner of intersecting streets, or in rural areas a tree or other permanent feature, commonly used to describe property not located within a subdivision.
- (235) **Microwave Link Antenna**: Any antenna which emits microwave signals, except for receivers otherwise regulated by this Ordinance.
- (236) **Mineral Resource Extraction**: Extraction (from or above the ground) of sand, gravel, rock, earth and other similar materials.
- (237) **Minimum Lot Size/Area**: See Lot, Minimum Lot Size.
- (238) **Mini-Warehouse**: Enclosed warehouse units which are rented or leased to second parties for storage purposes, and which have no outside storage.
- (239) **Mobile Home**: A factory-assembled structure or structure without a permanent foundation and greater than thirty (30) feet in length and designed to be transported on its own wheels arriving at the site as a complete dwelling unit, equipped with the necessary service connections, usually including major appliances and furniture and ready for occupancy. Removal of the wheels and placement on a foundation does not change its classification. The phrase "without a permanent foundation" indicates that the support system is constructed with the intent that the mobile home placed thereon will be moved from time to time at the convenience of the owner. The term "mobile home" does not include travel trailers, 5th wheel trailers, campers, camper buses, motor homes, or modular homes. This definition includes half units that are transported to the site on their own wheels and then assembled as one (1) unit.
- (240) **Mobile Home Park**: A lot, parcel, or tract of land which is designated and improved for the purpose of providing a location and accommodations for one (1) or more mobile homes and within which spaces are available to the general public for rent, lease, and the placement thereon of mobile homes for occupancy. Mobile home unit sales lots on which unoccupied mobile homes are located for inspection or sale shall not be considered mobile home parks.

- (241) **Modular Home**: See Dwelling Unit-Single Family (c) Factory Built Home.
- (242) **Monument Sign**: See Sign, Monument.
- (243) **Mortuary**: A commercial establishment where human corpses are prepared for burial or cremation, and ceremonies are held in connection with burial or cremation of the dead. Also see crematorium, mausoleum and cemetery.
- (244) **Motel**: A building containing at least six (6) rooms designed and generally used as sleeping accommodations for transient occupancy.
- (245) **Motor Fuel Filling and Service Stations**: A retail establishment at which vehicles are serviced; especially with fuel, oil, air and water; and where ancillary repair, maintenance or replacement of electrical or mechanical devices may be obtained. The extent of the type of repair permitted to be performed is determined by the zone district. Major vehicle repair, as defined by this Ordinance, is a permitted use only in the 5-C and IN zone districts and in those PD districts which specifically permit major vehicle repair.
- (246) **Motor Home**: A recreational vehicle used for travel, and containing cooking, and sleeping accommodations.
- (247) **Motor Vehicle**: See Vehicle, Automobile.
- (248) **Multiple Household Dwelling Unit**: See Dwelling Unit-Multiple Household.
- (249) **Municipal Code**: The City of Lakewood Municipal Code.
- (250) **Neighborhood Homeowners Association**: An organization set up to conduct the common business affairs of the owners in a housing development, which may include the maintenance of commonly owned property and facilities.
- (251) **Nonconforming Building or Structure**: A building or structure, or portion thereof, lawfully existing at the time of construction, which does not conform to all height, setback, lot coverage, lot width, lot area, or other regulations of the zone district in which it is located.
- (252) **Nonconforming Sign**: See Sign, Non-Conforming.
- (253) **Nonconforming Use**: A use which lawfully occupied a building or land at the time it was established, and which does not conform to the use regulations of the zone district in which it is currently located.
- (254) **Nonconforming Vacant Lot**: A parcel of land with no main building, that was lawfully created prior to the adoption of this Ordinance, that does not meet the minimum lot area, or lot width requirements currently required by the District Regulations for the zone district which applies to the parcel.

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

2. Motor vehicle uses such as parking lots, open-air showrooms, roads, or service areas, at, above or below ground level.

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

a) Usable open space includes:

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

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

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

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

- (267) **Parapet Wall**: A low wall or protective railing above the roof line or along the edge of a roof, balcony or terrace.
- (268) **Parcel**: A contiguous area of land except for intervening easements and rights-of-way with a continuous boundary established either by a subdivision plat recorded in the office of the County Clerk and Recorder, or by one of the following methods (also see lot):
- a) an aliquot part of a section,
  - b) a metes and bounds description,
  - c) a book and page or reception number reference,
  - d) any so-called "assessor's tract", or
  - e) a description which calls only for the owner's or adjoiner's name.
- (269) **Park**: See 9.32.010 of the Lakewood Municipal Code.
- (270) **Park and Ride**: A parking lot located at a transit stop designed for storage of commuter's vehicles while utilizing bus or rapid transit vehicles which stop at the facility.
- (271) **Parking Area**: The total area encompassed by off-street parking spaces, which are available to customers, employees, residents, and visitors to the designated area, with or without time limits, as well as the total area encompassed within all access and egress routes designed for use by motor vehicles. Parking area includes emergency access lanes and loading area spaces. Parking areas and the access drives are required to be provided with an all weather surface capable of sustaining the weight of fire trucks and other emergency equipment. Parking areas shall meet the requirements of Article 9 of this Ordinance.
- (272) **Parking, Integrated System**: A common parking area, or a series of interconnected parking areas, which are utilized by two or more buildings, and where any owner, occupant, patron, customer, employee or other person utilizing any of the buildings served has the right to park a motor vehicle within any of the parking areas. Such common right is customarily evidenced by a reciprocal parking easement called out on a plat of the property, or recorded separately with the Clerk and Recorder of Jefferson County, or contained within a lease running with in perpetuity with the use of the land.
- (273) **Pasture**: Land used for grazing animals.
- (274) **Pergola**: An arbor or passageway with a roof of lattice work.
- (275) **Perimeter Landscape Area**: That portion of the perimeter of a property which is adjacent to a public right-of-way (except an alley), the length of which portion is equal to the length of the adjacent portion of the public right-of-way and the width of which portion

is equal to the distance between the flow line of the adjacent public right-of-way and the required depth within the property.

- (276) **Permitted Use**: Any use allowed in a land use zoning district by this Ordinance and subject to the provisions applicable to that district.
- (277) **Person**: Natural person, joint venture, joint stock company, partnership, association, club, corporation, business, trust, organization or the manager, lessee, agent, servant, officer or employee of any of them.
- (278) **Pharmacy**: A business which prepares, preserves, compounds and dispenses drugs generally prescribed by physicians.
- (279) **Planned Development**: A zone district which permits diversification of land uses as unified and integrated developments as specified in the Official Development Plan approved with the change in zoning. (See Planned Development District, Section 17-5-22.)
- (280) **Planted Area**: That part of the landscape area that contains living plant materials.
- (281) **Plat**: A plan of a subdivision of land creating building lots or tracts and showing all dimensions and other information essential to comply with the Subdivision regulations.
- (282) **Porch, Patio, or Deck**: A structure open to the atmosphere on at least two (2) sides and projecting from the front, side, or rear wall of a building. For the purposes of this Ordinance, only those porches, patios, and decks with a floor level greater than thirty (30) inches above grade or which have a roof shall be subject to required setbacks. Railings provided on decks for the safety of the uses are excluded from this measurement in height.
- (283) **Principal Use**: Land uses allowed in a given zone district as a use by right because they are considered compatible with the intent of the district. The buildings and structures which contain such uses, and the site development necessary for their establishment must meet the development regulations and plan review requirements established in this Ordinance.
- (284) **Printing Establishment**: A printing business especially for books, periodicals, or newspapers.
- (285) **Printing Facility**: A printing and photocopy business which typically operates at retail, and which does not normally require pick-ups and deliveries by large trucks.
- (286) **Private Improvements**: Any improvement required by this Code on private property, or as a part of the conditional approval of a subdivision or special use permit, which is provided by the developer and not maintained by the City or quasi-public entity.
- (287) **Private Nonprofit Recreational Facilities**: Recreational facilities open to use by the public, which may include, as a Secondary Use, amusement centers.

- (288) **Processing**: The manufacture of goods and pieces by means of subjecting raw materials or preprocessed material to a special treatment involving synthesis or artificial modification. See also see Industrial Use and Manufacturing.
- (289) **Projecting Sign**: See Sign, Projecting.
- (290) **Projection**: Minor architectural features of a building such as building eaves, overhangs, chimneys, and standpipes.
- (291) **Property Lines**: The boundaries of a tract of land established either by a recorded subdivision plat, or by a written recorded conveyance prior to January 22, 1975. Includes lot and parcel lines.
- (292) **Property Owner**: A person or persons holding legal fee title to a parcel of property; includes landowner.
- (293) **Public Improvement**: Those rights-of-way, easements, access rights, and physical improvements which, upon formal acceptance by the City, shall become the responsibility of the City for ownership and/or maintenance and repair, unless otherwise provided, and shall include, but not by way of limitation, curb and gutter, asphalt pavement, concrete pavement, streets of all types, survey monuments, pavement stripping, sidewalks, pedestrian/bike paths, traffic signals, street lights, highways, freeways, rights-of-way, easements, access rights, construction plans, medians, bridges, structures, channels, water lines, sanitary sewer lines, and all other improvements, which upon acceptance by the City, are intended to be for the use and enjoyment of the public.
- (294) **Public and Private Stables/Riding Academies**: See Stable.
- (295) **Public Recreational Facilities**: Recreational facilities open to the public, which may include, as a Secondary Use, amusement centers.
- (296) **Public Transportation Facilities**: A structure or facility for use by the public to connect with, or use public transportation. Examples include bus benches, bus benches within a shelter from weather, transfer facilities, and light rail facilities. See also Park and Ride.
- (297) **Quasi-Public Agency**: An institution constituted with a governing board and obtaining more than 51 percent of its funds from tax revenue.
- (298) **Racetrack**: Facilities used for competitive racing or entertainment by dogs, horses or vehicles, which may include spectator stands and accessory uses, such as food and beverage sales.
- (299) **Radio Antenna**: A device that is used for transmitting and receiving electro-magnetic waves.

- (300) **Radio Studio**: A structure used as offices, broadcasting booths, and the recording and/or transmission of programs.
- (301) **Radio Tower**: A structure that supports an antenna. See also Communication Towers.
- (302) **Recreational Facilities**: Land, buildings, structures or equipment used in recreational activities. For purposes of this Code, recreation facilities are classified as follows:
- a) Commercial:
    - 1. Indoor: A commercial business offering amusements, recreational or entertainment activities such as a bowling alley, pool hall and amusement rides where such activities are contained within a building. Also see amusement arcade and amusement center.
    - 2. Outdoor: A commercial business offering amusement, recreational or entertainment activities such as batting cages, miniature golf, grand prix miniature race cars, water slide and amusement rides where part or all of such activities are outdoors.
  - b) Non-Commercial: Recreation facilities owned or operated by a government agency, nonprofit entity, a homeowner's association or membership association which are open to the general public and where fees charged are intended to cover the cost of operation and not to provide financial gain to the operator. Recreation facilities accessory to a dwelling unit for use by the property owner or tenant residing on the property, family members or guests.
- (303) **Recreational Vehicle Park**: See Campground.
- (304) **Recycling Collection Facility**: An accessory use that serves as a neighborhood drop-off point for temporary storage of recyclable resources. No processing of such items is permitted.
- (305) **Recycling Plant**: A facility that is not a junkyard and in which recoverable resources, such as newspapers, magazines, books, and other paper products, glass; metal cans; plastics and other products, are recovered, reused, reprocessed, and treated to return such products to a condition in which they may again be used for production.
- (306) **Redevelopment**: The process of removing existing structures and building new ones with or without land aggregation, or adding buildings to a developed site.
- (307) **Remodel, Substantial**: See Substantial Remodel, Alteration.
- (308) **Rental Center**: A retail establishment that rents machinery or tools, such as air compressors, chain saws, concrete mixers, ladders and scaffolding, power tools, trailers,

trucks, welders, etc. For the purposes of this Code, equipment is classified as heavy or light. See Equipment- Heavy and Equipment- Light.

- (309) **Residence Inn**: A hotel with rooms that have complete kitchen and bathroom facilities intended for semi-transient, longer-term occupancy, also referred to as extended stay facilities. See also Bed and Breakfast, Hotel, Motel.
- (310) **Residential Health Care Facility**: A residential facility designed with a combination of residential living units, with or without individual kitchen facilities and group living facilities such as common kitchen, eating area, patio and/or recreational area as well as parking. The intended use is for the care of the infirm or aged, or for the rehabilitation of injured individuals, where medical attention in the form of skilled or intermediate nursing care is provided as a continual or intermittent benefit. See also Clinic, Hospital, Group Home, Group Living.
- (311) **Restaurant**: A commercial establishment where meals are prepared and served to the public, which may or may not include seating facilities and a bar or lounge.
- (312) **Retail Sales**: See Business, Retail.
- (313) **Retaining Wall**: A structure composed of concrete, block, rock or wood designed to act as a support barrier between a drop or rise in the grade of the land on either side of the structure. A wall of 30 inches or more in height requires certification by a registered engineer as to the structural strength of the wall.
- (314) **Retirement Home**: A facility which provides living quarters for elderly persons with common dining and cooking facilities and/or individual kitchens in each living unit. A retirement home may include limited nursing care, but is not intended to be a convalescent or nursing home. Also see Residential Health Care Facility, Group Home, and Group Living Quarters.
- (315) **Right-Of-Way**: An area or strip of land dedicated to the public for the use of the general public.
- (316) **Roadside Stands**: The placement of a structure for the sale of farm products produced or made on the premises. Such stand shall not be permitted to remain in operation for not more than six (6) months in each year.
- (317) **Roof Line**: The highest point on any building where an exterior wall encloses usable floor area.
- (318) **Room**: A building or portion of a building which is arranged, occupied, or intended to be occupied as living or sleeping quarters, but not including toilet or cooking facilities.

- (319) **Rooney Valley Overlay District:** That area west of Lakewood bordered by West Alameda Parkway, Morrison Road, the Hogback and the Green Mountain subdivision identified in Section 17-20-19, also referred to in this Ordinance as the “District” or “Overlay District.”
- (320) **Salvage Yard:** A business involved in the extraction of valuable commodities from wrecked or junked items.
- (321) **Satellite Dish Antenna:** A parabolic antenna intended to receive signals from orbiting satellites and other sources. Non-commercial dish antennas are defined as being less than four meters in diameter, while commercial dish antennas are usually those larger than four meters and typically used by broadcasting stations.
- (322) **Schools, public, parochial, and private:** An institution or place of instruction or education. For purposes of this Ordinance, schools are classified by the type of instruction provided and by student grade level and includes schools for the developmentally disabled.
- a.) **K-12 School:** A place of learning, whether public or private, which meets State standards for providing instruction for students in kindergarten and grades one through twelve which may include but is not limited to: classrooms, offices, administrative buildings, athletic facilities and fields, cafeteria, bookstore, library, and auditorium.
- b.) **Preschool/Federal Head Start Program:** A place of learning, whether public or private, which provides direct education to children to enhance school experiences and opportunities for children in advance of or through K-12 education.
- (323) **Screen:** A solid visual barrier.
- (324) **Screening:** The method by which a view of one site from another adjacent site is shielded, concealed or hidden. Screening techniques include fences, walls, hedges, berm, or other features.
- (325) **Seating Capacity:** The actual seating capacity of an area based upon the number of seats or one seat per 18 inches of bench or pew length. For other areas where seats are not fixed, the seating capacity shall be determined by the Building Code.
- (326) **Secondary Uses:** See Accessory Uses.
- (327) **Self-propelled Motor Home:** See Recreational Vehicle.
- (328) **Semi-Trailer:** Any wheeled vehicle, without motive power, that is designed to be used in conjunction with a truck tractor so that some part of its own weight and that of its cargo rests upon or is carried by such truck tractor, and is generally and commonly used to carry and transport property over the public highways.
- (329) **Servant Animal:** See Animal, servant.

- (330) **Service Station**: A retail establishment at which vehicles are serviced with fuel, oil, air and water, and where ancillary repair, maintenance or replacement of electrical or mechanical devices may be obtained. The extent of the type of repair permitted to be performed is determined by the zone district. Associated retail sale of products and convenience food goods may also be available. See Motor Fuel Filling and Service Station.
- (331) **Setback**: An open space of fixed width within a parcel along the front, side, or rear property line which shall remain free of any development, except as allowed in this Code. The minimum distance which shall be maintained between a parcels' boundaries and any structure built within the parcel. For purposes of this Code, setbacks are classified as follows:
- a) **Front**: An area extending the full width of a parcel, located parallel to the front property line, and any property line adjacent to a street, and having a depth measure perpendicular to the front property line which meets the minimum requirement for the front setback as specified in this Code for the Zone District in which the property is located.
  - b) **Side**: An area located along any side property line, having a depth measured perpendicular to the side property line which meets the minimum requirement for the side setback as specified in this Code. Side setbacks shall extend from the front setback line to the rear setback line, or, where a parcel is formed by more than four sides, to the point of intersection with an adjacent side setback line.
  - c) **Rear**: An area extending the full width of a parcel, located along the rear property line, and having a depth measured perpendicular to the rear property line which meets the minimum requirement for the rear setback as specified in this Code.
- (332) **Shared Access**: See Integrated Access System.
- (333) **Shared Parking**: See Integrated Parking System.
- (334) **Shooting Range**: A facility designed to provide practice in the use of firearms under controlled conditions so public health and safety are protected. Shooting ranges may include the sale of firearms, associated equipment or supplies, food, and sanitary facilities. For purposes of this Code, shooting ranges are classified as follows:
- a) **Public**: A shooting range which is open to the general public, or to public safety personnel, and where a fee may or may not be charged for its use.
    - 1. **Indoor**: A shooting range which is contained within an enclosed building such that noise caused by shooting activity is not detectable from outside the building, and materials used to construct the building are capable of preventing the escape of any bullets.
    - 2. **Outdoor**: A shooting range where part or all of the area used for firing practice is located outdoors.

- b) Private: A shooting range which is for the personal use of the property owner or guests, or members of an organization paying fees or dues for the use of the shooting range.
- (335) **Shopping Center, Business Center and Office/Industrial/Technical Parks or Centers**: A group of two or more professional, office, commercial, industrial or combination thereof establishments that are planned, developed, owned or managed as a unit, related in location, size, and type of establishments to the service area of the unit, and provide on-site parking in definite relationship to the types and sizes of establishments. Where free-standing buildings function as a part of a shopping center, though they may be under separate ownership, they shall be deemed to be a part of the shopping center.
- (336) **Short-Term Advertising Signs**: See Sign, Short-Term Advertising.
- (337) **Sight Triangle Area**: The corner of a lot that is adjacent to two intersecting right-of-way frontages. The two legs of the sight triangle are measured from the intersecting point of the flow lines extended or, in the event there is no curb and gutter, the intersection of the edges of the travel lanes extended, a distance of fifty-five (55) feet along each of the flow lines or travel lanes. The hypotenuse of the sight triangle is the line which connects the end point of the two legs as measured above.
- (338) **Sign**: Any stationary object or device or part thereof situated outdoors or indoors, but subject to public view, which is used to advertise or identify an object, person, institution, organization, business, product, service, or event by means including words, letters, figures, designs, symbols, fixtures, colors, motion, illumination or projected images.
- (339) **Sign, Abandoned**: A sign which no longer correctly directs any person, advertises a bona fide business, lessor, owner, product or activity conducted or products available on the premises where such sign is displayed.
- (340) **Sign, Animated**: Any sign or any part thereof, which changes physical position or message by any movement or rotation, except time and temperature signs.
- (341) **Signable Area**: The signable area shall mean that area of a building facade up to the roof line which is free of windows and doors or major architectural detail and may be enclosed by an imaginary rectangle.
- (342) **Sign, Banner**: Any sign hung either with or without frames, possessing characters, letters, illustrations or ornamentations applied to paper, plastic, vinyl or fabric of any kind.
- (343) **Sign, Directional**: Any sign on private property that directs the movement of pedestrian or vehicular traffic, with or without reference to the name of a product sold or service performed, to a property or a building, structure, or business enterprise.
- (344) **Sign, Display Surface**: The area made available by a sign structure for the purpose of displaying the advertising message.

- (345) **Sign, Distance of Projection**: The distance from the exterior wall surface of the building or from the farthest horizontal point on a mansard roof, to the display face of a wall sign.
- (346) **Sign, Election**: A sign providing information regarding elections, candidates, or issues concerning such elections.
- (347) **Sign, Flashing**: Any directly or indirectly illuminated sign, either stationary or animate, which exhibits changing natural or artificial light or color effects by any means whatsoever.
- (348) **Sign, Ground**: A sign structure supported by poles, uprights or braces extending from or anchored into the ground, but not attached to any part of the building.
- (349) **Sign, Ideological**: A sign which expresses a religious, political, social or other philosophical position.
- (350) **Sign, Illuminated**: A sign lighted by or exposed to artificial lighting either by lights on or within the sign or directed towards the sign.
- (351) **Sign, Individual Letters**: Letters or figures individually fashioned from metal or other materials and attached to the wall of a building or other surface; but not including a sign painted on a wall or other surface.
- (352) **Sign, Joint Identification**: A sign which serves as a common or collective identification for two or more business or industrial uses on the same lot. Such sign may contain a directory to said uses as an integral part thereof, or may serve as a general identification for such developments as shopping centers, industrial parks and the like.
- (353) **Sign, Mansard Roof**: A sign attached to the side of a mansard roof.
- (354) **Sign, Marquee**: Any sign attached to a marquee.
- (355) **Sign, Monument**: Also known as low-profile. A ground sign which is integrated into the sign support, usually a pedestal, relatively low in height, and has an appearance of a continuous mass, similar to a structure.
- (356) **Sign, Non-Conforming**: Any sign which:
1. On the effective date of this Ordinance was lawfully maintained and had been lawfully erected in accordance with the provisions of any sign regulations in any prior zoning ordinance and the applicable Building Code, but which sign does not conform to the limitations established by this Ordinance; or
  2. On or after the effective date of this Ordinance was lawfully erected and maintained in accordance with the provisions of this Ordinance, and the applicable Building Code, but

which sign, by reason of amendment after the effective date of this Ordinance, does not conform to limitations established by such subsequent amendment.

- (357) **Sign, Off-Premise**: A sign advertising a business, product or service, or religious, charitable or nonprofit organization, not located upon or available on the premises whereon the sign is located. Off-premises sign does not include directional or informational signs erected by any governmental institution or agency. See Sign, Directional.
- (358) **Sign, Permanent**: A sign constructed of durable material and affixed or attached to a non- moveable, non-portable supporting structure including a building.
- (359) **Sign Permit**: A building permit issued for the erection, construction, enlargement, alteration, moving, improvement, removal, conversion, or demolition of any sign, issued pursuant to the Building Code.
- (360) **Sign, Pole**: A sign which is affixed to, or mounted on a freestanding wood or metal pole, and anchored in the ground.
- (361) **Sign, Portable**: Any sign which is not permanently affixed to a building, structure, or the ground, except signs painted on or magnetically attached to any licensed vehicles and temporary signs as allowed under Article 10.
- (362) **Sign, Projecting**: A sign other than a wall sign which projects from and is supported by a wall.
- (363) **Sign, Roof**: A sign erected upon or above the parapet, or above the eave of a roof, or upon or above the roof of a building or structure.
- (364) **Sign Setback**: The distance between the property line and the edge of a sign closest to the property line.
- (365) **Sign, Short-Term Advertising**: Signs which advertise the sale of products, services, or special event on a short-term basis. See also Sign, Banner, Sign, Temporary.
- (366) **Sign Structure**: A sign structure shall include, but not be limited to, the supports, uprights, braces, backing, and framework designed to contain a sign message. Sign structure is not meant to include the sign face, containing the message conveyed by the sign.
- (367) **Sign, Suspended**: A sign suspended from the ceiling of an arcade or marquee.
- (368) **Sign, Temporary**: Includes, but is not limited to, any exterior sign, banner, pennant, valance, or advertising display which is:
  - a) Constructed of cardboard, paper, cloth, canvas, fabric, plywood, lightweight plastic or other lightweight material, with or without frame; and

- b) Designed for short-term use, or to be moved about from place to place, or not permanently affixed to a fixed, non-moveable, non-portable, supporting structure. "Temporary Signs" shall include signs placed in the open bed of a vehicle, or printed, affixed, lettered, placed upon or attached to a vehicle; but, however,
  - c) Temporary signs shall not include signs printed, painted upon or attached to motor vehicles used primarily for the delivery of products, passengers, or services, or for business purposes other than as a sign.
- (369) **Sign, Third Party**: A sign relating to products or services not on the same marquee.
- (370) **Sign, Time and Temperature**: Signs consisting of devices which provide time or temperature information.
- (371) **Sign, Wall**: A sign attached to, painted on, or erected against a building, structure or fence.
- (372) **Sign, Wind**: Any sign set in motion by wind or breeze, such as banners, flags, pennants, or other objects or material. Flags of nations, states, or municipalities shall not be classified as wind signs.
- (373) **Sign, Window**: A sign which is applied to, or attached to, or located within one (1) foot of the interior of a window, which sign can be seen through the window from a public right-of-way.
- (374) **Sign With Backing**: Any sign that is displayed upon, against or through any material or color surface or backing that forms an integral part of such display and differentiates the total display from the background against which it is placed.
- (375) **Sign Without Backing**: Any word, letter, emblem, insignia, figure, or similar character or group thereof that is neither backed by, incorporated in, or otherwise made a part of, any larger display area.
- (376) **Single Household Dwelling**: See Dwelling Unit- Single Family.
- (377) **Site**: A parcel or combination of parcels of land for which a project proposal is submitted.
- (378) **Site Plan**: A document or group of documents containing sketches, text, drawings, maps, photographs, and other material intended to present and explain certain elements of a proposed development, including physical design, siting of buildings and structures, interior vehicular and pedestrian access, the provision of improvements and the interrelationship of these elements.

- (379) **Site Specific Development Plan**: A plan that is processed and approved pursuant to Article 18 of this Zoning Ordinance submitted by a landowner or such landowner's representative describing with reasonable certainty the type and intensity of use for a specific parcel or parcels of property.
- (a) Such plan may be in the form of, but need not be limited to, any of the following plans or approvals: An "Official Development Plan" within the meaning of this Article 2, an amended or amendment to an Official Development Plan, a conceptual site plan, a final design or site plan, a planned development plan, a subdivision plat, a conditional or special use plan, a development agreement, a rezoning, or any other land use approval designation as the Planning Commission may so utilize. The document that triggers a vested property right shall be so identified at the time of its approval.
  - (b) "Site Specific Development Plan" shall not include a variance, a preliminary plan, a sketch plan, a final architectural plan, public utility filings or final construction drawings and related documents specifying materials and methods for construction of improvements. No land use plan submitted to the City other than one processed in compliance with Article 18 of this Zoning Ordinance shall be considered a "Site Specific Development Plan" within the meaning of Article 68 of Title 24, 3 C.R.S. (1997), as amended.
- (380) **Solid Fence**: A solid fence is a fence or wall with fifty (50) percent or less open space in the fabric or material of its vertical surface.
- (381) **Specialty Food Service**: A business which prepares food for by previous arrangement for banquets, parties, weddings, or other special occasions.
- (382) **Special Use Permit**: A permit allowing a discretionary use which may be granted under the provisions of this Ordinance, and which, when granted, authorizes a specific use to be made of a specific property, subject to compliance with all terms and conditions imposed on the use.
- (383) **Stable**: A facility where horses and other equine are kept either within a building or corrals, which may also include an indoor or outdoor exercise area, and storage for tack, grooming supplies, hay and feed. For the purposes of this Code, stables are classified as follows:
- a) **Commercial (boarding/instruction/rental)**: A stable where space is offered for keeping of horses and other equine for payment of a fee, and where the general public may receive riding instruction and/or may rent horses for riding on an hourly, daily or weekly basis. Commercial stables may also have training facilities for schooling horses stabled at or trailered to the facility.
  - b) **Non-Commercial**: A stable where space is provided for the keeping of horses owned by or under the care of the owner or occupant of the property where the stable is located,

and where the number of horses owned by people other than the owner or occupant of the property does not equal or exceed the number owned by the owner or occupant.

- (384) **Stacked Flats**: An apartment on one floor of a building, which is more than one story in height.
- (385) **Storage Area, Open/Outside**: An outdoor area, permitted in 5-C (Large Lot Commercial) and IN (Industrial) zone districts, used for keeping of possessions, belongings, goods, materials or other items where the items are screened from view in accordance with this Ordinance.
- (386) **Storage Shed or Structure**: A structure designed to be used solely for the storage and use of personal equipment and possessions of the occupants of the residence, or operators of a business, and not designed or intended for transport.
- (387) **Store Unit**: An enclosed floor space designed for occupancy by not more than one business or commercial establishment with an entrance not common to any other business or commercial establishment.
- (388) **Story**: The height between the successive floors of a building or from the top floor to the roof. For the purpose of this Ordinance, the average height for a story shall be defined as 12 feet.
- (389) **Street**: A public or private thoroughfare for vehicular traffic other than an alley or driveway. Also see Alley, Driveway.
- (390) **Street - Arterial, Collector, Local**: Classification for these basic streets shall be as set forth in the City of Lakewood's Major Street Plan.
- (391) **Street Frontage**: The distance along any boundary line of a lot, which is also the boundary line of a public street, road or highway right-of-way.
- (392) **Street Frontage - Major**: That portion of a site's street frontage lying along a major collector or arterial roadway as determined by the City of Lakewood's Major Street Plan.
- (393) **Street Frontage - Primary Major**: That portion of a site's major street frontage which has been designated by the property owner as the primary frontage for his site on a sign system plan. A site shall have only one primary major street frontage.
- (394) **Street Furniture**: Items exclusive of building elements that are part of the streetscape; such as benches, planters, newspaper stands, informational kiosks, trash receptacles, and street lighting fixtures.
- (395) **Streetscape**: The scene taken as a whole, that may be observed along a street. It includes both natural and man-made elements.

- (396) **Street Trees**: Trees planted in a lineal fashion in the boulevard of the street right-of-way or outside of the right-of-way, which are part of the streetscape.
- (397) **Structure**: Anything built or constructed and located on or in the ground or attached to something on or in the ground, an edifice or building of any kind, or any piece of work built or composed of parts joined together in some definite manner.
- (398) **Structure or Use, Illegal**: A structure or use which did not comply with the provisions of law or regulations in effect at the time it was constructed or established. Also See Structure or Use, Legal Nonconforming.
- (399) **Structure or Use, Legal Nonconforming**: A structure or use which was lawful when established but which does not comply with the provisions of law or regulations passed at a later date.
- (400) **Structure, Principal**: The main structure or structure containing the principal use of land as distinguished from an accessory structure. See also Accessory, Structure or Use.
- (401) **Structural Alteration**: Any change in the supporting member of a building such as bearing walls, columns, beams or girders, floor joists or roof joists.
- (402) **Structured Parking**: A parking area within or beneath a principal or main building, a multi-level parking garage, or an underground parking structure.
- (403) **Studio**: A commercial or service establishment for purposes of tutoring, lessons, or production of creative or artistic goods.
- (404) **Student Living Unit**: A dwelling unit that is owned or controlled by a College and University and inhabited by students who are related or unrelated.
- (405) **Subdivision**: The division of a lot, tract, or parcel of land into two or more lots, tracts, or parcels, including resubdivisions of previously subdivided land.
- (406) **Substantial Alteration**: An increase in the gross floor area of a building or structure, or an increase in the size of a parking area or loading area, by an amount equal to or greater than twenty (20) percent of the gross area as it existed on the effective date of this Ordinance.
- (407) **Substantial Remodel**: Any store or tenant except office tenants, which remodels its space at a value equal to or greater than Ten Dollars (\$10.00) per square foot (excluding building maintenance items such as re-roof, HVAC, etc.), or expands the existing square footage of a tenant space or building by twenty percent (20%) or more, or any business whose remodel will necessarily include compliance with Article 15 of the Lakewood Zoning Ordinance.

- (408) **Suburban Zone**: The area within the West Colfax Overlay Zone District, between Iris Street and Youngfield Street, characterized by buildings with deeper setbacks and greater building separations.
- (409) **Supermarket**: See Market.
- (410) **Synagogue**: See Church.
- (411) **Tavern**: See Bar.
- (412) **Telephone Exchanges**: Equipment and/or apparatus designed to provide switching for the transmission of telephone services.
- (413) **Television Studio**: A structure used as offices, broadcasting facilities, performance stages, and the recording and/or transmission of programs.
- (414) **Temple**: See Church.
- (415) **Theater**: A building, room, or outdoor area for the presentation of plays, motion pictures, or other dramatic performances. For the purposes of this Ordinance, theaters are classified as follows:
- a) Indoor: A theater entirely contained within a building.
  - b) Outdoor: A theater located partially or entirely outdoors, within a roofed structure having sides open to the outdoors, or within a tent.
- (416) **Trade and Technical Services**: Fabrication, assembly, packaging, wholesaling, indoor storage, repair, rental, or servicing of any commodity, and the sale of which is permitted within the specific zone district in which the use is located.
- (417) **Traffic Sight Triangle**: See Sight Triangle Area.
- (418) **Trailer**: Any wheeled vehicle, without motive power, that is designed to be drawn by a motorized vehicle and to carry its cargo load wholly upon its own structure and which is generally and commonly used to carry and transport property over the public highways.
- (419) **Transit Right-Of-Way**: A right-of-way or easement for exclusive use by Light-Rail or bus public transportation.
- (420) **Transition Zone**: That area, within the West Colfax Overlay Zone District, between Simms Street and Carr Street, which contains characteristics of both the urban and suburban zone.
- (421) **Travel Trailer**: A portable structure, mounted on wheels, designed to be towed by a motorized vehicle and which is of a length equal to or less than thirty-five (35) feet and

containing cooking or sleeping facilities to provide temporary living quarters for recreational camping or travel use. Such structures may be constructed with rigid sides or may have collapsible side walls of fabric, plastic or other pliable material.

- (422) **Travel Trailer Campground**: Land or property utilized for, or intended for the rental of temporary occupancy space to transient users of travel trailers, mounted camper units, motor homes, or tents.
- (423) **Tree Service**: A business providing tree trimming and removal services to their customers.
- (424) **Trellis**: An open latticework used for training creeping plants.
- (425) **Truck Tractor**: Any motorized vehicle that is generally and commonly designed and used to draw a semi-trailer and its cargo load over the public highways.
- (426) **Unnamed Use**: Uses not specifically named as permitted within a specific zone district, as either a principal, accessory, or special use. Such uses may be permitted within a specific zone district by the Director of Community Planning and Development, upon making a determination of similar and compatible uses.
- (427) **Urban Zone**: That area, within the West Colfax Overlay Zone District, between Iris Street and Sheridan Boulevard characterized by buildings constructed close to the street, more intense development, and more extensive use of hardscape elements (i.e., walls, paved areas, etc.)
- (428) **Usable Open Space**: See Open Space, Useable.
- (429) **Use**: The purpose or activity for which a parcel of land, a building or structure is designed, arranged, or intended, or for which it is occupied or maintained.
- (430) **Use, Principal**: The principal use of land or structures as distinguished from an accessory use. See also Accessory Use.
- (431) **Use By Right**: The principal uses permitted on a parcel of land within a specific zone district. See Legal Use.
- (432) **Utility Facilities**:
  - a) Major: Electric transmission lines, power plants, substations of electrical utilities, wastewater treatment plants, water treatment plants, water storage tanks, pipelines and storage areas of utilities providing natural gas or other petroleum derivatives, and transmission or reception stations with more than two dish antennas in one location.
  - b) Minor: Water, sewer and gas mains; cable, electric and telephone distribution lines, substations, and/or switching facilities; gas regulator stations; public lift or pumping

stations for domestic water and sewer service; solar arrays, or wind powered electric generators; transmission or reception stations with no more than two dish antennas in one location with the diameter of any dish antenna limited to ten feet or less. These facilities shall be either in underground vaults, small pedestal service boxes, or structures that blend architecturally with surrounding structures.

- (433) **Utility, Public**: A utility regulated by the Colorado Public Utilities Commission.
- (434) **Utility Trailer**: A trailer generally used to transport motorcycles, snowmobiles, water sport equipment, or other commodities or items.
- (435) **Variance**: A discretionary relaxation by the Board of Adjustment of the dimensional regulations of this Ordinance.
- (436) **Vehicle, Automobile**: A self-propelled wheeled vehicle designed for the transportation of either passengers or cargo and weighing less than 6,000 pounds empty weight, to include any passenger vehicles, pick-ups, passenger vans and/or cargo vans.
- (437) **Vehicle, Commercial**: Any vehicle, truck, commercial trailer, or vehicle equipped to provide towing services, with an empty weight of 6,000 pounds or greater or any vehicle regardless of weight, which:
- a) Is used, or normally associated with, the transportation of materials, products, freight, other vehicles, or equipment in furtherance of any commercial activity; or
  - b) Is used "for hire"; or
  - c) Displays advertising thereon. Identification of the vehicle's manufacturer, model or dealer shall not be considered as advertising. See also Commercial Trailer.
- (438) **Vehicle, Inoperable/Unlicensed**: A motor vehicle which is inoperable, or does not have a current license plate, or is one that is not capable in its present condition of being properly started and driven under its own power, or which lacks one or more of the following items which is otherwise standard factory equipment on any particular vehicle model: windshield, side or rear windows, door, fender, headlamp, muffler, wheel or properly inflated tire.
- (439) **Vehicle, Recreational**: A motorized vehicle designed or used as a conveyance upon streets and highways, and constructed so as to provide temporary occupancy as a dwelling or sleeping place for one or more persons and may include boats.
- (440) **Vehicle Repair**:
- a) Major: General repair or reconditioning of engines, air-conditioning systems, and transmissions for automobiles and commercial vehicles, wrecker/tow service; collision services including body, frame or fender straightening or repair, customizing, painting; vehicle steam cleaning; undercoating and rust proofing; and including those uses listed

under minor auto repair or any other similar use. At times, it may be necessary for overnight storage while waiting for replacement parts, etc. to complete the repair work. No storage of vehicles shall exceed ten (10) days, and any stored vehicle shall be required to be screened from view from adjacent properties and public rights-of-way.

- b) **Minor:** Minor repair or replacement of parts, tires, tubes, and batteries; diagnostic services; minor motor services such as changing grease, oil, spark plug, and filter changing; tune-ups; emergency road service; replacement of starters, alternators, hoses, brake parts; automobile washing and polishing; performing state inspections and making minor repairs necessary to pass inspection; normal servicing of air conditioning systems; and other such similar minor services for automobiles, but not including any operations or uses listed under major auto repair or any other similar use. For the purpose of minor repair, there shall be no outdoor overnight storage of vehicles. Any vehicles kept overnight shall be parked in a parking stall inside the building used by the business.

(441) **Vehicle Sales:** The use of any building or land for a business involving the sale of new or used motorized vehicles. Such establishments may include office space, parking lots for the display and storage of vehicles available for sale, parking area for customers and employees, vehicle repair facilities, facilities for body work, painting or restoration and sale of parts. Vehicle sales shall not include auto wrecking yards, junkyards or outside storage of metals, inoperable motor vehicles, tools, equipment and any other miscellaneous junk or rubbish.

(442) **Vehicle Storage:** The storage of motorized vehicles on a lot or tract for the use of holding such vehicles for sale, distribution or storage.

(443) **Vested Property Right:** The right to undertake and complete the development and use of property under the terms and conditions of a Site Specific Development Plan approved pursuant to requirements of this Zoning Ordinance.

(444) **Veterinary Hospital:** A facility for the care of sick or injured animals. Such facilities may include veterinarians' offices, administrative offices, space for examination, surgery, and recovery, and for boarding of animals while under treatment. Areas where animals are boarded during treatment may include outdoor runs, corrals or pasture if such areas are adequately sized and fenced.

(445) **View Triangle/Vision Area:** See Sight Triangle Area.

(446) **Vocational, Trade or Professional School:** A place of learning, providing instruction in specialized skills such as but not limited to: drafting, computer technology, welding, carpentry, beauty and barber schooling, or auto repair to prepare students for a specific occupation.

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

- (448) **Warehousing and Distribution**: A use engaged in storage, sales, and distribution of manufactured products, supplies, and equipment, but excluding bulk storage of materials that are inflammable, explosive, that create hazardous or commonly recognized offensive conditions.
- (449) **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.
- (450) **Water Treatment Plant**: A facility for the treatment of water to ensure health standards are met prior to water distribution for human use or consumption. Said facility is to comply with all applicable State and Federal standards.
- (451) **West Colfax Overlay District**: That area along West Colfax Avenue identified on the zoning maps with a shaded pattern to which these standards and regulations are applicable. Also referred to in this Ordinance as the "Colfax Overlay District".
- (452) **Wetland**: An area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that, under normal circumstances, does support, a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation. To the degree this definition differs from that used in the Federal Clean Water Act and implementing regulations, the more strict regulations shall control.
- (453) **Whip Antenna**: Any antenna cylindrical in shape that emits signals in a 360-degree horizontal plane for the transmission or reception of wireless communication signals.
- (454) **Wholesale Sales**: Sales of goods in large quantities for resale by retailers.
- (455) **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.
- (456) **Window Area**: The area of all windows on the first floor of a building which faces or are visible from one public right-of-way.
- (457) **Workshop**: A room or structure used while building, constructing, painting, or repairing commodities, crafts or hobbies.
- (458) **Yard**: An open space which is located on the same lot as a building and which is unoccupied and unobstructed by a structure over a height of thirty (30) inches.
- (459) **Yard - Front**: That portion of yard lying between the front lot line and the closest wall of the principal structure or front setback line of such lot, if vacant. A corner lot shall have at least two (2) front yards.

- (460) **Yard - Non-Primary Front**: Those front yards which do not have the main entrance of the principal building oriented toward them.
- (461) **Yard - Primary Front**: The front yard abutting a public right-of-way where the main entrance of the principal building is oriented.
- (462) **Yard - Rear**: That portion of a yard lying between the rear lot line and the rear wall of the principal structure or rear setback line of the lot, if vacant.
- (463) **Yard - Side**: That portion of a yard lying between a front yard and a rear yard, and including all open portions of the lot between the front and rear yards.
- (464) **Zero Lot Line**: The location of a structure on a lot in such a manner that one or more of the structures sides rests directly on a lot line.
- (465) **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.
- (466) **Zoning District**: A classification assigned to a particular area or areas of the City of Lakewood, within which zoning regulations are uniform.
- (467) **Zoning District Map**: The official map upon which the zoning districts of the City are delineated.

## **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: (As amended by 0-97-09.)

- R1A   Residential One Acre District
- RR    Rural Residential District
- 1-R   Large Lot Residential District
- 2-R   Small Lot Residential District
- 3-R   Duplex and Small Lot Residential District
- 4-R   Medium Density Attached Residential District
- 5-R   Higher 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
- PD    Planned Development Zone 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 forty-five (45) 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 in 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.

**17-3-4.** The Official Zoning District Maps of the City of Lakewood are hereby amended so that all references to the MU Mixed Use Zone District and the MU Mixed or Single Use Zone District are deemed to be references to the PD Planned Development Zone District. (As amended by 0-93-34.)

**17-3-5** The official Zoning District Maps of the City of Lakewood are hereby amended so that all references to the (CN) Conservation Zone District are deemed to be references to the (R1A) Residential one Acre Zone District. (As amended by 0-97-9.)

## **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 public reference by the Department of Community Planning and Development. (As amended by 0-91-59.)
- (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.
- (4) Except in cases of applications for building permits made in response to orders from building or fire officials to remedy conditions immediately dangerous to life, health or property, and except in cases exempted pursuant to Section 17-11-20, upon the filing of an application for a permit for the performance of any work coming within the scope of Section 17-11-16 of this Zoning Ordinance, the Building Division shall require the applicant to meet the additional submittal requirements set forth in section 17-11-17 of this Ordinance. Upon receipt of a complete submittal, the Building Division shall refer the permit application to the Landmark Preservation Committee, and such application shall be considered and acted upon as provided in Part 3 of Article 11 of this Zoning Ordinance. (As amended by 0-99-4.)

### **17-4-2. DEPARTMENT OF COMMUNITY PLANNING AND DEVELOPMENT.**

- (1) It shall be the duty of the Director of Community Planning and Development to enforce the provisions of this Ordinance and the regulations contained herein.
- (2) The Director of Community Planning and Development may delegate to any employee of the Department of Community Planning and Development any of the responsibilities assigned to the Director by this Ordinance. 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 Community Planning and 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. (As amended by 0-91-59.)
- (4) No oversight or dereliction or error on the part of the Director or any employee of the Department of Community Planning and 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: (As amended by 0-93-11.)
  - (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,
- (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. (As amended by 0-93-11.)
- (4) The Board of Adjustment shall conduct a public hearing on each variance application, with prior notice thereof pursuant to its rules and regulations.
- (5) No variance shall be granted by the Board of Adjustment until a variance fee has been paid by the applicant. The amount of the fee shall be established by the City Council, and

shall vary according to whether the variance is deemed major or minor. (As amended by 0-85-125.)

**17-4-4. MINOR VARIANCES.**

- (1) Upon application, the Director may grant a variance from the application of standards relating to setback, lot area, lot width, and the minimum number of required parking spaces, for a particular use on a specific piece of property only if:
  - (a) The variance, if granted, does not deviate more than twenty (20) percent from the requirement, independent of variances granted for other requirements; provided, however, the Director may not grant variances of lot area more than ten (10) percent of the minimum lot area, and may not grant variances of lot width more than ten (10) percent of the minimum lot width, independent of variances granted for other requirements. The Director may grant variances to the number of required parking spaces up to ten (10) percent or five (5) parking spaces, whichever is less. The intent of this provision is to provide for variances with certain percentage limitations, and further to clarify that any variance is considered to be independent of any other variance and is not to be considered cumulative. The Director shall have no authority to grant a variance for the purpose of qualifying any property for rezoning consideration. (As amended by 0-94-81.)
  - (b) The Director finds that the proposed variance meets each of the standards set forth in Section 17-4-3(1)(a) through (e).
  - (c) The applicant pays a variance fee in an amount established by City Council Resolution.
- (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 Planning and 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 Planning and 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. (As amended by 0-91-59.)

**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.**

- (1) Unless otherwise stated in this Ordinance, the Board of Adjustment may hear and decide appeals from any order, requirement, decision, or determination by the Director or any employee in the enforcement of this Ordinance. (As amended by 0-94-81.)
- (2) Appeals of an order, requirement, decision, or determination may be made by the owner or lessee of the property to which the Director's or employee's action pertains. An order, requirement, decision, or determination by the Director or any employee shall be made in writing and sent by regular mail to the address furnished by the owner or lessee. Appeals by the owner or lessee to the Board of Adjustment must be filed in writing with the Director no later than 15 days from the date of the Director's or employee's action. Any appeal shall be accompanied by a Board of Adjustment appeal fee in an amount established by City Council Resolution. (As amended by O-94-81)

**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 Section 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 Section 17-9-2(3)(b) for multi-family structures upon evidence that the parking required by Section 17-9-2(3)(a) and the open space required by Section 17-5-12(5) for such multi-family structures is provided on the site. (As amended by 0-82-71.)
- (4) All applications for parking variances to the Board of Adjustment must be supported by technical documentation to justify the variance request. Typically, parking accumulation studies for uses similar to the one for which a variance is being requested will suffice. (As amended by 0-85-125 and 0-90-39.)

- (5) Any application for a parking variance, as provided in subsections (1) through (3) above, shall be accompanied by an application fee in an amount established by City Council Resolution. (As amended by 0-85-125.)
- (6) The Board shall have such other powers as are granted to it by this and any other ordinance of the City of Lakewood. (As amended by 0-85-125.)

**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 GENERAL** Article 5 lists each zone district established within the City of Lakewood, lists all of the uses permitted within each zone district, as well as the development standards, additional regulations, and performance standards governing particular uses. The purpose of these district regulations is to insure compatibility of land uses, efficient and economical use of land within the City, and adequate light and air in development projects. These regulations are also intended to encourage development projects and use of land which is functional, exhibit good design and aesthetics, and protect the City's residences, businesses, and infrastructure consistent with the Comprehensive Plan.

### **17-5-2 TYPES OF USES**

- (1) **PERMITTED USES** Any use allowed in a land use zoning district by this Ordinance, subject to the provisions applicable to that district contained within this Ordinance.
- (2) **PRINCIPAL USES** Land uses allowed in a given zone district as a use by right because they are considered compatible with the intent of the district. The buildings and structures which contain such uses, and the site development necessary for their establishment must meet the development regulations and plan review requirements established in this Ordinance.
- (3) **ACCESSORY USES** Uses which are considered subordinate to, and serve the main building or principal use; contribute to the comfort, convenience, or necessity of the occupants of the main building or principal use served; are subordinate in area, extent, and purpose to the main building or principal use served; and are located within or external to the main building or principal use, but on the same lot.
- (4) **SPECIAL USES** A discretionary entitlement which may be granted under the provisions of this Ordinance, and which, when granted, authorizes a specific use to be made of a specific property, subject to compliance with all terms and conditions imposed on the entitlement.
- (5) Any change in the principal use of a property, or within the buildings or structures located on a property, shall be required to be reviewed by the Director of Community Planning and Development for compliance with the District Regulations set forth for the zoning of said property, prior to the occurrence of the proposed change in use.

**17-5-3 FENCES, WALLS, AND OBSTRUCTIONS TO VIEW** All fences herein after constructed or reconstructed within the City shall require a building permit. For Performance Standards see Article 8 of this Ordinance.

**17-5-4 PARKING REQUIREMENTS** For Performance Standards see Article 9 of this Ordinance.

**17-5-5 SETBACK REQUIREMENTS** The general provisions for all zone districts are as follows:

- (1) Unless specifically excluded, any building or structure including any accessory building or structure located within a zone district shall conform to the setback requirements applicable to that zone district as set forth in the district regulations. No structures may be constructed, placed, or erected within any easements unless otherwise approved by the City. Street classifications set forth in this Article are as designated in the Major Street Plan.
- (2) Setbacks shall be measured per the standards detailed in each zone district.
- (3) Exclusions: The following are allowed in any required setback, except as noted below, but shall not obstruct a motorist's vision at access points and shall not encroach into the required sight triangle (see Section 17-8-1):
  - a) Driveways.
  - b) Eaves, if they encroach no more than two (2) feet into the minimum required setback.
  - c) Mailboxes and newspaper racks.
  - d) Planters, if no greater than thirty (30) inches in height.
  - e) Porches, patios, and decks, if uncovered and no greater than thirty (30) inches in height.
  - f) Porches, as defined in Section 17-2-2, which project no more than eight (8) feet into the required front yard setback.
  - g) Retaining walls.
  - h) Walkways.
  - i) Walls and fences, if in compliance with Article 8 of the Lakewood Zoning Ordinance, and with an approved fence permit.
  - j) Utility facilities.
  - k) Cantilever windows which project no more than two (2) feet into the required setback on any side.
  - l) Buildings and structures as provided elsewhere in this Ordinance.

**17-5-6 UNNAMED USES** Uses not specifically named within a zone district are not allowed except as follows:

- (1) Upon application therefore, the Director of the Department of Community Planning and 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 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 in question, with named uses permitted in other zone districts in the City, and the location of use criteria set forth in the Comprehensive Plan.

- (3) Any appeal of a decision of the Director shall be made to the Planning Commission pursuant to the appeal process described in Article 15 of the Zoning Ordinance. In considering the appeal, the Planning Commission shall apply the same standards applicable to the decision of the Director.

#### **17-5-7. R1A: RESIDENTIAL ONE ACRE**

- (1) Purpose The R1A district is intended to protect and enhance existing rural character, uses, densities and standards while providing for low intensity use of natural resources, limited residential and recreational development, and other compatible uses. Residential densities are limited to no more than one dwelling unit per one acre lot.
- (2) Permitted Uses No building or land within the R1A District shall be used, and no building shall be hereafter constructed or altered, except for one of the following uses:

a) Principal Uses

1. Agricultural use, which may be conducted in conjunction with a residential use of the property.
2. Cemeteries and crematoriums. \*
3. Child care camps. \*
4. Churches. \*
5. Community building. \*
6. Dwelling unit, single family.
7. Emergency health care facilities, other than ambulance service facilities. \*
8. Emergency, noncommercial, helipad. \*
9. Irrigation ditches.
10. Keeping of livestock.
11. Outdoor civil defense public warning siren system.
12. Private nonprofit recreational facilities. \*
13. Public fire and police stations. \*
14. Public parks.
15. Public recreational facilities. \*
16. Public and private stables.
17. Public transportation structures and facilities. \*
18. Railroad rights-of-way, but not including railroad freight yards, passenger stations, or storage.
19. Schools, public, parochial, and private. \*
20. Transit rights-of-way, including passenger stations. \*
21. Utility facility.
22. Veterinary hospitals. \*
23. Wind-powered electric generators.

\* These uses require approval of a site plan pursuant to Article 15 of this Ordinance prior to issuance of a building permit.

- b) Notwithstanding anything to the contrary in Subsection 17-5-7(1), City-owned land within the R1A District which is used or held for open-space or park purposes shall not be permitted to be used for any other purpose than open-space or park purposes.

c) Accessory uses

1. Agricultural buildings
2. Amateur radio towers and antennae.
3. Amusement centers in public or non-profit recreational facilities. \*
4. Buildings or structures incidental to the operation of any farm or ranch or any other use provided within the R1A district.
5. Church parish house.
6. Dwellings for farm or ranch employees employed on the premises.
7. Emergency shelters. \*
8. Home occupation.
9. Keeping of fowl, excluding emus and ostriches.
10. Keeping of household pets (see performance standards).
11. Off-street parking areas.
12. Private garage.
13. Private, noncommercial greenhouses.
14. Private, noncommercial swimming pools.
15. Residence for caretaker of Public Park or public recreation area.
16. Satellite dish antennas. See 17-12-2(2)
17. Storage sheds.
18. Workshops.

\* These uses require approval of a site plan pursuant to Article 15 of this Ordinance prior to issuance of a building permit.

(3) Special Uses: 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) Airports, commercial radio and television studios, commercial radio and television towers.
- b) Bed and breakfast.
- c) Campground for travel trailers, mounted camper units, motor homes, and tents.
- d) Golf driving ranges.
- e) Government office building.
- f) Greenhouses and nurseries, including landscaping materials, both wholesale and retail.
- g) Group homes.
- h) Historical buildings, structures and sites.
- i) Keeping of emus and ostriches.
- j) Mineral resource extraction.
- k) Private golf course, country club, or other private club operated for the benefit of member's only and not monetary gain or profit.
- l) Racetracks.
- m) Roadside stands.
- n) Sanitary landfills.
- o) Tree service.

(4) Unnamed Use: See Section 17-5-6.

(5) Development Standards. All development within the R1A zone district shall, as a minimum, be in conformance with and meet the requirements of the standards listed in the following table. It shall be the responsibility of the Director of Community Planning and Development to make a determination on any omissions to these development standards

ITEM	STANDARDS FOR R1A
MINIMUM LOT SIZE	Newly platted lots must have a minimum size of 43,560 square feet (one acre)
MINIMUM LOT WIDTH	(a) 140 feet for lots platted after January 22, 1975. (b) Historical width where evidence provided that lots were legally platted or created by deed and existed at current width prior to January 22, 1975.
MAXIMUM BUILDING HEIGHT	35': dwelling unit and accessory buildings. 60': wind powered generators.
MAXIMUM BUILDING COVERAGE	20% of square footage of the lot including dwelling unit and accessory buildings.
<b>SETBACKS</b> <b>Front</b> (All front setbacks are measured from the back of curb. If a curb does not exist, add 3' to the setback value listed to the right and measure the setback from the edge of the asphalt.  Front setbacks for flaglots shall be measured from the front point in the lot that meets the minimum lot width for the zone district.  A front setback also applies to other streets on the side or rear of a lot.)  <b>Side</b> (Measured from property line.)  <b>Rear</b> (Measured from property line.)	For a Habitable Structure: 25' from local streets; 35' from collector streets; 45' from arterial streets.  Attached Garages must be set back a minimum of: 18' from the back of a detached sidewalk, or 23' from the back of an attached sidewalk, or 29' from the edge of the asphalt or back of curb when no sidewalk exists.  All other accessory buildings must be behind the front edge of the principal structure.  15': dwelling unit or other building for keeping of livestock or animals. 10': other detached accessory buildings or structures.  15': dwelling unit or other building for keeping of livestock or animals. 10': other detached accessory buildings or structures.
<b>FENCES</b> Front, primary          Front, non-primary; Side and Rear	Type of Fence: open Maximum Height: 42" Minimum Setback: on the property line or 2' from the back edge of the traveled walkway or back of sidewalk, whichever is greater.  Type of Fence: open, solid, topped with barbed wire. Maximum Height: 72" plus 12" barbed wire on the property line.  Additional Requirements: When property in the R1A zone district abuts property in any other zone district, the fence along the common

All Fences	<p>boundary line between the districts shall only be that fence allowed in the other zone district. Electrified fences are permitted only if livestock is legally allowed on the property, on side and rear yards and only if placed inside another security fence. Warning signs must be posted in a conspicuous location for electrified fences. Electric fences can only be supplied from the secondary side of an approved or listed electric fence device. The electric wiring for the fence shall be installed as per manufacturer's instructions.</p> <p>Other requirements or performance standards may be found in Article 8 of this Ordinance</p>
<p>PARKING</p> <p>Dwelling unit, single family</p> <p>Other</p>	<p>2 off-street spaces per dwelling unit.</p> <p>Driveways shall be a minimum of 20' from structure to back of sidewalk or right-of-way</p> <p>Additional parking standards for all uses permitted in the R1A Zone District may be found in Article 9 of this Ordinance.</p>
<p>SIGNAGE</p> <p>Home Occupation</p> <p>Subdivision Identification</p> <p>Business Identification</p> <p>Other</p>	<p>1.5 square foot wall sign</p> <p>50 square foot monument sign</p> <p>100 square foot wall sign, and 100 square foot freestanding or monument sign 25 feet maximum height.</p> <p>Sign standards for all other signs permitted in the R1A Zone District may be found in Article 10 of this Ordinance.</p>

a) Lots:

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 this zone district, except where the Board of Adjustment grants a variance and the use of the remaining land within the zone district would not create a hazardous situation or be unreasonable.
2. Every main building or single household dwelling hereafter constructed in the R1A zone district which is not part of a larger development that includes common facilities shall be located on a lot and in no case shall there be more than one (1) main building on one (1) lot.
3. A corner lot shall have a minimum of at least two (2) front yards, and a rear yard.
4. Street Frontage - Cul-de-sac Lot. A cul-de-sac lot will have at least thirty (30) feet of street frontage.
5. For any Special Use as contained within Subsection 17-5-7(3), there shall be a minimum lot area of three (3) acres; except the following special uses: Bed and Breakfast, Group Homes, and the Keeping of Emus and Ostriches.
6. Buildings, including accessory structures, shall not cover more than twenty (20) 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 of total land area be provided for each campsite.

b) Performance Standards:

1. Public and private stables, including riding academies, and barns and the keeping of only the following animals: horses, cattle, sheep, goats, llamas, poultry, pigeons, rabbits and chinchillas.
  - a) All horses, cattle, sheep, goats, and llamas shall be kept in a fenced area. The minimum square footage of open lot area, not including the dwelling unit or 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. A minimum containment area of 300 square feet shall be provided and used for each animal. Any previously constructed containment area that does not meet the minimum area requirement must be brought into conformance.
  - b) 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.
  - c) No accessory building or structure for the keeping of livestock or animals, riding ring, or corral shall be located such that the front setback is less than that observed by the dwelling unit. A riding ring or corral may be located in a non-primary front yard; and a riding ring may also be located in a portion of the primary front yard as determined by the director.
  - d) Poultry and pigeons are permitted and may be kept without regard to number as long as they are in a fenced area or private poultry houses and pigeon coops, with no more than four hundred (400) square feet of gross floor area; rabbits and chinchillas are permitted and may be kept without regard to number as long as they are in a fenced area or private rabbit and chinchilla hutches with no more than one hundred (100) square feet of gross floor area. 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. Owners of pigeons shall be allowed to exercise, train, and race their pigeons outside the coop as long as the pigeons do not create a public nuisance.
  - e) Any fence that serves to contain livestock and fowl shall be constructed of permanent materials, well maintained and of sufficient strength and height to confine any animal located on the property. If any livestock animal is not found to be confined on the subject property, as determined by the Director, and/or if a livestock animal has damaged or is damaging property on adjacent property (ies), a corral or riding ring shall then be setback a minimum of eight (8) feet from the property line.

- f) Sanitary Conditions. The accumulation of manure by any means shall not be permitted within one hundred (100) feet of the front lot line or within fifteen (15) feet of the side and rear lot lines. Manure stored in a pile or piles shall be so screened as to not be in view from any adjacent private property, from any adjacent public thoroughfare, or from areas of public access and shall be treated so as to not create a nuisance. Any containment area and/or manure pile shall be kept so as to not attract flies, create excessive odors, and so as to not cause a hazard to the health, safety and welfare of human beings and/or animals. Manure pile(s) shall be removed from the property at a minimum of once every fourteen (14) days. Drainage improvements shall be provided by the property owner to protect an adjacent property, water body, river, stream, or storm sewer from runoff containing contaminants resulting from animal waste.
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, screened 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, and the bulbs producing such light cannot be seen from adjacent properties or rights-of-way. The poles used to support outdoor lighting fixtures shall be set back a distance from the property line equal to, or exceeding the height of the pole. It is not the intent of this Section to regulate illumination of non-commercial public recreation facilities.
3. 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, accessory uses, and flood hazards.
4. Amateur Radio Towers and Antennas. The maximum height for amateur radio towers and antennae shall be seventy (70) feet. The height shall be measured at the highest point of the tower and antenna structure. The front yard setback must be equal to or greater than the setback for the primary structure but in no case shall the setback be less than the required front yard setback in the applicable zone district. No setback from a property line shall be less than the height of the tower. All portions of the tower, including support structures shall be entirely within the property lines. Retractable towers are also permitted but shall be retracted when not in operation. The maximum height of a retractable tower shall be based on its height when extended. Towers and antennas shall be of a neutral color and shall not be painted or otherwise treated to call attention to themselves.
5. Roadside stands are for operation during not more than six (6) months in each year for sale of farm products produced or made on the premises.
6. 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.
7. The property owner for any proposed development in this Zone District which proposes to create two (2) or more residential lots shall submit with the subdivision, design controls and standards, which comply with Article 15 of the Zoning Ordinance. Said design controls and standards shall be adhered to as approved or may be amended in accordance with Article 15.
8. The keeping of household pets defined as regulated species shall not exceed a total of five (5) per household, except that no more than three (3) of any species shall be allowed. Servant animals shall be allowed in addition to household pets.

### **17-5-8. RR: RURAL RESIDENTIAL DISTRICT**

- (1) Purpose. The intent of this residential district is to protect the existing rural character of an area and to establish a rural pattern of development, which allows for low density single family residences and agricultural uses suitable for a residential area.
- (2) Permitted Uses. No building or land within the RR District shall be used, and no building shall be hereafter constructed or altered, except for one or more of the following uses:

#### **a) Principal Uses**

1. Agricultural uses.
2. Churches.\*
3. Community building.\*
4. Dwelling unit, single family.
5. Emergency health care facilities, other than ambulance service facilities.\*
6. Irrigation ditches.
7. Keeping of livestock
8. Outdoor civil defense public warning siren system.
9. Private nonprofit recreational facilities.\*
10. Public fire and police stations.\*
11. Public parks.
12. Public recreational facilities.\*
13. Public transportation structures and facilities.\*
14. Railroad rights-of-way, but not including railroad freight yards, passenger stations, or storage.
15. Schools, public, parochial, and private.\*
16. Transit rights-of-way, including passenger stations.\*
17. Utility facility.

\* These uses require approval of a site plan pursuant to Article 15 of this Ordinance prior to issuance of a building permit.

#### **b) Accessory Uses**

1. Agricultural buildings
2. Amateur radio towers and antennae.
3. Amusement centers in public or non-profit recreational facilities.\*
4. Church parish house.
5. Emergency shelters.\*
6. Home occupation.
7. Keeping of fowl excluding emus and ostriches.
8. Keeping of household pets (see performance standards).
9. Off-street parking areas.
10. Private garage.
11. Private, noncommercial greenhouses.

12. Private, noncommercial swimming pools.
13. Private stables and barns.
14. Residence for caretaker of public park or public recreation area.
15. Satellite dish antennas. See 17-12-2(2).
16. Storage sheds.
17. Workshops.

\* These uses require approval of a site plan pursuant to Article 15 of this Ordinance prior to issuance of a building permit.

(3) Special Uses The following uses are permitted as Special Uses subject to approval of a Special Use Permit as provided for in Article 6 of the City of Lakewood Zoning Ordinance:

- a) Bed and breakfast.
- b) Group homes.
- c) Keeping of emus and ostriches.
- d) 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 subject property, provided such stands are set back at least thirty (30) feet from the front lot line.
- e) Wind-powered electric generators.

(4) Unnamed Use: See Section 17-5-6.

(5) Development Standards. All development within the RR zone district shall, as a minimum, be in conformance with and meet the requirements of the standards listed in the following table. It shall be the responsibility of the Director of Community Planning and Development to make a determination on any omissions to these development standards.

ITEM	STANDARDS FOR RR
MINIMUM LOT SIZE	(a) Newly platted lots must have an average size of 30,000 square feet and a minimum lot size of ½ acre (21,780 square feet). (b) Parcels subdivided into three or more lots must average a minimum of 30,000 square feet; parcels rezoned and/or subdivided into two lots must be at least ½ acre (21,780 square feet)
MINIMUM LOT WIDTH	(a) 100' for lots platted after December 16, 1985. (b) Historical width where evidence is provided that lots were legally platted or created by deed and existed at current width prior to December 16, 1985.
MAXIMUM BUILDING HEIGHT	35': dwelling unit and barns 20': other accessory buildings (see performance standards for this section.) 15': clubhouses (see performance standards for this section.) 10': accessory buildings located within side and rear setbacks (must be no more than 120 square feet in size.) 60': wind power generators.
MAXIMUM BUILDING COVERAGE	25% of square footage of the lot, including dwelling unit and accessory buildings.
SETBACKS <b>Front</b>	For a Habitable Structure:

<p>(All front setbacks are measured from the back of curb. If a curb does not exist, add 3' to the setback value listed to the right and measure the setback from the edge of the asphalt.</p> <p>Front setbacks for flaglots shall be measured from the front point in the lot that meets the minimum lot width for the zone district.</p> <p>A front setback also applies to other streets on the side or rear of a lot.)</p> <p><b>Side</b> (Measured from property line.)</p> <p><b>Rear</b> (Measured from property line.)</p>	<p>25' from local streets; 35' from collector streets; 45' from arterial streets.</p> <p>Attached Garages must be set back a minimum of : 18' from the back of a detached sidewalk, or 23' from the back of an attached sidewalk, or 29' from the edge of the asphalt or back of curb when no sidewalk is existing.</p> <p>All other accessory buildings must be behind the front edge of the principal structure.</p> <p>15': dwelling unit or other building for the keeping of livestock or animals. 10': other detached accessory buildings or structures.</p> <p>15': dwelling unit or other building for the keeping of livestock or animals. 10': other detached accessory buildings or structures.</p>
<p><b>FENCES</b> Front, primary; Front non-primary; Side and Rear</p> <p>Additional Requirements:</p>	<p>Type of Fence: 50% open in front yard Open or Solid surface in side and rear yards.</p> <p>Maximum Height: 72"</p> <p>Minimum Setback: on the property line or 2' from the back edge of the traveled walkway or back of sidewalk, whichever is greater.</p> <p>Electrified fences are permitted only if livestock is legally allowed on the property, on side and rear yards and only if placed inside another security fence. Warning signs must be posted in a conspicuous location for electrified fences. Electric fences can only be supplied from the secondary side of an approved or listed electric fence device. The electric wiring for the fence shall be installed as per manufacturer's instructions.</p>
<p><b>PARKING</b> Dwelling unit, single family Other</p>	<p>2 off-street parking spaces per dwelling unit Additional parking standards for all uses permitted in the RR Zone District may be found in Article 9 of this Ordinance</p>
<p><b>SIGNAGE</b> Home Occupation Subdivision Identification Other</p>	<p>1.5 square foot wall sign 50 square foot monument sign Sign standard for all other signs permitted in the RR Zone District may be found in Article 10 of this Ordinance</p>

a) Lots:

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 this zone district, except where the

Board of Adjustment grants a variance and the use of the remaining land within the zone district would not create a hazardous situation or be unreasonable.

2. Every main building or single household dwelling hereafter constructed in the RR zone district which is not part of a larger development that includes common facilities shall be located on a lot and in no case shall there be more than one (1) main building on one (1) lot.
3. A corner lot shall have a minimum of at least two (2) front yards, and a rear yard.
4. Street Frontage - Cul-de-sac Lot. A cul-de-sac lot will have at least thirty (30) feet of street frontage.

b) Performance Standards:

1. In conjunction with an occupied single-family dwelling, accessory buildings including garages, private stables and barns which together with all on-site principal buildings are not to exceed 25% of the total lot area for the keeping of only the following animals: horses, llamas, cattle, sheep, goats, poultry, pigeons, rabbits, and chinchillas.
  - (a) All horses, cattle, sheep, goats, and llamas shall be kept in a fenced area. The minimum square footage of open lot area, not including the dwelling unit or 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. A minimum containment area of 300 square feet shall be provided and used for each animal. Any previously constructed containment area that does not meet the minimum area requirement must be brought into conformance. A riding ring or corral may be located in a non-primary front yard; and a riding ring may also be located in a portion of the primary front yard as determined by the director.
  - (b) No accessory building or structure for the keeping of livestock or animals, riding ring, or corral shall be located such that the front setback is less than that observed by the dwelling unit. A riding ring or corral may be located in a non-primary front yard; and a riding ring may also be located in a portion of the primary front yard as determined by the director.
  - (c) The use of temporary buildings or trailers for the stabling of horses in excess of one 15- day period in each calendar year is prohibited.
  - (d) Poultry and pigeons are permitted and may be kept without regard to number as long as they are in a fenced area or private poultry houses and pigeon coops, with no more than four hundred (400) square feet of gross floor area; rabbits and chinchillas are permitted and may be kept without regard to number as long as

they are in a fenced area or private rabbit and chinchilla hutches with no more than one hundred (100) square feet of gross floor area. 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. Owners of pigeons shall be allowed to exercise, train, and race their pigeons outside the coop as long as the pigeons do not create a public nuisance.

- (e) Any fence that serves to contain livestock and fowl shall be constructed of permanent materials, well maintained and of sufficient strength and height to confine any animal located on the property. If any livestock animal is not found to be confined on the subject property, as determined by the Director, and/or if a livestock animal has damaged or is damaging property on adjacent property(ies), a corral or riding ring shall then be setback a minimum of eight (8) feet from the property line.
  - (f) Sanitary Conditions. The accumulation of manure by any means shall not be permitted within one hundred (100) feet of the front lot line or within fifteen (15) feet of the side and rear lot lines. Manure stored in a pile or piles shall be screened as to not be in view from any adjacent private property, from any adjacent public thoroughfare, or from areas of public access and shall be treated so as to not create a nuisance. Any containment area and/or manure pile shall be kept so as to not attract flies, create excessive odors, and so as to not cause a hazard to the health, safety and welfare of human beings and/or animals. Manure pile(s) shall be removed from the property at a minimum of once every fourteen (14) days. Drainage improvements shall be provided by the property owner to protect an adjacent property, water body, river, stream, or storm sewer from runoff containing contaminants resulting from animal waste
- 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, screened 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, and the bulbs producing such light cannot be seen from adjacent properties or rights-of-way. The poles used to support outdoor lighting fixtures shall be set back a distance from the property line equal to, or exceeding the height of the pole. It is not the intent of this Section to regulate illumination of public non-commercial recreation facilities.
  - 3. 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, accessory uses, and flood hazards.
  - 4. Amateur Radio Towers and Antennas. The maximum height for amateur radio towers and antennae shall be seventy (70) feet. The height shall be measured at the highest point of the tower and antenna structure. The front yard setback must be equal to or greater than the setback for the primary structure but in no case shall the

setback be less than the required front yard setback in the applicable zone district. No setback from a property line shall be less than the height of the tower. All portions of the tower, including support structures shall be entirely within the property lines. Retractable towers are also permitted but shall be retracted when not in operation. The maximum height of a retractable tower shall be based on its height when extended. Towers and antennas shall be of a neutral color and shall not be painted or otherwise treated to call attention to themselves.

5. Private garages, storage sheds, private noncommercial recreation facilities and workshops. No such structure or combination of structures shall exceed ten (10) percent of the lot area, up to a maximum of eighteen hundred (1800) square feet. A private garage constructed as an integral part of the main building shall not be subject to this size limitation provided it is smaller than the habitable portion of the main building and the garage door openings are in compliance with the standards for garages as set forth in Article 15 of this Ordinance. The square footage of any such use which is an integral part of the main building shall be deducted from the maximum square footage permitted in a detached accessory structure. All accessory structures may be two story with a maximum height of twenty (20) feet, shall not include any habitable area as defined by the Uniform Building Code and such buildings shall not qualify to have a Certificate of Occupancy issued.

Clubhouses (play houses and play structures) shall be one story and shall not exceed a height of fifteen (15) feet.

Detached facilities that are less than one hundred twenty (120) square feet and do not exceed ten (10) feet in height shall be exempt from side and rear setback requirements, but shall not be placed within a designated easement, flood plain, or floodway.

6. 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.

7. The property owner for any proposed development in this Zone District which proposes to create two (2) or more residential lots shall submit with the subdivision, design controls and standards, which comply with Article 15 of the Zoning Ordinance. Said design controls and standards shall be adhered to as approved or may be amended in accordance with Article 15.
8. The keeping of household pets defined as regulated species shall not exceed a total of five (5) per household, except that no more than three (3) of any species shall be allowed. Servant animals shall be allowed in addition to household pets.

### **17-5-9. 1-R: LARGE LOT RESIDENTIAL DISTRICT**

- (1) Purpose: The 1-R district is intended to provide for large-lot, suburban, one-family residential development. This zone district permits the keeping of livestock and other assorted animals.
- (2) Permitted Uses: No building or land within the 1-R District shall be used, and no building shall be hereafter constructed or altered, except for one of the following uses:

#### **a) Principal Uses**

1. Churches.\*
2. Community buildings.\*
3. Dwelling unit, single family.
4. Emergency health care facilities, other than ambulance service facilities.\*
5. Emergency, noncommercial, helipad.\*
6. Irrigation ditches.
7. Outdoor civil defense public warning siren system.
8. Private nonprofit recreational facilities.\*
9. Public fire and police stations.\*
10. Public parks.
11. Public recreational facilities.\*
12. Public transportation structures and facilities.\*
13. Railroad rights-of-way, but not including railroad freight yards, passenger stations, or storage.
14. Schools, public, parochial, and private.\*
15. Transit rights-of-way, including passenger stations.\*
16. Utility facilities.

\* These uses require approval of a site plan pursuant to Article 15 of this Ordinance prior to issuance of a building permit.

#### **b) Accessory Uses**

1. Agricultural buildings
2. Amateur radio towers and antennae.
3. Amusement centers in public or non-profit recreational facilities.\*
4. Church parish house.
5. Clubhouses serving a Planned Development or Neighborhood Organization.\*
6. Emergency shelters.\*
7. Home occupation.
8. Keeping of livestock and fowl excluding emus and ostriches.
9. Keeping of household pets (see performance standards).
10. Off-street parking areas.
11. Private garage.
12. Private, noncommercial greenhouses.

13. Private noncommercial recreation facilities.\*
14. Private, noncommercial swimming pools.
15. Private stables and barns.
16. Residence for caretaker of public park or public recreation area if located in such park or area.
17. Satellite dish antennas. See 17-12-2(2).
18. Storage sheds.
19. Workshops.

\* These uses require approval of a site plan pursuant to Article 15 of this Ordinance prior to issuance of a building permit.

(3) Special Uses 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) Bed and breakfast.
- b) Government office building or any subsequent use of a building originally constructed for or used as a government office building, subject to the restrictions and regulations of the Office (OF) Zone District.
- c) Group homes.
- d) Historical buildings, structures and sites.
- e) Keeping of emus and ostriches.
- f) 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 those arterial streets which are so designated in the Major Street Plan.
- g) Wind-powered electric generators.

(4) Unnamed Use: See Section 17-5-6.

(5) Development Standards. All development within the 1-R zone district shall, as a minimum, be in conformance with and meet the requirements of the standards listed in the following table. It shall be the responsibility of the Director of Community Planning and Development to make a determination on any omissions to these development standards

ITEM	STANDARDS FOR 1-R
MINIMUM LOT SIZE	Newly platted lots must have a minimum size of 12,500 square feet
MINIMUM LOT WIDTH	(a) 100' for lots platted after January 22, 1975. (b) Historical width where evidence provided that lots were legally platted or created by deed and existed at current width prior to January 22, 1975.
MAXIMUM BUILDING HEIGHT	35': dwelling unit 20': accessory buildings (see performance standards for this section) 15': clubhouses (see performance standards for this section) 60': wind powered generators
MAXIMUM BUILDING COVERAGE	35% of square footage of the lot including the dwelling unit and accessory buildings.
SETBACKS <b>Front</b>	For a Habitable Structure:

<p>(All front setbacks are measured from the back of curb. If a curb does not exist, add 3' to the setback value listed to the right and measure the setback from the edge of the asphalt.</p> <p>Front setbacks for flaglots shall be measured from the front point in the lot that meets the minimum lot width for the zone district.</p> <p>A front setback also applies to other streets on the side or rear of a lot.)</p> <p><b>Side</b> (Measured from property line.)</p> <p><b>Rear</b> (Measured from property line.)</p>	<p>25' from local streets; 35' from collector streets; 45' from arterial streets.</p> <p>Attached Garages must be set back a minimum of : 18' from the back of a detached sidewalk, or 23' from the back of an attached sidewalk, or 29' from the edge of the asphalt or back of curb when no sidewalk is existing.</p> <p>All other accessory buildings must be behind the front edge of the principal structure.</p> <p>15': dwelling unit or other building for the keeping of livestock or animals. 5': other detached accessory buildings or structures.</p> <p>15': dwelling unit or other building for the keeping of livestock or animals. 5': other detached accessory buildings or structures.</p>
<p><b>FENCES</b></p> <p>Front, primary</p> <p>Front, non-primary, Side and Rear</p> <p>Additional Regulations</p>	<p>Type of Fence: Open Maximum Height: 42" Minimum Setback: property line or 2' back from the back edge of the traveled walkway or back of sidewalk, whichever is greater.</p> <p>Type of fence: Open or Solid Maximum Height: 72" Minimum Setback: property line for side and rear yards and 2' back from the back edge of the traveled walkway or back of sidewalk, whichever is greater.</p> <p>Electrified fences are permitted only if livestock is legally allowed on the property, on side and rear yards and only if placed inside another security fence. Warning signs must be posted in a conspicuous location for electrified fences. Electric fences can only be supplied from the secondary side of an approved or listed electric fence device. The electric wiring for the fence shall be installed as per manufacturer's instructions.</p>
<p><b>PARKING</b></p> <p>Dwelling unit, single family</p> <p>Other</p>	<p>2 off-street spaces per dwelling unit. Additional parking standards for all uses permitted in the 1-R Zone District may be found in Article 9 of this Ordinance.</p>
<p><b>SIGNAGE</b></p> <p>Home Occupation</p> <p>Subdivision Identification (or Neighborhood Identification)</p> <p>Other</p>	<p>1.5 square foot wall sign 50 square foot monument sign</p> <p>Sign standard for all other signs permitted in the 1-R Zone District may be found in Article 10 of this Ordinance.</p>

a) Lots:

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 this zone district except where the Board of Adjustment grants a variance and the use of the remaining land within the zone district would not create a hazardous situation or be unreasonable.

2. Every main building or single household dwelling hereafter constructed in the 1-R zone district which is not part of a larger development that includes common facilities shall be located on a lot and in no case shall there be more than one (1) main building on one (1) lot.
3. A corner lot shall have a minimum of at least two (2) front yards, and a rear yard.
4. Street Frontage - Cul-de-sac Lot. A cul-de-sac lot will have at least thirty (30) feet of street frontage.

b) Performance Standards:

1. In conjunction with an occupied single-family dwelling, private stables and barns not exceeding eight-hundred (800) square feet of gross floor area may be used for the keeping of only the following animals: horses, cattle, sheep, goats, llamas, poultry, pigeons, rabbits and chinchillas.
  - (a) All horses, cattle, sheep, goats, and llamas shall be kept in a fenced area. The minimum square footage of open lot area, not including the dwelling unit or 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. A minimum containment area of 300 square feet shall be provided and used for each animal. Any previously constructed containment area that does not meet the minimum area requirement must be brought into conformance. A riding ring or corral may be located in a non-primary front yard; and a riding ring may also be located in a portion of the primary front yard as determined by the director.
  - (b) 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.
  - (c) No accessory building or structure for the keeping of livestock or animals, riding ring, or corral shall be located such that the front setback is less than that observed by the dwelling unit. A riding ring or corral may be located in a non-primary front yard; and a riding ring may also be located in a portion of the primary front yard as determined by the director.
  - (d) Poultry and pigeons are permitted and may be kept without regard to number as long as they are in a fenced area or private poultry houses and pigeon coops, with no more than four hundred (400) square feet of gross floor area; rabbits and chinchillas are permitted and may be kept without regard to number as long as

they are in a fenced area or private rabbit and chinchilla hutches with no more than one hundred (100) square feet of gross floor area. 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. Owners of pigeons shall be allowed to exercise, train, and race their pigeons outside the coop as long as the pigeons do not create a public nuisance.

- (e) Any fence that serves to contain livestock and fowl shall be constructed of permanent materials, well maintained and of sufficient strength and height to confine any animal located on the property. If any livestock animal is not found to be confined on the subject property, as determined by the Director, and/or if a livestock animal has damaged or is damaging property on adjacent property(ies) a corral or riding ring shall then be setback a minimum of eight (8) feet from the property line.
  - (f) Sanitary Conditions. The accumulation of manure by any means shall not be permitted within one hundred (100) feet of the front lot line or within fifteen (15) feet of the side and rear lot lines. Manure stored in a pile or piles shall be screened as to not be in view from any adjacent private property, from any adjacent public thoroughfare, or from areas of public access and shall be treated so as to not create a nuisance. Any containment area and/or manure pile shall be kept so as to not attract flies, create excessive odors, and so as to not cause a hazard to the health, safety and welfare of human beings and/or animals. Manure pile(s) shall be removed from the property at a minimum of once every fourteen (14) days. Drainage improvements shall be provided by the property owner to protect an adjacent property, water body, river, stream, or storm sewer from runoff containing contaminants resulting from animal waste.
- 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, screened 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, and the bulbs producing such light cannot be seen from adjacent properties or rights-of-way. The poles used to support outdoor lighting fixtures shall be set back a distance from the property line equal to, or exceeding the height of the pole. It is not the intent of this Section to regulate illumination of public non-commercial recreation facilities.
  - 3. 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, accessory uses, and flood hazards.
  - 4. Amateur Radio Towers and Antennas. The maximum height for amateur radio towers and antennae shall be seventy (70) feet. The height shall be measured at the highest point of the tower and antenna structure. The front yard setback must be equal to or greater than the setback for the primary structure but in no case shall the

setback be less than the required front yard setback in the applicable zone district. No setback from a property line shall be less than the height of the tower. All portions of the tower, including support structures shall be entirely within the property lines. Retractable towers are also permitted but shall be retracted when not in operation. The maximum height of a retractable tower shall be based on its height when extended. Towers and antennas shall be of a neutral color and shall not be painted or otherwise treated to call attention to themselves.

5. Private garages, storage sheds, private noncommercial recreation facilities, and workshops. No such structure or combination of structures shall exceed ten (10) percent of the lot area, up to a maximum of eighteen hundred (1800) square feet. A private garage constructed as an integral part of the main building shall not be subject to this size limitation provided it is smaller than the habitable portion of the main building and the garage door openings are in compliance with the standards for garages as set forth in Article 15 of this Ordinance. The square footage of any such use which is an integral part of the main building shall be deducted from the maximum square footage permitted in a detached accessory structure. All accessory structures may be two story with a maximum height of twenty (20) feet, shall not include any habitable area as defined by the Uniform Building Code and such buildings shall not qualify to have a Certificate of Occupancy issued.

Clubhouses (play houses and play structures) shall be one story and shall not exceed a height of fifteen (15) feet.

Detached facilities that are less than one hundred twenty (120) square feet and do not exceed ten (10) feet in height shall be exempt from side and rear setback requirements, but shall not be placed within a designated easement, flood plain, or floodway.

6. 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.

7. The property owner for any proposed development in this Zone District which proposes to create two (2) or more residential lots shall submit with the subdivision, design controls and standards, which comply with Article 15 of the Zoning Ordinance. Said design controls and standards shall be adhered to as approved or may be amended in accordance with Article 15.
8. The keeping of household pets defined as regulated species shall not exceed a total of five (5) per household, except that no more than three (3) of any species shall be allowed. Servant animals shall be allowed in addition to household pets.

## **17-5-10. 2-R: SMALL LOT RESIDENTIAL DISTRICT**

- (1) Purpose: The 2-R district is intended to provide for small-lot, suburban, one-family residential development.
- (2) Permitted Uses: 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) Principal Uses
    - 1. Churches.\*
    - 2. Community buildings.\*
    - 3. Dwelling unit, single family.
    - 4. Emergency health care facilities, other than ambulance service facilities.\*
    - 5. Emergency, noncommercial, helipad.\*
    - 6. Irrigation ditches.
    - 7. Outdoor civil defense public warning siren system.
    - 8. Private nonprofit recreational facilities open to use by the public.\*
    - 9. Public fire and police stations.\*
    - 10. Public parks.
    - 11. Public recreational facilities.\*
    - 12. Public transportation structures and facilities.\*
    - 13. Railroad rights-of-way, but not including railroad freight yards, passenger stations, or storage.
    - 14. Schools, public, parochial, and private.\*
    - 15. Transit rights-of-way, including passenger stations.\*
    - 16. Utility facility.

\* These uses require approval of a site plan pursuant to Article 15 of this Ordinance prior to issuance of a building permit.

### **b) Accessory Uses**

- 1. Amateur radio towers and antennae.
- 2. Amusement centers in public or non-profit recreational facilities.\*
- 3. Church parish house.
- 4. Clubhouses serving a Planned Development or Neighborhood Organization.\*
- 5. Emergency shelters.\*
- 6. Home occupation.
- 7. Keeping of household pets (see performance standards).
- 8. Off-street parking areas.
- 9. Private garage.
- 10. Private, noncommercial greenhouses.
- 11. Private noncommercial recreation facilities.\*
- 12. Private, noncommercial swimming pools.
- 13. Residence for caretaker of public park or public recreation area if located in such park or area.

14. Satellite dish antennas. See 17-12-2(2).
15. Storage sheds.
16. Workshops.

\* These uses require approval of a site plan pursuant to Article 15 of this Ordinance prior to issuance of a building permit.

(3) Special Uses 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) Bed and breakfast on lots only in excess of 10,000 square feet.
- b) Government office building or any subsequent use of a building originally constructed for or used as a government office building, subject to the restrictions and regulations of the Office (OF) Zone District.
- c) Group homes.
- d) Historical buildings, structures and sites.
- e) Utility facility, major.
- f) Wind-powered electric generators.

(4) Unnamed Use: See Section 17-5-6.

(5) Development Standards. All development within the 2-R zone district shall, as a minimum, be in conformance with and meet the requirements of the standards listed in the following table. It shall be the responsibility of the Director of Community Planning and Development to make a determination on any omissions to these development standards.

ITEM	STANDARDS FOR 2-R
MINIMUM LOT SIZE	Newly platted lots must have a minimum size of 6,000 square feet
MINIMUM LOT WIDTH	(a) 60' for lots platted after January 22, 1975. (b) Historical width where evidence provided that lots were legally platted or created by deed and existed at current width prior to January 22, 1975.
MAXIMUM BUILDING HEIGHT	35': dwelling unit 20': accessory buildings (see performance standards for this section) 15': clubhouses (see performance standards for this section) 60': wind powered generators
MAXIMUM BUILDING COVERAGE	45% of square footage of the lot including the dwelling unit and accessory buildings.
SETBACKS <b>Front</b> (All front setbacks are measured from the back of curb. If a curb does not exist, add 3' to the setback value listed to the right and measure the setback from the edge of the asphalt.  Front setbacks for flaglots shall be measured from the front point in the lot that meets the minimum lot width for the zone district.	For a Habitable Structure: 25' from local streets; 35' from collector streets; 45' from arterial streets.  Attached Garages must be set back a minimum of : 18' from the back of a detached sidewalk, or 23' from the back of an attached sidewalk, or 29' from the edge of the asphalt or back of curb when no sidewalk is existing.  All other accessory buildings must be behind the front edge of the principal

<p>A front setback also applies to other streets on the side or rear of a lot.)</p> <p><b>Side</b> (Measured from property line.)</p> <p><b>Rear</b> (Measured from property line.)</p>	<p>structure.</p> <p>5': dwelling unit. 5': detached accessory buildings or structures.</p> <p>20': dwelling unit. 5': detached accessory buildings or structures.</p>
<p><b>FENCES</b></p> <p>Front, primary</p> <p>Front, non-primary, Side and Rear</p>	<p>Type of Fence: Open Maximum Height: 42" Minimum Setback: property line or 2' back from the back edge of the traveled walkway or back of sidewalk, whichever is greater.</p> <p>Type of fence: Open or Solid Maximum Height: 72" Minimum Setback: property line for side and rear yards and 2' back from the back edge of the traveled walkway or back of sidewalk, whichever is greater.</p>
<p><b>PARKING</b></p> <p>Dwelling unit, single family</p> <p>Other</p>	<p>2 off-street spaces per dwelling unit. Additional parking standards for all uses permitted in the 2-R Zone District may be found in Article 9 of this Ordinance.</p>
<p><b>SIGNAGE</b></p> <p>Home Occupation</p> <p>Subdivision Identification (or Neighborhood Identification)</p> <p>Other</p>	<p>1.5 square foot wall sign 50 square foot monument sign Sign standards for all other signs permitted in the 2-R Zone District may be found in Article 10 of this Ordinance.</p>

a) Lots:

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 this zone district except where the Board of Adjustment grants a variance and the use of the remaining land within the zone district would not create a hazardous situation or be unreasonable.
2. Every main building or single household dwelling hereafter constructed in the 2-R zone district which is not part of a larger development that includes common facilities shall be located on a lot and in no case shall there be more than one (1) main building on one (1) lot.
3. A corner lot shall have a minimum of at least two (2) front yards, and a rear yard.
4. (4) Street Frontage - Cul-de-sac Lot. A cul-de-sac lot will have at least thirty (30) feet of street frontage.
5. The minimum lot area of any other main building constructed or altered, shall be not less than six thousand (6,000) square feet.

b) Performance Standards:

1. 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, screened 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, and the bulbs producing such light cannot be seen from adjacent properties or rights-of-way. The poles used to support outdoor lighting fixtures shall be set back a distance from the property line equal to, or exceeding the height of the pole. It is not the intent of this Section to regulate illumination of public non-commercial recreation facilities.
2. 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.
3. Amateur Radio Towers and Antennas. The maximum height for amateur radio towers and antennae shall be seventy (70) feet. The height shall be measured at the highest point of the tower and antenna structure. The front yard setback must be equal to or greater than the setback for the primary structure but in no case shall the setback be less than the required front yard setback in the applicable zone district. No setback from a property line shall be less than the height of the tower. All portions of the tower, including support structures shall be entirely within the property lines. Retractable towers are also permitted but shall be retracted when not in operation. The maximum height of a retractable tower shall be based on its height when extended. Towers and antennas shall be of a neutral color and shall not be painted or otherwise treated to call attention to themselves.
4. Private garages, storage sheds, private noncommercial recreation facilities and workshops. No such structure or combination of structures shall exceed ten (10) percent of the lot area, up to a maximum of eighteen hundred (1800) square feet. A private garage constructed as an integral part of the main building shall not be subject to this size limitation provided it is smaller than the habitable portion of the main building and the garage door openings are in compliance with the standards for garages as set forth in Article 15 of this Ordinance. The square footage of any such use which is an integral part of the main building shall be deducted from the maximum square footage permitted in a detached accessory structure. All accessory structures may be two story with a maximum height of twenty (20) feet, shall not include any habitable area as defined by the Uniform Building Code and such buildings shall not qualify to have a Certificate of Occupancy issued.

Clubhouses (play houses and play structures) shall be one story and shall not exceed a height of fifteen (15) feet.

Detached facilities that are less than one hundred twenty (120) square feet and do not exceed ten (10) feet in height shall be exempt from side and rear setback requirements, but shall not be placed within a designated easement, flood plain, or floodway.

5. 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.
6. The property owner for any proposed development in this Zone District which proposes to create two (2) or more residential lots shall submit with the subdivision, design controls and standards, which comply with Article 15 of the Zoning Ordinance. Said design controls and standards shall be adhered to as approved or may be amended in accordance with Article 15.
7. The keeping of household pets defined as regulated species shall not exceed a total of five (5) per household, except that no more than three (3) of any species shall be allowed. Servant animals shall be allowed in addition to household pets.

### **17-5-11. 3-R: DUPLEX AND SMALL LOT RESIDENTIAL DISTRICT.**

- (1) Purpose: The 3-R district is intended to provide for small-lot, suburban, one-family and two-family residential development.
- (2) Permitted Uses: 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) Principal Uses**

1. Churches.\*
2. Community buildings.\*
3. Duplex.
4. 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.
5. Dwelling unit, single family.
6. Emergency health care facilities, other than ambulance service facilities.\*
7. Emergency, noncommercial, helipad.\*
8. Irrigation ditches.
9. Outdoor civil defense public warning siren system.
10. Public fire and police stations.\*
11. Private nonprofit recreational facilities.\*
12. Public parks.
13. Public recreational facilities.\*
14. Public transportation structures and facilities.\*
15. Railroad rights-of-way, but not including railroad freight yards, passenger stations, or storage.
16. Schools, public, parochial, and private.\*
17. Transit rights-of-way, including passenger stations.\*
18. Utility facilities.

\* These uses require approval of a site plan pursuant to Article 15 of this Ordinance prior to issuance of a building permit.

#### **b) Accessory Uses**

1. Amateur radio towers and antennae.
2. Amusement centers in public or non-profit recreational facilities.\*
3. Church parish house.
4. Clubhouses serving a Planned Development or Neighborhood Organization.\*
5. Emergency shelters.\*
6. Home occupation.
7. Keeping of household pets (see performance standards).
8. Off-street parking areas.
9. Private garage.
10. Private, noncommercial greenhouses.

11. Private noncommercial recreation facilities
12. Private, noncommercial swimming pools.
13. Residence for caretaker of public park or public recreation area.
14. Satellite dish antennas. See 17-12-2(2).
15. Storage sheds.
16. Workshops.

\* These uses require approval of a site plan pursuant to Article 15 of this Ordinance prior to issuance of a building permit.

(3) Special Uses 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) (a ) Bed and breakfast on lots only in excess of 10,000 square feet and only in single family dwelling units.
- b) Colleges and Universities.
- c) Group homes.
- d) Government office building or any subsequent use of a building originally constructed for or used as a government office building, subject to the restrictions and regulations of the Office (OF) Zone District.
- e) Historical buildings, structures and sites.

(4) Unnamed Use: See Section 17-5-6.

(5) Development Standards. All development within the 3-R zone district shall, as a minimum, be in conformance with and meet the requirements of the standards listed in the following table. It shall be the responsibility of the Director of Community Planning and Development to make a determination on any omissions to these development standards

ITEM	STANDARDS FOR 3-R
MINIMUM LOT SIZE	Newly platted lots must have a minimum size of 6,000 square feet for a single family dwelling and 12,000 square feet for a duplex. Each individual duplex dwelling unit shall have a minimum lot size of 6,000 square feet.
MINIMUM LOT WIDTH	(a) 60' wide for single family lots and 90' wide for duplex lots or 45' wide for each unit in a duplex, platted after January 22, 1975. (b) Historical width where evidence provided that lots were legally platted or created by deed and existed at current width prior to January 22, 1975.
MAXIMUM BUILDING HEIGHT	35': dwelling unit 20': accessory buildings (see performance standards for this section) 15': clubhouses (see performance standards for this section) 60': wind powered generators
MAXIMUM BUILDING COVERAGE	45% of square footage of the lot including the dwelling unit and accessory buildings.
SETBACKS <b>Front</b> (All front setbacks are measured from the back of curb. If a curb does not exist, add	For a Habitable Structure: 25' from local streets; 35' from collector streets;

<p>3' to the setback value listed to the right and measure the setback from the edge of the asphalt.</p> <p>Front setbacks for flaglots shall be measured from the front point in the lot that meets the minimum lot width for the zone district.</p> <p>A front setback also applies to other streets on the side or rear of a lot.)</p> <p><b>Side</b> (Measured from property line.)</p> <p><b>Rear</b> (Measured from property line.)</p>	<p>45' from arterial streets.</p> <p>Attached Garages must be set back a minimum of :  18' from the back of a detached sidewalk, or  23' from the back of an attached sidewalk, or  29' from the edge of the asphalt or back of curb when no sidewalk is existing.</p> <p>All other accessory buildings must be behind the front edge of the principal structure.</p> <p>5': dwelling unit.  5': detached accessory buildings or structures.  0': at common wall for subdivided duplexes</p> <p>20': dwelling unit.  5': detached accessory buildings or structures.</p>
<p><b>FENCES</b></p> <p>Front, primary</p> <p>Front, non-primary, Side and Rear</p>	<p>Type of Fence: Open  Maximum Height: 42"  Minimum Setback: property line or 2' back from the back edge of the traveled walkway or back of sidewalk, whichever is greater.</p> <p>Type of fence: Open or solid  Maximum Height: 72"  Minimum Setback: property line for side and rear yards and 2' back from the back edge of the traveled walkway or back of sidewalk, whichever is greater.</p>
<p><b>PARKING</b></p> <p>Dwelling unit, single family</p> <p>Other</p>	<p>2 off-street spaces per dwelling unit.  Additional parking standards for all uses permitted in the 3-R Zone District may be found in Article 9 of this Ordinance</p>
<p><b>SIGNAGE</b></p> <p>Home Occupation</p> <p>Subdivision Identification (or Neighborhood Identification)</p> <p>Other</p>	<p>1.5 square foot wall sign  50 square foot monument sign  Sign standards for all other signs permitted in the 3-R Zone District may be found in Article 10 of this Ordinance.</p>

a) Lots:

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 this zone district except where the Board of Adjustment grants a variance and the use of the remaining land within the zone district would not create a hazardous situation or be unreasonable.
2. Every main building or single household dwelling hereafter constructed in the 3-R zone district which is not part of a larger development that includes common facilities shall be located on a lot and in no case shall there be more than one (1) main building on one (1) lot.

3. A corner lot shall have a minimum of at least two (2) front yards, and a rear yard.
4. Street Frontage - Cul-de-sac Lot. A cul-de-sac lot will have at least thirty (30) feet of street frontage.
5. The minimum lot area of any other main building constructed or altered shall not be less than twelve thousand (12,000) square feet.

b) Performance Standards:

1. 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, screened 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, and the bulbs producing such light cannot be seen from adjacent properties or rights-of-way. The poles used to support outdoor lighting fixtures shall be set back a distance from the property line equal to, or exceeding the height of the pole. It is not the intent of this Section to regulate illumination of public non-commercial recreation facilities.
2. 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, accessory uses, and flood hazards.
3. Amateur Radio Towers and Antennas. The maximum height for amateur radio towers and antennae shall be seventy (70) feet. The height shall be measured at the highest point of the tower and antenna structure. The front yard setback must be equal to or greater than the setback for the primary structure but in no case shall the setback be less than the required front yard setback in the applicable zone district. No setback from a property line shall be less than the height of the tower. All portions of the tower, including support structures shall be entirely within the property lines. Retractable towers are also permitted but shall be retracted when not in operation. The maximum height of a retractable tower shall be based on its height when extended. Towers and antennas shall be of a neutral color and shall not be painted or otherwise treated to call attention to themselves.
4. Private garages, storage sheds, private noncommercial recreation facilities and workshops. No such structure or combination of structures shall exceed ten (10) percent of the lot area, up to a maximum of eighteen hundred (1800) square feet. A private garage constructed as an integral part of the main building shall not be subject to this size limitation provided it is smaller than the habitable portion of the main building and the garage door openings are in compliance with the standards for garages as set forth in Article 15 of this Ordinance. The square footage of any such use which is an integral part of the main building shall be deducted from the maximum square footage permitted in a detached accessory structure. All accessory structures may be two story with a maximum height of twenty (20) feet, shall not

include any habitable area as defined by the Uniform Building Code and such buildings shall not qualify to have a Certificate of Occupancy issued.

Clubhouses (play houses and play structures) shall be one story and shall not exceed a height of fifteen (15) feet.

Detached facilities that are less than one hundred twenty (120) square feet and do not exceed ten (10) feet in height shall be exempt from side and rear setback requirements, but shall not be placed within a designated easement, flood plain, or floodway.

5. 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.
6. The property owner for any proposed development in this Zone District which proposes to create two (2) or more residential lots shall submit with the subdivision, design controls and standards, which comply with Article 15 of the Zoning Ordinance. Said design controls and standards shall be adhered to as approved or may be amended in accordance with Article 15.
7. The keeping of household pets defined as regulated species shall not exceed a total of five (5) per household, except that no more than three (3) of any species shall be allowed. Servant animals shall be allowed in addition to household pets.

#### **17-5-12. 4-R: MEDIUM DENSITY ATTACHED RESIDENTIAL DISTRICT**

(1) Purpose: The intent of this residential district is to provide for a mixture of the medium density housing types including, but not limited to, triplexes, fourplexes, and attached wall townhouses at an overall density of less than twelve (12) units per acre.

(2) Permitted Uses: 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) Principal Uses

1. Child care facilities.
2. Churches.
3. Community buildings.
4. Duplex.
5. 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.
6. Dwelling unit, single-family.
7. Emergency health care facilities, other than ambulance service facilities.
8. Emergency, noncommercial, helipad.
9. Irrigation ditches.
10. Multiple household dwelling units.
11. Outdoor civil defense public warning siren system.
12. Private nonprofit recreational facilities.
13. Public fire and police stations.
14. Public parks.
15. Public recreational facilities.
16. Public transportation structures and facilities.
17. Residential health care facility.
18. Schools, public, parochial, and private.
19. Triplexes, fourplexes, and attached wall townhouse dwellings.
20. Transit rights-of-way, including passenger stations.
21. Utility facilities.

\* All uses require approval of a site plan pursuant to Article 15 of this Ordinance prior to issuance of a building permit.

b) Accessory Uses

1. Amateur radio towers and antennae.
2. Amusement centers in public or non-profit recreational facilities.\*
3. Church parish house.
4. Clubhouses serving a Planned Development or Neighborhood Homeowners Association.\*
5. Emergency shelters.\*
6. Home occupation.
7. Keeping of household pets (see performance standards).

8. Off-street parking areas.
9. Private garage.
10. Private noncommercial athletic or recreational facilities operated for the benefit of members only and not for economic gain.
11. Private, noncommercial greenhouses.
12. Private noncommercial recreation facilities.\*
13. Private, noncommercial swimming pools.
14. Residence for caretaker of public park or public recreation area.
15. Satellite dish antennas. See 17-12-2(2).
16. Storage sheds.
17. Workshops.

\* These uses require approval of a site plan pursuant to Article 15 of this Ordinance prior to issuance of a building permit.

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

- a) Colleges and Universities.
- b) Density bonus of up to fifteen (15) percent over the maximum number of dwelling units permitted within this zone district for projects demonstrating superior design.
- c) Government office building or any subsequent use of a building originally constructed for or used as a government office building, subject to the restrictions and regulations of the Office (OF) Zone District.
- d) Group homes in single family dwellings.
- e) Historical buildings, structures and sites.

(4) Unnamed Use: See Section 17-5-6.

(5) Development Standards. All development within the 4-R zone district shall, as a minimum, be in conformance with and meet the requirements of the standards listed in the following table. It shall be the responsibility of the Director of Community Planning and Development to make a determination on any omissions to these development standards.

ITEM	STANDARDS FOR 4-R
MINIMUM LOT SIZE	<ol style="list-style-type: none"> <li>(a) Newly platted multi-family lots must have a minimum size of 3,640 square feet per dwelling unit, except that no such lot or combination of lots shall be less than 12,500 square feet in area. For any such multiple household dwelling unit, the 3,640 square feet may be divided in any proportion between the lot and the common area.</li> <li>(b) Newly platted lots for a single family dwelling unit must have a minimum size of 5,450 square feet.</li> <li>(c) Newly platted lots for a duplex must have a minimum size of 10,900 square feet.</li> <li>(d) For any building other than a single family dwelling unit or duplex, the minimum lot size shall be 12,500 square feet.</li> </ol>
MINIMUM LOT WIDTH	<ol style="list-style-type: none"> <li>(a) For lots platted after January 22, 1975, the following standards</li> </ol>

	<p>shall apply:</p> <ul style="list-style-type: none"> <li>(1) 50' wide for a single family dwelling unit not part of a larger development</li> <li>(2) 75' wide, or 36' for a half of a duplex not part of a larger development</li> <li>(3) 18' wide for multiple family attached wall townhouse dwellings; however, the combination of lots, including open space, shall not be less than 100' wide.</li> <li>(4) 100' wide for any other principal building</li> </ul> <p>(b) Historical width where evidence provided that lots were legally platted or created by deed and existed at current width prior to January 22, 1975.</p>
MAXIMUM BUILDING HEIGHT	<p>35': dwelling unit</p> <p>20': accessory buildings (not to exceed one story)</p>
MAXIMUM BUILDING COVERAGE	<ul style="list-style-type: none"> <li>(a) For single family, duplexes, triplexes, fourplexes, and attached wall townhouses not part of a larger development with common facilities, 45% of square footage of the lot including dwelling unit and accessory buildings.</li> <li>(b) For single family, duplexes, triplexes, fourplexes, and attached wall townhouses as part of developments that included common facilities, a maximum of 95% of individual lots, however, the maximum buildable area, including dwelling unit and accessory buildings may comprise no more than 45% of the total land area in the development.</li> </ul>
MINIMUM OPEN SPACE	<p>An open space area for all attached wall townhouse developments and all other multi-family developments that include common area shall be provided in an amount equal to at least 55% of the total lot area and 35% of that lot area shall be provided as usable open space.</p>
<p><b>SETBACKS</b></p> <p>(a) Single Family and Duplex</p> <p><b>Front</b></p> <p>All front setbacks are measured from the back of curb. If a curb does not exist, add 3' to the setback value listed to the right and measure the setback from the edge of the asphalt.</p> <p>Front setbacks for flaglots shall be measured from the front point in the lot that meets the minimum lot width for the zone district.</p> <p>A front setback also applies to other streets on the side or rear of a lot.</p> <p><b>Side</b></p> <p>(Measured from property line.)</p>	<p>For a Habitable Structure:</p> <ul style="list-style-type: none"> <li>25' from local streets;</li> <li>35' from collector streets;</li> <li>45' from arterial streets.</li> </ul> <p>Attached Garages must be set back a minimum of :</p> <ul style="list-style-type: none"> <li>18' from the back of a detached sidewalk, or</li> <li>23' from the back of an attached sidewalk, or</li> <li>29' from the edge of the asphalt or back of curb when no sidewalk is existing.</li> </ul> <p>All other accessory buildings must be behind the front edge of the principal structure.</p> <p>5': dwelling unit to lot line without common area; or to perimeter property line with intervening common area.</p> <p>5': detached accessory buildings on lots without common area; or on individual lots in developments with common area; or accessory buildings to perimeter property line or individual dwelling lot lines on common area.</p> <p>0': at common wall for subdivided duplexes, triplexes, fourplexes, attached wall townhouses, or adjacent to commonly owned areas.</p>

<b>Rear</b> (Measured from property line.)	20': dwelling unit to lot line without common area, or to perimeter property line for principal structures in development with intervening common area. 5': detached accessory buildings on lots without common area; or on individual lots in developments with common area; or accessory building to perimeter property line or individual dwelling lot lines on common area.																
(b) Multiple household dwelling units.																	
<b>Front</b> (Measured from property line.)	<table><tr><td></td><td><u>1 Story</u></td><td><u>2 Story</u></td><td><u>3 Story</u></td></tr><tr><td>Local street</td><td>20'</td><td>35'</td><td>45'</td></tr><tr><td>Collector streets</td><td>30'</td><td>45'</td><td>55'</td></tr><tr><td>Arterial streets</td><td>40'</td><td>55'</td><td>60'</td></tr></table> Local streets include private streets or private drives serving as streets.  Private garages and other accessory buildings: shall be set back from the property line an amount equal to or greater than the setback observed by the principal structure on the property.		<u>1 Story</u>	<u>2 Story</u>	<u>3 Story</u>	Local street	20'	35'	45'	Collector streets	30'	45'	55'	Arterial streets	40'	55'	60'
	<u>1 Story</u>	<u>2 Story</u>	<u>3 Story</u>														
Local street	20'	35'	45'														
Collector streets	30'	45'	55'														
Arterial streets	40'	55'	60'														
<b>Side</b> (Measured from property line.)	1 Story: 20' 2 Story: 25' 3 Story: 35'  10': detached accessory buildings																
<b>Rear</b> (Measured from property line.)	1 Story: 30' 2 Story: 35' 3 Story: 45'  15': detached accessory buildings																
<b>FENCES</b>																	
Front, primary	Type of Fence: Open Maximum Height: 42" Minimum Setback: property line or 2' back from the back edge of the traveled walkway or back of sidewalk, whichever is greater.																
Front, non-primary, Side and Rear	Type of fence: Open or solid Maximum Height: 72" Minimum Setback: property line for side and rear yards and 2' back from the back edge of the traveled walkway or back of sidewalk, whichever is greater.																
<b>PARKING</b>																	
Dwelling unit, single family or duplex	2 off-street spaces per dwelling unit.																
Multi-family	Studio and 1-bedroom: 1.0 space plus guest 2-bedroom: 1.5 spaces plus guest 3-bedroom or greater: 2.0 spaces plus guest guest: 0.5 space per dwelling unit																
Elderly low/moderate income	0.75 spaces per dwelling unit																
Residential health care	0.3 spaces per bed																
Other	Additional parking standards for all uses permitted in the 4-R Zone District may be found in Article 9 of this Ordinance.																
<b>SIGNAGE</b>																	
Building Identification	8 square foot wall or monument sign																
Project Identification	50 square foot wall or monument sign																

Other	Sign standards for all other signs permitted in the 4-R Zone District may be found in Article 10 of this Ordinance.
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a) Lots:

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 this zone district except where the Board of Adjustment grants a variance and the use of the remaining land within the zone district would not create a hazardous situation or be unreasonable.
2. Every single household dwelling or duplex that is constructed in the 4-R zone district which is not a part of a larger development that includes common facilities shall be located on a lot and in no case shall there be more than one (1) main building on one (1) lot. In the 4-R district where common facilities are provided there may be more than one main building per lot provided the following conditions are satisfied:
  - (a) All buildings on the lot are in single ownership or unified control, such as a condominium association for residential uses, or a partnership or other entity for commercial, office or other similar uses;
  - (b) All buildings on the lot are in conformance with the site development standards as set forth in the general requirements of the Lakewood Zoning Ordinance, including Article 15, and the Lakewood Subdivision Ordinance.
3. A corner lot shall have a minimum of at least two (2) front yards, and a rear yard.
4. Street Frontage - Cul-de-sac Lot. A cul-de-sac lot will have at least thirty (30) feet of street frontage.
5. Site Plan Requirement. Any main building or combination of buildings that is a part of a larger development which includes common facilities such as private roadways and recreation/open space areas shall comply with the regulations set forth in Article 15 of this Ordinance.

b) Performance Standards:

1. 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, screened 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, and the bulbs producing such light cannot be seen from adjacent properties or rights-of-way. The poles used to support outdoor lighting fixtures shall be set back a distance from the property line equal to, or exceeding the height of the pole. It is not the intent of this Section to regulate illumination of public non-commercial recreation facilities.

2. 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, accessory uses, and flood hazards.
3. Amateur Radio Towers and Antennas. The maximum height for amateur radio towers and antennae shall be seventy (70) feet. The height shall be measured at the highest member of the tower and antenna structure. The front yard setback must be equal to or greater than the setback for the primary structure but in no case shall the setback be less than the required front yard setback in the applicable zone district. No setback from a property line shall be less than the height of the tower. All portions of the tower, including support structures shall be entirely within the property lines. Retractable towers are also permitted but shall be retracted when not in operation. The maximum height of a retractable tower shall be based on its height when extended. Towers and antennas shall be of a neutral color and shall not be painted or otherwise treated to call attention to themselves.
4. Accessory Uses. The sum total of gross floor area utilized by all Accessory Uses shall not exceed more than ten (10) percent of the gross floor area of the main building, except as otherwise specifically allowed in this Article.
5. 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 of two (2) years.
6. The property owner for any proposed development in this Zone District which proposes to create two (2) or more residential lots shall submit with the subdivision, design controls and standards which comply with Article 15 of the Zoning Ordinance. Said design controls and standards shall be adhered to as approved or may be amended in accordance with Article 15.
7. The keeping of household pets defined as regulated species shall not exceed a total of five (5) per household, except that no more than three (3) of any species shall be allowed. Servant animals shall be allowed in addition to household pets.

### **17-5-13. 5-R: HIGHER DENSITY RESIDENTIAL DISTRICT.**

(1) Purpose: The intent of this residential district is to provide for a mixture of the high density housing types including, but not limited to, condominium, stacked flats, garden apartments, and apartments at a density of less than twenty-five (25) dwelling units per acre.

#### **(2) Permitted Uses**

##### **a) Principal Uses**

1. Child care facilities.
2. Churches.
3. Community buildings.
4. Condominium, attached wall townhouse, apartments, stacked flats, garden apartments.
5. Duplex.
6. 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.
7. Dwelling unit, single family.
8. Emergency health care facilities, other than ambulance service facilities.
9. Emergency, noncommercial, helipad.
10. Group living quarters for elderly persons and group living quarters for victims of domestic violence.
11. Irrigation ditches.
12. Multiple household dwelling units.
13. Outdoor civil defense public warning siren system.
14. Private nonprofit recreational facilities.
15. Public fire and police stations.
16. Public parks.
17. Public recreational facilities.
18. Public transportation structures and facilities.
19. Residential health care facilities.
20. Schools, public, parochial, and private.
21. Transit rights-of-way, including passenger stations.
22. Utility facilities.

\* All uses require approval of a site plan pursuant to Article 15 of this Ordinance prior to issuance of a building permit.

##### **b) Accessory Uses**

1. Amateur radio towers and antennae.
2. Amusement centers in public or non-profit recreational facilities.\*
3. Any use permitted within the OF District or the 1-C District.\*
4. Church parish house.

5. Clubhouses serving a Planned Development or Neighborhood Homeowners Association.\*
6. Emergency shelters.\*
7. Home occupation.
8. Keeping of household pets (see performance standards).
9. Off-street parking areas.
10. Private garage.
11. Private noncommercial athletic or recreational facilities operated for the benefit of members only and not for economic gain.
12. Private, noncommercial greenhouses.
13. Private, noncommercial swimming pools.
14. Residence for caretaker of public park or public recreation area.
15. Satellite dish antennas. See 17-12-2(2).
16. Storage sheds.
17. Workshops.

\* These uses require approval of a site plan pursuant to Article 15 of this Ordinance prior to issuance of a building permit.

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

- a) Colleges and Universities.
- b) Density bonus of up to 15% over the maximum number of dwelling units permitted within this zone district for projects demonstrating superior design.
- c) Government office building or any subsequent use of a building originally constructed for or used as a government office building, subject to the restrictions and regulations of the Office (OF) Zone District.
- d) Group living quarters for developmentally disabled persons, mentally ill persons, substance abuse rehabilitation, care of dependent/neglected children, and temporary shelter of homeless persons.
- e) Group living quarters for the temporary shelter of homeless persons when located in a church, school, or other community building.
- f) Historical buildings, structures and sites.
- g) Group Living Quarters for the Handicapped, Care of Dependent/ Neglected Children, and Temporary Shelter of Homeless Persons.
- h) Group Homes in Single Family Homes.

(4) Unnamed Uses: See Section 17-5-6.

(5) Development Standards. All development within the 5-R zone district shall, as a minimum, be in conformance with and meet the requirements of the standards listed in the following table. It shall be the responsibility of the Director of Community Planning and Development to make a determination on any omissions to these development standards.

ITEM	STANDARDS FOR 5-R
MINIMUM LOT SIZE	<p>(a) Newly platted multi-family lots must have a minimum size of 1,750 square feet per dwelling unit, except that no such lot or combination of lots shall be less than 12,500 square feet in area. For any such multiple household dwelling unit, the 1,750 square feet may be divided in any proportion between the lot and the common area.</p> <p>(b) For a child care facility, the minimum lot size shall be 21,780 square feet.</p> <p>(c) Newly platted lots for a single family dwelling unit must have a minimum size of 5,450 square feet.</p> <p>(d) Newly platted lots for a duplex must have a minimum size of 10,900 square feet.</p> <p>(e) For any building other than a single family dwelling unit or duplex, the minimum lot size shall be 12,500 square feet.</p>
MINIMUM LOT WIDTH	<p>(a) For lots platted after January 22, 1975, the following standards shall apply:</p> <ol style="list-style-type: none"> <li>(1) 50' wide for a single family dwelling unit not part of a larger development</li> <li>(2) 75' wide, or 36' for a half of a duplex not part of a larger development</li> <li>(3) 18' wide for multiple family attached wall townhouse dwellings; however, the combination of lots, including open space, shall not be less than 100' wide.</li> <li>(4) 100' wide for any other principal building</li> </ol> <p>(b) Historical width where evidence provided that lots were legally platted or created by deed and existed at current width prior to January 22, 1975.</p>
MAXIMUM BUILDING HEIGHT	<p>50': dwelling unit 20': accessory buildings (not to exceed one story)</p>
MAXIMUM LOT COVERAGE	45% of the total lot area, including dwelling unit, accessory buildings, drive aisles, and parking areas.
MINIMUM OPEN SPACE	<p>An open space area shall be provided in an amount equal to at least 55% of the total lot area and 35% of that lot area shall be provided as usable open space.</p> <p>The required amount of on-site open space area for higher density multi-family development in activity centers and along the Colfax Corridor will be calculated according to the recommendations of the Urban Design Plan for these areas. Until such time as specific Urban Design Plans are Adopted by the City, the above listed requirements shall apply.</p>
<p><b>SETBACKS</b></p> <p>(a) Single Family and Duplex</p> <p><b>Front</b></p> <p>(All front setbacks are measured from the back of curb. If a curb does not exist, add 3' to the setback value listed to the right and measure the setback from the edge of the asphalt.</p> <p>Front setbacks for flaglots shall be measured from the front point in the lot that meets the minimum lot width for the zone district.</p>	<p>For a Habitable Structure:</p> <ul style="list-style-type: none"> <li>25' from local streets;</li> <li>35' from collector streets;</li> <li>45' from arterial streets.</li> </ul> <p>Attached Garages must be set back a minimum of :</p> <ul style="list-style-type: none"> <li>18' from the back of a detached sidewalk, or</li> <li>23' from the back of an attached sidewalk, or</li> <li>29' from the edge of the asphalt or back of curb when no sidewalk is existing.</li> </ul> <p>All other accessory buildings must be behind the front edge of the</p>

<p>A front setback also applies to other streets on the side or rear of a lot.)</p> <p><b>Side</b> (Measured from property line.)</p> <p><b>Rear</b> (Measured from property line.)</p> <p>(b) Multiple household dwelling units.</p> <p><b>Front</b> (Measured from property line.)</p> <p><b>Side</b> (Measured from property line.)</p> <p><b>Rear</b> (Measured from property line.)</p>	<p>principal structure.</p> <p>5': dwelling unit to lot line without common area; or to perimeter property line with intervening common area.</p> <p>5': detached accessory buildings on lots without common area; or on individual lots in developments with common area; or accessory buildings to perimeter property line or individual dwelling lot lines on common area.</p> <p>0': at common wall for subdivided duplexes, triplexes, fourplexes, attached wall townhouses, or adjacent to commonly owned areas.</p> <p>20': dwelling unit to lot line without common area, or to perimeter property line for principal structures in development with intervening common area.</p> <p>5': detached accessory buildings on lots without common area; or on individual lots in developments with common area; or accessory building to perimeter property line or individual dwelling lot lines on common area.</p> <table><thead><tr><th></th><th><u>1 Story</u></th><th><u>2 Story</u></th><th><u>3 Story</u></th></tr></thead><tbody><tr><td>Local street</td><td>20'</td><td>35'</td><td>45'</td></tr><tr><td>Collector streets</td><td>30'</td><td>45'</td><td>55'</td></tr><tr><td>Arterial streets</td><td>40'</td><td>55'</td><td>60'</td></tr></tbody></table> <p>Local streets include private streets or private drives serving as streets.</p> <p>Private garages and other accessory buildings: shall be set back from the property line an amount equal to or greater than the setback observed by the principal structure on the property.</p> <p>1 Story: 20' 2 Story: 25' 3 Story: 35'</p> <p>10': detached accessory buildings</p> <p>1 Story: 30' 2 Story: 35' 3 Story: 45'</p> <p>15': detached accessory buildings</p>		<u>1 Story</u>	<u>2 Story</u>	<u>3 Story</u>	Local street	20'	35'	45'	Collector streets	30'	45'	55'	Arterial streets	40'	55'	60'
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Collector streets	30'	45'	55'														
Arterial streets	40'	55'	60'														
<p><b>FENCES</b></p> <p><b>Front, primary</b></p> <p><b>Front, non-primary, Side and Rear</b></p>	<p>Type of Fence: Open</p> <p>Maximum Height: 42"</p> <p>Minimum Setback: property line or 2' back from the back edge of the traveled walkway or back of sidewalk, whichever is greater.</p> <p>Type of fence: Open or solid</p> <p>Maximum Height: 72"</p> <p>Minimum Setback: property line for side and rear yards and 2' back from the back edge of the traveled walkway or back of sidewalk, whichever is greater.</p>																
<p><b>PARKING</b></p> <p>Dwelling unit, single family or duplex</p>	<p>2 off-street spaces per dwelling unit.</p>																

Multi-family	Studio and 1-bedroom: 1.0 space plus guest 2-bedroom: 1.5 spaces plus guest 3-bedroom or greater: 2.0 spaces plus guest guest: 0.5 space per dwelling unit  0.75 spaces per dwelling unit 0.3 spaces per bed 0.5 space per bed plus 1 space per facility vehicle 3 space per 1,000 square feet plus 1 space per facility vehicle Additional parking standards for all uses permitted in the 4-R Zone District may be found in Article 9 of this Ordinance
Elderly low/moderate income Residential health care Group Living Child Care Facility Other	
SIGNAGE Building Identification Project Identification Other	8 square foot wall or monument sign 50 square foot wall or monument sign Sign standards for all other signs permitted in the 4-R Zone District may be found in Article 10 of this Ordinance

a) Lot requirements:

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 this zone district except where the Board of Adjustment grants a variance and the use of the remaining land within the zone district would not create a hazardous situation or be unreasonable.
2. Every main building hereafter constructed in the 5-R zone district and every single household dwelling unit or duplex that is constructed in the 5-R zone district which is not a part of a larger development that includes common facilities shall be located on a lot and in no case shall there be more than one (1) main building on one (1) lot. In the 5-R district where common facilities are provided there may be more than one main building per lot provided the following conditions are satisfied:
  - (a) All buildings on the lot are in single ownership or unified control, such as a condominium association for residential uses, or a partnership or other entity for commercial, office or other similar uses;
  - (b) All buildings on the lot are in conformance with the site development standards as set forth in the general requirements of the Lakewood Zoning Ordinance, including Article 15, and the Lakewood Subdivision Ordinance.
3. A corner lot shall have a minimum of at least two (2) front yards, and a rear yard.
4. Street Frontage - Cul-de-sac Lot. A cul-de-sac lot will have at least thirty (30) feet of street frontage.
5. Site Plan Requirement. Any structure hereafter constructed or main building substantially altered within the 5-R zone district shall comply with the regulations set forth in Article 15 of this Ordinance.

b) Performance Standards:

1. 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, screened 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, and the bulbs producing such light cannot be seen from adjacent properties or rights-of-way. The poles used to support outdoor lighting fixtures shall be set back a distance from the property line equal to, or exceeding the height of the pole. It is not the intent of this Section to regulate illumination of public non-commercial recreation facilities.
2. 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, accessory uses, and flood hazards.
3. Amateur Radio Towers and Antennas. The maximum height for amateur radio towers and antennae shall be seventy (70) feet. The height shall be measured at the highest member of the tower and antenna structure. The front yard setback must be equal to or greater than the setback for the primary structure but in no case shall the setback be less than the required front yard setback in the applicable zone district. No setback from a property line shall be less than the height of the tower. All portions of the tower, including support structures shall be entirely within the property lines. Retractable towers are also permitted but shall be retracted when not in operation. The maximum height of a retractable tower shall be based on its height when extended. Towers and antennas shall be of a neutral color and shall not be painted or otherwise treated to call attention to themselves.
4. Accessory Uses. The sum total of gross floor area utilized by all Accessory Uses shall not exceed more than ten (10) percent of the gross floor area of the main building, except as otherwise specifically allowed in this Article.
5. 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.

6. The property owner for any proposed development in this Zone District which proposes to create two (2) or more residential lots shall submit with the subdivision, design controls and standards which comply with Article 15 of the Zoning Ordinance. Said design controls and standards shall be adhered to as approved or may be amended in accordance with Article 15.
7. The keeping of household pets defined as regulated species shall not exceed a total of five (5) per household, except that no more than three (3) of any species shall be allowed. Servant animals shall be allowed in addition to household pets.

#### **17-5-14. 6-R: MOBILE HOME RESIDENTIAL DISTRICT**

- (1) Purpose: The 6-R district is intended to allow for developments where spaces are either sold or rented for the placement of a manufactured home in a park-like setting, where the homes are used as seasonal or permanent residences.
- (2) Permitted Uses: 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) Principal Uses

1. Churches.
2. Community buildings.
3. Emergency health care facilities, other than ambulance service facilities.
4. Emergency, noncommercial, helipad.
5. Irrigation ditches.
6. Mobile homes.
7. Office facilities for management of park.
8. Outdoor civil defense public warning siren system.
9. Private nonprofit recreational facilities.
10. Public fire and police stations.
11. Public parks.
12. Public recreational facilities.
13. Public transportation structures and facilities.
14. Schools, public, parochial, and private.
15. Single household dwelling for park manager.
16. Structures which contain a mobile home and provide additional living area.
17. Transit rights-of-way, including passenger stations.
18. Utility facilities.

\* All uses require approval of a site plan pursuant to Article 15 of this Ordinance prior to issuance of a building permit.

b) Accessory Uses

1. Accessory structures, including carports or other off-street parking, storage structures, patios, patio covers, and other appurtenances.
2. Amateur radio towers and antennae.
3. Amusement centers in public or non-profit recreational facilities.\*
4. Church parish house.
5. Clubhouses serving a Planned Development or Neighborhood Homeowners Association.\*
6. Common facilities such as laundry rooms, toilet rooms, shower and bath houses, and indoor or outdoor recreation facilities.

7. Emergency shelters.\*
8. Keeping of household pets (see performance standards).
9. Off-street parking areas.
10. Private garage.
11. Private, noncommercial greenhouses.
12. Private noncommercial recreation facilities.\*
13. Private, noncommercial swimming pools.
14. Residence for caretaker of public park or public recreation area.
15. Satellite dish antennas. See 17-12-2(2).
16. Storage sheds.
17. Workshops.

\* These uses require approval of a site plan pursuant to Article 15 of this Ordinance prior to issuance of a building permit.

(3) Special Uses 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) Colleges and Universities.
- b) Government office building or any subsequent use of a building originally constructed for or used as a government office building, subject to the restrictions and regulations of the Office (OF) Zone District.
- c) Historical buildings, structures and sites.

(4) Unnamed Use: See Section 17-5-6.

(5) Development Standards. All development within the 6-R zone district shall, as a minimum, be in conformance with and meet the requirements of the standards listed in the following table. It shall be the responsibility of the Director of Community Planning and Development to make a determination on any omissions to these development standards.

ITEM	STANDARDS FOR 6-R
MINIMUM LOT SIZE	(a) There shall be a minimum parcel size of 5 acres. (b) Newly platted lots for single wide dwellings must have a minimum size of 2,400 square feet. (c) Newly platted lots for double wide dwellings must have a minimum size of 3,600 square feet.
MINIMUM LOT WIDTH	(a) 35', for single wide lots platted after January 22, 1975. (b) 40', for double wide lots platted after January 22, 1975. (c) Historical width where evidence provided that lots were legally platted or created by deed and existed at current width prior to January 22, 1975.
MAXIMUM BUILDING HEIGHT	35': dwelling unit 10': detached accessory structures
MINIMUM OPEN SPACE	Any new mobile home parks, or a 20% expansion of gross land area of an existing mobile home park shall require the provision of at least 8% of the gross land area as recreational facilities in a central location, separate from the mobile home spaces. This area is in addition to the

	buffer area required by Article 15 of this Ordinance.
<b>SETBACKS</b> (applicable to each mobile home park) <b>Front</b> (All front setbacks are measured from the back of curb. If a curb does not exist, add 3' to the setback value listed to the right and measure the setback from the edge of the asphalt. Front setbacks for flaglots shall be measured from the front point in the lot that meets the minimum lot width for the zone district.  A front setback also applies to other streets on the side or rear of a lot.)  <b>Side</b> (Measured from property line.)  <b>Rear</b> (Measured from property line.)  Front (individual spaces) Side (individual spaces) Rear (individual spaces)	30' from local streets; 40' from collector streets; 50' from arterial streets.  Accessory buildings: shall be setback from the property line equal to or greater than the principal structure(s) on the property  30': dwelling unit 15': detached accessory buildings or structures.  30': dwelling unit 15': detached accessory buildings or structures.  5' 15': entry side 4': side opposite entry 5'
<b>FENCES</b> Front, primary   Front, non-primary, Side and Rear	Type of Fence: Open Maximum Height: 42" Minimum Setback: property line or 2' back from the back edge of the traveled walkway or back of sidewalk, whichever is greater.  Type of fence: Open or Solid Maximum Height: 72" Minimum Setback: property line for side and rear yards and 2' back from the back edge of the traveled walkway or back of sidewalk, whichever is greater.
<b>PARKING</b> Mobile Home Other	2 off-street spaces per mobile home. Additional parking standards for all uses permitted in the 6-R Zone District may be found in Article 9 of this Ordinance.
<b>SIGNAGE</b> Project Identification Other	50 square foot monument sign Sign standards for all other signs permitted in the 6-R Zone District may be found in Article 10 of this Ordinance.

a) Lots:

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 this zone district 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 main building hereafter constructed in the 6-R zone districts and every single household dwelling unit that is placed in the 6-R zone district which is not a part of a larger development that includes common facilities shall be located on a lot and in no case shall there be more than one (1) main building on one (1) lot. In the 6-R district where common facilities are provided there may be more than one main building per lot provided the following conditions are satisfied:
  - (a) All buildings on the lot are in single ownership or unified control, such as a condominium association for residential uses, or a partnership or other entity for commercial, office or other similar uses;
  - (b) All buildings on the lot are in conformance with the site development standards as set forth in the general requirements of the Lakewood Zoning Ordinance, including Article 15, and the Lakewood subdivision Ordinance.
3. Street Frontage - Cul-de-sac Lot. A cul-de-sac lot will have at least thirty (30) feet of street frontage.
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.

b) Performance Standards:

1. All uses in the 6-R District shall conform to the following:
  - (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 of right-of-way. At least two (2) entrances shall be provided to the park.

- (d) All internal streets or drives shall be maintained with a travel lane of 24 feet in width to provide adequate emergency vehicle access.
- 2. 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.
  - 3. 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, screened 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, and the bulbs producing such light cannot be seen from adjacent properties or rights-of-way. The poles used to support outdoor lighting fixtures shall be set back a distance from the property line equal to, or exceeding the height of the pole. It is not the intent of this Section to regulate illumination of public non-commercial recreation facilities.
  - 4. 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, accessory uses, and flood hazards.
  - 5. Amateur Radio Towers and Antennas. The maximum height for amateur radio towers and antennae shall be seventy (70) feet. The height shall be measured at the highest member of the tower and antenna structure. The front yard setback must be equal to or greater than the setback for the primary structure but in no case shall the setback be less than the required front yard setback in the applicable zone district. No setback from a property line shall be less than the height of the tower. All portions of the tower, including support structures shall be entirely within the property lines. Retractable towers are also permitted but shall be retracted when not in operation. The maximum height of a retractable tower shall be based on its height when extended. Towers and antennas shall be of a neutral color and shall not be painted or otherwise treated to call attention to themselves.

6. Accessory Uses. A maximum of 120 square feet per dwelling unit.
7. The keeping of household pets defined as regulated species shall not exceed a total of five (5) per household, except that no more than three (3) of any species shall be allowed. Servant animals shall be allowed in addition to household pets.

## **17-5-15. OF: OFFICE DISTRICT**

- (1) Purpose: The OF District is intended to provide for a variety of office developments including professional, financial, medical, and similar services to local residents, and corporate offices for regional and national operations.
- (2) Permitted Uses: 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) Principal Uses**

1. Animal Day Care, indoor.
2. Art gallery (public and private non-profit), art studio.
3. Banks, savings and loans, and other financial institutions.
4. Business and professional offices.
5. Child and adult day care facilities.
6. Churches.
7. Colleges and Universities.
8. Community buildings.
9. Dance studio.
10. Dental clinic, laboratory.
11. Emergency health care facilities, other than ambulance service facilities.
12. Emergency, noncommercial, helipad.
13. General office uses, includes both public and private office uses.
14. Group living for elderly, and victims of domestic violence.
15. Hair care facilities.
16. Hospitals.
17. Irrigation ditches.
18. Medical clinics and medical laboratories.
19. Mortuaries, including cremation facilities.
20. Municipal buildings.
21. Museum (public and private non-profit).
22. Music, radio and television studios, excluding towers and antennae.
23. Newspaper offices.
24. Optical clinics and optical laboratories.
25. Outdoor civil defense public warning siren system.
26. Parking for automobiles of the clients, patients, patrons or customers of the occupants of adjacent commercial zone districts.
27. Pharmacies.
28. Post office, including drive-through facilities.
29. Printing facilities.
30. Private athletic clubs, including outdoor accessory facilities, tennis courts, swimming pools, gymnasiums, and health spas.
31. Private nonprofit recreational facilities.
32. Professional health facilities.
33. Public fire and police stations.

34. Public health clinics.
35. Public library.
36. Public parks.
37. Public recreational facilities.
38. Public transportation structures and facilities.
39. Public use facilities.
40. Residential health care facility.
41. Schools, public, parochial, and private.
42. Transit rights-of-way, including passenger stations.
43. Utility facilities.
44. Veterinary hospitals
45. Vocational, Trade or Professional School.

Note: All uses require prior approval of a site plan pursuant to Article 15 of this Ordinance.

b) Accessory Uses

1. Any use permitted in the 1-C Zone District.
2. Amusement centers in public or non-profit recreational facilities.\*
3. Buildings housing personnel employed on the grounds of a hospital.
4. Church parish house.
5. Dwelling unit for one household within an office building for occupancy by the owner or caretaker.
6. Emergency shelters.\*
7. Keeping of household pets (see performance standards).
8. Off-street parking areas.
9. Private, noncommercial greenhouses.
10. Private, noncommercial swimming pools.
11. Residence for caretaker of public park or public recreation area.
12. Satellite dish antennas. See 17-12-2(2).
13. Storage sheds that are architecturally compatible with the principal building(s).

\* These uses require prior approval of a site plan pursuant to Article 15 of this Ordinance.

(3) Special Uses: 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) Animal Day Care, outdoor.
- b) Automobile rental/leasing.
- c) Correctional institutions.
- d) Government office building or any subsequent use of a building originally constructed for or used as a government office building, subject to the restrictions and regulations of the Office (OF) Zone District.



a) Lots:

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 this zone district except where the Board of Adjustment grants a variance and the use of the remaining land within the zone district would not create a hazardous situation or be unreasonable.
2. A corner lot shall have a minimum of at least two (2) front yards, and a rear yard.
3. Street Frontage - Cul-de-sac Lot. A cul-de-sac lot will have at least thirty (30) feet of street frontage.
4. Any building or structure hereafter constructed or substantially altered within this zone district shall comply with the site plan regulations as set forth in Article 15 of this Ordinance.

b) Performance Standards:

1. No outdoor storage of materials, products, or goods of any kind is permitted within this Zone District. Enclosed accessory storage sheds or structures meeting the Design Controls of the City are permitted with an approved site plan and building permits, which may be utilized for such storage. No vehicles, trailers, or shipping containers shall be used as storage sheds or structures.
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, screened 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, and the bulbs producing such light cannot be seen from adjacent properties or rights-of-way. The poles used to support outdoor lighting fixtures shall be required to have a set back from adjacent property lines a distance equal to, or exceeding the height of the pole however, no setback is required from the property line which abuts a public right-of-way. It is not the intent of this Section to regulate illumination of public non-commercial recreation facilities.
3. 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, accessory uses, and flood hazards.
4. Accessory Uses. The sum total of gross floor area utilized by all Accessory Uses shall not exceed more than ten (10) percent of the total gross floor area on the property. No sign advertising said Accessory Use shall be visible from outside the building.

5. 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.
6. The keeping of household pets defined as regulated species shall not exceed a total of five (5) per household, except that no more than three (3) of any species shall be allowed. Servant animals shall be allowed in addition to household pets.
7. Animal Day Care Facilities must obtain a license from the State of Colorado and must meet the current State standards for indoor animal day care facilities as stipulated by this enforcement agency. The facility must control odor, dust, noise, waste management, drainage and security so as not to constitute a nuisance, safety hazard or health problem to adjoining property or uses.
8. Animal Day Care Facilities without outdoor facilities shall be allowed to take leashed animals outdoors for the purpose of defecation and urination to meet all applicable municipal codes. These animals will not be allowed outdoors for any grooming, training, exercising, or socializing purposes.

**17-5-16.        1-C: CONVENIENCE COMMERCIAL DISTRICT .**

(1) Purpose: The 1-C District is intended to provide for a limited range of low-intensity commercial uses necessary for the shopping needs of residents in the adjacent neighborhoods. Businesses should be oriented to the neighborhood and compatible with surrounding residential uses.

(2) Permitted Uses 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) Principal Uses

1. Animal Day Care, indoor.
2. Art gallery, art studio.
3. Banks, savings and loans, and other financial institutions.
4. Child and adult day care facilities.
5. Churches.
6. Cold storage lockers, but not including slaughtering on the premises.
7. Colleges and Universities.
8. Community Buildings.
9. Dance studio.
10. Dental clinic, laboratory.
11. Display, service and sales of motorcycles, snowmobiles, mopeds and bicycles.
12. Drive-through car wash.
13. Emergency health care facilities, other than ambulance service facilities.
14. Emergency, noncommercial, helipad.
15. Garment work.
16. General office uses, includes both public and private office uses.
17. General retail uses except those listed in other specific zone districts.
18. Group living for elderly, and victims of domestic violence.
19. Hair care facilities.
20. Home service and appliance repair outlets.
21. Hospitals.
22. Irrigation ditches.
23. Market, including convenience and supermarkets.
24. Medical clinics and laboratories.
25. Mortuaries, including cremation facilities.
26. Motels.
27. Motor fuel filling and service stations, including those associated with food stores.
28. Municipal buildings.
29. Museum.
30. Music, radio and television studios.
31. Newspaper offices.
32. Optical clinics and laboratories.
33. Outdoor civil defense public warning siren system.
34. Package liquor stores, fermented malt beverage stores or outlets, and taverns.

35. Pawnbrokers Business, subject to the spacing and licensing requirements established in the Lakewood Municipal Code (Title 5.24)
36. Pharmacies.
37. Post office, including drive-through facilities.
38. Printing establishment.
39. Private athletic clubs, including outdoor accessory facilities, tennis courts, swimming pools, gymnasiums, and health spas.
40. Professional health facilities.
41. Public fire and police stations.
42. Public health clinics.
43. Public library.
44. Public and private museum.
45. Public parks.
46. Public recreational facilities.
47. Public transportation structures and facilities.
48. Rental services, but not including rental of equipment with motors of more than twenty (20) horsepower. See 5-C (Large Lot Commercial).
49. Residential health care facility.
50. Restaurant, specialty food service, and other outlets for sale of prepared foods, without facilities.
51. Schools, public, parochial, and private.
52. 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.
53. Transit rights-of-way, including passenger stations.
54. Utility facilities.
55. Vehicle repair, minor.
56. Veterinary hospitals.
57. Vocational, Trade or Professional School.
58. Watch and jewelry sales and repair shops.

Note: All uses require approval of a site plan pursuant to Article 15 of this Ordinance prior to issuance of a building permit. Except where specifically permitted, uses listed in the preceding paragraphs may not be designed or operated as drive-through facilities.

#### (b) Accessory Uses

1. Amusement center in public or non-profit recreational facilities.\*
2. Buildings housing personnel employed on the grounds of a hospital.
3. Church parish house.
4. Dwelling unit for one household in an office or retail commercial building for occupancy by the owner or caretaker.
5. Emergency shelters.\*
6. Keeping of household pets (see performance standards).
7. Off-street parking areas.\*
8. Private, noncommercial greenhouses.

9. Private, noncommercial swimming pools.
10. Residence for caretaker of public park or public recreation area.
11. Satellite dish antennas. See 17-12-2(2).
12. Storage sheds that are architecturally compatible with the principal building(s).\*

\* These uses require approval of a site plan pursuant to Article 15 of this Ordinance prior to issuance of a building permit.

(3) Special Uses: 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) Animal Day Care, outdoor.
- b) Automobile rental/leasing.
- c) Correctional institutions.
- d) Government office building or any subsequent use of a building originally constructed for or used as a government office building, subject to the restrictions and regulations of the Office (OF) Zone District.
- e) Group Living Quarters for the Handicapped, Care of Dependent/ Neglected Children, Temporary Shelter of Homeless Persons, and Adult or Juvenile Offenders.
- f) Group living quarters for the temporary shelter of homeless persons when located in a church, school, or other community building.
- g) Historical buildings, structures and sites.
- h) Trade and technical services.

(4) Unnamed Use: See Section 17-5-6.

(5) Development Standards All development within the 1-C zone district shall, as a minimum, be in conformance with and meet the requirements of the standards listed in the following table. It shall be the responsibility of the Director of Community Planning and Development to make a determination on any omissions to these development standards.

ITEM	STANDARDS FOR 1-C (Convenience Commercial) ZONE DISTRICT
MAXIMUM BUILDING HEIGHT	60': Office structure 35': all other structures, except that canopies for motor fuel filling stations shall not exceed 20' in height.
MAXIMUM LOT COVERAGE	75% of the square footage of the lot including principal and accessory buildings, parking and drive aisles.
MINIMUM OPEN SPACE	25% of the square footage of the lot as landscaped open space, or 40% for any residential health care facility, or group living quarters.
SETBACKS Front, any	For buildings with footprints which do not exceed 10,000 square feet in area, the front of the building shall be neither less than 20 feet nor more than 50 feet from the back of curb of an adjoining street.  For buildings with footprints larger than 10,000 square feet in area, the front of the building shall not be less than 40 feet from the back of curb of an adjoining street.

<b>Side, Rear</b>	<p>A motor fuel filling station pump canopy shall not be located less than 25 feet from the back of curb of any street.</p> <p>0': if building code rated firewall, or  5': if non-rated firewall  5': accessory buildings and structures  5': loading dock, with approved screen wall  18': fuel pumps  20': required buffer for all structures and uses if adjacent to a residential zone district.</p>
<b>FENCES</b>	
Front Yard, primary and non-primary	<p>Minimum setback: front face of existing building  Type of fence: open  Maximum height: 72"</p>
Side, Rear	<p>Minimum setback: property line  Type of fence: open, solid  Maximum height: 72"</p>
Other	<p>Additional fencing standards for all uses permitted in the 1-C Zone District may be found in Article 8 of this Ordinance</p>
<b>PARKING</b>	
General retail Other	<p>4 spaces per 1,000 square feet of gross floor area.  Additional parking standard for all uses permitted in the 1-C Zone District may be found in Article 9 of this Ordinance</p>

a) Lots:

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 this zone district except where the Board of Adjustment grants a variance and the use of the remaining land within the zone district would not create a hazardous situation or be unreasonable.
2. A corner lot shall have a minimum of at least two (2) front yards, and a rear yard.
3. Street Frontage - Cul-de-sac Lot. A cul-de-sac lot will have at least thirty (30) feet of street frontage.
4. Any building or structure hereafter constructed or substantially altered within this zone district shall comply with the site plan regulations as set forth in Article 15 of this Ordinance.

b) Performance Standards:

1. No outdoor storage of materials, products, or goods of any kind is permitted this Zone District. Enclosed accessory storage sheds or structures meeting the Design Controls of the City are permitted with an approved site plan and building permits, which may be utilized for such storage. No vehicles, trailers, or shipping containers shall be used as storage sheds or structures.

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, screened 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, and the bulbs producing such light cannot be seen from adjacent properties or rights-of-way. The poles used to support outdoor lighting fixtures shall be required to have a set back from adjacent property lines a distance equal to, or exceeding the height of the pole however, no setback is required from the property line which abuts a public right-of-way. It is not the intent of this Section to regulate illumination of public non-commercial recreation facilities.
  3. 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, accessory uses, and flood hazards.
  4. Outdoor display of merchandise sold within the business building is permitted as restricted by this section. Any products displayed outdoors on premise must be kept within ten feet of the front of the structure, either on the sidewalk, without blocking pedestrian access, or within no more than two parking spaces within this display area. Goods cannot be located within twenty feet of the front property line. No displayed goods are permitted in any sight triangle area, or within the public right-of-way. Outdoor display of merchandise may only occur during times of business operation.
  5. Accessory Uses. The sum total of gross floor area utilized by all Accessory Uses shall not exceed more than ten (10) percent of the total gross floor area on the property. No sign advertising said Accessory Uses shall be visible from outside the building.
  6. 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 year, with one renewal permitted but not to exceed a total period of two (2) years
- (7) Except where specifically permitted, uses listed in this Section shall not be designated or operated as drive-through facilities.

7. The keeping of household pets defined as regulated species shall not exceed a total of five (5) per household, except that no more than three (3) of any species shall be allowed. Servant animals shall be allowed in addition to household pets.
8. Animal Day Care Facilities must obtain a license from the State of Colorado and must meet the current State standards for indoor animal day care facilities as stipulated by this enforcement agency. The facility must control odor, dust, noise, waste management, drainage and security so as not to constitute a nuisance, safety hazard or health problem to adjoining property or uses.
9. Animal Day Care Facilities without outdoor facilities shall be allowed to take leashed animals outdoors for the purpose of defecation and urination to meet all applicable municipal codes. These animals will not be allowed outdoors for any grooming, training, exercising, or socializing purposes.

**17-5-17.        2-C: NEIGHBORHOOD COMMERCIAL DISTRICT.**

(1) Purpose: The 2-C District is intended to provide for general retail, service, and other commercial uses intended to serve the city as a whole. Coordination, compatibility, and clustering of business development in centers is encouraged. Development standards and review criteria are specifically intended to discourage strip development and to encourage high quality commercial areas.

(2) Permitted Uses: 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:

a) Principal Uses

1. Animal Day Care, indoor.
2. Art gallery, art studio.
3. Banks, savings and loans, and other financial institutions.
4. Child and adult day care facilities.
5. Churches.
6. Cold storage lockers, but not including slaughtering on the premises.\*
7. Colleges and Universities.
8. Community Buildings.
9. Dance studio.
10. Dental clinic, laboratory.
11. Display, service and sales of motorcycles, snowmobiles, mopeds and bicycles.\*
12. Drive-through car wash.
13. Emergency health care facilities, other than ambulance service facilities.
14. Emergency, noncommercial, helipad.
15. Garment work.
16. General office uses, includes both public and private office uses.
17. General retail uses except those listed in other specific zone districts.
18. Group living for elderly, and victims of domestic violence.
19. Hair care facilities.
20. Home service and appliance repair outlets.
21. Hospitals.
22. Irrigation ditches.
23. Market, including convenience and supermarkets.
24. Medical clinics and laboratories.
25. Mortuaries, including cremation facilities.
26. Motels.
27. Motor fuel filling and service stations, including those associated with food stores.
28. Municipal buildings.
29. Museum.
30. Music, radio and television studios.
31. Newspaper offices.
32. Optical clinics and laboratories.
33. Outdoor civil defense public warning siren system.

34. Package liquor stores, fermented malt beverage stores or outlets, and taverns.\*
35. Pawnbrokers Business, subject to the spacing and licensing requirements established in the Lakewood Municipal Code (Title 5.24)
36. Pharmacies.
37. Post office, including drive-through facilities.
38. Printing establishment.
39. Private athletic clubs, including outdoor accessory facilities, tennis courts, swimming pools, gymnasiums, and health spas.
40. Professional health facilities.
41. Public fire and police stations.
42. Public health clinics.
43. Public library.
44. Public and private museum.
45. Public parks.
46. Public recreational facilities.
47. Public transportation structures and facilities.
48. Rental services, but not including rental of equipment with motors of more than twenty (20) horsepower. See 5-C (Large Lot Commercial).
49. Residential health care facility.
50. Restaurant, specialty food service, and other outlets for sale of prepared foods, without facilities.
51. Schools, public, parochial, and private.
52. Store for retail trade not specifically provided for within other zone districts.
53. 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.
54. Transit rights-of-way, including passenger stations.
55. Utility facilities.
56. Vehicle repair, minor.
57. Veterinary hospitals.
58. Vocational, Trade or Professional School.
59. Watch and jewelry sales and repair shops.

Note: All uses require approval of a site plan pursuant to Article 15 of this Ordinance prior to issuance of a building permit. Except where specifically permitted, uses listed in the preceding paragraphs may not be designed or operated as drive-through facilities.

#### b) Accessory Uses

1. Amusement center in public or non-profit recreational facilities.\*
2. Buildings housing personnel employed on the grounds of a hospital.
3. Church parish house.
4. Dwelling unit for one household in an office or retail commercial building for occupancy by the owner or operator of the office or commercial use.
5. Emergency shelters.\*
6. Keeping of household pets (see performance standards).

7. Off-street parking areas.\*
8. Private, noncommercial greenhouses.
9. Private, noncommercial swimming pools.
10. Residence for caretaker of public park or public recreation area.
11. Satellite Dish Antennas. See 17-12-2(2).
12. Storage sheds that are architecturally compatible with the principal building(s).\*

\* These uses require approval of a site plan pursuant to Article 15 of this Ordinance prior to issuance of a building permit.

(3) -Special Uses: The following uses shall only be allowed subject to approval of a Special Use Permit as provided for within Article 6 of this Ordinance.

- a) Animal Day Care, outdoor.
- b) Automobile rental/leasing.
- c) Correctional institutions.
- d) Government office building or any subsequent use of a building originally constructed for or used as a government office building, subject to the restrictions and regulations of the Office (OF) Zone District.
- e) Group Living Quarters for the Handicapped, Care of Dependent/ Neglected Children, Temporary Shelter of Homeless Persons, and Adult or Juvenile Offenders.
- f) Group living quarters for the temporary shelter of homeless persons when located in a church, school, or other community building.
- g) Historical buildings, structures and sites.
- h) Trade and technical services.

(4) Unnamed Use: See Section 17-5-6.

(5) Development Standards All development within the 2-C zone district shall, as a minimum, be in conformance with and meet the requirements of the standards listed in the following table. It shall be the responsibility of the Director of Community Planning and Development to make a determination on any omissions to these development standards.

ITEM	STANDARDS FOR 2-C (Neighborhood Commercial) ZONE DISTRICT
MAXIMUM BUILDING HEIGHT	60': Office structure 45': all other structures, except that canopies for motor fuel filling stations shall not exceed 20' in height.
MAXIMUM LOT COVERAGE	75% of the square footage of the lot including principal and accessory buildings, parking and drive aisles.
MINIMUM OPEN SPACE	25% of the square footage of the lot as landscaped open space, or 40% for any residential health care facility, or group living quarters.
SETBACKS <b>Front, any</b>	For buildings with footprints which do not exceed 10,000 square feet in area, the front of the building shall be neither less than 20 feet nor more than 50 feet from the back of curb of an adjoining street.  For buildings with footprints larger than 10,000 square feet in area, the front of the building shall not be less than 40 feet from the back of curb

<b>Side, Rear</b>	<p>of an adjoining street.</p> <p>A motor fuel filling station pump canopy shall not be located less than 25 feet from the back of curb of any street.</p> <p>0': if building code rated firewall, or  5': if non-rated firewall  5': accessory buildings and structures  5': loading dock, with approved screen wall  18': fuel pumps  20': required buffer for all structures and uses if adjacent to a residential zone district.</p>
<b>FENCES</b>	
Front Yard, primary and non-primary	<p>Minimum setback: front face of existing building  Type of fence: open  Maximum height: 72"</p>
Side, Rear	<p>Minimum setback: property line  Type of fence: open, solid  Maximum height: 72"</p>
All Fences	<p>Additional fencing standards for all uses permitted in the 2-C Zone District may be found in Article 8 of this Ordinance</p>
<b>PARKING</b>	
General retail Other	<p>4 spaces per 1,000 square feet of gross floor area.  Additional parking standard for all uses permitted in the 2-C Zone District may be found in Article 9 of this Ordinance</p>

a) Lots:

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 this zone district except where the Board of Adjustment grants a variance and the use of the remaining land within the zone district would not create a hazardous situation or be unreasonable.
2. A corner lot shall have a minimum of at least two (2) front yards, and a rear yard.
3. Street Frontage - Cul-de-sac Lot. A cul-de-sac lot will have at least thirty (30) feet of street frontage.
4. Any building or structure hereafter constructed or substantially altered within this zone district shall comply with the site plan regulations as set forth in Article 15 of this Ordinance.

b) Performance Standards:

1. For every main building hereafter constructed or substantially altered, 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.

2. No outdoor storage of materials, products, or goods of any kind is permitted within this Zone District. Enclosed accessory storage sheds or structures are permitted with an approved site plan and building permits, which may be utilized for such storage. No vehicles, trailers, or shipping containers shall be used as storage sheds or structures.
3. 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, screened 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, and the bulbs producing such light cannot be seen from adjacent properties or rights-of-way. The poles used to support outdoor lighting fixtures shall be required to have a set back from adjacent property lines a distance equal to, or exceeding the height of the pole however, no setback is required from the property line which abuts a public right-of-way. It is not the intent of this Section to regulate illumination of public non-commercial recreation facilities.
4. 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, accessory uses, and flood hazards.
5. Outdoor display of merchandise sold within the business building is permitted as restricted by this section. Any products displayed outdoors on premise must be kept within ten feet of the front of the structure, either on the sidewalk, without blocking pedestrian access, or within no more than two parking spaces within this display area. Goods cannot be located within twenty feet of the front property line. No displayed goods are permitted in any sight triangle area, or within the public right-of-way. Outdoor display of merchandise may only occur during times of business operation.
6. Accessory Uses. The sum total of gross floor area utilized by all Accessory Uses shall not exceed more than fifteen (15) percent of the total gross floor area on the property. No sign advertising said Accessory Use shall be visible from outside the building.
7. 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.
- 8. The keeping of household pets defined as regulated species shall not exceed a total of five (5) per household, except that no more than three (3) of any species shall be allowed. Servant animals shall be allowed in addition to household pets.
- 9. Animal Day Care Facilities must obtain a license from the State of Colorado and must meet the current State standards for indoor animal day care facilities as stipulated by this enforcement agency. The facility must control odor, dust, noise, waste management, drainage and security so as not to constitute a nuisance, safety hazard or health problem to adjoining property or uses.
- 10. Animal Day Care Facilities without outdoor facilities shall be allowed to take leashed animals outdoors for the purpose of defecation and urination to meet all applicable municipal codes. These animals will not be allowed outdoors for any grooming, training, exercising, or socializing purposes.

**17-5-18. 3-C: COMMUNITY COMMERCIAL DISTRICT.**

(1) Purpose: The 3-C District is intended to provide for regional retail, office, and commercial uses and should generally be located in activity centers or along major rights-of-way.

(2) Permitted Uses: 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:

a) Principal Uses

1. Adult businesses, subject to the spacing, definition and licensing requirements established in the Lakewood Municipal Code.
2. Ambulance service facilities.
3. Amusement centers, if otherwise in conformance with the City of Lakewood Municipal Code.
4. Animal Day Care, indoor.
5. Art gallery, art studio.
6. Banks, savings and loans, and other financial institutions.
7. Bowling centers.
8. Child and adult day care facilities.
9. Churches.
10. Cold storage lockers, but not including slaughtering on the premises.
11. Colleges and Universities.
12. Community Buildings.
13. Dance halls, studios.
14. Dental clinic, laboratory.
15. Display, service and sales of motorcycles, snowmobiles, mopeds and bicycles.
16. Drive-through car wash.
17. Emergency health care facilities.
18. Emergency, noncommercial, helipad.
19. Farmers market, with outdoor display.
20. Garment work.
21. General office uses, includes both public and private office uses.
22. General retail uses except those listed in other specific zone districts.
23. Group living for elderly, and victims of domestic violence.
24. Hair care facilities.
25. Home improvement centers, with outdoor storage of living flora, and packaged fertilizer, compost, and mulch materials.
26. Home service and appliance repair outlets.
27. Hospitals
28. Ice or roller skating rinks.
29. Indoor archery ranges.
30. Indoor firing ranges.
31. Irrigation ditches.
32. Lawn and garden centers, with outdoor storage of inventory living flora, and packaged fertilizer, compost, and mulch materials.

33. Landscape material centers, with outdoor storage of living flora, and packaged fertilizer, compost, and mulch materials.
34. Market, includes convenience and supermarkets
35. Massage parlors, subject to the spacing, definition and licensing requirements established in the Lakewood Municipal Code.
36. Medical clinics and laboratories.
37. Mortuaries, including cremation facilities.
38. Motels.
39. Motor fuel filling and service stations, including those associated with food stores.
40. Municipal buildings.
41. Museum.
42. Music, radio and television studios.
43. Newspaper offices.
44. Optical clinics and laboratories.
45. Outdoor civil defense public warning siren system.
46. Package liquor stores, fermented malt beverage stores or outlets, and taverns.
47. Pawnbrokers Business, subject to the spacing and licensing requirements established in the Lakewood Municipal Code (Title 5.24)
48. Pharmacies.
49. Pool or billiard centers.
50. Postal sub-stations.
51. Printing establishment.
52. Private athletic clubs, including outdoor accessory facilities, tennis courts, swimming pools, gymnasiums, and health spas.
53. Professional health facilities.
54. Public fire and police stations.
55. Public health clinics.
56. Public library.
57. Public and private museum.
58. Public parks.
59. Public recreational facilities.
60. Public transportation structures and facilities.
61. Rental services, but not including rental of equipment with motors of more than twenty (20) horsepower. See 5-C (Large Lot Commercial).
62. Residential health care facility.
63. Restaurant, specialty food service, and other outlets for sale of prepared foods, including those with drive-through facilities.
64. Schools, public, parochial, and private.
65. 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.
66. Theaters.
67. Transit rights-of-way, including passenger stations.
68. Utility facilities.
69. Vehicle repair, minor.
70. Veterinary hospitals.

71. Vocational, Trade or Professional School.
72. Watch and jewelry sales and repair shops.

Note: All uses require approval of a site plan pursuant to Article 15 of this Ordinance prior to issuance of a building permit. Any of the above uses may be designed and operated as drive-in or drive-through facilities where appropriate.

b) Accessory Uses

1. Amusement center in public or non-profit recreational facilities.\*
2. Buildings housing personnel employed on the grounds of a hospital.
3. Carnivals and fairs, but only if located further 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 year.\*
4. Church parish house.
5. Dwelling unit for one household in an office or retail commercial building for occupancy by the owner or operator of the office or commercial use.
6. Emergency shelters.\*
7. Keeping of household pets (see performance standards).
8. Off-street parking areas.
9. Private, noncommercial greenhouses.
10. Private, noncommercial swimming pools.
11. Residence for caretaker of public park or public recreation area.
12. Satellite dish antennas. See 17-12-2(2).
13. Storage sheds that are architecturally compatible with the principal building(s).\*

\* These uses require approval of a site plan pursuant to Article 15 of this Ordinance prior to issuance of a building permit.

(3) Special Uses: The following uses shall be allowed subject to approval of a Special Use Permit as provided for within Article 6 of this Ordinance:

- a) Animal Day Care, outdoor.
- b) Automobile rental/leasing.
- c) Correctional institutions.
- d) Entertainment center (minimum of 10,000 square feet).
- e) Government office building or any subsequent use of a building originally constructed for or used as a government office building, subject to the restrictions and regulations of the Office (OF) Zone District.
- f) Group Living Quarters for the Handicapped, Care of Dependent/ Neglected Children, Temporary
- g) Shelter of Homeless Persons, and Adult or Juvenile Offenders.
- h) Group living quarters for the temporary shelter of homeless persons when located in a church, school, or other community building.
- i) Historical buildings, structures and sites.
- j) Trade and technical services.

(4) Unnamed Use: See Section 17-5-6.

(5) Development Standards All development within the 3-C zone district shall, as a minimum, be in conformance with and meet the requirements of the standards listed in the following table. It shall be the responsibility of the Director of Community Planning and Development to make a determination on any omissions to these development standards.

ITEM	STANDARDS FOR 3-C (Community Commercial) ZONE DISTRICT
MAXIMUM BUILDING HEIGHT	60': Principal structure, except that canopies for motor fuel filling stations shall not exceed 20' in height.
MAXIMUM LOT COVERAGE	80% of the square footage of the lot including principal and accessory buildings, parking and drive aisles.
MINIMUM OPEN SPACE	20% of the square footage of the lot as landscaped open space, or 40% for any residential health care facility, or group living quarters.
<b>SETBACKS</b> <b>Front, any</b>         <b>Side, Rear</b>	<p>For buildings with footprints which do not exceed 10,000 square feet in area, the front of the building shall be neither less than 20 feet nor more than 50 feet from the back of curb of an adjoining street.</p> <p>For buildings with footprints larger than 10,000 square feet in area, the front of the building shall not be less than 40 feet from the back of curb of an adjoining street.</p> <p>A motor fuel filling station pump canopy shall not be located less than 25 feet from the back of curb of any street.</p> <p>0': if building code rated firewall, or  5': if non-rated firewall  5': accessory buildings and structures  5': loading dock, with approved screen wall  18': fuel pumps  20': required buffer for all structures and uses if adjacent to a residential zone district.</p>
<b>FENCES</b> Front Yard, primary and non-primary   Side, Rear   All Fences	<p>Minimum setback: front face of existing building  Type of fence: open  Maximum height: 72"</p> <p>Minimum setback: property line  Type of fence: open, solid  Maximum height: 72"</p> <p>Additional fencing standards for all uses permitted in the 3-C Zone District may be found in Article 8 of this Ordinance</p>
<b>PARKING</b> General retail Other	<p>4 spaces per 1,000 square feet of gross floor area.</p> <p>Additional parking standards for all uses permitted in the 3-C Zone District may be found in Article 9 of this Ordinance.</p>

a) Lots:

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 this zone district except where the Board of Adjustment grants a variance and the use of the remaining land within the zone district would not create a hazardous situation or be unreasonable.
2. A corner lot shall have a minimum of at least two (2) front yards, and a rear yard.
3. Street Frontage - Cul-de-sac Lot. A cul-de-sac lot will have at least thirty (30) feet of street frontage.
4. Any building or structure hereafter constructed or substantially altered within this zone district shall comply with the site plan regulations as set forth in Article 15 of this Ordinance.

b) Performance Standards:

1. For every main building hereafter constructed or substantially altered, 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.
2. No outdoor storage of materials, products, or goods of any kind is permitted within this Zone District. Enclosed accessory storage sheds or structures are permitted with an approved site plan and building permits, which may be utilized for such storage. No vehicles, trailers, or shipping containers shall be used as storage sheds or structures. Outdoor storage of living flora and packaged fertilizer, compost, and mulch materials within screened fenced enclosures is permitted for Home improvement centers, Lawn and garden centers, and Landscape material centers.
3. 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, screened 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, and the bulbs producing such light cannot be seen from adjacent properties or rights-of-way. The poles used to support outdoor lighting fixtures shall be required to have a set back from adjacent property lines a distance equal to, or exceeding the height of the pole however, no setback is required from the property line which abuts a public right-of-way. It is not the intent of this Section to regulate illumination of public non-commercial recreation facilities.
4. 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, accessory uses, and flood hazards.

5. Outdoor display of merchandise sold within the business building is permitted as restricted by this section. Any products displayed outdoors on premise must be kept within ten feet of the front of the structure, either on the sidewalk, without blocking pedestrian access, or within no more than two parking spaces within this display area. Goods cannot be located within twenty feet of the front property line. No displayed goods are permitted in any sight triangle area, or within the public right-of-way. Outdoor display of merchandise may only occur during times of business operation.
6. Accessory Uses. The sum total of gross floor area utilized by all Accessory Uses shall not exceed more than twenty-five (25) percent of the gross floor area on the property. No sign advertising said Accessory Use shall be visible from outside the building.
7. 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.
8. The keeping of household pets defined as regulated species shall not exceed a total of five (5) per household, except that no more than three (3) of any species shall be allowed. Servant animals shall be allowed in addition to household pets.
9. Animal Day Care Facilities must obtain a license from the State of Colorado and must meet the current State standards for indoor animal day care facilities as stipulated by this enforcement agency. The facility must control odor, dust, noise, waste management, drainage and security so as not to constitute a nuisance, safety hazard or health problem to adjoining property or uses.
10. Animal Day Care Facilities without outdoor facilities shall be allowed to take leashed animals outdoors for the purpose of defecation and urination to meet all applicable municipal codes. These animals will not be allowed outdoors for any grooming, training, exercising, or socializing purposes.

**17-5-19.      4-C: REGIONAL COMMERCIAL DISTRICT.**

**(1) Purpose:**

**(2) Permitted Uses:** 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) Principal Uses**

1. Adult businesses, subject to the spacing, definition and licensing requirements established in the Lakewood Municipal Code.
2. Ambulance service facilities.
3. Amusement arcades, amusement centers, entertainment centers if otherwise in conformance with the City of Lakewood Municipal Code.
4. Animal Day Care, indoor.
5. Art gallery art studio.
6. Assembly, convention, or exposition halls.
7. Banks, savings and loans, and other financial institutions.
8. Bowling centers.
9. Child and adult day care facilities.
10. Churches.
11. Cold storage lockers, but not including slaughtering on the premises.
12. Colleges and Universities.
13. Community Buildings.
14. Dance halls, studios.
15. Dental clinic, laboratory.
16. Display, service and sales of motorcycles, snowmobiles, mopeds and bicycles.
17. Drive-through car wash.
18. Emergency health care facilities.
19. Emergency, noncommercial, helipad.
20. Farmers market, with outdoor display.
21. Garment work.
22. General office uses, includes both public and private office uses.
23. General retail uses except those listed in other specific zone districts.
24. Group living for elderly, and victims of domestic violence.
25. Hair care facilities.
26. Home improvement centers, with outdoor storage of living flora, and packaged fertilizer, compost, and mulch materials.
27. Home service and appliance repair outlets.
28. Hospitals.
29. Hotels.
30. Ice or roller skating rinks.
31. Indoor archery ranges.
32. Indoor firing ranges.
33. Irrigation ditches.

34. Lawn and garden centers, with outdoor storage of living flora, and packaged fertilizer, compost, and mulch materials.
35. Landscape material centers, with outdoor storage of living flora, and packaged fertilizer, compost, and mulch materials.
36. Market, including convenience and supermarkets.
37. Massage parlors, subject to the spacing, definition and licensing requirements established in the Lakewood Municipal Code.
38. Medical clinics and laboratories.
39. Mortuaries, including cremation facilities.
40. Motels.
41. Motor fuel filling and service stations, including those associated with food stores.
42. Municipal buildings.
43. Museum.
44. Music, radio and television studios.
45. Newspaper offices.
46. Optical clinics and laboratories.
47. Outdoor civil defense public warning siren system.
48. Package liquor stores, fermented malt beverage stores or outlets, and taverns.
49. Pawnbrokers Business, subject to the spacing and licensing requirements established in the Lakewood Municipal Code (Title 5.24)
50. Pharmacies.
51. Pool or billiard centers.
52. Postal sub-stations.
53. Printing establishment.
54. Private athletic clubs, including outdoor accessory facilities, tennis courts, swimming pools, gymnasiums, and health spas.
55. Professional health facilities.
56. Public fire and police stations.
57. Public health clinics.
58. Public library.
59. Public and private museum.
60. Public parks.
61. Public recreational facilities.
62. Public transportation structures and facilities.
63. Rental services, but not including rental of equipment with motors of more than twenty (20) horsepower. See 5-C (Large Lot Commercial).
64. Residential health care facility.
65. Restaurant, specialty food service, and other outlets for sale of prepared foods, including those with drive-through facilities.
66. Schools, public, parochial, and private.
67. Studio for custom work or for making articles to be sold on the premises, provided all work areas and storage facilities are enclosed as part of the main building.
68. Theaters.
69. Transit rights-of-way, including passenger stations.
70. Utility facilities.
71. Vehicle repair, minor.

72. Veterinary hospitals.
73. Vocational, Trade or Professional School.
74. Watch and jewelry sales and repair shops.

Note: All uses require approval of a site plan pursuant to Article 15 of this Ordinance prior to construction. Any of the above uses may be designed and operated as drive-in or drive-through facilities where appropriate.

b) Accessory Uses

1. Amusement center in public or non-profit recreational facilities.\*
2. Buildings housing personnel employed on the grounds of a hospital.
3. Carnivals and fairs, but only if located further 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 year.\*
4. Church parish house.
5. Dwelling unit for one household in an office or retail commercial building for occupancy by the owner or operator of the office or commercial use.
6. Emergency shelters.\*
7. Keeping of household pets (see performance standards).
8. Off-street parking areas.
9. Private, noncommercial greenhouses.
10. Private, noncommercial swimming pools.
11. Residence for caretaker of public park or public recreation area.
12. Satellite Dish Antennas. See 17-12-2(2).
13. Storage sheds that are architecturally compatible with the principal building(s).\*

\* These uses require approval of a site plan pursuant to Article 15 of this Ordinance prior to issuance of a building permit.

(3) Special Uses The following uses shall only be allowed subject to approval of a Special Use Permit as provided for within Article 6 of this Ordinance.

- a) Animal Day Care, outdoor.
- b) Automobile rental/leasing.
- c) Correctional institutions.
- d) Entertainment center (minimum of 10,000 square feet).
- e) Government office building or any subsequent use of a building originally constructed for or used as a government office building, subject to the restrictions and regulations of the Office (OF) Zone District.
- f) Group Living Quarters for the Handicapped, Care of Dependent/ Neglected Children, Temporary Shelter of Homeless Persons, and Adult or Juvenile Offenders.
- g) Group living quarters for temporary shelter of homeless persons when located in a church, school, or other community building.
- h) Historical buildings, structures and sites.
- i) Trade and technical services.

(4) Unnamed Use: See Section 17-5-6.

(5) Development Standards All development within the 4-C zone district shall, as a minimum, be in conformance with and meet the requirements of the standards listed in the following table. It shall be the responsibility of the Director of Community Planning and Development to make a determination on any omissions to these development standards.

ITEM	STANDARDS FOR 4-C (Regional Commercial) ZONE DISTRICT
MAXIMUM BUILDING HEIGHT	60': Principal structure, except that canopies for motor fuel filling stations shall not exceed 20' in height.
MAXIMUM LOT COVERAGE	80% of the square footage of the lot including principal and accessory buildings, parking and drive aisles.
MINIMUM OPEN SPACE	20% of the square footage of the lot as landscaped open space, or 40% for any residential health care facility, or group living quarters.
SETBACKS <b>Front, any</b>          <b>Side, Rear</b>	<p>For buildings with footprints which do not exceed 10,000 square feet in area, the front of the building shall be neither less than 20 feet nor more than 50 feet from the back of curb of an adjoining street.</p> <p>For buildings with footprints larger than 10,000 square feet in area, the front of the building shall not be less than 40 feet from the back of curb of an adjoining street.</p> <p>A motor fuel filling station pump canopy shall not be located less than 25 feet from the back of curb of any street.</p> <p>0': if building code rated firewall, or  5': if non-rated firewall  5': accessory buildings and structures  5': loading dock, with approved screen wall  18': fuel pumps  20': required buffer for all structures and uses if adjacent to a residential zone district.</p>
FENCES Front Yard, primary and non-primary  Side, Rear  All Fences	<p>Minimum setback: front face of existing building  Type of fence: open  Maximum height: 72"</p> <p>Minimum setback: property line  Type of fence: open, solid  Maximum height: 72"</p> <p>Additional fencing standards for all uses permitted in the 4-C Zone District may be found in Article 8 of this Ordinance</p>
PARKING General retail Other	<p>4 spaces per 1,000 square feet of gross floor area.  Additional parking standards for all uses permitted in the 4-C Zone District may be found in Article 9 of this Ordinance.</p>

a) Lots:

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 this zone district except where the Board of Adjustment grants a variance and the use of the remaining land within the zone district would not create a hazardous situation or be unreasonable.
2. A corner lot shall have a minimum of at least two (2) front yards, and a rear yard.
3. Street Frontage - Cul-de-sac Lot. A cul-de-sac lot will have at least thirty (30) feet of street frontage.
4. Any building hereafter constructed or substantially altered within this zone district shall comply with the plan regulations set forth in Article 15 of this Ordinance.

b) Performance Standards:

1. For every main building hereafter constructed or substantially altered, 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.
2. No outdoor storage of materials, products, or goods of any kind is permitted within this Zone District, except as permitted for specific principal uses. Enclosed accessory storage sheds or structures are permitted with an approved site plan and building permits, which may be utilized for such storage. No vehicles, trailers, or shipping containers shall be used as storage sheds or structures. Outdoor storage of living flora and packaged fertilizer, compost, and mulch materials within screened fenced enclosures is permitted for Home improvement centers, Lawn and garden centers, and Landscape material centers.
3. 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, screened 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, and the bulbs producing such light cannot be seen from adjacent properties or rights-of-way. The poles used to support outdoor lighting fixtures shall be required to have a set back from adjacent property lines a distance equal to, or exceeding the height of the pole however, no setback is required from the property line which abuts a public right-of-way. It is not the intent of this Section to regulate illumination of public non-commercial recreation facilities.
4. 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, accessory uses, and flood hazards.

5. Outdoor display of merchandise sold within the business building is permitted as restricted by this section. Any products displayed outdoors on premise must be kept within ten feet of the front of the structure, either on the sidewalk, without blocking pedestrian access, or within no more than two parking spaces within this display area. Goods cannot be located within twenty feet of the front property line. No displayed goods are permitted in any sight triangle area, or within the public right-of-way. Outdoor display of merchandise may only occur during times of business operation.
6. Accessory Uses. The sum total of gross floor area utilized by all Accessory Uses shall not exceed more than thirty-five (35) percent of the gross floor area on the property. No sign advertising said Accessory Use shall be visible from outside the building.
7. 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.
8. The keeping of household pets defined as regulated species shall not exceed a total of five (5) per household, except that no more than three (3) of any species shall be allowed. Servant animals shall be allowed in addition to household pets.
9. Animal Day Care Facilities must obtain a license from the State of Colorado and must meet the current State standards for indoor animal day care facilities as stipulated by this enforcement agency. The facility must control odor, dust, noise, waste management, drainage and security so as not to constitute a nuisance, safety hazard or health problem to adjoining property or uses.
10. Animal Day Care Facilities without outdoor facilities shall be allowed to take leashed animals outdoors for the purpose of defecation and urination to meet all applicable municipal codes. These animals will not be allowed outdoors for any grooming, training, exercising, or socializing purposes.

**17-5-20.        5-C: LARGE LOT COMMERCIAL DISTRICT.**

**(1) Purpose**

**(2) Permitted Uses:** 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) Principal Uses**

1. Adult businesses, subject to the spacing, definition and licensing requirements established in the Lakewood Municipal Code.
2. Ambulance service facilities.
3. Amusement arcades, amusement centers, entertainment centers if otherwise in conformance with the City of Lakewood Municipal Code.
4. Amusement parks.
5. Animal Day Care, indoor/ outdoor.
6. Art gallery, art studio.
7. Assembly, convention, or exposition halls.
8. Auction houses, except for the auctioning of live animals.
9. Banks, savings and loans, and other financial institutions.
10. Bowling centers.
11. Child and adult day care.
12. Churches.
13. Cold storage lockers, but not including slaughtering on the premises.
14. Colleges and Universities.
15. Community Buildings.
16. Contractor shops and building trades supplies storage.
17. Dance halls, studios.
18. Dental clinic, laboratory.
19. Display, service and sales of motorcycles, snowmobiles, mopeds and bicycles.
20. Display, repair, service, sales and storage of mobile homes, travel trailers, motor homes, trailers, campers, boats, and motor vehicles, but not including auto wrecking yards, junk yards, or outside storage of metals or inoperable motor vehicles.
21. Drive-in movie theaters.
22. Drive-through car wash.
23. Emergency health care facilities.
24. Emergency, noncommercial, helipad.
25. Farmers market.
26. Flea markets.
27. Garment work.
28. General office use, includes both public and private office uses.
29. General retail use except those listed in other specific zone districts.
30. Golf driving ranges.
31. Group living for elderly, and victims of domestic violence.
32. Hair care facilities.
33. Home improvement centers, with outside storage of inventory.

34. Home service and appliance repair outlets.
35. Hospitals.
36. Hotels.
37. Ice or roller skating rinks.
38. Indoor archery ranges.
39. Indoor firing ranges.
40. Irrigation ditches.
41. Kennels.
42. Lawn and garden centers, with outside storage of inventory.
43. Landscaped material centers, with outside storage of inventory.
44. Lumber yard.
45. Market, convenience and supermarkets.
46. Massage parlors, subject to the spacing, definition and licensing requirements established in the Lakewood Municipal Code.
47. Medical clinics and laboratories.
48. Miniature golf or putting ranges.
49. Mini-warehouses.
50. Mortuaries, including cremation facilities.
51. Motels.
52. Motor fuel filling and service stations, including those associated with food stores.
53. Municipal buildings.
54. Museum.
55. Music, radio and television studios.
56. Newspaper offices.
57. Optical clinics and laboratories.
58. Outdoor civil defense public warning siren system.
59. Package liquor stores, fermented malt beverage stores or outlets, and taverns.
60. Parking on premises of motor vehicles to serve permitted uses on adjacent property.
61. Pawnbrokers Business, subject to the spacing and licensing requirements established in the Lakewood Municipal Code (Title 5.24)
62. Pharmacies.
63. Pool or billiard centers.
64. Postal sub-stations.
65. Printing establishment.
66. Private athletic clubs, including outdoor accessory facilities, tennis courts, swimming pools, gymnasiums, and health spas.
67. Professional health facilities.
68. Public fire and police stations.
69. Public health clinics.
70. Public library.
71. Public and private museum.
72. Public parks.
73. Public recreational facilities.
74. Public transportation structures and facilities.
75. Racetracks, go-cart tracks.

76. Rental agencies for automobiles, campers, trailers, motor homes, light and heavy equipment, and related service facilities.
77. Residential health care facility.
78. Restaurant, specialty food service, and other outlets for sale of prepared foods, including those with drive-through facilities.
79. Sale at retail of any commodity warehoused on the premises and not intended for distribution as a wholesale product.
80. Schools, public, parochial, and private.
81. 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.
82. Theaters.
83. Transit rights-of-way, including passenger stations.
84. Utility facilities.
85. Vehicle repair, major and minor.
86. Veterinary hospitals.
87. Vocational, Trade or Professional School;
88. Watch and jewelry sales and repair shops.

Note: All uses require approval of a site plan pursuant to Article 15 of this Ordinance prior to issuance of a building permit. Any of the above uses may be designed and operated as drive-in or drive-through facilities where appropriate.

b) Accessory Uses

- a) Administrative office serving the principal use not exceeding fifty (50) percent of the gross floor area of the main building.
- b) Amusement center in public or non-profit recreational facilities.\*
- c) Buildings housing personnel employed on the grounds of a hospital.
- d) Carnivals and fairs, but only if located further 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 year.\*
- e) Church parish house.
- f) Dwelling unit for one household within a commercial or office building for occupancy by the owner or caretaker.
- g) Emergency shelters.\*
- h) Keeping of household pets (see performance standards).
- i) Off-street parking areas.
- j) Private, noncommercial greenhouses.
- k) Private, noncommercial swimming pools.
- l) Residence for caretaker of public park or public recreation area.
- m) Satellite Dish Antennas. See 17-12-2(2).
- n) Storage sheds that are architecturally compatible with the principal building(s).\*

\* These uses require approval of a site plan pursuant to Article 15 of this Ordinance prior to issuance of a building permit.

(3) Special Uses: The following uses shall be allowed subject to approval of a Special Use Permit as provided for within Article 6 of this Ordinance.

- a) Correctional institutions.
- b) Government office building or any subsequent use of a building originally constructed for or used as a government office building, subject to the restrictions and regulations of the Office (OF) Zone
- c) District.
- d) Group Living Quarters for the Handicapped, Care of Dependent/Neglected Children, Temporary
- e) Shelter of Homeless Persons, and Adult or Juvenile Offenders.
- f) Group living quarters for the temporary shelter of homeless persons when located in a church, school, or other community building.
- g) Historical buildings, structures and sites.
- h) Trade and technical services.
- i) Tree service.

(4) Unnamed Use: See Section 17-5-6.

(5) Development Standards All development within the 5-C zone district shall, as a minimum, be in conformance with and meet the requirements of the standards listed in the following table. It shall be the responsibility of the Director of Community Planning and Development to make a determination on any omissions to these development standards.

ITEM	STANDARDS FOR 5-C (Large Lot Commercial) ZONE DISTRICT
MINIMUM LOT SIZE	There shall be a minimum parcel size of 0.5 acre for every building or structure hereafter constructed or altered.
MAXIMUM BUILDING HEIGHT	60': Principal structure, except that canopies for motor fuel filling stations shall not exceed 20' in height.
MAXIMUM LOT COVERAGE	80% of the square footage of the lot including principal and accessory buildings, parking and drive aisles.
MINIMUM OPEN SPACE	20% of the square footage of the lot as landscaped open space, or 40% for any residential health care facility, or group living quarters.
SETBACKS <b>Front, any</b>	For buildings with footprints which do not exceed 10,000 square feet in area, the front of the building shall be neither less than 20 feet nor more than 50 feet from the back of curb of an adjoining street.  For buildings with footprints larger than 10,000 square feet in area, the front of the building shall not be less than 40 feet from the back of curb of an adjoining street.  A motor fuel filling station pump canopy shall not be located less than 25 feet from the back of curb of any street.
<b>Side, Rear</b>	0': if building code rated firewall, or 5': if non-rated firewall with windows

	5': accessory buildings and structures 5': loading dock, with approved screen wall 18': fuel pumps 20': required buffer for all structures and uses if adjacent to a residential zone district. 20': required buffer for the use of outdoor Animal Day Care or Kennels adjacent to any zone district.
FENCES	
Front, primary	Minimum setback: front face of existing building Type of fence: open Maximum height: 72"
Front non-primary	Minimum setback: front face of existing building Type of fence: open Maximum height: 72"
	Minimum setback: 10' from property line with approved landscaping Type of fence: open, topped with barbed wire Maximum height: 120"
Side, Rear	Minimum setback: property line Type of fence: open, solid Maximum height: 72"
	Minimum setback: 10' from property line with approved landscaping Type of fence: open, topped with barbed wire Maximum height: 120"
All Fences	Additional fencing standards for all uses permitted in the 5-C Zone District may be found in Article 8 of this Ordinance
PARKING	
General retail	4 spaces per 1,000 square feet of gross floor area.
Other	Additional parking standards for all uses permitted in the 5-C Zone District may be found in Article 9 of this Ordinance.

a) Lots:

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 this zone district except where the Board of Adjustment grants a variance and the use of the remaining land within the zone district would not create a hazardous situation or be unreasonable.
2. A corner lot shall have a minimum of at least two (2) front yards, and a rear yard.
3. Street Frontage - Cul-de-sac Lot. A cul-de-sac lot will have at least thirty (30) feet of street frontage.
4. Any building hereafter constructed or substantially altered within this zone district shall comply with the plan regulations set forth in Article 15 of this Ordinance.

b) Performance Standards:

1. For every main building hereafter constructed or substantially altered: 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.
2. Outdoor storage of commodities, materials, products, or goods not intended for display is permitted within this Zone District. Such materials shall be screened from view from adjacent streets and adjoining property, and kept free of weeds and debris, and must comply with Section 9.80 of the Nuisance Ordinance. In no case shall outdoor storage items extend beyond a height of six (6) feet as measured from the finished grade adjacent to the stored items. Enclosed accessory storage sheds or structures are permitted with an approved site plan and building permits, which may be utilized for such storage. No vehicles, trailers, or shipping containers shall be used as storage sheds or structures.
3. 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, screened 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, and the bulbs producing such light cannot be seen from adjacent properties or rights-of-way. The poles used to support outdoor lighting fixtures shall be required to have a set back from adjacent property lines a distance equal to, or exceeding the height of the pole however, no setback is required from the property line which abuts a public right-of-way. It is not the intent of this Section to regulate illumination of public non-commercial recreation facilities.
4. 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, accessory uses, and flood hazards.
5. Accessory Uses. The sum total of gross floor area utilized by all Accessory Uses shall not exceed more than forty (40) percent of the gross floor area on the property. No sign advertising said Accessory Use shall be visible from outside the building.
6. 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.
- 7. The keeping of household pets defined as regulated species shall not exceed a total of five (5) per household, except that no more than three (3) of any species shall be allowed. Servant animals shall be allowed in addition to household pets.
- 8. Animal Day Care Facilities and Kennels must obtain a license from the State of Colorado and must meet the current State standards for animal day care facilities and kennels as stipulated by this enforcement agency. The facility must control odor, dust, noise, waste management, drainage and security so as not to constitute a nuisance, safety hazard or health problem to adjoining property or uses.
- 9. Animal Day Care Facilities and Kennels with Outdoor Uses: All Animal Day Care Facilities and Kennels with outdoor uses shall comply with the following criteria:
  - (a) No more than 3 animals at a time will be allowed outdoors after 8pm. Animal Day Care Facilities are where animals may be groomed, trained, exercised, and socialized, but not kept or boarded overnight, bred, sold or let for hire. Animal Day Care Facilities may operate from 6am to 10pm daily.
  - (b) The facility must control odor, dust, noise, waste management, drainage, and security so as not to constitute a nuisance, safety hazard or health problem to adjoining property or uses. The operator must provide a plan of operation demonstrating it can meet these provisions.
  - (c) Provide perimeter fencing for all on-site outdoor recreation socialization areas. The fence shall not exceed the maximum fence height standards as prescribed in Article 8 of the Lakewood Zoning Ordinance. The fence structure shall be deep enough and secured to the ground to prevent escape and provide full containment of the animals at all time.
  - (d) Outdoor areas where animals will be allowed must be a minimum of 20 feet from any property line.
  - (e) Outdoor animal care must provide 300 square feet of area for every twelve (12) animals.
  - (f) There shall be at least one employee for every twelve (12) animals when providing outdoor animal care.

- (g) A license from the State of Colorado must be obtained, and a copy provided to the City; as well as all pertinent City of Lakewood permits.
  - (h) A major site plan in accordance with Article 15 standards is required.
10. Performance Based Standards for Animal Day Care Facilities and Kennels: The Director of Community Planning and Development or his/her designee may grant an exception to the required setback, height, materials and location requirements for fences and landscaping requirements as related to animal day care facilities with outdoor uses through the submittal of a written request for an exception, inclusive of an illustration of the proposed changes outlining the reason for which the exception is warranted. All exceptions must be approved prior to building permit approval and issuance. An exception does not constitute a building permit. The Director or his/her designee may approve or conditionally approve the exception if all of the following Performance-Based Standards are met:
- (a) The fence, wall or structure height, location, design and landscaping are in scale and harmonious with the character of the neighborhood and adjacent properties.
  - (b) A combination of fencing and landscaping are used to secure the outdoor uses associated with animal day care facilities and kennels.
  - (c) The 20' required buffer may only be lessened in the event of unique circumstances associated with the subject parcel of land.
  - (d) Granting of the exception will not be detrimental to the public health, safety or welfare or materially injurious to other property or improvements in the neighborhood in which the property is located.
  - (e) Granting of the exception will not adversely affect or be inconsistent with any special area plans, Comprehensive Plan, Neighborhood Plan and/or an Official Development Plan (if applicable).
11. A fee must be submitted with the exception request, the amount of which to be the same as is required for a minor variance application. This amount is determined by the Lakewood City Council. The applicant may appeal a denial of an exception to the Lakewood Board of Adjustment. Such an appeal must be filed in writing with the Secretary to the Board of Adjustment no later than fifteen (15) business days from the date of the decision. The fee for an appeal will be determined by the Lakewood City Council.

**17-5-21.        IN: INDUSTRIAL DISTRICT.**

- (1) Purpose: The IN district is intended to retain, enhance, and intensify existing industrial uses, and provide for the new development of lighter industrial uses along major vehicular and rail transportation routes serving the community.
- (2) Permitted Uses: 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) Principal Uses

1. Ambulance service facilities.
2. Amusement parks.
3. Animal Day Care, indoor/ outdoor.
4. Art gallery, art studio.
5. Assembly, convention, or exposition halls.
6. Auction houses, except for the auctioning of live animals.
7. Banks, savings and loans, and other financial institutions.
8. Bowling centers.
9. Child and adult day care.
10. Churches.
11. Cold storage lockers, but not including slaughtering on the premises.
12. Colleges and Universities.
13. Community Buildings.
14. Communication centers, including transmitting centers, towers and accessory equipment.
15. Contractor shops and building trades supplies storage.
16. Dental clinic, laboratory.
17. Display, service and sales of motorcycles, snowmobiles, mopeds and bicycles.
18. Display, repair, service, sales and storage of mobile homes, travel trailers, motor homes, trailers, campers, boats, and motor vehicles, but not including auto wrecking yards, junk yards, or outside storage of metals or inoperable motor vehicles.
19. Drive-in movie theaters.
20. Drive-through car wash.
21. Emergency health care facilities, other than ambulance service facilities.
22. Emergency, noncommercial, helipad.
23. Farmers market.
24. Flea Markets.
25. Garment work.
26. General Office use, includes both public and private office uses.
27. General retail use except those listed in other specific zone districts.
28. Go-cart tracks.
29. Golf driving ranges.
30. Hair care facilities.
31. Home improvement centers, with outside storage of inventory.
32. Home service and appliance repair outlets.

33. Hospitals.
34. Hotels.
35. Indoor archery ranges.
36. Indoor firing ranges.
37. Irrigation ditches.
38. Kennels.
39. Laboratories.
40. Landscape material centers, with outside storage of inventory.
41. Lawn and garden centers, with outside storage of inventory.
42. Lumber yard.
43. Manufacturing, processing, fabrication, assembly, packaging, warehousing, storage, wholesaling, retailing, repair, rental, or servicing of any commodity, but only if totally enclosed in a structure.
44. Market, convenience and supermarkets.
45. Medical clinics and laboratories.
46. Miniature golf or putting ranges.
47. Mini-warehouses.
48. Mortuaries, including cremation facilities.
49. Motels.
50. Motor fuel filling stations, including those associated with food stores.
51. Motor vehicle service and repair facilities.
52. Municipal buildings.
53. Museum.
54. Music, radio and television studios.
55. Newspaper offices.
56. Optical clinics and laboratories.
57. Outdoor civil defense public warning siren system.
58. Package liquor stores, fermented malt beverage stores or outlets, and taverns.
59. Parking on premises of motor vehicles to serve permitted uses on adjacent property.
60. Pawnbrokers Business, subject to the spacing and licensing requirements established in the Lakewood Municipal Code (Title 5.24)
61. Pharmacies.
62. Postal sub-stations.
63. Printing establishments.
64. Private athletic clubs, including outdoor accessory facilities, tennis courts, swimming pools, gymnasiums, and health spas.
65. Private nonprofit recreational facilities.
66. Professional health facilities.
67. Public fire and police stations.
68. Public health clinics.
69. Public library.
70. Public parks.
71. Public recreational facilities.
72. Public transportation structures and facilities.
73. Public wastewater facilities.
74. Radio and television studios.

75. Rental agencies for automobiles, campers, trailers, motor homes, light and heavy equipment, and related service facilities.
76. Sale at retail of any commodity warehoused on the premises and not intended for distribution as a wholesale product.
77. Schools, public, parochial, and private.
78. 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.
79. Theaters.
80. Transport facilities, including passenger stations.
81. Transit rights-of-way.
82. Utility facilities.
83. Vehicle repair, major and minor.
84. Veterinary hospitals.
85. Vocational, Trade and Professional School.
86. Watch and jewelry sales and repair shops.

Note: All uses require approval of a site plan pursuant to Article 15 of this Ordinance prior to issuance of a building permit.

b) Accessory Uses

1. Administrative offices, which shall not exceed fifty (50) percent of the gross floor area of the main building.
2. Amusement center in public or non-profit recreational facilities.\*
3. Child care facilities.\*
4. Church parish house.
5. Dwelling unit for one household in an industrial building for occupancy by the owner or operator of the industrial or accessory office use.
6. Keeping of Household Pets (see performance standards).
7. Off-street parking areas.
8. Private, noncommercial greenhouses.
9. Private, noncommercial swimming pools.
10. Residence for caretaker of public park or public recreation area.
11. Restaurant.
12. Satellite Dish Antennas. See 17-12-2(2).
13. Storage sheds.\*

\* These uses require approval of a site plan pursuant to Article 15 of this Ordinance prior to issuance of a building permit.

(3) Special Uses: The following uses shall be allowed subject to approval of a Special Use Permit as provided for within Article 6 of this Ordinance.

- a) Auction houses, including live animals.
- b) Cement and asphalt batch plants.



Front non-primary Side, Rear	Minimum setback: property line of 3' from the back edge of the traveled walkway or back of sidewalk, whichever is greater. Type of fence: solid, up to a height of 84" and may be topped with barbed wire which is located no less than 72" and no more than 84" from the ground
Other	Additional fencing standards for all uses permitted in the IN Zone District may be found in Article 8 of this Ordinance
PARKING Office Warehouse Other	4 spaces per 1,000 square feet of gross floor area. 1.0 spaces/1,000 sq. ft. of gross floor area. Additional parking standards for all uses permitted in the IN Zone District may be found in Article 9 of this Ordinance.

a) Lots:

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 this zone district except where the Board of Adjustment grants a variance and the use of the remaining land within the zone district would not create a hazardous situation or be unreasonable.
2. A corner lot shall have a minimum of at least two (2) front yards, and a rear yard.
3. Street Frontage - Cul-de-sac Lot. A cul-de-sac lot will have at least thirty (30) feet of street frontage.
4. Any building hereafter constructed or substantially altered within this zone district shall comply with the plan regulations set forth in Article 15 of this Ordinance.

b) Performance Standards:

1. For every main building hereafter constructed or substantially altered: 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.
2. Outdoor storage of commodities, materials, products, or goods not intended for display is permitted within this Zone District. Such materials shall be screened from view from adjacent streets and adjoining property by a solid fence, and kept free of weeds and debris, and must comply with Section 9.80 of the Nuisance Ordinance. In no case shall outdoor storage items extend beyond a height of seven (7) feet as measured from the finished grade adjacent to the stored items. Enclosed accessory storage sheds or structures are permitted with an approved site plan and building permits, which may be utilized for such storage. No vehicles, trailers, or shipping containers shall be used as storage sheds or structures.
3. 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,

screened 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, and the bulbs producing such light cannot be seen from adjacent properties or rights-of-way. The poles used to support outdoor lighting fixtures shall be required to have a set back from adjacent property lines a distance equal to, or exceeding the height of the pole however, no setback is required from the property line which abuts a public right-of-way. It is not the intent of this Section to regulate illumination of public non-commercial recreation facilities.

4. 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, accessory uses, and flood hazards.
5. Amateur Radio Towers and Antennas. The maximum height for amateur radio towers and antennae shall be seventy (70) feet. The height shall be measured at the highest member of the tower and antenna structure. The front yard setback must be equal to or greater than the setback for the primary structure but in no case shall the setback be less than the required front yard setback in the applicable zone district. No setback from a property line shall be less than the height of the tower. All portions of the tower, including support structures shall be entirely within the property lines. Retractable towers are also permitted but shall be retracted when not in operation. The maximum height of a retractable tower shall be based on its height when extended. Towers and antennas shall be of a neutral color and shall not be painted or otherwise treated to call attention to themselves.
6. Accessory Uses. The sum total of gross floor area utilized by all Accessory Uses shall not exceed more than forty (40) percent of the gross floor area on the property. No sign advertising said Accessory Use shall be visible from outside the building.
7. 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.

8. The keeping of household pets defined as regulated species shall not exceed a total of five (5) per household, except that no more than three (3) of any species shall be allowed. Servant animals shall be allowed in addition to household pets.
9. Animal Day Care Facilities and Kennels must obtain a license from the State of Colorado and must meet the current State standards for animal day care facilities and kennels as stipulated by this enforcement agency. The facility must control odor, dust, noise, waste management, drainage and security so as not to constitute a nuisance, safety hazard or health problem to adjoining property or uses.
10. Animal Day Care Facilities and Kennels with Outdoor Uses: All Animal Day Care Facilities and Kennels with outdoor uses shall comply with the following criteria:
  - (a) No more than 3 animals at a time will be allowed outdoors after 8pm. Animal Day Care Facilities are where animals may be groomed, trained, exercised, and socialized, but not kept or boarded overnight, bred, sold or let for hire. Animal Day Care Facilities may operate from 6am to 10pm daily.
  - (b) The facility must control odor, dust, noise, waste management, drainage, and security so as not to constitute a nuisance, safety hazard or health problem to adjoining property or uses. The operator must provide a plan of operation demonstrating it can meet these provisions.
  - (c) Provide perimeter fencing for all on-site outdoor recreation socialization areas. The fence shall not exceed the maximum fence height standards as prescribed in Article 8 of the Lakewood Zoning Ordinance. The fence structure shall be deep enough and secured to the ground to prevent escape and provide full containment of the animals at all time.
  - (d) Outdoor areas where animals will be allowed must be a minimum of 20 feet from any property line.
  - (e) Outdoor animal care must provide 300 square feet of area for every twelve (12) animals.
  - (f) There shall be at least one employee for every twelve (12) animals when providing outdoor animal care.
  - (g) A license from the State of Colorado must be obtained, and a copy provided to the City; as well as all pertinent City of Lakewood permits.
  - (h) A major site plan in accordance with Article 15 standards is required.
11. Performance Based Standards for Animal Day Care Facilities and Kennels: The Director of Community Planning and Development or his/her designee may grant an exception to the required setback, height, materials and location requirements for

fences and landscaping requirements as related to animal day care facilities with outdoor uses through the submittal of a written request for an exception, inclusive of an illustration of the proposed changes outlining the reason for which the exception is warranted. All exceptions must be approved prior to building permit approval and issuance. An exception does not constitute a building permit. The Director or his/her designee may approve or conditionally approve the exception if all of the following Performance-Based Standards are met:

- (a) The fence, wall or structure height, location, design and landscaping are in scale and harmonious with the character of the neighborhood and adjacent properties.
  - (b) A combination of fencing and landscaping are used to secure the outdoor uses associated with animal day care facilities and kennels.
  - (c) The 20' required buffer may only be lessened in the event of unique circumstances associated with the subject parcel of land.
  - (d) Granting of the exception will not be detrimental to the public health, safety or welfare or materially injurious to other property or improvements in the neighborhood in which the property is located.
  - (e) Granting of the exception will not adversely affect or be inconsistent with any special area plans, Comprehensive Plan, Neighborhood Plan and/or an Official Development Plan (if applicable).
12. A fee must be submitted with the exception request, the amount of which to be the same as is required for a minor variance application. This amount is determined by the Lakewood City Council. The applicant may appeal a denial of an exception to the Lakewood Board of Adjustment. Such an appeal must be filed in writing with the Secretary to the Board of Adjustment no later than fifteen (15) business days from the date of the decision. The fee for an appeal will be determined by the Lakewood City Council.

**17-5-22. PD: PLANNED DEVELOPMENT ZONE DISTRICT.**

(1) Purpose: The Planned Development Zone District is intended to permit 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 PD Zone 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 encourage innovations in residential, commercial, and industrial development and renewal so that the growing demands of the population may be met by greater variety in type, design, and layout of buildings and by the conservation and more efficient use of open space ancillary to said buildings.
- d) To encourage a more efficient use of land and of public services, or private services in lieu thereof, and to reflect changes in the technology of land development so that resulting economies may endure to the benefit of those who need homes.
- e) To lessen the burden of traffic on streets and highways.
- f) To provide a procedure which can relate the type, design, and layout of residential, commercial, and industrial development to the particular site, thereby encouraging preservation of the site's natural characteristics.

(2) Permitted Uses:

- a) Land uses within a Planned Development Zone District development may be multiple in nature and may 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 location criteria within that Comprehensive Plan. Planned Development of single uses approved under Ordinance O-70-104, as amended, are deemed to be conforming uses.
- b) Unless otherwise specifically excluded on the approved Official Development Plan, churches, public, parochial, and private schools are permitted in all Planned Development Zone Districts, subject to approval of an Article 15 Final Site Plan. If a use is permitted in all zone districts, then it shall also be permitted in the PD zone district unless specifically excluded.

(3) Application: The application for a Planned Development Zone District shall include and be approved or disapproved as follows:

- a) The application for a zoning amendment to establish a Planned Development Zone District shall comply with all procedures for rezoning set forth in Article 17 of this Ordinance.
- b) In addition to the following rezoning procedures, the developer shall submit with the rezoning application an Official Development Plan (ODP) containing written stipulations or graphic representations addressing the following plan elements. In phased planned development developments, the Director of Community Planning and Development, may allow one or more of the following plan elements to be submitted on or with the site plan for that phase in conformance with Section 17-5-22 (6) below.
  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 (7)(b) below.
  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, and land owner(s) signatures.

11. A survey and legal description of the property.

12. Design Controls, describing the general design and architecture of the buildings, and building elevations.

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 a timely manner following 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 Planning and 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 amendments or modifications thereto as provided in Subsection (6) below.

(4) No application for a Planned Development Zone District shall be approved unless:

- a) The proposed development conforms with policies and standards contained within this Ordinance, 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 Planned Development have given their written consent to the Planned Development; provided however, when the City annexes property which has been previously zoned PD or a comparable zoning in the jurisdiction from which it is being annexed (provided that said PD or comparable zoning is harmonious with the City Planned Development criteria), the written consent of all landowners is not required.

(5) Modifications: 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 ten percent (10%) or more of the original measurement of the gross floor area or residential density as set forth on the Official Development Plan, or if it involves a specific change in use or uses within the Planned Development Zone District, which would not be allowed within the applicable standard zoning district, 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 a change to the development, including but not limited to, building setback, height or architectural design, landscaping, fencing, or a specific change in use or uses permitted in accordance with Section 17-5-22(5)(a), the Director of Community Planning and Development shall review the application with respect to the criteria included in Section 17-5-22(5)(d). Written notice of the application shall be provided at the applicant's expense to all owners of property adjacent to the site, disregarding public rights-of-way. If a written objection to the application is filed with the Director within ten (10) days of notification, the application shall be referred to the Planning Commission in accordance with Section 17-5-22(5)(e). If no objection is filed, and the application is found to be consistent with the criteria in Section 17-5-22(5)(d), the Director may approve the application.
- c) 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 for review and action by the Director of the Department of Community Planning and Development.
- d) Modification not covered in Subsection (a) or (b) above may be granted by the Director of the Department of Community Planning and Development if it is determined that the modification meets the following criteria:
  - 1. Is consistent with the efficient development and preservation of the entire Planned Development;
  - 2. Does not affect in a substantially adverse manner the enjoyment of land abutting or across the street from the Planned Development;
  - 3. Does not affect in a substantially adverse manner the public interest;
  - 4. Is not granted solely to confer special benefit upon any person;
  - 5. Application for such administrative review is accompanied by a review fee in an amount established by City Council Resolution.
- e) The Director may, at his discretion, refer a modification to the Planning Commission for consideration. The Planning Commission may also hear applicant's appeals from administrative decisions. The applicant must file a notice of appeal with the Secretary to the Planning Commission within thirty (30) days of the decision of the Director. A public hearing before the Planning Commission shall be held with prior notice thereof published, mailed, and posted as provided in Subsections 17-17-4(1). Any action by the Planning Commission shall require payment of an additional review fee in an amount to be established by City Council Resolution.

An appeal from a Planning Commission decision may be made to the City Council. The appellant must file a notice of appeal with the City Clerk within thirty (30) days of the

decision of the Planning Commission. The City shall determine the hearing date. A public hearing before City Council shall be held with prior notice thereof published, mailed and posted as provided in Subsections 17-17-4(1), except that the City Clerk or her designee shall perform the functions of the Secretary to the Planning Commission when the hearing is before City Council. Any action by City Council shall require payment of an additional review fee in an amount to be established by City Council Resolution.

Denial of a modification does not preclude the filing of a new rezoning application.

- f) Regardless of the type of modification applied for, all modifications to an approved Official Development Plan for the Planned Development Zone District shall be reviewed by the City Engineer in accordance with the applicable provisions of Chapter 14.13 of the Lakewood Municipal Code to determine if the modification necessitates the dedication and/or construction of public improvements by the applicant.

(6) Phasing of Planned Development.

- a) Based upon both development and planning consideration, 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 pattern and factors determined at the time of approval of the first phase, along with the factors listed in Section 17-5-22 of this Ordinance which the Planning Commission determines to be necessary to the consideration of the rezoning application. The intensity and density of the 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 Planned Development Zone District simultaneously with the consideration of the first phase proposal, as set forth in the application.

If the proposed uses, use patterns and the intensity and density of such uses and use patterns are approved by the Planning Commission, or if the proposed uses, use pattern, 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 within this Zoning Ordinance, as amended, the Comprehensive Plan of the City of Lakewood, and other articulated policies of the Planning Commission, the land may be rezoned to the Planned Development 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 Planning and 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 Planned Development Zone District, and in the consideration of the subsequent phases, the Planning Commission shall consider only those factors listed in Section 17-5-22 of this Chapter which relate to division of land and the way in which land will be made ready for building development, and which it has not determined during consideration of the first phase; provided, however, that all the provision 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. When submitting subsequent phases for Planning Commission consideration, all applicants shall pay a fee for the review of each phased site plan. The amount of this fee shall be established by City Council Resolution.
- (7) Development Standards Any omissions of development standards in the Official Development Plan for a specific property will defer to the standards and requirements of the Zoning Ordinance as it pertains to the zone district where the closest similar use is first permitted.
- a) Applications for Planned Development Zone 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 a PD District to permit construction of a billboard shall comply with the following standards in addition to any standards generally applicable to a PD District:
    - 1. A billboard shall be limited to one (1) display surface not to exceed one hundred (100) square feet in area.
    - 2. 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 surface must be attached back-to-back.
    - 3. There shall be not less than ten (10) feet of minimum setback between the lot line and the leading edge of the sign.
    - 4. No billboard shall be constructed or maintained which is not separated by at least five hundred (500) feet from the nearest display surface of any other lawfully erected or maintained billboard.
    - 5. 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.

6. 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. if they are situated with a display surface closer than five hundred (500) feet from the nearest lot line of a property zoned for a residential use.
  7. Notwithstanding Subsection (b) below, the height of the billboard shall conform to the height restrictions as stated in Section 17-10.
- b) Height limitations applicable to any use within the Planned Development Zone 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 PD 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.
  - c) When regulations governing setbacks, secondary and accessory uses, off-street parking, fences, walls and obstructions to view, open space, signage, and site elements included in, but not limited to, Article 15 are not specifically mentioned in the stipulations of the approved Official Development Plan, the Director of Community Planning and Development shall have the following options:
    1. Require the application of regulations as set forth in the most similar zone category for any or all of the site elements listed above.
    2. Require the applicant to develop standards, prior to site plan submittal, which are in keeping with the intent of the Planned Development Zone District as stated in Section 17-5-22(1). Such standards must be recorded as an amendment to the Official Development Plan.
    3. For either option, the Director may use the site plan criteria listed in Section 17-15-3(2) to evaluate the effects of the proposed regulations.
- (8) Those Official Development Plans previously approved by City Council which reference the MU Mixed Use and MU Mixed or Single Use Zone District shall remain in full force and effect and all references to MU Mixed Use and MU Mixed or Single Use Zone District in said Official Development Plans shall be deemed to reference the PD Planned Development Zone District.



## **ARTICLE 6: SPECIAL USE PERMITS**

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

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

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

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

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

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

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

(10)

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

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

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

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

Any appeal of the Planning Commission's decision shall be to Jefferson County District Court. The City, in addition to any other remedies provided in this Ordinance or by law, may institute injunction, mandamus, abatement, or any other appropriate action or proceeding to prevent, enjoin, abate, or remove such violation.

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

(1) **Airports, Commercial Radio and Television Towers:**

- a) No building or structure shall exceed any given height limit as required by the Federal Aviation Administration.
- b) All facilities shall meet the requirements of Article 15 of this Ordinance.

(2) **Animal Day Care Facilities with Outdoor Uses: All Animal Day Care Facilities with outdoor uses shall comply with the following criteria:**

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

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

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

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

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

(4) **Bed and Breakfast:**

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

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

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

(7) **Golf Driving Range:**

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

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

(9) **Group Home:**

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

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

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

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

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

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

(11) **Junkyard:**

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

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

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

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

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

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

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

(14) **Mineral Resource Extraction:**

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

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

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

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

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

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

(16) **Racetrack:**

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

(17) **Roadside Stand:**

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

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

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

(20) **Travel Trailer Campgrounds:**

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

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

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

(22) **Government Office Building:**

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

(23) **Historic Place:**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**17-6-5 GROUP HOMES FOR HANDICAPPED PERSONS.**

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

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

- d) The Director or his designee shall administratively approve the group home application within fifteen (15) days of the receipt of the completed application if the Director finds that the application and other information available substantially conforms to the requirements of this Section 17-6-5(2). A denial of a Temporary Certificate of Registration or a Certificate of Registration may be appealed by the applicant to the Planning Commission as set forth in Section 17-6-5(7) below.
- (3) Group homes proposed for occupancy by nine (9) persons or more who are handicapped persons and any additional necessary persons employed in the care and supervision of such handicapped persons shall be permitted only upon the administrative processing of an application and approval of a special use permit as provided by this section. Administrative processing of a special use application shall provide an exemption from the public hearing process of Section 17-6-2(8) and (9). The total number of persons allowed in a group home shall not exceed one (1) person per habitable room which is being used for living purposes, as defined in the definition of Household. In order to qualify for administrative processing of a special use permit application for a group home for handicapped persons, the applicant shall submit to the Department of Community Planning and Development a completed application containing the information required by Sections 17-6-2(3)(a) through (c)(3) and 17-6-2(6). The applicant shall also provide to the satisfaction of the Director or his designee the information described in Section 17-6-5(2). A neighborhood referral meeting must be held as set forth in Subsection (8) below prior to the issuance of a Temporary Special Use Permit. A group home shall not be occupied until an application is submitted for review and a Temporary Special Use Permit is issued.
- (4) Upon receipt of a completed application meeting the requirements of Subsection (2) and Subsection (3) and the required processing fee, the Director or his designee shall administratively approve the group home application within fifteen (15) days of the date of receipt of the completed application if the Director finds that the application and other information available to the Director demonstrates or evidences that the proposed group home substantially conform to the requirements of Section 17-6-5(2) and Section 17-6-4(9)(a), (d), (f), (g), (h), (k) and Subsections (1) and (2) of Section (j) only. If approved, the

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



## **ARTICLE 7: PERFORMANCE-BASED REVIEW PROCESS**

**17-7-1. PURPOSE AND INTENT** The Performance-Based Review Process is a framework for residents, property owners, planners, and developers to follow during project review. This framework is designed to promote dialogue, offer flexibility and encourage creativity to facilitate a productive development process. It is also intended to ensure the effective integration of a development or redevelopment project with the surrounding land uses and the community.

The manner in which a particular land use appears, functions and interacts with adjacent land uses is integral and critical in making future land use decisions. Development and redevelopment should ‘perform’ well in a given location for the community. ‘Performance’ within the context of land use refers to the respect a parcel of land and its uses extend to its neighbors. These aspects of “respect” and “performance” identified and described as Performance Elements are key factors in the evaluation of projects during the Performance-Based Review Process.

The City applies a Performance-Based Review Process as a tool early in the development review process to cultivate productive discussions among applicants, neighboring property owners, and the community at large. Active listening and mutual understanding from all perspectives are key objectives of the process. The Performance-Based Review Process is intended to bring all concerned parties together to discuss issues, evaluate ways to mitigate community concerns, and achieve the desired outcomes of a proposed development.

The application of a Performance-Based Review Process is not a quantifiable point system that determines compliance or non-compliance. Rather, it is intended to be a framework that fosters dialogue to offer flexibility and encourage creativity to address land use issues. This deliberate process is designed to facilitate a productive development process, while ensuring the effective integration of a development or redevelopment project within the surrounding land uses and the community.

Special Use Permit, Zoning or Rezoning decisions shall be based on a project’s creativity and responsiveness to the established framework of the Performance-Based Review Process. For example, if a project performs effectively within such a framework, it might be suitable to integrate a mixed-use development into a residential neighborhood. The final determination shall be predicated on the project’s ability to accommodate the Performance-Based Review Process as a means to comply with the Comprehensive Plan.

It is the purpose and intent of this Article to:

- (1) Ensure that land use and development is in compliance with the Lakewood Comprehensive Plan.
- (2) Ensure that a development interacts appropriately with adjoining land uses.
- (3) Encourage desired outcomes through creative solutions rather than meeting minimum requirements.

- (4) Introduce a coherent and consistent set of performance considerations (in the form of questions) early in the development review process.
- (5) Increase the range of options for all parties involved in the planning review and development process.
- (6) Augment the current qualitative Site Development Standards stipulated in Article 15.

#### **17-7-2. APPLICABILITY**

The Performance-Based Review Process shall:

- (1) Apply to any development proposed in an application for a Special Use Permit, Zoning or Rezoning and are in addition to any other development standard which may otherwise be applicable to a particular property or geographic area of the City; and
- (2) Begin at the pre-planning staff comment period.

#### **17-7-3. APPLICATION FORM AND PROCEDURE**

- (1) Special Use Permit applicants shall comply with application form and procedure outlined in Article 6: Special Use Permits of this Ordinance.
- (2) Zoning and Rezoning requests shall comply with the application form and procedure outlined in Article 17: Procedure for Initial Zoning and Rezoning of this Ordinance.

**17-7-4. PERFORMANCE-BASED REVIEW PROCESS** The City of Lakewood will apply the following Performance Elements in evaluating Special Use Permit, Zoning and Rezoning requests. Not all Performance Elements will be pertinent to all proposals. The Planning Commission is authorized to adopt and amend a resolution to establish materials, such as descriptions and clarifying questions, for each of the following Performance Elements. The materials are to be used as a resource for applicants, neighboring property owners, staff, Planning Commission and City Council during neighborhood meetings and public hearings while evaluating Special Use Permit, Zoning, and Rezoning applications.

##### **Element 1: Regional Context**

Foster and advance cooperation regarding regional planning issues.

##### **Element 2: Conformance with the Comprehensive Plan**

Ensure that development is in compliance with the Lakewood Comprehensive Plan and applicable neighborhood, corridor and special area plans. Encourage citizen participation throughout the process.

##### **Element 3: Environmental Sustainability**

Promote community stewardship of natural and man-made resources. Respect and preserve key

wildlife habitat and movement corridors, watersheds, open space, and other natural areas when planning, designing and building projects. Conserve available water supplies and manage water runoff quantity and quality. Integrate open space, trail systems and recreational opportunities into development projects.

**Element 4: Infrastructure**

Approve new developments only if adequate public services are made available and impacts to natural systems and potential hazards are adequately mitigated.

**Element 5: Transportation Connections**

Promote a safe multi-modal transportation system. Encourage connections with all modes of transportation to serve people of all abilities.

**Element 6: Building Design and Function**

Encourage design and construction of energy efficient buildings that can be adapted to accommodate future uses.

**Element 7: Site Design and Function**

Ensure that development interacts well with adjoining land uses and the community. Promote high quality design in new development and redevelopment. Promote the development of mixed-use centers that serve the community.

**Element 8: Community Image and Identity**

Strengthen Lakewood's image and identity with emphasis on livability and vitality. Celebrate the cultures and diversity that exists within the community.

**Element 9: Community Sustainability**

Encourage sustainable development, development that meets the current needs of the community without compromising the ability of the community to support future needs.



## **ARTICLE 8: FENCES, WALLS AND OBSTRUCTIONS TO VIEW**

### **17-8-1. PURPOSE AND INTENT**

1. Fences regulated by this Ordinance are considered a structure. The intent of this Ordinance is to regulate the location, character and maintenance of fences, retaining walls and similar structures to ensure compatible and harmonious relationships between abutting properties and the community at large, and to provide for safety and public welfare.

### **17-8-2. PERMIT REQUIRED**

1. No person shall relocate, replace, construct or erect eight (8) linear feet or more of any fence at any location within the City without first obtaining the necessary building permit.
2. Every permit issued under the provisions of this article shall expire by limitation and become null and void if the authorized work is not commenced within 180 days from the date of permitting, or if the authorized work is not complete within 180 days. An extension may be granted for a specified amount of time upon request from the permittee. Only one extension may be granted for each fence permit issued.
3. No fence, trellis, pergola or arbor shall be erected without a building permit unless these structures are less than eight (8) feet wide and six (6) ft high. This includes connecting one or more sections of fence, trellis, pergola or arbor together. The Director may vary from this requirement at his or her discretion based on the standards in this Ordinance, to allow for aesthetic landscaping improvements or gateways. Please see figure 8-6 for an example.
4. Permits for temporary fences, for the purpose of protection or securing a site during construction, in conjunction with an active building permit for that property may be granted for a one-year renewable period. Such temporary fencing must be removed upon completion of construction and prior to the issuance of a certificate of occupancy.

### **17-8-3. APPLICATION FOR BUILDING PERMIT: SUBMITTAL AND APPROVAL PROCESS**

1. Submittal Requirements. A dimensioned site plan accompanying a completed building permit application shall be submitted, showing the following items, but not limited to: location of any proposed or existing fences, fence gates, structures, lot lines, nearby streets, nearby pedestrian walkways, easements, retaining walls and landscaped areas. Elevations and/or a detailed description of all proposed fences shall be required along with height and material details illustrated. Staff may require additional information upon request.
2. Review. The application shall be reviewed for conformance with the performance standards provided in Section 17-8-10 of this Article. The applicant shall be notified as to the decision within three (3) business days of the application submittal for multi-family, office and commercial fencing and within one (1) working day for single-family and duplex residential fencing.

3. Action and Appeal. The Director of Community Planning and Development or his/her designee shall approve, approve with conditions, or deny the permit application. The applicant may appeal a denial of a fence application to the Lakewood Board of Adjustment. Such an appeal, accompanied by the necessary fee, must be filed in writing with the Secretary to the Board of Adjustment no later than fifteen (15) business days from the date of the decision. The fee for the appeal will be the same as collected for a major variance application as determined by the Lakewood City Council.

#### **17-8-4. PERFORMANCE-BASED STANDARDS EXCEPTIONS**

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

1. The Director of Community Planning and Development or his/her designee may grant an exception to the height, materials and location requirements for fences, walls or other structures regulated by this Article through the submittal of a written request for an exception, inclusive of an illustration of the proposed fence, outlining the reason for which the exception is warranted. All exceptions must be approved prior to building permit approval and issuance. An exception does not constitute a building permit. The Director or his/her designee may approve or conditionally approve the exception if all of the following Performance-Based Standards are met:
  - a. The fence, wall or structure height, location, design and landscaping are in scale and harmonious with the character of the neighborhood and respect the design, size and landscaping improvements located on adjacent properties.
  - b. Granting of the exception will not be detrimental to the public health, safety or welfare or materially injurious to other property or improvements in the neighborhood in which the property is located, and shall not limit visibility of pedestrians, bicyclists or motorists from street, alleys or driveways; and
  - c. Granting of the exception will not adversely affect or be inconsistent with the special area Plan, Comprehensive Plan, Neighborhood Plan and/or an Official Development Plan (if applicable).

A fee must be submitted with the exception request, the amount of which to be the same as is required for a minor variance application. This amount is determined by the Lakewood City Council. The applicant may appeal a denial of an exception to the Lakewood Board of Adjustment. Such an appeal must be filed in writing with the Secretary to the Board of Adjustment no later than fifteen (15) business days from the date of the decision. The fee collected as required in paragraph (d.) above may be credited toward the required fee for the appeal. The fee for an appeal will be determined by the Lakewood City Council.

#### **17-8-5.MAINTENANCE**

1. Fences, walls and structures regulated by this Article shall be maintained in a safe manner perpendicular to the ground. Should a fence or wall lean or sag more than 20° to either side, perpendicular to the ground, it shall be considered to be a nuisance or a hazard as defined in and regulated by the Lakewood Municipal Code and must be removed or repaired. See Figure 8-3.
2. Fences and walls no longer maintained in a safe manner and/or which create a hazard through neglect, lack of repair, manner of construction, method of placement, or otherwise, shall be repaired, replaced or removed by the property owner. Examples of lack of maintenance shall include, but are not limited to, protruding or exposed wire, missing and/or protruding pickets, sagging or leaning more than 20° to either side, extending into a traveled walkway or creating a hazard for a pedestrian or motor vehicle.

#### **17-8-6.LEGAL NON-CONFORMING FENCES**

1. A fence is legal non-conforming if at the time the fence was erected, a fence permit was issued and it complied with the fence regulations in effect at the time but no longer meets the requirements of the new regulations.
2. Termination of a Legal Non-Conforming Fence: A legal non-conforming fence may remain in its existing configuration unless it is determined to be a hazard or nuisance as outlined in 17-8-5 above. Further, a legal non-conforming fence must be brought into conformance or terminate and cease to exist if any one of the following conditions occur:
  - a. Whenever a legal non-conforming fence is damaged or destroyed more than sixty percent (60%) of its total replacement value or 60% of the fence is repaired or replaced, over a cumulative period of two (2) years.

#### **17-8-7.VISION CLEARANCE AT CORNERS, RAIL LINE CROSSINGS AND DRIVEWAYS**

1. Except as specifically permitted in this ordinance, no fence which is less than 50% open, wall, hedge or other structure or obstruction above a height of twenty four (24) inches shall be constructed, placed or maintained within the fifty-five (55) foot sight triangle of the intersection of the flow lines of two (2) streets or rail lines or at a street intersection.
2. Except as otherwise specifically permitted in this ordinance, no tree which has foliage lower than eight (8) feet shall be placed or maintained within the fifty-five (55) foot sight triangle of the intersection of the flow lines of two (2) streets or rail lines or at a street intersection.
3. The sight triangle referenced in paragraphs 1 and 2 above shall be measured from the flow line or, in the absence of curbs and gutters, as measured from the edge of asphalt.

4. A forty-two (42) inch fence that is a minimum of fifty (50) percent open is permitted as approved by the City of Lakewood Traffic Engineering Division. See Figure 8-4.
5. In the instance of a corner lot where it is permitted to have a solid fence along a non-primary front property line that coincides with an adjacent property's primary front yard, no fence will be permitted that creates a hazard for vehicles exiting that property or for pedestrians walking along a sidewalk or traveled walkway. Please see figure 8-4.

#### **17-8-8. MEASUREMENTS.**

1. All fences, wall and structure heights, except those described in section 17-8-7(1), shall be measured from the lowest finished grade at the location of the fence, wall or structure. The height of fences described in Section 17-8-7(1) shall be measured from the finished curb level or if no curb is present, the finished level of the asphalt.
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 at no time shall the fence portion exceed seventy-two (72) inches above the highest finished grade at any point. Please see figure 8-2. All retaining walls shall be in conformance with the standards set forth in Title 14.21.150 of the Lakewood Municipal Code.
3. For the purpose of this ordinance, a retaining wall must act as a support barrier between a natural drop or rise in the grade of the land on either side of the retaining wall. A retaining wall cannot be built for the purpose of elevating a fence to any height more than allowed.
4. Combination fences of lattice and other decorative materials may be used in conjunction with approved materials; however, at no time shall the combination exceed the height limitation for that zone district.

#### **17-8-9. PLACEMENT OF FENCE**

1. No portion of a fence shall extend beyond the property line of the fenced property into the public right-of-way unless a Public Right-of-Way Permit has been obtained. It may be necessary to obtain a License Agreement prior to erecting a fence in the public right-of-way.
2. Fences must be set back and/or lowered in height, as deemed appropriate by the City of Lakewood Traffic Engineering Department applying the criteria of this Article, so that operators of motor vehicles or pedestrians exiting an adjoining property shall have reasonably unobstructed visibility of the street and sidewalk. See 17-8-7(2) above and figure 8-4.
3. All fences and walls shall be set back a minimum of two (2) feet from the back edge of the traveled walkway or back of sidewalk, whichever is greater in order to allow for safe passage by persons on a sidewalk or traveled walkway adjacent to the fence. This setback requirement includes fence support systems such as posts, pillars and columns.

4. All fence locations on through-lots, as defined in Article 2 of this Ordinance, shall be reviewed on a case-by-case basis by the Director or his/her designee and such fences shall meet the requirements established in 17-8-9 (1), (2) and (3).
5. See Figures 8-4 and 8-5 for an illustration of the regulations related to the placement of fences and walls.

## **17-8-10. PERFORMANCE STANDARDS**

### **1. GENERAL REQUIREMENTS**

- a. Fences shall be installed so that the finished side faces a public way or public space. All post and structural members, not decorative in nature, shall be on the side facing the fence owner's property.
- b. Fencing shall be installed vertical to the ground and the top finish of the fence shall be uniform in height. Fences shall follow the contour of the ground as far as practical. Adjustments for grade shall occur at the bottom of the fence to every extent possible.
- c. Gates adjacent to sidewalks, alleys and public rights-of-way shall open inward to the private property.
- d. An improved driving/parking surface is required prior to the construction of any gate which will serve as vehicular access.
- e. No fencing shall be erected so as to restrict access by emergency equipment to any building.

### **2. MATERIALS**

- a. Approved materials for fence construction include, but are not limited to: commercial quality wood, brick, masonry, metal, stone, wrought iron, manufactured vinyl or PVC fence material or any other material approved by the Director of Community Planning and Development in advance of receiving a building permit. All material used in wood fences shall be either naturally rot resistant (such as cedar), or pressure treated for rot resistance, or shall be coated thoroughly with paint or protective coating within 30 days of installation.
- b. Prohibited fence materials shall include, but are not limited to: aluminum siding, automobile or truck parts, smooth face concrete masonry units/blocks, cloth or plastic tarps, scrap wood or any other material not customarily sold for fencing in the Denver Metropolitan area or specifically prohibited by the Director of Community Planning and Development. The insertion of plastic slats into chain link fencing is not considered solid fencing. Plastic or temporary construction fence may not be used as a permanent fence material.

### **3. STANDARDS FOR RESIDENTIAL PROPERTIES**

Intent: To enhance and preserve the residential integrity of all residential properties and to enhance the public health, safety and welfare by regulating such matters as sight obstruction for vehicular and pedestrian traffic. Residential standards shall apply to all properties utilized for residential purposes, regardless of the zoning of the property.

- a. All fences in the front yard shall be a maximum of 42 inches high and 50% open. Fences in the rear yards, side yards and non-primary front yards may be solid and shall not exceed 72 inches in height. Fence/retaining wall combination regulations shall also apply. See Figure 8-2.
- b. All solid fencing or wall sections along a public or private street frontage totaling more than 200 feet in length shall include architectural features, such as a masonry, brick or a wood-framed column, every 50 feet. The distance between said features shall be a minimum of 8 feet. Approved columns may exceed the height of the fence by one foot but must meet all setback requirements.
- c. All fences shall be subject to a site plan review as described in Section 17-8-3.
- d. Placement of fences shall not obstruct recognized view corridors as identified in the Lakewood Comprehensive Plan and sight triangles.
- e. Proposed fencing should be designed to adequately relate in scale to adjacent neighborhoods and the street frontages.
- f. Fence design, materials, elements and features should contribute to and harmonize with the qualities of the adjacent properties.

### **4. STANDARDS FOR COMMERCIAL AND INDUSTRIAL PROPERTIES**

Intent: The intent is to provide aesthetically pleasing fences for commercial properties, to buffer commercial uses from adjacent residential uses, to provide for adequate streetscape softening and to enhance the public health, safety and welfare by regulating such matters as sight obstruction for vehicular and pedestrian traffic.

- a. Please see figure 8-1 for commercial fence setbacks and height restrictions.
- b. All solid fencing or wall sections along a public or private street totaling more than 200 feet in length shall include architectural features, such as a masonry, brick or wood framed column, every 50 feet. The distance between said architectural features shall be a minimum of 8 feet. Approved columns may exceed the allowable height of the fence by one foot but must meet all setback requirements.

- c. All fences shall be subject to a site plan review as described in Section 17-8-3.
- d. Placement of fences shall not obstruct recognized view corridors as identified in the Lakewood Comprehensive Plan and sight triangles.
- e. Solid fencing or buffering (as explained in Article 15 of this Ordinance) is required between commercial or industrial properties and adjacent residential uses and/or residential zoning classifications. The insertion of plastic slats into chain link fences is not considered solid fencing. Refer to approved materials above.
- f. Proposed fencing should be designed to adequately relate in scale to adjacent neighborhoods, properties and the street frontages.
- g. Fence design, materials, elements and features should contribute to and harmonize with the qualities of the adjacent properties.
- h. Fences and walls, when applicable, should be constructed using the same or similar materials as the main building.
- i. Landscaping in accordance with Article 15 of this Ordinance shall be used in conjunction with front yard fencing to soften, screen and enhance the property to avoid the encroachment of the proposed use on abutting land uses.

**17-8-11.      ENFORCEMENT**

This Article may be enforced by the following methods at the discretion of the Director:

- 1. The issuance of municipal court summons;
- 2. The issuance of a notice of abatement as set forth in Chapter 9.80 of the Lakewood Municipal Code, including the notice provisions and time frames set forth therein;
- 3. Notice of violation by the Director and appeal therefrom as set forth in the Lakewood Zoning Ordinance Article 17-4-1, *et.seq.*
- 4. Filing of a civil complaint in Jefferson County District Court.

Whenever a violation of this Article exists, no remedy provided for herein shall be exclusive.



Figure 8-1  
Commercial and Industrial Fence Standards (must also refer to performance standards)

**Note: For Residential Fence Standards Refer to the Individual Zone Districts (Section 17-5-1)**

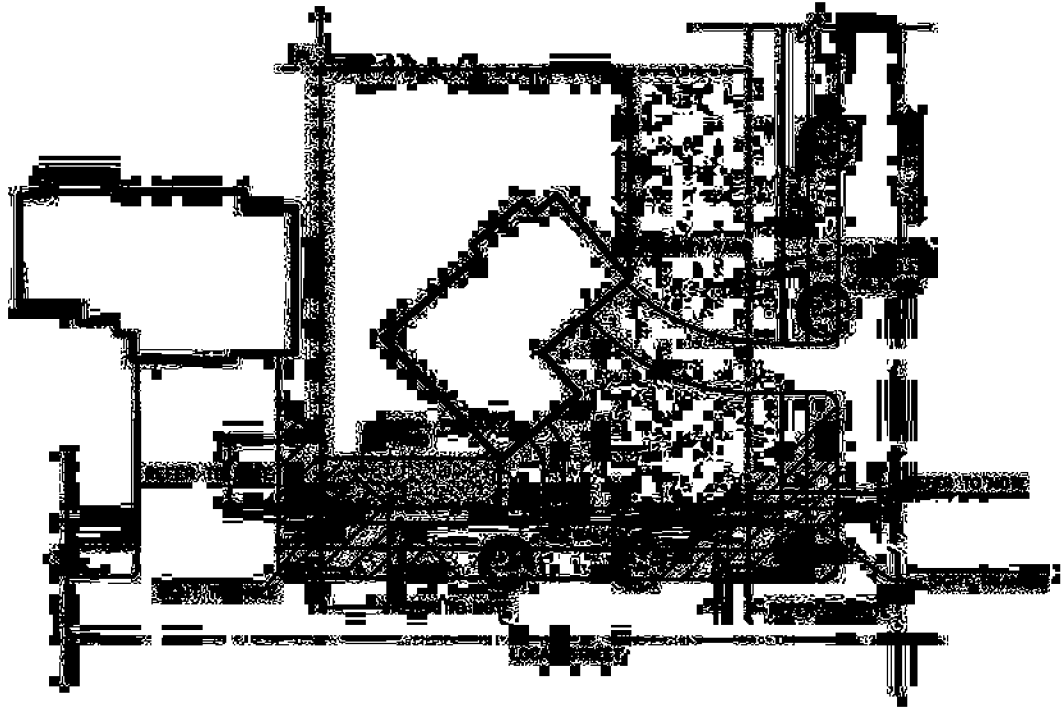
ZONE DISTRICT	PERMITTED LOCATION	TYPE OF FENCE PERMITTED	MAXIMUM HEIGHT	MINIMUM SETBACK	ADDITIONAL REQUIREMENTS/COMMENTS
OF, IC through 5C Office / Commercial	Side and rear yards, non-primary front yards	Open, solid	72"	property line	All non-primary front yard fences must be a minimum of two (2) feet from back of side walk or traveled walkway  Solid fences in the non-primary front yard must be accompanied by landscaping in accordance with Article 15 to soften its impact to the public right-of-way.
	Front yard	Open, solid (at the discretion of the Director)	72"	Property line	All front yard fences must be a minimum of two (2) feet from back of sidewalk or traveled walkway  Solid fences in the front yard must be accompanied by landscaping in accordance with Article 15 to soften its impact to the public right-of-way.
	Gates	Same as fence	Same as fence	Gates must be setback at a minimum 20' from flowline of the street or back of curb in order to meet vehicle stacking requirements (see Article 9)	Gates must swing inward on to private property or slide sideways so as not to create a traffic hazard.

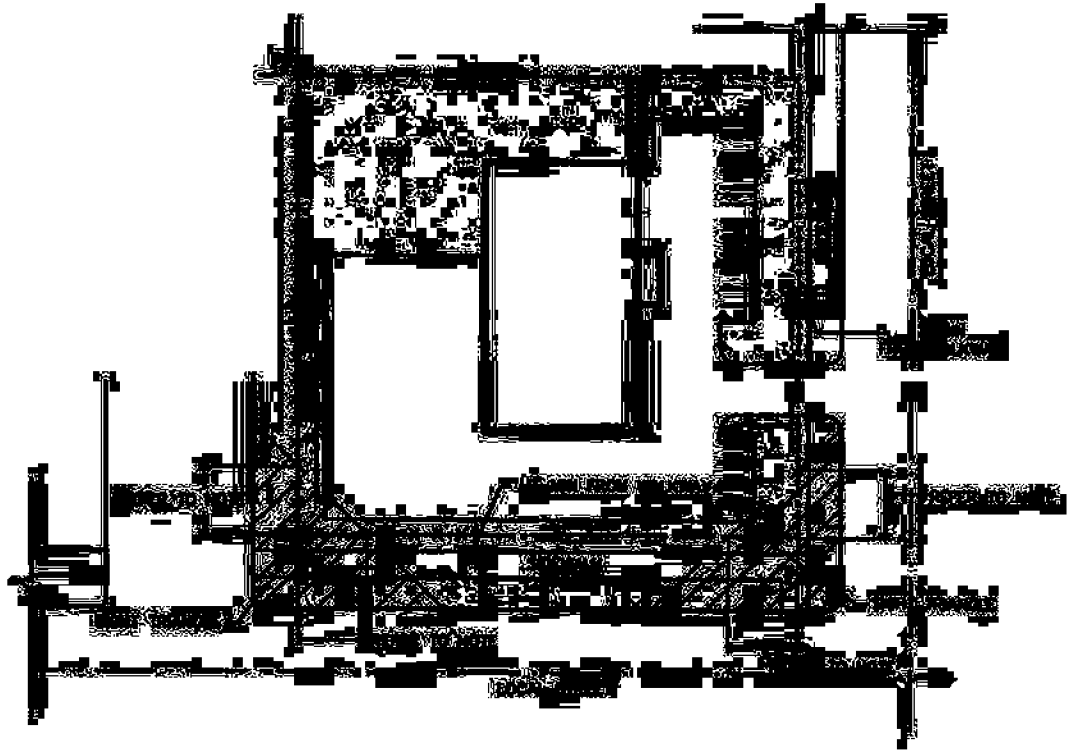
IN Industrial	Side and rear yards	Solid	84"	property line	
		Barbed Wire	84", but may not be located below 72"	property line	
	Front yard, non-primary front	Open, solid (at the discretion of the Director)	84"	Property line	<p>All front yard and non-primary front yard fences must be a minimum of two (2) feet from back of side walk or traveled walkway.</p> <p>Solid fences in the front yard must be accompanied by landscaping in accordance with Article 15 to soften its impact to the public right-of-way.</p>
	gates	Same as fence	Same as fence	Gates must be setback at a minimum 20' from flowline of the street or back of curb in order to meet vehicle stacking requirements (see Article 9)	Gates must swing inward on to private property or slide sideways so as not to create a traffic hazard.

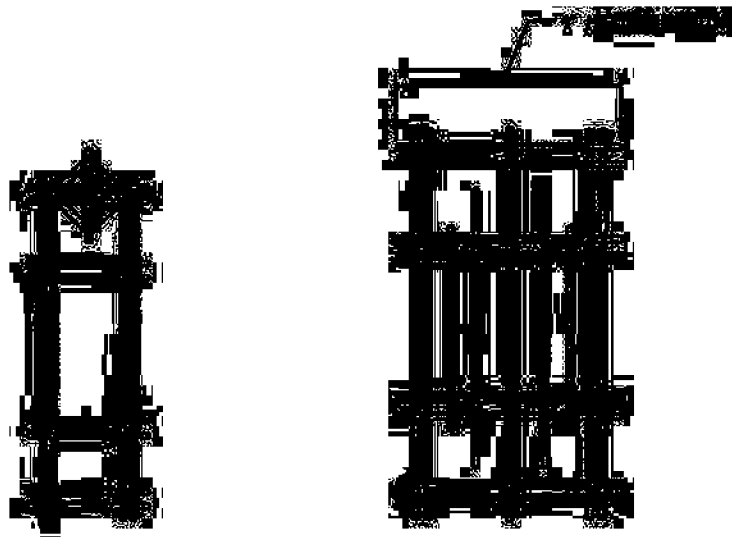
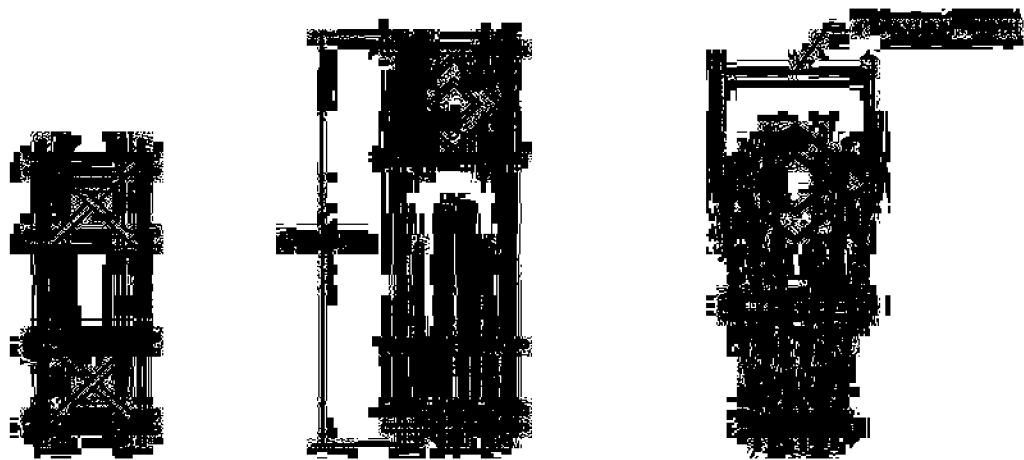
ANY DISTRICT						
Public Utility Installations	Front, side and rear yards	Open, Solid	84"			All front yard and non-primary front yard fences must be a minimum of two (2) feet from back of side walk or traveled walkway
		Barbed Wire	84" , but may not be located below 72"			
Recreational Facilities (such as tennis courts, basketball courts)	Side and rear yards	Open	120"	15' from property line		
Swimming Pools Hot Tubs and/or Ponds	Front, side and rear yards					Any person owning land in the City of Lakewood on which there is situated a swimming pool, hot tub or pond, 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 body of water 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 and the interior of the fence shall be a minimum of five (5) feet.

Noise Control Walls and Fences	Rear yards and non-primary front yards adjacent to arterial streets;  Any yard adjacent to frontage roads on US 6 and US 285	Solid masonry of wood with pickets on both sides of the horizontal boards and the pickets must be a minimum of 3/4 inch thick and must be staggered from the opposite pickets.	Eight feet		Solid fences and walls may be erected to a height of eight feet when so positioned as to separate a property from an arterial street or a frontage road adjacent to the US 6 and US 285 Highways as designated in the City of Lakewood Major Street Plan. The Director of Community Planning and Development shall consider the aesthetic, visual, and noise reduction characteristics of the fence and wall.
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## **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 this Article. No person shall construct, pave or repave a parking lot without first obtaining a building permit.
- (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 in accordance with Section 17-4-7.
- (3) Provision of parking spaces within an integrated parking and access system is encouraged. The total number of spaces provided shall be the sum total of the individual requirements. Parking requirements will be based on the land use(s).
- (4) All driveways, drive aisles, parking areas, and all parking spaces within those areas located in districts other than One Acre Residential (R1A) shall be designed and designated in conformance with the site plan requirements of Title 17, Article 15. Driveways which access unimproved streets and serving one and two family dwelling units in districts (RR) Rural Residential, (1-R) Large Lot Residential, (2-R) Small Lot Residential, and (3-R) Duplex Residential, are exempt from this requirement.
- (5) All parking ratios in Table 9-4, for combined residential/nonresidential developments shall be determined based on the individual uses. Mixed nonresidential developments, such as shopping centers, industrial or office parks, shall have parking based upon the type of development and not based on individual uses. The number of spaces required in Table 9-4 will be rounded up to the next whole number.
- (6) Parking spaces and on site circulation shall be designed in such a manner as to provide safe movement for pedestrian and vehicular traffic. On site parking shall be maintained in good condition free of weeds, dust, trash and debris, and major surfacing defects.
- (7) When a change in the use or user of the property creates an increase in the parking demand even where there is no development or redevelopment taking place, the additional parking demand shall be provided for.
- (8) Parking of Motor Vehicles Restricted
  - a) Every property zoned (residential) R1A, RR and 1-R shall be prohibited from having more than ten (10) vehicles parked outside on the property.
  - b) Every property zoned (residential) 2-R, 3-R, 4-R, 5-R, and PD with a conforming single-family detached home shall be prohibited from having more than seven (7) vehicles per property parked outside on the property. Duplexes and triplexes shall be prohibited from

having more than four (4) vehicles per unit parked outside on the property, provided all other parking requirements are met.

1. For purposes of this Article 17-9, vehicles are defined as all vehicles including, trailers, vessels (boats), all self propelled and non-self propelled vehicles, recreational vehicles, commercial vehicles, motor homes, trucks, vans, motorcycles, and passenger cars. Vehicles shall not include bicycles.
2. For purposes of this Article 17-9, a trailer containing a boat shall be considered one (1) vehicle. A trailer containing recreational vehicles such as snowmobiles or motorcycles shall be considered one vehicle.
3. Notwithstanding the foregoing, the following vehicles are prohibited from being parked or stored on any property in residential areas.
  - a. 1. Any commercial vehicle which is 20,000 pounds or greater or more than 30 feet in length or ten feet in height or greater or which has three (3) or more axles.  
2. In measuring the height of commercial vehicles, the measurement shall exclude any accessory equipment related to the function of the vehicle, such as air conditioning units, heating units and similar devices mounted on top of the vehicle. Signage shall not be excluded from such measurement. No more than fifty (50%) per cent of the roof area of the vehicle shall be used for the accessory equipment mounted on top of the vehicle.
  - b. Truck tractors
  - c. Semitrailers
  - d. Dump trucks
  - e. Busses
  - f. Construction equipment weighing 10,000 pounds or more except when being used on the property in conjunction with a building permit or other permit issued for that location.
- c) Parking must meet requirements in this section 17-9, and other related municipal ordinances including Chapter 9.80 of the Lakewood Municipal Code.
- d) On single family and duplex residential zoned lots, parking areas shall not exceed fifty percent (50%) of the back yard; fifty percent (50%) of the front yard, and fifty percent (50%) of the side yard. Each lot shall be allowed no more than thirty-five feet (35') of drive-cuts along the lot's street frontage and may occupy no more than 50% of the lot frontage, cul-de-sacs excluded.
- e) All parking areas shall be kept free of weeds, trash, and debris.
- f) Of the vehicles referred to in 8(a) or 8(b) above, no more than two (2) shall be inoperable/unlicensed vehicles as defined in 9.80 of the Lakewood Municipal Code.
  1. Inoperable/unlicensed vehicles must be stored in the back or side yard and must be screened from public view (as set forth in 9.80 of the Lakewood Municipal Code).

Side yard parking is prohibited if the setback is less than eight (8) feet.

2. No inoperable/unlicensed vehicles shall be allowed to be stored or parked in multi-family developments.
  - g) Of the vehicles referred to in 8(a) or 8(b) above, no more than one (1) of either a travel trailer, motor home, or camper unit per dwelling unit shall be parked on any residential zoned property.
  - h) Not more than two (2) trailers or not more than one trailer and one (1) motor home shall be parked in a front yard.
  - i) Of the vehicles referred to in 8(a) or 8(b) above, no more than one (1) commercial vehicle, as defined in Article 2 of the Lakewood Zoning Ordinance, per dwelling unit shall be parked on each residential lot.
- (9) Improved Surface Required: All parking areas, driveways, or any other part of the property used for vehicle travel and parking located in the front yard, side yard, and back yard shall be improved all weather surfaces clearly delineated by curbs, landscaping, or similar features to distinguish the parking area from the remainder of the yard.
- a) Approved all weather surfaces include: Concrete paving, Hot mix asphalt paving; or rock (min. 3/4" inch thick, min. 3" in depth). Approved all weather surfaces shall not include materials such as carpet, shingles, wood or cardboard.
    1. The purpose of this Subsection 17-9-1(9) is to insure that a dust-free, weed-free, and mud-free surface is provided for parking. Parking will not be allowed on grass, weeds, mud or dirt. This includes, but is not limited to, the parking of trailers, campers and camper shells.
  - b) A property owner shall comply with the requirement for an improved surface within thirty (30) days of a posting or receipt of a notice of violation of this subsection 17-9-1(9). The Code Enforcement Officer has the discretion to work with the property owner to bring the property into compliance.
  - c) Exemptions from the above requirement may be granted by the Director for side yard and back yard parking for properties used for agricultural purposes such as the keeping of horse trailers, tractors, and other similar items. Applications for the exemption stating the reasons for the exemption shall be made to the Department of Community Planning & Development. The Director's decision shall be based upon property use, number of vehicles, compatibility with surrounding property and other relevant factors. If a request is denied, any appeal shall be to the Board of Adjustment.
  - d) Parking is not allowed in an area intended for other purposes such as landscaping, grass yard, garden, etc. This regulation applies to all zone districts. This includes, but is not limited to, the parking of trailers, campers and camper shells.

(10) Use of Car Covers

- e) Car covers may be used to cover motor vehicles but must be expressly made for the purpose of covering a vehicle and cannot be tarps.
- f) If a car cover is used, it must be maintained at all times. Ripped, torn, or blowing covers are not allowed.

(11) 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. If the trailer is hooked to a power source via an extension cord, such cord must be maintained as to not create a safety hazard.

(12) Planning applications where reciprocal or shared parking is contemplated may be required to include parking accumulation studies for existing facilities similar to the proposed uses and for the surrounding uses with which parking is being reciprocated. The following guidelines must be followed:

- a) Determine if shared parking is possible by examining the land use mix adjacent to the subject site, the size of each use, the type of operation, and most important, the 12 to 24-hour parking demand characteristics of each use.
- b) Conduct 12 to 24-hour parking accumulation studies for existing facilities similar to those for which reciprocal parking is being requested, and for the surrounding ones with which shared parking is anticipated. Weekly and monthly variations in parking demand must be taken into consideration.
- c) Occupancy factors may be a consideration in determining how well the parking spaces for the existing adjacent uses, with which shared parking is being contemplated, are currently being utilized. These can be determined during the accumulation studies outlined above.
- d) Based on the data for existing similar facilities, the total parking demand for all uses included in the shared parking analysis must be projected for each hour over a 12 to 24-hour period for the most critical day of the week and month of the year. This must include the Thanksgiving to Christmas period. This will determine the minimum number of spaces that must be provided.
- e) Based on this analysis, if the maximum number of vehicles accumulated during a 24-hour period for all uses exceeds the number of spaces that are required to be provided by City ordinances for all the uses, no reciprocal or shared parking will be permitted.
- f) If the projected peak accumulated demand is lower than the spaces required to be

provided by ordinance, elimination of those spaces exceeding the maximum accumulated demand may be considered by permitting shared parking, providing details of an agreement are provided to the City guaranteeing perpetuity of such shared parking arrangements in case of future ownership or tenant changes.

**17-9-2. PARKING SPACE REQUIREMENTS.** The minimum number of off-street parking spaces required for permitted and special uses established after the effective date of this Ordinance shall be as listed in Table 9-4. The following conditions shall also apply:

**(1) Residential One Acre (R1A) District:**

- a) Driveways shall be a minimum of eighteen (18) feet wide, or such other configuration that will allow either of the two required parking spaces to be accessed independently of each other. Driveways shall be a minimum of eighteen (18) feet long from back of sidewalk or twenty-nine (29) feet long from right-of-way if no sidewalk exists.
- b) Driveways shall be set back at least seven and a half (7.5) feet from the side property lines. This does not include parking areas. Corner lots shall have a driveway setback of twenty (20) feet from corner, as measured from the point of curb return.

**(2) Residential 1-R, 2-R, 3-R Districts and single family detached and duplex units that are not a part of a larger development that include such common facilities as private roadways and recreation/open space areas:**

- a) Driveways shall be a minimum of eighteen (18) feet wide, or such other configuration that will allow either of the two required parking spaces to be accessed independently of each other. Driveways shall be a minimum of eighteen (18) feet long from back of sidewalk or twenty-nine (29) feet long from right-of-way if no sidewalk exists.
- b) Driveways shall be setback at least seven and a half (7.5) feet from the side property lines. This does not include parking areas. Corner lots shall have a driveway setback of twenty (20) feet from corner, as measured from the point of curb return.

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

- a) Covered Parking: If resident parking spaces are provided in a garage or carport, they shall be ten (10') feet wide and twenty (20') feet long. They shall be architecturally integrated with the building.
- b) Structured Parking: Structured parking shall be required in developments with densities of twenty-five (25) dwelling units per acre or more, for at least fifty (50) percent of the required number of spaces. The structural design shall be prepared by an engineer licensed by the State of Colorado and shall be architecturally integrated with the buildings served.

**(4) Uses located in OF, 1-C, 2-C, 3-C, 4-C, 5-C and IN Districts or uses listed in Section 17-**

**5-4 of this Zoning Ordinance:** Parking space requirements will be determined based on the specific use of the development or redeveloping parcel as listed in Table 9-4. Parking requirements for uses not listed in Table 9-4, will be determined by the Director based on similar uses or by traffic study provided by applicant.

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

- a) **Posting of spaces:** Each handicapped parking stall shall be a minimum of twelve (12) feet in width, and must have a stall depth of at least eighteen (18) feet. Length may be reduced as noted in Section 17-9-6(3). The stalls should be located near barrier free entrances to buildings. Each handicapped parking space will be required to be constructed and identified as shown in Figures 9-2, 9-3, and 9-4.
- b) The following chart shall illustrate the minimum number of handicapped accessible spaces:

<u>Total Parking in Lot</u>	<u>Required Minimum Number of Accessible Spaces</u>
1 to 25	1 ( must be van accessible)
26 to 50	2 (1 must be van accessible)
51 to 75	3 (1 must be van accessible)
76 to 100	4 (1 must be van accessible)
101 to 150	5 (1 must be van accessible)
151 to 200	6 (1 must be van accessible)
201 to 300	7 (1 must be van accessible)
301 to 400	8 (1 must be van accessible)
401 to 500	9 (2 must be van accessible)
501 to 1000	2 percent of total(1 out of 8 must be van accessible)
1001 and over	20 plus 1 for each 100 over 1000 (same as above)

**17-9-3.OFF-STREET LOADING SPACE REQUIREMENTS.** In all zone districts when a loading space is provided it shall be a minimum of thirty-five (35) feet long, twelve (12) feet wide, and fifteen (15) feet high. Whether or not loading space is provided, all vehicle maneuvering shall be done on site not in the right-of-way.

**17-9-4.VEHICLE STACKING.**

(1) Vehicle stacking is:

- a) The minimum required length of an on-site drive aisle necessary to facilitate the safe movement of vehicles between the parking lot and the public street; and/or
- b) The minimum required length of an on-site drive aisle necessary to facilitate movement of vehicles within a parking lot to drive-up window service or other drive-through services.

- (2) Required stacking distances shall be measured from the flow line to the first parking stall or aisle. Vehicle stacking shall be provided as shown in Table 9-2. The required stacking distance for the site may be distributed between accesses serving the site, provided a minimum stacking of twenty (20) feet is provided at all access points. The stacking distance may be adjusted by the Director for accesses with two (2) approach lanes and will be subject to traffic impact study findings, roadway geometry, traffic volume, and site layout.
- (3) Stacking distance for internal drive-up or drive-through services shall be measured from the point of service and within a designated drive aisle. The required stacking distances are shown in Table 9-3.

**17-9-5. DESIGN OF PARKING LOT AREAS.** The minimum standards and elements of design contained in this Section shall be required for every new parking lot designed and constructed, in districts other than (R1A) One Acre Residential, (1-R) Large Lot Residential, (2-R) Small Lot Residential, (3-R) Duplex Residential, and for uses permitted by Section 17-5-4 in any district subject to modification by the Director. The Director may approve a parking plan which is different from the dimensional and other qualitative criteria in this Article provided that the change fulfills the intent and purpose of this Ordinance.

- (1) All new multi-family residential and non-residential parking lot structural sections must be designed by a professional engineer specializing in the geo-technical field, registered in the State of Colorado and shall be based on a soils report and shall reflect traffic volume and vehicle types.
- (2) The minimum cross section under any conditions shall be two and one half (2-1/2) inches of hot bituminous pavement and four (4) inches of aggregate base course (Class VI) on six (6) inches compacted sub-grade or four (4) inches of non-reinforced Portland Cement concrete pavement on six (6) inches compacted sub-grade. An equivalent full depth section over compacted sub-grade may also be used. Gravel is not an acceptable parking surface.
- (3) A special inspector as defined and provided for in Section 306(a)14(b) of the Uniform Building Code, as adopted by the City of Lakewood Municipal Code, shall certify after field inspection, that the construction of the parking lot conforms with the approved plans prior to the issuance of a Certificate of Occupancy or final inspection. When a parking lot is part of an approved drainage plan, an engineer registered in the State of Colorado shall certify the construction, paving or repaving complies with the approved drainage plan.
- (4) The maximum grade within parking lots shall be six (6) percent; the maximum cumulative grade break must not exceed eight (8) percent.
- (5) Raised curb islands shall be required for each parking row containing more than eight (8) vehicles to define the ends of each parking row. No curb islands shall be constructed of asphalt. The curbing design must be approved by the Director of Community Planning and Development.
- (6) 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.

- (7) The perimeter of the parking lot and any raised curb islands shall have concrete curb. The curb shall be set back from the property line a minimum distance of six (6) feet or the required buffer/setback distance. In 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.
- (8) All buildings shall be separated from the parking lot by a minimum five (5) foot wide walkway or landscaped area. Such area shall have the same finished height as the raised curb. If head-in parking is permitted adjacent to one side of the area, the area shall have a minimum seven (7) foot wide walkway.
- (9) All parking lots shall be maintained by the owner of the property. Maintenance shall include replacement of damaged asphalt, mending of potholes, etc.

#### **17-9-6. PARKING STALL LAYOUT.**

- (1) Conventional parking layout dimensions are provided in Table 9-1, illustrated in Figure 9-1, with design elements of parking. ADA accessible parking stalls shall conform with Figure 9-4. All parking layouts and elements will be reviewed by the Director of Community Planning and Development for approval.
- (2) The size of a parking stall, its angle, and the width of the access aisle shall conform to Table 9-1.
- (3) The minimum length of a parking stall which is adjacent to a landscaped area may be reduced by two (2) feet provided suitable ground cover is placed behind the curb a minimum distance of two (2) feet.
- (4) Both sides of a parking bay shall be at the same angle. The layout of the parking area shall be such that no vehicle shall protrude into a drive aisle.
- (5) Dead end aisles shall provide back around space of five (5) feet in depth and the same width as the aisle, and shall only be permitted for ninety (90) degree parking layouts.
- (6) Parking spaces shall be defined on the pavement surface with painted lines. Bumper blocks and/or bollards are not permitted.

**17-9-7. PARKING SPACE REDUCTION FOR VOLUNTARY LANDSCAPING.** The Director of Community Planning and Development may reduce the total number of required parking spaces by a maximum of fifteen (15) percent when:

- (1) The existing parking lot is not in conformance with current landscape design standards.

(2) Landscaping is being added voluntarily.

(3) The parking lot is not part of an approved Article 15 site plan.

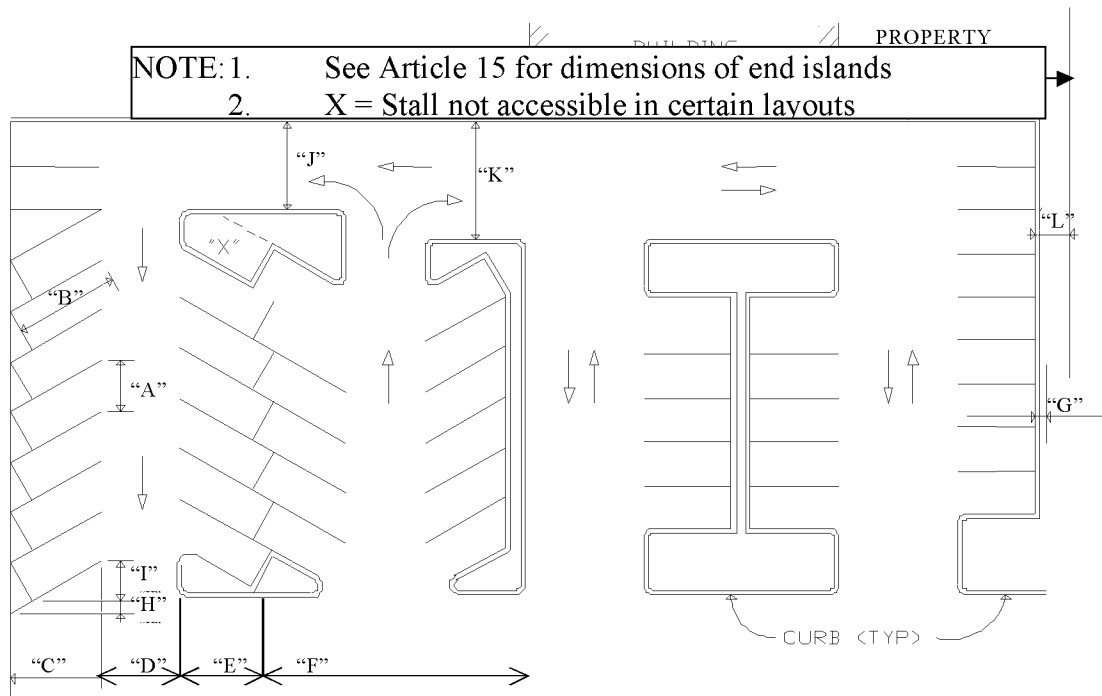
**17-9-8. APPEALS TO THE BOARD OF ADJUSTMENT.** As provided for in Section 17-4-7, the Board of Adjustment may hear and decide appeals from any order, requirement, decision, or determination by the Director or any employee of the City of Lakewood in the enforcement of this Chapter. Any appeal shall be filed in writing and shall be accompanied by the Board of Adjustment fee in an amount established by City Council resolution.

**TABLE 9-1  
PARKING LOT LAYOUT DIMENSIONS (IN FEET) FOR 9 FT STALLS AT VARIOUS  
ANGLES**

**FIGURE 9-1**

DIMENSION	ON FIGURE 9-1	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
Bumper overhang (typical)	G	0.0	1.5	1.8	2.0	2.0
Offset	H	--	6.3	2.7	0.5	0.0
Setback	I	24.0	11.0	8.3	5.0	0.0
Cross aisle one-way*	J	18.0	18.0	18.0	18.0	18.0
Cross aisle two-way*	K	24 18	24.0	24.0	24.0	24.0
Setback to property line	L	24	18.0	8.3	5.0	18.0
Setback to building	M		24.0	18.0	18.0	24.0

\*If determined to be a fire lane, the minimum width required will be twenty five feet (25')



**TABLE 9-2****ON SITE FEET OF VEHICLE STACKING FOR PARKING LOT EXITS TO TYPE OF STREETS**

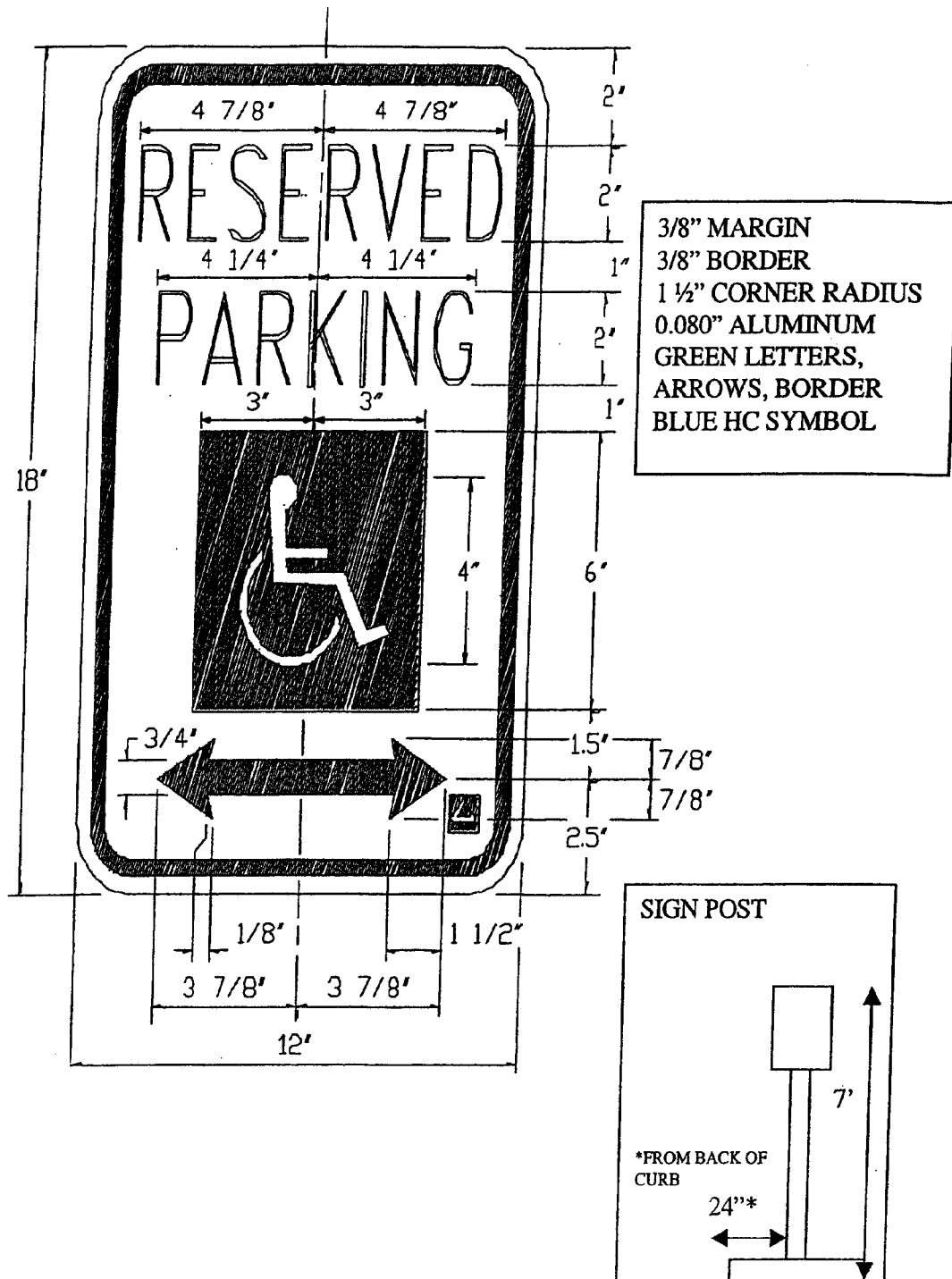
<b>LAND USE</b>	<b>BUILDING AREA (S.F.) OR AS NOTED</b>	<b>LOCAL FEET OF STACKING</b>	<b>COLLECTOR FEET OF STACKING</b>	<b>ARTERIAL FEET OF STACKING</b>
MULTI-FAMILY Low Rise (3 stories or less)	0 - 80 units	20	40	40
	81 - 160 units	40	40	40
	161 - 300 units	40	40	80
	High Rise	0 - 300 units	40	80
RESTAURANT Low Turnover, sit down, 1 hr or more	0 - 15,000	20	20	20
	15,001-30,000	20	20	40
	High Turnover, Sit Down, Less than 1 hr	0 - 8,000	20	20
		8,001 - 16,000	20	40
		16,001-20,000	20	60
		0 - 2,000	20	20
	2,001 - 3,000	20	40	80
	3,001 - 5,000	40	60	120
	5,001 - 7,000	60	80	180
	Drive-in or Drive-through			
MOTEL	0 - 150 rooms	20	20	20
	151 - 400 rooms	20	60	100
	401 - 700 rooms	20	100	140
CONVENTION HOTEL	0 - 150 rooms	40	40	80
	151 - 400 rooms	40	120	200
	401 - 700 rooms	40	200	280
OFFICE PARK  OFFICE BUILDING	0 - 20,000	20	20	20
	20,001 - 50,000	20	40	60
	50,001-100,000	20	60	140
	100,001-150,000	60	100	200
	150,001-300,000	100	200	400
	300,001-500,000	160	320	660
	0 - 50,000	20	20	40
	50,001-100,000	20	40	80
	100,001-150,000	40	60	140
	150,001-200,000	40	80	180
INDUSTRIAL Light	200,001-300,000	60	140	280
	300,001-400,000	100	180	360
	400,001-500,000	120	220	460
	0 - 100,000			
	100,001-200,000	20	20	40
	200,001-300,000	20	40	80
	300,001-400,000	40	60	120
	400,001-500,000	40	80	160
		60	100	200

LAND USE	BUILDING AREA (S.F.) OR AS NOTED	LOCAL FEET OF STACKING	COLLECTOR FEET OF STACKING	ARTERIAL FEET OF STACKING
Park	0 - 500,000	20	20	40
SHOPPING CENTER	0 - 10,000	20	20	40
	10,001 - 20,000	20	40	100
	20,001 - 30,000	40	80	140
	30,001 - 40,000	60	100	180
	40,001 - 50,000	60	120	200
	50,001 - 100,000	60	120	200
	100,001 - 150,000	80	140	300
	150,001 - 200,000	100	200	400
	200,001 - 250,000	120	240	500
	250,001 - 300,000	140	300	600
	300,001 - 600,000	140	300	600
	600,001 - 700,000	160	300	600
	700,001 - 800,000	180	340	700
	800,001 - 900,000	200	400	780
	900,001 - 1.00 M	220	440	860
	1.01 M - 1.50 M	340	660	1,300
DISCOUNT STORE	0 - 30,000	20	20	20
	30,001 - 50,000	20	40	60
	50,001 - 75,000	20	40	100
	75,001 - 100,000	40	60	140
SUPERMARKET	0 - 20,000	20	20	20
	20,001 - 30,000	20	40	60
	30,001 - 40,000	20	40	80
	40,001 - 50,000	20	60	120
BANK: DRIVE THROUGH	0 - 10,000	20	20	40
	10,001 - 20,000	40	40	160
	20,001 - 30,000	60	120	240
	30,001 - 40,000	80	160	320
	40,001 - 50,000	120	200	400
MEDICAL CLINIC	0 - 100 employees	20	20	40

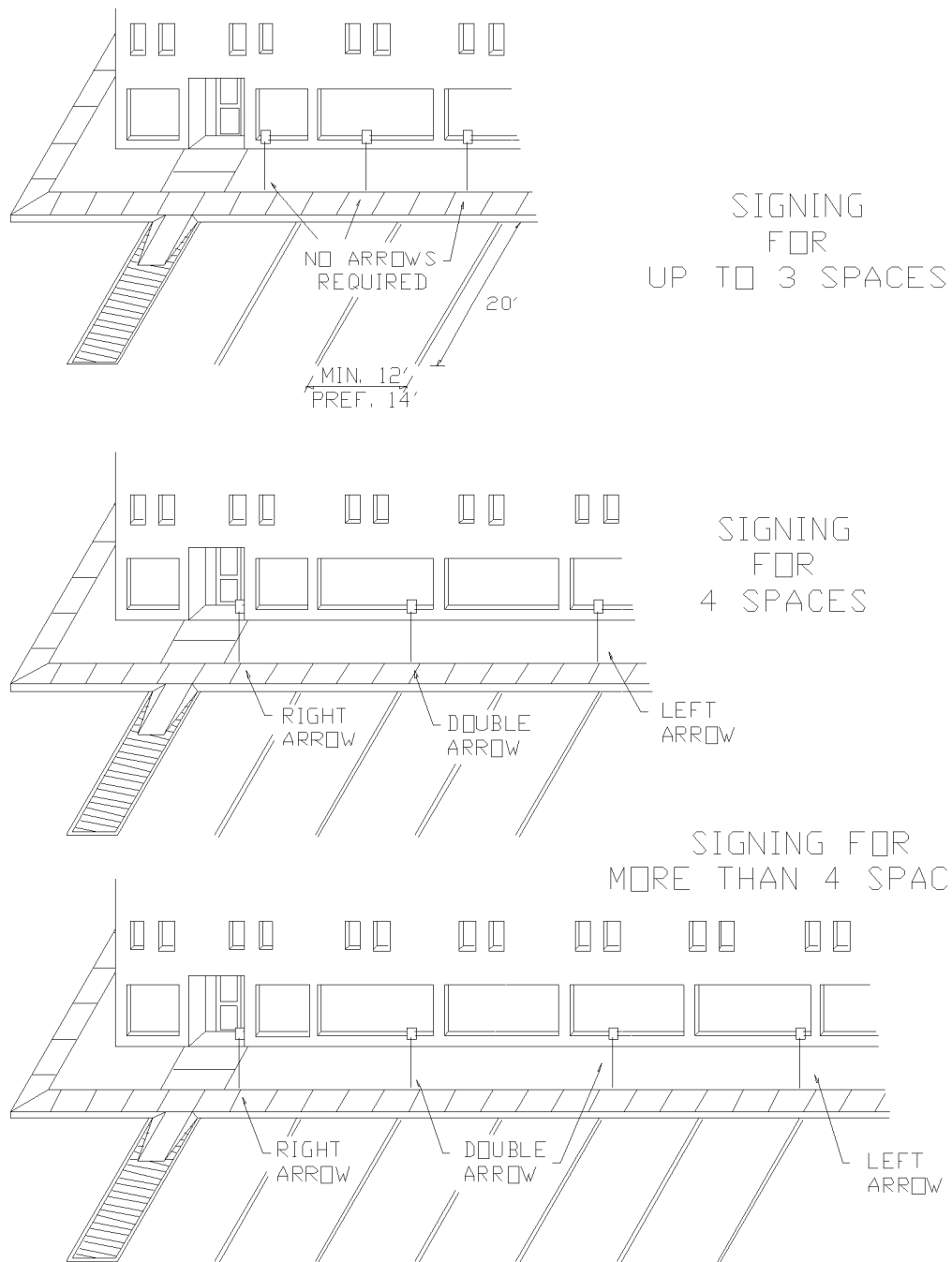
**TABLE 9-3  
VEHICLE STACKING FOR DRIVE-UP OR DRIVE-THROUGH SERVICES**

TYPE OF FACILITY	STACKING DISTANCE
Drive-up Bank	120 feet per window
Drive-up Restaurant	200 feet per window
Drive-up Liquor Store	60 feet per window
Drive-up Cleaners	60 feet per window
Drive-up Theater	20 ft. per 15% of total parking spaces
Automatic Car Wash	200 feet per wash line
Self-Service Car Wash	60 feet per wash line
Service Stations	80 feet per service position
Hospital (Emergency Entrance)	20 feet per 1% of total parking spaces

FIGURE 9-2 HANDICAPPED SIGN DETAIL

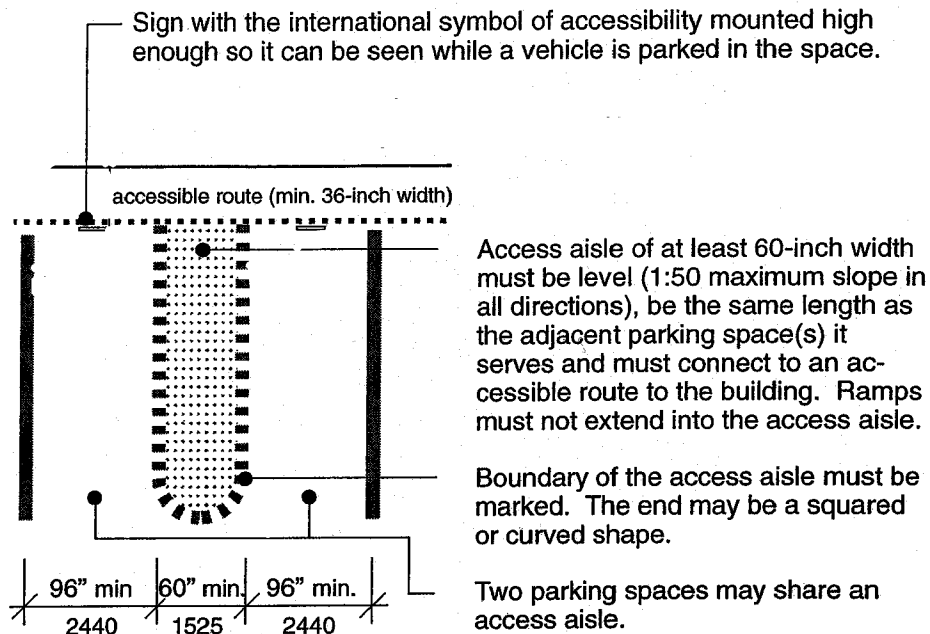


**FIGURE 9-3: HANDICAPPED SIGN LOCATIONS AND STALL**

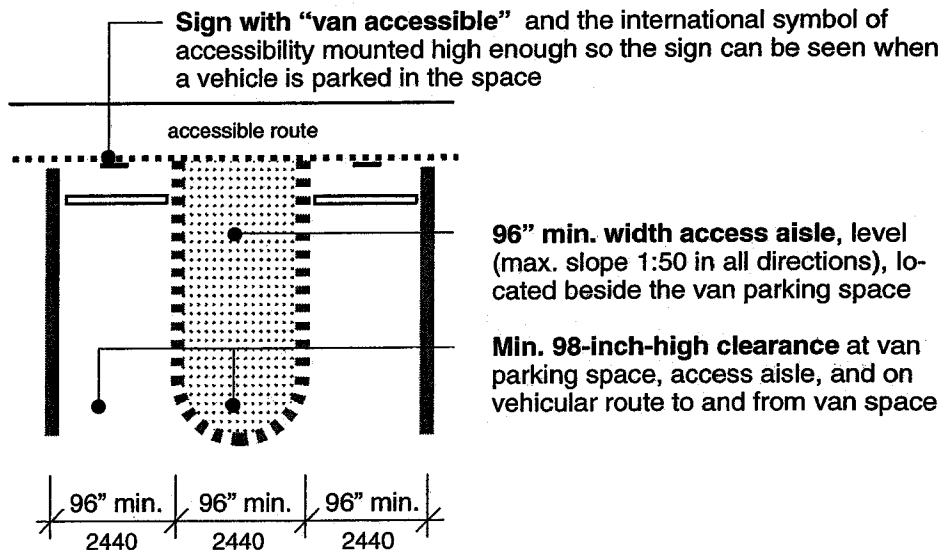


**FIGURE 9-4: ADA PARKING STALL REQUIREMENTS**

### Features of Accessible Parking Spaces for Cars



### Three Additional Features for Van-Accessible Parking Spaces



**TABLE 9-4  
REQUIRED PARKING RATIOS**

USE	DESCRIPTION	RATIO
AIRPORT (Commercial)	Daily airplane arrivals and departures of 2 to 1,000	8.5 spaces/plane movement
AMUSEMENT PARK	Facilities with amusement rides, entertainment, and similar activities	5.0 spaces/1,000 s.f. of amusement area
AMUSEMENT CENTER	Indoor facility with games, entertainment and similar facilities	5.0 spaces/1,000 s.f. of gross floor area
AUTO SALES	Facilities for sale of new or used auto, boat, truck, trailer, camper, motor home, RV's or motorcycles	0.5 spaces/1,000 s.f. of gross floor area
AUTO SERVICES Car Wash	Facilities for the cleaning of vehicles	1.0 spaces/wash bay
Gas Station	Facility for dispensing motor fuels with service	3.0 spaces/site plus 2.0 spaces/service bay
Repair, Lube and Oil Service	Facilities providing general vehicle service without fuel dispensing	2.0 spaces/service bay
BANKS (with drive-in and walk-in facilities)	Facilities with vehicle and pedestrian service	4.0 spaces/1,000 s.f. of gross floor area
BOWLING CENTERS	Facilities with bowling lanes, lounges and snack bars	4.5 spaces/bowling lane
CAMPGROUND	Facilities for outdoor, overnight camping	1.0 spaces/camp site
CHILD CARE FACILITY	Facility providing daily care of children	3.0 spaces/1,000 s.f. of gross floor area plus 1.0 spaces/facility vehicle
CHURCHES/SYNAGOGUE	Assemblies/places of worship	0.5 spaces/seat
COMMERICAL (GENERAL)	Single store on a single lot. Not part of a Shopping Center	4.0 spaces / 1,000 s.f. of gross leasable floor area
CONTRACTOR SHOPS	Office and workshops for construction uses	5.0 spaces/1,000 s.f. of gross floor area
DANCE/EXHIBITION HALL	Assemblies, exhibition halls and similar uses	0.3 spaces/occupant
DISCOUNT STORES	Free standing facilities that offer few services, centralized cashiering, variety of product sales	3.5 spaces/1,000 s.f. of gross floor area
FLEA MARKET	Outdoor sales area for multiple vendors	1.5 spaces/seller space
FURNITURE/CARPET STORES	Facilities for carpet and furniture sales	1.5 spaces/1,000 s.f. gross floor area
GOLF COURSES	Public or private golf courses	4.0 spaces/golf hole

**TABLE 9-4  
REQUIRED PARKING RATIOS  
(Continued)**

USE	DESCRIPTION	RATIO
HAIR SALON/BARBER SHOP	Facility for hair care	1.5 spaces/service chair
HARDWARE/PAINT OR HOME IMPROVEMENT, LUMBER YARD, EQUIPMENT RENTAL	Free standing facilities that offer hardware, lumber, garden tools and home improvement supplies	2.5 spaces/1,000 s.f. of gross floor area
HOSPITAL	Facilities offering medical or surgical care (not including clinics or nursing homes)	2.0 spaces/bed
HOTEL/MOTEL WITH CONVENTION AREA OR ANCILLARY SERVICES	Places of lodging providing sleeping rooms, restaurants, lounges, meeting rooms and banquet rooms	1.5 spaces/room
HOTEL/MOTEL	Places of lodging with ancillary facilities that will accommodate small groups only	1.0 spaces/room
INDUSTRIAL LIGHT, PARK, MANUFACTURING OR LABORATORY	A mix of facilities for light industrial, research, service and warehouse facilities	1.5 spaces/1,000 s.f. of gross floor area
JUNK YARD STORAGE AND/OR DISMANTLING OF VEHICLES OR EQUIPMENT	Facilities for the sales building	4.0 spaces/1,000 s.f. of gross floor area
KENNEL	Facilities for the keeping of animals indoors	2.0 spaces/1,000 s.f. of gross floor area
LANDFILL	Facility for disposal of waste	4.0 spaces/site
MARKET (Convenience)	Market facilities with high customer turnover, open 15 to 24 hours/day, short-term parking	7.0 spaces/1000 s.f. of gross floor area
MARKET (Supermarket)	Market facilities for sales of a complete assortment of food and food preparation items	5.0 spaces/1,000 s.f. of gross floor area
MORTUARY	Facilities for burial preparation and/or services	4.0 spaces/1,000 s.f. of gross floor area plus 0.3 spaces/seat
NURSERIES/GREENHOUSE	Facilities for the sale of lawn and garden supplies including trees	1.0 spaces/1,000 s.f. of display area

**TABLE 9-4  
REQUIRED PARKING RATIOS  
(Continued)**

USE	DESCRIPTION	RATIO
RACE TRACK	Supporting facility for conducting races such as auto, dog or horses	0.3 spaces/seat
RESIDENTIAL Single Family	Single Family detached or duplex	2.0 spaces/dwelling
Multi Family	Three or more attached dwelling units: Studio and 1-bedroom 2-bedroom 3 or more bedrooms	1.0 space plus guest 1.5 space plus guest 2.0 space plus guest
Mobile Home	Mobile home within a park	2.0 spaces/mobile unit plus guest
Guest Parking	Common parking available to public	0.5 space/unit
Low Income	Facility for low/moderate income elderly	0.75 spaces/dwelling unit
Group Living Quarters Elderly	Facility for persons over 60 years of age without medical care	0.5 space/bed plus 1.0 space/facility vehicle
Others	Facility for group living quarters for other than elderly	0.7 space/bed plus 1.0 space/facility vehicle
Health Care Facility	Facilities for the care of the elderly or infirm	0.3 space/bed
RESTAURANT (Fast food, family, high turnover)	Eating establishments with turnover rates of less than 1 hour	10.0 spaces/1,000 s.f. of gross floor area
RESTAURANT (Full service, low turnover)	Eating establishments with turnover rates over 1 hour	12.5 spaces/1,000 s.f. of gross floor area
SCHOOLS (Public or Private)	Facilities for Grades K to 8 Facilities for grades 9 to 12 Facilities for grades above 12	0.1 spaces/seat 0.25 spaces/seat 1.0 spaces/seat
SHOPPING CENTERS	An integrated group of commercial establishments planned, developed, owned or managed as a unit	4.0 spaces/1,000 s.f. of gross leasable floor area
SPORTS CENTERS	Health clubs offering a variety of fitness activities Indoor firing ranges Roller or ice skating facilities Tennis or racquetball facilities	4.0 spaces/1,000 s.f. of gross floor area 1.5 spaces/firing stall 4.0 spaces/1,000 s.f. of gross floor area 4.0 spaces/1,000 s.f. of gross floor area
VETERINARIAN	Facilities providing health care for animals	3.0 spaces/1,000 s.f. of gross floor area
WAREHOUSE	Facilities devoted to the storage of various materials Mini-warehouses or self-storage facilities	1.0 spaces/1,000 s.f. of gross floor area 0.35 spaces/1,000 s.f. of gross floor area

## ARTICLE 10: SIGNS

### 17-10-1. GENERAL PROVISIONS.

- (1) General Intent. The purpose of this Article is to protect the health, safety and welfare of the residents of the City by regulating the design, construction and installation of signs. The City Council (Council) recognizes that signs are an important means of visual communication for the public convenience and that businesses, services and other activities have the right to identify themselves by using signs that are accessory and incidental to the use on the premises where the signs are located. In select areas off-premise signage is allowed, subject to regulations which reduce potential negative traffic and aesthetic impacts. It is the goal of this article to provide a reasonable balance between the right of an individual to identify a business or activity location and the right of the public to be protected from the visual discord that results from the unrestricted proliferation of signs. In keeping with this goal, regulations contained in this article are a result of consideration of the compatibility of signs with adjacent land uses and the total visual environment of a particular area and the entire community.
- (2) Regulatory Purpose. This Article regulates signage for the following specific reasons:
  - (a) To protect the public from hazardous conditions which result from structurally unsafe signage;
  - (b) To ensure that signage does not obscure or distract the vision of motorists, such as signs which compete or conflict with necessary traffic signs and warning signals, and which may cause a severe traffic hazard;
  - (c) To protect the public from profuse signage which distracts rather than facilitates identification of businesses and other land uses;
  - (d) To provide appropriate identification in pedestrian-oriented areas as well as in vehicular-oriented areas, and to make appropriate adjustments for the size and amount of signage in major commercial centers located where traffic is heavy, travel speeds are greater and building setbacks are greater;
  - (e) To generally ensure that signage is appropriate to a particular use and location so that the cumulative effect is an attractive City environment, thereby reinforcing community values.
- (3) Regulatory Scope and Application. This Article shall govern and control the display, construction, erection, alteration, remodeling, enlarging, moving or maintenance of all signs permitted within all zone districts established by this Zoning Ordinance and any amendments thereto. The definitions applicable to this Article are included in Article 2 of Title 17 (Zoning Ordinance). Signs which are permitted in all districts but are exempt from obtaining permits, and signs which are prohibited, are identified in this Section (3)(a) and (b). Applicability of sign regulations to works of art, architectural features and building

decorations is stated in this Section (3)(c) below. The relationship between sign regulations contained in official development plans for PD districts and in sign regulations in this article is stated in Section 17-10-1(4)(b).

(a) Signs Exempt from Permits; All Districts. The Council has chosen not to require a permit for signs which have been judged to have minimal impact on the public, do not create traffic, safety or other hazards, are temporary in nature, and which constitute a unique medium. The following sign displays may be erected as allowed below and maintained in all zone districts without a permit. Such signs shall be in addition to all other signs permitted in a zone district as specified in Table 10-1, unless otherwise stated in this Section 17-10-1(3).

1. Election Signs. Election signs shall be removed five (5) days after the election to which they relate. Such signs shall be limited to forty-two inches (42") in height and shall not extend outside the property line and shall not be in any public right-of-way. Such signs shall be limited to wall, window and freestanding signs not to exceed eight (8) square feet, and shall not be a paper or cloth banner.
2. Flags. Flags of nations or an organization of nations, states and cities. Flagpoles shall not exceed 35' in height.
3. Holiday Decorations. Signs in the nature of decorations, clearly incidental and commonly associated with any national, local or religious holiday. Such signs may be of any type, number, area, height, location, illumination, or animation so long as they do not advertise or identify a product or a business and are located so as not to conflict with traffic regulatory devices. These signs must be removed within ten days following the holiday.
4. Ideological Signs. Signs expressing ideological views shall be limited to forty-two inches (42") in height and shall not extend outside the property line and shall not be in any public right-of-way. Such signs shall be limited to wall, window, freestanding and monument signs not to exceed twelve (12) square feet, and shall not be a banner of paper or cloth. These signs shall not be placed on private property without permission of the landowner.
5. Inside Signs. Signs within buildings that are not visible from the roadway and are more than twelve (12) inches from the window.
6. Memorial Signs. Memorial signs or tablets, giving the name of the building and date of erection, when cut into any masonry surface or attached or inlaid so as to be part of the building. The area of the sign shall not exceed twelve (12) square feet.
7. Public Signs. Signs required or specifically authorized for a public purpose by any law, statute or ordinance.
8. Scoreboards. Scoreboards located adjacent to athletic fields.

9. Symbols. Symbols or crests of national, state, religious, fraternal and civic organizations. The area of such symbols may not exceed 32 square feet.
  10. Bus Bench Signs.
  11. Transit Shelter Signs, two (2) panels measuring four (4) feet in width and six (6) feet in height which are attached to a transit shelter legally installed and maintained along major transportation corridors in accordance with all requirements of an executed and approved agreement between the City and a provider of transit shelter stops.
- (b) Signs Prohibited in All Zone Districts. In addition to signs placed without a permit, the following signs and devices are prohibited in all zone districts, are not subject to variances, and are declared a nuisance by the City:
1. Animated signs.
  2. Pennants, streamers, lighter-than-air objects, and wind signs are strictly prohibited.
  3. Flashing or blinking signs.
  4. Off-premises advertising, except as provided for in Table 10-1.
  5. Portable signs.
  6. Roof signs.
  7. Search lights.
  8. Signs painted on fences.
  9. Signs which are located on, or projecting over the public right-of-way, except for: public signs as provided in Table 10-1; and signs on legally installed and maintained bus bench signs and transit shelter signs.
  10. Strings of light bulbs used in connection with commercial premises for commercial purposes, other than traditional holiday decorations.
  11. Vehicles Used for Signage Purposes. Signs painted on, or attached to a licensed or unlicensed motor vehicle shall constitute a vehicular sign. Such vehicles shall be used either for business trips during the day, or used for commuting to and from work, or both. Such vehicles parked adjacent to a public right-of-way and not driven as described herein shall be considered to be primarily functioning as an illegal sign and shall be removed from the premises or stored where they are not seen from a public right-of-way.

12. Wheeled advertising devices, except for permanent signs on licensed, operable vehicles which are used daily for service and/or delivery purposes.

- c) Works of Art; Architectural Features and Building Decoration. Architectural features or building decoration which are integral to the design of a building or provide an artistic accent shall be exempt from sign regulations. Works of art which in no way identify a business, business activity, or product are not considered a sign and are exempt from sign regulations. Works of art which contain or portray a commercial message suggestive of the on-site or off-site business shall be interpreted to constitute a sign, and shall be counted toward the number and size of signs permitted for the premises. Works of art must comply with building height limits and setback requirements applicable to the property on which they are located.

(4) Regulatory Conflicts.

- (a) General. Nothing contained herein shall be deemed a waiver of the provisions of any other ordinance or regulation applicable to signs. Signs located in areas governed by several ordinances and/or applicable regulations shall comply with all such ordinances and regulations. If there is a conflict between these regulations and any other ordinance or regulations, the more stringent shall apply; provided, however, those properties with Colfax street frontage within the Colfax Overlay District shall be regulated by the Colfax Overlay District sign standards and other overlay zones.
- (b) Official Development Plans. Where an adopted official development plan for a PD (Planned Development) district includes sign regulations, such regulations shall supersede the regulations set forth in this article and shall represent the sum total of sign regulations applicable to the property governed by the official development plan unless otherwise stated in the official development plan.

Official development plans adopted after the effective date of this ordinance shall not include sign regulations in conflict with Table 10-1, except that, if the official development plan is applicable to a major commercial center, as defined in Section 17-10-4(1)(b) the allowances for amendments to the sign standards for major commercial centers, as provided in Section 17-10-4(7), shall also apply to such centers governed by an official development plan.

- (5) Illustrations. Graphics and illustrations used in this Article 10 are illustrative, to be used as guidelines for provisions pertaining thereto, and are not to be interpreted as the only method of compliance with the applicable provision.
- (6) Free Speech. The Council recognizes the right of residents of the City to fully exercise their right to free speech by the use of ideological signs which contain non-commercial messages. Such signs are subject to size, height and location restrictions as stated in Table 10-1, are allowed in all zoning districts, and are not subject to permit.
- (7) Severability. The provisions of this code are severable. If any part of this code is declared

unconstitutional by a final judgment of a court of competent jurisdiction, that decision shall not affect any portion of the code which remains, but the remainder shall be in full force and effect as if the portion declared unconstitutional had never been part of the code.

## **7-10-2. ADMINISTRATION AND ENFORCEMENT.**

### **(1) Administration.**

- (a) Authority. This Article shall be administered by the Director of Community Planning and Development (the "Director") who shall have the powers and duties set forth and those necessarily implied to administer and enforce this code. The Director may issue appropriate procedures and forms.
- (b) Requirement for Approval of Sign Permits and Comprehensive Sign Plans.

- (1) Sign Permits. Before any sign governed by these regulations is erected, displayed, altered, relocated or reconstructed, the proponent for the sign shall submit an application to the City of Lakewood and shall receive approval for a sign permit from the Director. The submittal requirements and review procedures for sign permit applications are stated in Section 17-10-3, except that signs listed in Section 17-10-1(3)(a) as exempt from obtaining sign permits are not required to obtain approval for a sign. Whether or not a sign permit is required, a building permit shall be obtained prior to installation of a sign if required by the City of Lakewood Building Code.
- (2) Comprehensive Sign Plans. Comprehensive sign plans are required for properties in the 1-C, 2-C, 3-C, 4-C and 5-C Zone Districts as provided in Section 17-10-4. Comprehensive sign plans are required as part of the official development plan for a PD district when the uses allowed by an official development plan include or are similar to the uses allowed in the 1-C through 5-C districts, and the size of the proposed development meets the definition of a medium sized or major commercial center, as stated in Section 17-10-4(1)(a) or (b). (Nothing in this section shall be construed to prevent the submittal of a comprehensive sign plan with any official development plan for developments other than medium sized or major commercial centers.) Lakewood requires comprehensive sign plans for certain commercial centers to assure that the color scheme, lettering style, and type of materials used in signs presents an overall coordinated appearance. Comprehensive sign plans also specify the type, number, size, method of illumination, and location of signs allowed in a center. The applicability of, and review authority, submittal requirements, format and review procedures for comprehensive sign plans are stated in Section 17-10-4. A comprehensive sign plan must be approved prior to issuance of any building permits for construction of, and prior to the installation, display, alteration, relocation, or reconstruction of any sign in developments required to have a comprehensive sign plan by these regulations. Signs approved as part of a comprehensive sign plan shall be subject to the requirement to obtain an individual sign permit for each sign prior to installation.

- (c) Variances. The City Council recognizes special instances may occur where strict application of this Article may deprive a person of the reasonable use of a sign and that such a person should have a procedure to obtain variances from the requirements of this Article for good cause. Topographic problems and past development patterns, which may require the use of an off-premise sign for identification purposes, are examples of possible situations where a variance may be appropriate. Requests for variances to sign regulations shall be decided by the Board of Adjustment. Such requests shall be submitted and reviewed according to the procedures, and shall be subject to the criteria, stated in Section 17-4-3 of the Lakewood Zoning Ordinance.
- (d) Appeals. Appeal from an administrative decision or the enforcement of the standards contained in the Ordinance is available by application to the Board of Adjustment within 30 days after the administrative decision or enforcement. Appeals shall be heard in accordance with the procedures set forth in Section 17-4-6 of the Lakewood Zoning Ordinance. Appeals pertaining to signs subject to a Comprehensive Sign Plan shall be in accordance with Section 17-10-4(4).

(2) Enforcement.

- (a) Prohibited, Hazardous and Abandoned Signs. The City shall require the removal of any sign which is determined to be prohibited, hazardous, or abandoned in order to protect the public health, safety or welfare.
  - (1) Notification of Unlawful Signs. No prohibited, abandoned, or hazardous sign shall be allowed within the City, nor allowed to continue by variance.
    - (a) Prohibited Signs. Notice shall be given by certified mail or personal service to the owner or lessee of any prohibited sign or to the owner of the property on which it is located. The notice shall state that such prohibited sign shall be altered to conform with this Ordinance or be removed within 24 hours after the notice has been received. The time period may be stayed during any administrative appeal.
    - (b) Hazardous Signs. Hazardous signs are those which by reason of inadequate maintenance, dilapidated condition, or obsolescence create an imminent hazard to public health, safety, or welfare, as declared by the Director. Said signs are declared a nuisance and shall not be allowed within the City. The notice shall require hazardous sign removal within 24 hours, or abatement in accordance with the provisions of Section 9.80.070 of the Lakewood Municipal Code.
    - (c) Abandoned Signs. A sign is determined to be abandoned at the time the business identified by the sign discontinues the business or vacates the premises. Signs abandoned for a period of thirty (30) days shall be declared a nuisance by the Director. The notice shall require the abandoned sign be

replaced or removed within thirty (30) days as determined by the following circumstances:

- (1) Signs which were used by a business which are determined will be used by a new business re-occupying the structure may remain, but the sign face must be replaced by a blank panel.
  - (2) Signs which were used by a business which are found to be non-conforming with this code, or on sites which will be or have been cleared for redevelopment, must be removed from the property.
- (2) Appeals of Notice to Remove. The owner or lessee of a sign or the owner of the property on which sign is located who has been notified by the Department that said sign is prohibited, hazardous or abandoned may appeal that decision to the Director within five (5) days of the receipt of such notice for prohibited and hazardous signs and within twenty (20) days for abandoned signs. The appeal shall contain the appellant's name and address, the decision being appealed, and a brief explanation why the appellant should not be required to comply with the decision being appealed. The Director may meet informally with the appellant to exchange necessary information and shall issue a decision in writing to the appellant at his address stated in the appeal.
- (3) Failure to Comply with Notices. If the owner or lessee of a prohibited, hazardous or abandoned sign or the owner of the property on which such sign is located fails to comply with notice given pursuant to this section within the time specified, the Director is authorized to cause the action required by ordinance and notice. All costs incurred by the City plus an administrative cost of fifteen percent (15%) of the direct costs shall be charged against the real property and its owners.
- (4) Other Remedies. Any unpaid charge plus all costs and penalties shall constitute a debt due the City. The City Attorney shall, at the direction of the City Manager, institute civil suit in the name of the City to recover such charges, cost and penalties. The City may prevent by injunction and require removal of any sign erected without a permit. These remedies shall be cumulative with all other remedies. 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.
- (b) Legal Nonconforming Signs. A sign is legal nonconforming if it complied with the sign regulations in effect at the time it was erected, but no longer meets the requirements of new regulations.
- (1) Termination of Legal Nonconforming Signs. A legal nonconforming sign must be brought into conformance or terminate and cease to exist if any one of the following conditions occur:

- (a) Whenever the sign is damaged more than 50% of its total replacement value, destroyed from any cause whatsoever, or becomes obsolete or substandard under any applicable ordinance of the municipality to the extent that the sign becomes a hazard or a danger.
  - (b) The business to which the sign pertains expands the building gross floor area or parking or loading area twenty percent (20%) or more from the effective date of this ordinance.
  - (c) Whenever there is a request made for a permit to alter the structural support of the sign.
  - (d) Whenever there is a request for a building permit to make improvements to the facade of the building on which the nonconforming sign is located excluding normal repair or maintenance efforts.
- (2) Legal Nonconforming Signs in Newly Annexed Areas. Any owner or operator of a legal nonconforming sign in a newly annexed area shall be subject to the requirements of this section.
- (3) Amortization. Signs which were nonconforming prior to the effective date of Ordinance O-82-170 shall be removed or brought into conformance by January 9, 1998. Signs which were made nonconforming by enactment of Ordinance O-82-170, which became effective January 9, 1983, shall be removed or brought into conformance by January 9, 1998. Signs which are made nonconforming by this ordinance 0-94-28 shall be removed or brought into conformance 10 years from the effective date (7/9/94) of this ordinance. No nonconforming sign shall be required to be removed or brought into conformance pursuant to this section if such action would jeopardize the receipt by the State of Colorado of its full share of federal highway funds.

### **17-10-3. REVIEW PROCEDURES FOR SIGN PERMITS.**

- (1) Need for Permit. All persons, firms, or corporations shall first obtain a permit for each sign as required by this ordinance. Signage shall conform to the Building Code and this Article of the City of Lakewood. Signs approved as part of a comprehensive sign plan shall be subject to the requirement to obtain an individual sign permit for each sign prior to installation. Permits for signs on sites subject to the requirement for a comprehensive sign plan shall not be issued until such a plan has been approved and signed by the Director.
- (2) Application for Permit; Determination. Application for a sign permit shall be made by the owner or his authorized agent or lessee of the property on which the sign is to be located or by a sign contractor licensed by the City of Lakewood. Such applications shall be made in writing on forms furnished by the Department and shall be signed by the applicant. The Director shall, within fifteen (15) working days from the day of the application, either

approve or deny the application based on criteria in this sign code or refer the application back to the applicant if insufficient information has been furnished.

- (3) Limit on Approval Authority. A permit shall only be issued for a sign if the use with which the sign is associated is a legal or legal nonconforming use allowed in the zoning district in which the sign is to be located. Signs shall be located on the same property as the permitted use, except for signs on bus benches and new development directional as allowed in Table 10-1.
- (4) Submittal Requirements. The application for the permit shall include the following plans and other information as required:
  - a) Name, address, and telephone number of the property owner or his authorized agent; the person entitled to possession of the sign; and the sign contractor or erector.
  - b) Location by street address of the proposed sign structure.
  - c) Complete information as required on application forms provided by the Department, including the following information:
    - (1) For freestanding or monument signs, site layout showing sign location, setbacks, and any buildings, parking areas, drive aisles and landscaped areas in the vicinity of the sign.
    - (2) For wall signs; building elevations showing sign location and dimensions to scale; roof lines; building heights and lineal footage of building frontage and street frontage.
    - (3) For each sign; sign elevation including area to be occupied by lettering, symbols or images, with dimensions; sign type; method of illumination; construction materials; projection or depth of sign cabinet.
    - (4) Such other data pertinent to the application.
  - d) Plans indicating the scope and structural detail of the work to be done, including details of all connections, guy lines, supports and footings, and materials to be used.
  - e) Completed application for an electrical permit for all electrical signs.
- (5) Permit Fees. A permit fee shall be paid to the City for each permit issued. The fee shall be in accordance with the fee schedule established by the City Council. A review fee for Comprehensive Sign Plans will be required in accordance with a fee approved by City Council.
- (6) Compliance with Permit. When a sign permit has been issued by the Department, it shall be unlawful to change, modify, alter or otherwise deviate from the terms or conditions of said permit without prior approval of the Director of Community Planning and Development. A written record of such approval shall be entered upon the original application and maintained in the files of the Department.

#### **17-10-4. REVIEW PROCEDURES FOR COMPREHENSIVE SIGN PLANS.**

- (1) Applicability. A comprehensive sign plan shall be required for all new medium-sized and major commercial centers in the 1-C, 2-C, 3-C, 4-C, and 5-C districts as defined in this Section (1)(a) and (b) below; and for existing centers as described in (e) below. The City requires comprehensive sign plans for these defined commercial centers to assure that the lettering style, color scheme, type of materials, and sign placement on the buildings presents an overall coordinated appearance. Commercial centers qualifying as a medium-sized or major center, which are approved through a PD district adopted after the effective date of this ordinance, shall comply with the requirement to prepare a comprehensive sign plan. The comprehensive sign plan shall be included as part of the official development plan adopted with the PD district.
- (a) Medium-Sized Commercial Centers (in excess of 40,000 square feet of gross floor area). Developments in the 1-C through 5-C zone districts, and PD districts adopted after the effective date of this ordinance, which have in excess of 40,000 square feet but less than 150,000 square feet of gross floor area are defined as medium-sized centers. Medium-sized centers shall obtain approval for a comprehensive sign plan prior to issuance of any sign permits for businesses or uses located within the development. Signs shown in the comprehensive sign plan shall meet the sign standards stated in Table 10-1 and should address the design guidelines listed in Section 17-10-4(5). This requirement shall apply to the development of floor space for any use allowed by the 1-C through 5-C districts and PD districts.
- (b) Major Commercial Centers (in excess of 150,000 square feet of gross floor area). Developments in the 1-C through 5-C zone districts, and PD districts adopted after the effective date of this ordinance, which have in excess of 150,000 square feet of gross floor area are defined as major centers. Major centers shall obtain approval for a comprehensive sign plan prior to issuance of any sign permits for businesses or uses located within the development. The sign standards contained in Table 10-1 and the design guidelines listed in Section 17-10-4(5) are to be used as guidelines in preparing comprehensive sign plans for major centers, with creativity and internal consistency encouraged. The sign standards in Table 10-1 and design standards in Section 17-10-4(5) may be altered as part of an approved comprehensive sign plan, as long as the purposes for such plans and this Article are met. This requirement shall apply to the development of floor space for any use allowed by the 1-C through 5-C districts.
- (c) Definition of Commercial Center. Any development of property in the 1-C through 5-C districts, and in PD districts, adopted after the effective date of this ordinance, for any uses permitted by the 1-C through 5-C districts, which meets one or more of the following criteria shall be considered a commercial center:
- (1) four or more tenant spaces in any one building on a parcel
  - (2) two or more buildings which are:

- (a) located on the same parcel
- (b) subject to the same site plan
- (c) sharing parking facilities or access points
- (d) located on contiguous parcels where, in the judgement of the Director, the design of buildings, structures and site improvements indicates the development of the parcels will be connected or coordinated

Application of this Section 17-10-4 shall only be made to commercial centers in excess of 40,000 square feet of gross floor area.

- (d) Determination of Size of Commercial Center. For commercial centers for which building permits are requested after the effective date of this ordinance, the amount of square footage in a commercial center shall be determined by the gross floor area square footage allowed by the approved site plan. For commercial centers which are being reconstructed, redeveloped or expanded, as provided in Section 17-10-4(e) below, the amount of square footage shall be determined by the existing gross floor area square footage which remains in place added to any new floor area square footage to be added, as shown on the approved site plan or building construction drawings. Submittal of site plans in phases, where individual phases have less than 40,000 square feet of gross floor area, shall not exempt a commercial center from the requirement of obtaining approval for the comprehensive sign plan.
- (e) Application of Requirement for Comprehensive Sign Plans to Existing Commercial Centers. Existing medium-sized and major commercial centers shall be exempt from the requirement to obtain approval for a comprehensive sign plan, except when one or more of the following occurs:
  - (1) Reconstruction of the center is undertaken such that more than 50% of the facades where existing signs are located are removed and replaced.
  - (2) Redevelopment of the site is undertaken such that building(s) constituting more than 50% of the floor area is removed, and the square footage shown on the site plan for the redevelopment qualifies the property as a medium-sized or major center.
  - (3) Square footage is proposed which represents an addition of 20% or more from the size of the center as it existed on the effective date of this Ordinance, and the square footage shown on the site plan for the redevelopment qualifies the property as a medium-sized or major center.

Nothing in this section shall be construed to prohibit the property owner(s) of an existing medium-sized or major commercial center from requesting approval of a comprehensive sign plan in advance of the requirement for such a plan to be done.

- (f) Issuance of Sign Permits in Existing Commercial Centers Subject to Comprehensive Sign Plan Requirement. No sign permits shall be issued for signs, nor shall signs be installed, reinstalled, reconstructed or replaced in existing commercial centers subject to

the requirement for approval of a comprehensive sign plan under this Section (2)(e), until such plan is approved as provided in Section 17-10-4(4). Signs in place at the time a center becomes subject to the requirement for approval of comprehensive sign plan may continue in place for a period of ten years from the date on which the requirement applied, at which time, all signs in the center shall be in compliance with the comprehensive sign plan. The date of the end of the ten year period shall be placed on the Comprehensive Sign Plan for the subject property. Any signs installed after the date on which the requirement applied shall conform to the comprehensive sign plan.

- (2) Application for Plan Approval; Determination. Application for a comprehensive sign plan shall be made by the property owner or his authorized agent. The Director shall send notification of the request to property owners within 300 feet of the subject property. If the Director receives written objections within 15 days after the notification is sent in the mail from 25% or more of those notified, the application shall be forwarded to the Planning Commission for review and decision. The Planning Commission decision shall be final. Within 15 days after the deadline for written objection, the Director shall either approve or deny the application, or refer the application back to the applicant for revision or additional information. In the case of a proposed PD district, the Director shall review the application during the rezoning process while reviewing the Official Development Plan.
- (3) Submittal Requirements. The application for a comprehensive sign plan shall include the following plans and other information as required:
  - (a) Name, address, and telephone number of the property owner or his authorized agent.
  - (b) Location by street address of the property subject to the proposed comprehensive plan.
  - (c) Comprehensive sign plan depicted on 24" x 36" mylar, in a format acceptable to the Director, including the following information:
    - (1) Site layout showing buildings, parking areas, drive aisles and landscaped areas; the location of any freestanding, or monument signs to scale; site dimensions including lineal feet of building frontage and street frontage.
    - (2) For wall signs; building elevations showing sign location and dimensions to scale; roof lines; building heights and lineal footage of building frontage and street frontage.
    - (3) For each sign; sign elevation including area to be occupied by lettering, symbols or images, with dimensions; sign type; lettering styles, colors, method of illumination; construction materials; projection or depth of sign cabinet.
    - (4) Such other data pertinent to the application to be determined by the Director.
  - (d) Completed information as required on application forms provided by the Department.
  - (e) Plan review fee in accordance with fee schedule established by the City Council.
- (4) Approval Authority. The Director shall be authorized to take action to either approve,

approve with conditions or deny applications for comprehensive sign plans after the notification has been sent in conformance with Section 17-10-4(2). The applicant shall have the right to appeal a decision by the Director on such applications to Planning Commission. No sign permits for property requiring a comprehensive sign plan shall be issued until such plan has been approved.

- (5) Design Guidelines for Comprehensive Sign Plans. It is the intent of the City of Lakewood in requiring that comprehensive sign plans be approved for certain commercial centers that the signage in these centers present an overall coordinated appearance which will contribute to a aesthetically pleasing visual environment. (For purposes of this section (17-10-4), the term tenants refers to the occupant of space in a commercial center whether the business owns or leases such space.) The following design guidelines have been established to achieve this purpose and shall apply to all comprehensive sign plans. These guidelines are to be used as guidelines and shall not be enforced as standards.

- (a) An overall color scheme should be established for project identification, directional and informational signage. This color scheme shall be coordinated with colors used for materials, paint and trim on the buildings in the commercial center.
- (b) Wall signs for in-line tenants should have a coordinated appearance by using the techniques listed below:
  - (1) Using similar format for each tenant sign in terms of shape, size, style, and method of construction, mounting and illumination, and use of same color for returns or sign cabinets.
  - (2) Using similar lettering style.
  - (3) Using same color scheme.
  - (4) Creating a sign band using building materials or colored borders which unifies the sign display area.

Allowance may be made for each tenant to have an individual, identifying logo when the same lettering style and colors are used for all in-line tenants.

- (c) Tenants in freestanding buildings on individual pad sites may have more flexibility as to the lettering style and color scheme used for signs to allow for corporate, chain store or franchise identity.
  - (d) These standards shall not apply to temporary signs if standards for such signs are included in the comprehensive sign plan. Colors permitted to be used for temporary signs shall not include florescent or neon-bright hues.
- (6) Compliance with Comprehensive Sign Plan. Upon approval of a comprehensive sign plan, no sign permit shall be issued for a sign which is not in compliance with the plan or with this Article. It shall be unlawful to change, modify, alter or otherwise deviate from the provisions of a comprehensive sign plan except as otherwise provided in this ordinance.

Any signs installed which are not in compliance with an approved comprehensive sign plan shall constitute a prohibited sign and shall be removed as described in section 17-10-2(2).

- (7) Amendments to Comprehensive Sign Plan. A property owner or his authorized agent may propose amendments to a comprehensive sign plan. Such amendments shall be submitted, reviewed and a determination reached in the same manner as for the original plan, except that evidence in the form of signatures on the proposed amended plan document, shall be provided indicating that the current property owners have agreed to the proposed amendment prior to a determination being made on the amendment by the Director.

#### **17-10-5. INSTALLATION AND MAINTENANCE OF SIGNS.**

- (1) Installation of Signs. Upon issuance by the Department of a permit, a sign may be erected, altered and maintained only for a use permitted in the District in which the sign is located. Signs shall be located on the same lot as the permitted use, except for signs on bus benches and as allowed in Table 10-1.
- (2) Requirement for Nameplate. Any person, firm, or corporation erecting, constructing or enlarging any signs in the City shall attach thereto a name plate providing the name and address of the person, firm or corporation causing the same to be done.
- (3) Identification of and Marking of Electrical Signs. Each electrical sign hereafter erected or remodeled shall bear thereon a clearly legible identification plate not exceeding fifteen (15) square inches in area, stating the name of the person, firm or corporation responsible for its construction and erection, with the installation date, and permit number.
- (4) Licensing and Insurance Requirements.
  - (a) License Required. Any person, firm, or corporation, engaged in the business of installing, erecting, moving or maintaining signs which are eight (8) feet or more in height or twenty-five (25) square feet or more in area in the City of Lakewood, shall be duly licensed by the City. A person not engaged in the sign erecting business may be allowed to install, erect, move or maintain his own sign upon demonstration to the Department that he possesses sufficient knowledge and skill, and is appropriately insured for public protection.
  - (b) Certificate of Insurance Required. Before any permit is issued for a sign which may require any work on or over public property, the erector shall furnish to the City a Certificate of Insurance from a firm with corporate surety, authorized to do business in the State of Colorado, for public liability and property damage in the amounts established by the Department of not less than the following and covering the liability of the sign erector with respect to all work performed by him or his agents or employees:

For death or injury to any one person and including property damage: \$150,000  
Total liability in any one accident: \$600,000

- (c) Indemnity Agreement. The erector shall be required to sign an indemnity agreement, on a form furnished by the City, which releases and discharges the City, its employees, agents and assigns from any liability and from any and all claims, demands, damages, actions, courses of action, or suits of any kind or nature whatsoever as related to the construction and maintenance of the sign.
- (5) Work Not in Compliance with Permit.
- (a) Notice of Work Not in Compliance; Correction. If the Department finds that work under any sign permit issued is not in accordance with the information supplied in the permit application and/or is in violation of this or any other pertinent ordinances, or should it be found that there has been any misrepresentation in connection with the application for the permit (including non-sufficient fund checks) the applicant and the owner of the sign shall be notified of such findings and that the violation must be corrected within five (5) working days of notice. If such correction is not made, the permit shall be revoked and written notice thereof shall be served upon the sign owner or erector personally or by certified mail.
  - (b) Appeal of Notice. The owner or lessee of the property on which the sign is located shall have the right to appeal the decision of the Department to the Board of Adjustment as described in section 17-10-2(1)(d).
- (6) Expiration of Permit; Extensions. If actual work either on or off site is not commenced under any building permit issued within one hundred eighty (180) days from the date of such permit, the permit shall automatically become null and void. Delays which are not the result of willful acts or neglect of the sign owner or his authorized agent may be excused and the Director may grant an extension of time in which to start or resume operations. All requests or extensions and approval thereof shall be in writing. When any permit has been revoked under the terms of this Section, permit fees shall not be refunded.
- (7) Assignment of Responsibility. Unless the owner of the sign is stated on the name plate attached to the sign, or ownership is indicated in an application for a sign permit, the owner or lessee or other person entitled to possession of any lot is presumed to be the owner of the sign or sign structure located thereon and responsible for erecting, construction, enlargement, alteration, repair, movement, improvement, conversion or demolition.
- (8) Maintenance. Every sign shall be maintained in good condition at all times, as determined by the Director. Signs shall be kept neatly painted, including all metal parts and supports thereof that are not galvanized or of rust-resistant metals. The Director shall inspect and shall have the authority to order the painting, repair, alteration, or removal of a sign which is not in conformance with this Ordinance or is inadequately maintained, dilapidated, or obsolescent.

#### **17-10-6. SIGN STANDARDS.**

- (1) Matrix of Sign Standards. Table 10-1 identifies what types of temporary and permanent signs are allowed in the City's zoning districts. This figure also indicates the style, maximum size, maximum number, maximum height, minimum setback, and other requirements for each type of sign allowed. Whether or not a permit is required for each type of sign is also listed. The requirements contained in Table 10-1 apply to signs over which the City has authority, including comprehensive sign plans for medium-sized commercial centers and for sign regulations contained in official development plans for PD districts which are adopted after the effective date of this ordinance. The requirements contained in Table 10-1 serve as a guideline for preparation of sign plans for major commercial centers, and sign standards may be altered from those shown in Table 10-1 for major commercial centers as provided in its sign plan. Where sign regulations are not included in an official development plan, or where a sign plan has not been prepared for an existing commercial center, the requirements in Table 10-1 shall apply.
- (2) Signable Area. Notwithstanding the sign area allowed by Table 10-1, wall signs shall be limited to no more than seventy five percent (75%) of the length of the building frontage of the establishment, store front or tenant space on which the sign is installed. Wall signs shall be further limited to the "signable area" available on the building facade on which they will be installed. The signable area shall mean that area of a building facade up to the roof line which is free of windows and doors or major architectural detail and may be enclosed by an imaginary rectangle.
- (3) Measurement of Sign Area; Sign Size. The area of a sign shall be measured in conformance with the regulations as herein set forth. The structure or bracing of a sign shall be omitted from measurement, unless such structure or bracing is made part of the message or face of the sign.
  - (a) Signs with Backing. The area of signs enclosed by a box or outline shall be measured by determining the area of a geometric shape which creates the smallest single continuous perimeter enclosing the extreme limits of the display surface or face of the sign; including all frames, backing, face plates, nonstructural trim or other component parts not otherwise used for support.



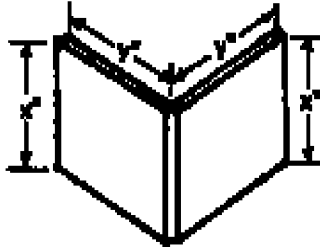
Internally lit box with background

- (b) Signs Without Backing. The area of signs consisting of individual letters or symbols shall be measured by determining the sum of the area of the smallest single continuous geometric shape enclosing the extreme limits of each message, including all frames, face plates, nonstructural trim or other component parts not otherwise used for support.

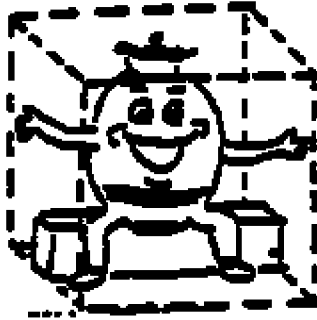
SIGN

Individual backlit letters

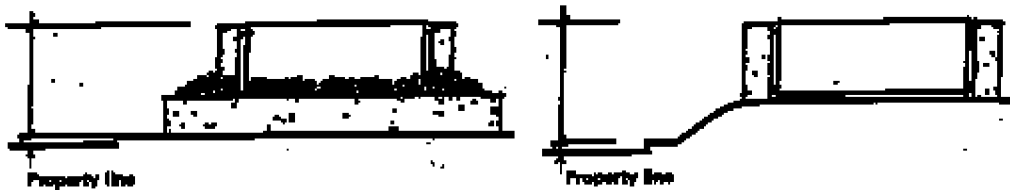
- (c) Multiple-Faced Faces. Sign area for signs which have two parallel sign faces, such that only one face is visible at any one time to an observer, shall be calculated using only the larger of the two sign faces. Sign area for signs which have multiple sign faces not being parallel, such as V-shaped, triangles or cubes, shall be calculated using the total of all faces which may be seen at the same time from a viewer's perspective.



- (d) Spherical, free-form, sculptural and other non-planar signs. Sign area shall be the sum of the areas of the vertical faces of the smallest four (4) sided polyhedron that will encompass the sign structure and which may be seen at the same time from a viewer's perspective.



- (4) Height Determination. The height of a freestanding or monument sign shall be measured from the grade at the property line, at a point closest to the sign location.



- (5) Number of Signs. Each continuously enclosed area of a sign face, either by outline or by an imaginary line, shall be considered one sign. The total surface area of multiple unit signs include vertical and horizontal spacing between signs.
- (6) Setback Determination. The setback of a sign is measured from the property line to the nearest edge of the sign or support structure of the sign.
- (7) Permitted Illumination. Methods of illumination permitted to be used shall be as stated in Table 10-1. Signs in commercial, office, and industrial zones which identify commercial, office, and industrial uses may be illuminated, but all direct illumination shall not exceed twenty-five (25) watts per bulb. Permanent ground signs within residential zone districts may be illuminated if they meet the following criteria:
- (a) The sign is at least 100 feet away from the closest building occupied as a residence, provided however that the Director of Community Planning and

Development may authorize a smaller distance if he determines that the orientation and character of the sign and nearby residence is such that the sign will not adversely impact the residence.

- (b) The sign identifies a use which lawfully exists in a residential zone district as a permitted or pre-existing nonconforming use.
- (c) The source of illumination is within the sign cabinet or mounted on the ground. Illumination by means of neon tubing is not allowed.
- (d) The use which is identified by the sign has frontage on an arterial or collector street.
- (e) Illumination ceases between the hours of 9:00 p.m. and 6:00 a.m.

All other signs in residential zone districts shall not be illuminated except signs permitted for medical services and public services such as police and fire, which are provided on a twenty-four (24) hour basis, and signs for other traffic safety purposes.

(8) Design Standards.

- (a) Compatibility with Architecture. Signs shall be designed to conform to, or be in keeping with, the architectural style of the main building or buildings upon the site. Buildings intended to have wall signs shall be designed with forethought to providing an area for signage which is integrated into the overall facade. Sign bands, i.e. a continuous horizontal strip running across the building facade which is delineated by special architectural treatment, materials, colors or borders, where signs are to be installed, are encouraged on multi-tenant commercial and industrial buildings to coordinate the placement of signage. The style and character of signs on adjacent properties shall also be considered.

(b) Placement.

- (1) Marquee, Canopy or Awning Signs. All signs shall be parallel to the face of the marquee, canopy or awning upon which such signs are displayed. Said signs shall not project above or below the face of the marquee and shall only identify the business by name or address.



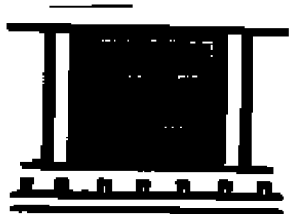
- (2) Projecting Signs. The maximum height shall be twenty (20) feet. Such signs shall be located on the signable area of the facade of the building, as described in Section 17-10-6(2), and must not obscure major architectural details or extend above the roof line. Such signs shall have a clearance of ten (10) feet from grade level to the bottom of the sign. Maximum projection shall be thirty (30) inches from the building to which it is attached.



- (3) Wall Signs. Wall signs shall be placed only in "signable areas" of a building facade. (See Section 17-10-6(2).) Wall signs may not project more than eighteen (18) inches from the supporting wall. Wall signs may not extend above the roof line or parapet wall.



- (4) Window Signs. Signs painted on, affixed to, or displayed twelve (12) inches or less from the interior of windows. Window signs are not permitted in windows above the first floor.

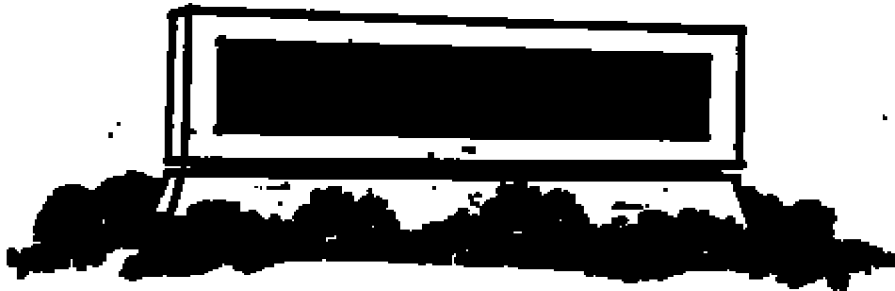


(5) Street Frontage. Where Table 10-1 allows for a certain number of signs per street frontage abutting a property, these signs shall be installed on the building corresponding to the street frontage, and shall not be additive and installed elsewhere on the site.

(c) Use of Changeable Copy; Electronic Signs.

(1) Changeable Copy or Reader Board Signs. A sign, or portion thereof, with characters, letters, or illustrations that can be changed or rearranged manually or electronically without altering the face or the surface of the sign are permitted except that messages may not be altered any more often than one (1) time per twenty-four (24) hours. A sign on which the message changes more than one(1) time per twenty-four (24) hours shall be considered an animated sign for purposes of this ordinance and is prohibited. Time and temperature displays and scoreboards shall be the only sign that can change more than one time every twenty-four (24) hours. Electronic signs are prohibited from scrolling, flashing or otherwise animating its messages.

(d) Landscaping. Whenever practicable, each ground sign shall be located in a landscaped area at least twice the size of the area of the sign, as determined by the Director. This area can be counted as part of the landscaped area required by Article 15 of the Zoning Ordinance.



(e) Sight Triangle. Placement of any sign shall not interfere with the vision clearance requirements stated in Section 17-8-1 of the Zoning Ordinance.

**TABLE 10-1**  
**SIGN STANDARDS BY DISTRICT**

SIGNS PERMITTED IN RIA DISTRICT (For signs for community facilities i.e. fire and police stations, helipads for noncommercial emergency use, parks, playgrounds, schools, public transportation facilities, water treatment facilities; see section on Signs Permitted for Community Facilities) (For signs for institutional uses i.e. churches and emergency health care facilities; see section on Signs Permitted for Institutional Uses)								
TYPE OF SIGN	PERMIT REQD.	STYLE OF SIGN	MAXIMUM SIZE PER SIGN	MAXIMUM HEIGHT	MAXIMUM NUMBER	MINIMUM SETBACK	PERMITTED ILLUMINATION	OTHER REQUIREMENTS
TEMPORARY SIGNS								
Bus Bench Signs	Yes	Painted on bus bench	One face of bench back rest	NA	One per bus bench	Meet required setback for bench	None	Bus benches must meet all applicable provisions of Chapter 12.16 of the Lakewood Municipal Code.
Construction; Temporary Project Identification	Yes	Freestanding	32 sq. ft.	6 feet	One per street frontage	10 feet from ROW	None	Limited to non-residential uses only. May be installed upon issuance of grading permit; must be removed when occupancy permit issued. Intended for display of the name of the project, names of design and engineering team, and telephone number for information on leasing or hiring.
New Development Directional	Yes	Freestanding	32 sq. ft.	6 feet	One per property	10 feet from ROW	External; limited to directional ground lights	To be located on property under development unless approved for off-premise location by Director. To be allowed during period from when grading permit issued for overlot grading of development site to closing date for last unit sold or initial rental period concluded.
Real Estate Signs (Such as: "For Rent", "For Sale")	No	Freestanding	8 sq. ft.	4 feet	One per street frontage	10 feet from ROW	None	Must be removed within three days of date of closing for sale property or move-in for rental property.

TABLE 10-1: Sign Standards by District (Continued)

TEMPORARY SIGNS (R1A Continued)							
Special Event Banner	Yes	Banner	40 sq. ft.	Limited to height of building or fence to which it is affixed	One per property; suspended banners permitted only for community events	None, as approved	None
							Must be attached flat against the side of the building or fence. Permits may be issued for any time frame not to exceed a cumulative 90 days in one year per business.
PERMANENT SIGNS (R1A)							
Business Identification	Yes	Wall	100 sq.ft.	Signable area of wall	One per parcel or property	10 feet from ROW	Internal; external
		Freestanding, Monument	100 sq.ft.	25 feet			
Home Occupation	No	Wall	1.5 sq.ft.	8 feet	One per single family dwelling	Same as building to which it is affixed	None
							Must be affixed to dwelling in which home occupation is conducted.
Neighborhood or Subdivision Identification	Yes	Monument	50 sq.ft.	6 feet	Two signs per major entrance if used on either side of entry road; one if on median or island in center of entry street	As approved on permit; sight triangle to be maintained	External; limited to directional ground lights
							If a sign is to go in the median, a license agreement will need to be obtained before a permit is issued

TABLE 10-1: Sign Standards by District (Continued)

<b>SIGNS PERMITTED IN RR THROUGH 3-R, INCLUSIVE (SINGLE FAMILY AND DUPLEX DISTRICTS)</b> (For signs for community facilities i.e. fire and police stations, helipads for noncommercial emergency use, parks, playgrounds, schools, public transportation facilities, water treatment facilities; see section on Signs Permitted for Community Facilities ) (For signs for institutional uses i.e. churches and emergency health care facilities; see section on Signs Permitted for Institutional Uses)								
TYPE OF SIGN	PERMIT REQD.	STYLE OF SIGN	MAXIMUM SIZE PER SIGN	MAXIMUM HEIGHT	MAXIMUM NUMBER	MINIMUM SETBACK	PERMITTED ILLUMINATION	OTHER REQUIREMENTS
<b>TEMPORARY SIGNS</b>								
Bus Bench Signs	Yes	Painted on bus bench	One face of bench back rest	N/A	One per bus bench	Meet required setback for bench	None	Bus benches must meet all applicable provisions of Chapter 12.16 of the Lakewood Municipal Code.
Construction; Temporary Project Identification	Yes	Freestanding	32 sq. ft.	6 feet	One per street frontage	10 feet from ROW	None	May be installed upon issuance of grading permit; must be removed when occupancy permit issued. Intended for display of the name of the project, names of design and engineering team, and telephone number for information on leasing or hiring.
New Development Directional	Yes	Freestanding	32 sq. ft.	6 feet	One per property	10 feet from the ROW	External; limited to directional ground lights	To be located on property under development unless approved for off-premise location by Director. To be allowed during period from when grading permit issued for overlot grading of development site to closing date for last unit sold or initial rental period concluded.
Real Estate Signs (Such as "For Rent", "For Sale")	No	Freestanding	8 sq. ft.	4 feet	One per street frontage	10 feet from the ROW	None	Must be removed within three days of date of closing for sale property or move-in for rental property.

TABLE 10-1: Sign Standards by District (Continued)

PERMANENT SIGNS (RR – 3-R)								
Home Occupation	No	Wall	1.5 sq. ft.	8 feet	One per single family dwelling	Same as building to which it is affixed	None	Must be affixed to dwelling in which home occupation is conducted.
Limited Office & Personal Services by approved Special Use Permit in the 1-R Zone District only.	Yes	Wall or Monument	25 sq. ft.	Monument 10 feet	One	10 feet from ROW, or if wall mounted, same as building to which it is affixed	External; limited to directional found lights if on local or minor collector streets  Internal permitted if on major collector and arterial streets.	
Neighborhood or Subdivision Identification	Yes	Monument	50 sq. ft.	6 feet	Two signs per major entrance if used on either side of entry road; one if on median or island in center of entry street	As approved on permit; sight triangle to be maintained	External; limited to directional ground lights	

TABLE 10-1: Sign Standards by District (Continued)

**SIGNS PERMITTED IN RESIDENTIAL ZONE DISTRICTS: 4-R THROUGH 6-R, INCLUSIVE (MULTI-FAMILY DISTRICTS)**

(For signs for community facilities i.e. fire and police stations, helpads for noncommercial emergency use, parks, playgrounds, schools, public transportation facilities, water treatment facilities; see section on Signs Permitted for Community Facilities)

(For signs for institutional uses i.e. churches and emergency health care facilities; see section on Signs Permitted for Institutional Uses)

TYPE OF SIGN	PERMIT REQD.	STYLE OF SIGN	MAXIMUM SIZE PER SIGN	MAXIMUM HEIGHT	MAXIMUM NUMBER	MINIMUM SETBACK	PERMITTED ILLUMINATION	OTHER REQUIREMENTS
<b>TEMPORARY SIGNS</b>								
Bus Bench Signs	Yes	Painted on Bus Bench	One face of bench back rest	NA	One per bus bench	Meet required setback for bench	None	Bus benches must meet all applicable provisions of Chapter 12.16 of the Lakewood Municipal Code.
Construction; Temporary Project Identification	Yes	Freestanding	32 sq. ft.	6 feet	One (1) per street frontage	10 feet from ROW	None	May be installed upon issuance of grading permit; must be removed when occupancy permit issued. Intended for display of the name of the project, names of design and engineering team, and telephone number for information on leasing or hiring.
New Development Directional	Yes	Freestanding	32 sq. ft.	6 feet	One (1) per property	10 feet from ROW	External; limited to directional ground lights	To be located on property under development unless approved for off-premise location by Director. To be allowed during period from when grading permit issued for overlot grading of development site to closing date for last unit sold or initial rental period concluded.
Real Estate Signs (Such as "For Rent", "For Sale")	No	Freestanding	8 sq. ft.	4 feet	Either one wall or one freestanding per street frontage	10 feet from ROW, or if wall mounted, same as building to which it is affixed	None	Must be removed within three days of date of closing for sale property or move-in for rental property.
		Wall	8 sq. ft.	Within wall area of unit; below roof eave				

TABLE 10-1: Sign Standards by District (Continued)									
PERMANENT SIGNS (4-R – 6-R)									
Building Identification	Yes	Monument	8 sq. ft.	6 feet	Either one wall or one monument per building per street or parking lot frontage	10 feet from ROW, or if wall mounted, same as building to which it is affixed	External; limited to directional ground lights	Intended to provide address or unit number ranges, or a unique building name to assist residents and visitors to find a particular unit.	
			8 sq. ft.	20 feet					
Business Identification	Yes	Monument	50 sq. ft.	6 feet	One (1) per street frontage	10 feet from ROW	External; limited to directional ground lights if on local/minor collector streets  Internal permitted if on major collector and arterial streets	These types of signs are for child care facilities; residential health care facilities as allowed in each zone district.	
			50 sq. ft.	20 feet					
Home Occupation	No	Wall	1.5 sq. ft.	8 feet	One (1) per single family dwelling; not permitted on multi-family units	same as building to which it is affixed	None	Must be affixed to dwelling in which home occupation is conducted.	
			2 sq. ft.	6 feet					
Management/ Rental Office	No	Wall			One per office entrance	same as building to which it is affixed	External		

TABLE 10-1: Sign Standards by District (Continued)

**PERMANENT SIGNS (4-R – 6-R Continued)**

Project Identification	Yes	Monument	50 sq. ft.	6 feet	Two signs per major entrance if used at either side of ROW; one if on median or island in center of entry street	As approved on permit; sight triangle to be maintained	External; limited to directional ground lights	
	No	Wall	50 sq. ft.	20 feet	One per street frontage	same as building to which it is affixed		
Property Management Company Identification	No	Wall	2 sq. ft.	6 feet	One per building	same as building to which it is affixed	None	
Traffic and Parking Directional	No	Freestanding, Monument, Wall	6 sq. ft.	3 feet	One per curb cut. Additional signs may be allowed by the director	As approved on permit; sight triangle to be maintained	External; internal	

TABLE 10-1: Sign Standards by District (Continued)

**SIGNS PERMITTED IN THE OFFICE (OF) ZONE DISTRICT: SINGLE BUSINESS ON SINGLE PARCEL THAT IS NOT PART OF A SHOPPING CENTER**

(For signs for community facilities i.e. churches, fire and police stations, helpads for noncommercial emergency use, parks, playgrounds, schools, public transportation facilities, water treatment facilities; see section on Signs Permitted for Community Facilities)

(For signs for institutional uses i.e. emergency health care facilities; see section on Signs Permitted for Institutional Uses)

TYPE OF SIGN	PERMIT REQD.	STYLE OF SIGN	MAXIMUM SIZE PER SIGN	MAXIMUM HEIGHT	MAXIMUM NUMBER	MINIMUM SETBACK	PERMITTED ILLUMINATION	OTHER REQUIREMENTS
<b>TEMPORARY SIGNS</b>								
Bus Bench Signs	Yes	Painted on Bus Bench	One face of bench back rest	NA	One per bus bench	Meet required setback for bench	None	Bus Benches must meet all applicable provisions of Chapter 12.16 of the Lakewood Municipal Code.
Real Estate- such as "For Sale" and "For Rent"	No	Freestanding	32 sq. ft.	6 feet	One per street frontage	10 feet from the ROW	None	Must be removed within three days of date of closing for sale property or move-in for rental of property.
		Wall	32 sq. ft.	Signable area of wall				
Construction: Temporary Project Identification	Yes	Freestanding	32 sq. ft.	6 feet	One per street frontage	10 feet from the ROW	None	May be installed upon issuance of grading permit; must be removed when occupancy permit issued. Intended for display of the name of the project, names of design and engineering team, and telephone number for information on leasing or hiring.
New Development Directional	Yes	Freestanding	32 sq. ft.	6 feet	One per property	10 feet from the ROW	None	To be located on property under development unless approved for off-premise location by Director. To be allowed during period from when grading permit issued for overlot grading of development site to closing date for last unit sold or initial rental period concluded.
Special Event Banner	Yes	Banner	40 sq. ft.	25 feet	One	Same as structure	None	Must be attached flat against the side of the building or fence. Permits may be issued for any time frame not to exceed a cumulative 90 days in one year per business.

TABLE 10-1: Sign Standards by District (Continued)

Window	No	Window	20 per cent of first floor window area facing street being utilized	Within window area on first floor	NA	NA	None	Window signs cannot be displayed above first floor. No special illumination directed at the signage is permitted.
<b>PERMANENT SIGNS (OF Single Bus.)</b>								
Business Identification	Yes	Freestanding, Monument	2 sq. ft. per foot of street frontage, or 100 sq. ft., whichever is less	25 feet	One	10 feet from the ROW	Internal, external	Property located within the Lakewood Center Activity Center is subject to design review, and freestanding signs must be monument style. Wall signs may not exceed 75% of the width of the wall on which the sign is located.
		Canopy, Wall	50 sq. ft. minimum or 15% of total wall area facing street on which sign is located, whichever is greater, provided no sign exceeds 100 sq. ft.	Located in signable area of wall	One per street frontage. Additional wall signs may be approved by the Director to utilize maximum sign area	Same as required for building		
Traffic and Parking Directional	No	Freestanding, Monument, Wall	6 sq. ft.	3 feet	One per curb cut. Additional signs may be allowed by the director	Sight triangle to be maintained	External; internal	No advertising message allowed.
Secondary Signs	Yes	Wall	10 sq. ft.	Located in signable area of wall	One sign per business	Same as required for building	Internal, external	Sign shall not be counted toward the maximum sign area or number.

TABLE 10-1: Sign Standards by District (Continued)

**SIGNS PERMITTED IN THE OFFICE (OF) ZONE DISTRICT: MULTIPLE BUSINESSES IN SINGLE OR MULTIPLE BUILDINGS**

(For signs for community facilities i.e. churches, fire and police stations, helpads for noncommercial emergency use, parks, playgrounds, schools, public transportation facilities, water treatment facilities; see section on Signs Permitted for Community Facilities)

(For signs for institutional uses i.e. emergency health care facilities; see section on Signs Permitted for Institutional Uses)

TYPE OF SIGN	PERMIT REQD.	STYLE OF SIGN	MAXIMUM SIZE PER SIGN	MAXIMUM HEIGHT	MAXIMUM NUMBER	MINIMUM SETBACK	PERMITTED ILLUMINATION	OTHER REQUIREMENTS
<b>TEMPORARY SIGNS</b>								
Bus Bench Signs	Yes	Painted on bus bench	One face of bench back rest	NA	One per Bus Bench	Meet required setback for bench	None	Bus Benches must meet all applicable provisions of Chapter 12.16 of the Lakewood Municipal Code.
Real Estate- such as "For Sale" and "For Rent"	No	Freestanding	32 sq. ft.	6 feet	One per street frontage	10 feet from the ROW	None	Must be removed within three days of date of closing for sale property or move-in for rental property.
		Wall	32 sq. ft.	Signable area of wall				
Construction; Temporary Project Identification	Yes	Freestanding	32 sq. ft.	6 feet	One per street frontage	10 feet from the ROW	None	May be installed upon issuance of grading permit; must be removed when occupancy permit issued. Intended for display of the name of the project, names of design and engineering team, and telephone number for information on leasing or hiring.
New Development Directional	Yes	Freestanding	32 sq. ft.	6 feet	One per property	10 feet from the ROW	None	To be located on property under development unless approved for off-premise location by Director. To be allowed during period from when grading permit issued for overlot grading of development site to closing date for last unit sold or initial rental period concluded.
Special Event Banner	Yes	Banner	40 sq. ft.	25 feet	One	Same as structure	None	Must be attached flat against the side of the building or fence. Permits may be issued for any time frame not to exceed a cumulative 90 days in one year per business.
Window	No	Window	20 per cent of first floor window area facing street being utilized	Within window area on first floor	NA	NA	None	Window signs cannot be displayed above first floor. No special illumination directed at the signage is permitted.

**TABLE 10-1: Sign Standards by District (Continued)**

PERMANENT SIGNS (OF Multiple)								
Project Identification	Yes	Freestanding, Monument	2 sq. ft. per foot of street frontage to a maximum of 100 sq. ft.	25 feet	One per street frontage	10 feet from the ROW	Internal, external	Property located within the Lakewood Center Activity Center is subject to design review, and freestanding signs must be monument style. Twenty (20) percent of sign area must be used to identify the name of the development.
Project Directory	Yes	Monument	2 sq. ft. per business in center to a maximum of 50 sq. ft.	6 feet	One per major street entrance	10 feet from the ROW	Internal, external	No product or business advertising may be placed on the sign.
Building Identification	Yes	Canopy, Wall	50 sq. ft. minimum, or 2 sq. ft. per foot of building frontage on which sign is located. For each permitted sign, 100 sq. ft. or as calculated, whichever is less	Located in signable area of wall	One per street frontage	Same as required for building	Internal	May not exceed 75% of the width of the wall on which the sign is located.
Tenant Identification	Yes	Canopy, Wall	50 sq. ft. minimum or 15% of total wall area facing street on which sign is located, whichever is greater, provided no sign exceeds 100 sq. ft.	Located in signable area of wall	One, except that a corner unit may have two wall signs	Same as required for building	Internal	May not exceed 75% of the width of the tenant space on the wall on which the sign is located. Tenants that do not have a primary access to the exterior of the building are not permitted individual wall signs.
Traffic and Parking Directional	No	Freestanding, Monument, Wall	6 sq. ft.	3 feet	One per curb cut. Additional signs may be allowed by the director	Sight triangle to be maintained	External; internal	No advertising allowed.
Secondary Signs	Yes	Wall	10 sq. ft.	Located in signable area of wall	One sign per business	Same as required for building	Internal, external	Sign shall not be counted toward the maximum sign area or number.

**TABLE 10-1: Sign Standards by District (Continued)**

SIGNS PERMITTED IN THE COMMERCIAL ZONE DISTRICTS: 1-C THROUGH 3-C FOR SINGLE BUSINESSES ON SINGLE PARCEL THAT IS NOT PART OF A SHOPPING CENTER								
(For signs for community facilities i.e. churches, fire and police stations, helpads for noncommercial emergency use, parks, playgrounds, schools, public transportation facilities, water treatment facilities; see section on Signs Permitted for Community Facilities )								
(For signs for institutional uses i.e. emergency health care facilities; see section on Signs Permitted for Institutional Uses)								
TYPE OF SIGN	PERMIT REQD.	STYLE OF SIGN	MAXIMUM SIZE PER SIGN	MAXIMUM HEIGHT	MAXIMUM NUMBER	MINIMUM SETBACK	PERMITTED ILLUMINATION	OTHER REQUIREMENTS
TEMPORARY SIGNS								
Bus Bench Signs	Yes	Painted on Bus Bench	One face of bench back rest	N/A	One per bus bench	Meet required setback for bench	None	Bus Benches must meet all applicable provisions of Chapter 12.16 of the Lakewood Municipal Code.
Real Estate- such as "For Sale" and "For Rent"	No	Freestanding	32 sq. ft.	6 feet	One per street frontage	10 feet from the ROW	None	Must be removed within three days of date of closing for sale property or move-in for rental of property.
		Wall	32 sq. ft.	Signable area of wall				
Construction; Temporary Project Identification	Yes	Freestanding, Wall	32 sq. ft.	6 feet	One per street frontage	10 feet from the ROW	None	May be installed upon issuance of grading permit; must be removed when occupancy permit issued. Intended for display of the name of the project, names of design and engineering team, and telephone number for information on leasing or hiring.
New Development Directional	Yes	Freestanding	32 sq. ft.	6 feet	One per property	10 feet from the ROW	None	To be located on property under development unless approved for off-premise location by Director. To be allowed during period from when grading permit issued for overlot grading of development site to closing date for last unit sold or initial rental period concluded.
Special Event Banner	Yes	Banner	40 sq. ft.	25 feet	One	Same as structure	None	Must be attached flat against the side of the building or fence. Permits may be issued for any time frame not to exceed a cumulative 90 days in one year per business.
Window	No	Window	20 per cent of first floor window area facing street being utilized	Within window area on first floor	NA	NA	None	Window signs cannot be displayed above first floor. No special illumination directed at the signage is permitted.

**TABLE 10-1: Sign Standards by District (Continued)**

PERMANENT SIGNS ( 1-C-3-C Single Bus.)								
Business Identification	Yes	Freestanding, Monument	2 sq. ft. per foot of street frontage, or 100 sq. ft., whichever is less.	25 feet	One	10 feet from the ROW	Internal, external	Property located within the Lakewood Center Activity Center is subject to design review, and freestanding signs must be monument style. Wall signs may not exceed 75% of the width of the wall on which the sign is located.
		Canopy, Wall	50 sq. ft. minimum or 15% of total wall area facing street on which sign is located, whichever is greater, provided no sign exceeds 100 sq. ft.	Located in signable area of wall	One per street frontage. Additional wall signs may be approved by the Director to utilize maximum sign area	Same as required for building		
Menu Boards	Yes	Freestanding, Monument	30 sq. ft.	6 feet	One per order station	10 feet from the ROW	Internal	No signage or advertising may be readable from the ROW.
Traffic and Parking Directional	No	Freestanding, Monument, Wall	6 sq. ft.	3 feet	One per curb cut. Additional signs may be allowed by the Director	Sight triangle to be maintained	External; internal	No advertising allowed.
Secondary Signs	Yes	Wall	10 sq. ft.	Located in signable area of wall	One sign per business	Same as required for building	Internal, external	Sign shall not be counted toward the maximum sign area or number.

**TABLE 10-1: Sign Standards by District (Continued)**

SIGNS PERMITTED IN THE COMMERCIAL ZONE DISTRICTS: 1-C THROUGH 3-C FOR MULTIPLE BUSINESSES IN SINGLE OR MULTIPLE BUILDINGS (For signs for community facilities i.e. churches, fire and police stations, helipads for noncommercial emergency use, parks, playgrounds, schools, public transportation facilities, water treatment facilities; see section on Signs Permitted for Community Facilities) (For signs for institutional uses i.e. emergency health care facilities; see section on Signs Permitted for Institutional Uses)								
TYPE OF SIGN	PERMIT REQD.	STYLE OF SIGN	MAXIMUM SIZE PER SIGN	MAXIMUM HEIGHT	MAXIMUM NUMBER	MINIMUM SETBACK	PERMITTED ILLUMINATION	OTHER REQUIREMENTS
TEMPORARY SIGNS								
Bus Bench Signs	Yes	Painted on bus bench	One face of bench back rest	NA	One per bus bench	Meet required setback for bench	None	Bus Benches must meet all applicable provisions of Chapter 12.16 of the Lakewood Municipal Code.
Real Estate- such as "For Sale" and "For Rent"	No	Freestanding	32 sq. ft.	6 feet	One per street frontage	10 feet from the ROW	None	Must be removed within three days of date of closing for sale property or move-in for rental property.
		Wall	32 sq. ft.	Signable area of wall				
Construction; Temporary Project Identification	Yes	Freestanding	32 sq. ft.	6 feet	One per street frontage	10 feet from the ROW	None	May be installed upon issuance of grading permit; must be removed when occupancy permit issued. Intended for display of the name of the project, names of design and engineering team, and telephone number for information on leasing or hiring.
New Development Directional	Yes	Freestanding	32 sq. ft.	6 feet	One per property	10 feet from the ROW	None	To be located on property under development unless approved for off-premise location by Director. To be allowed during period from when grading permit issued for overlot grading of development site to closing date for last unit sold or initial rental period concluded.
Special Events Banner	Yes	Banner	40 sq. ft.	25 feet	One	Same as structure	None	Must be attached flat against the side of the building or fence. Permits may be issued for any time frame not to exceed a cumulative 90 days in one year per business.
Window	No	Window	20 per cent of first floor window area facing street being utilized	Within window area on first floor	NA	NA	None	Window signs cannot be displayed above first floor. No special illumination directed at the signage is permitted.

**TABLE 10-1: Sign Standards by District (Continued)**

**PERMANENT SIGNS (1-C – 3-C Multiple)**

Project Identification	Yes	Freestanding, Monument	2 sq. ft. per foot of street frontage to a maximum of 100 sq. ft.	25 feet	One per street frontage	10 feet from the ROW	Internal, external	Property located within the Lakewood Center Activity Center is subject to design review, and freestanding signs must be monument style. Twenty (20) percent of sign area must be used to identify the name of the development.
Kiosks, Teller Machines, Key Shops, Recycling Machines, Film Processors	Yes	Wall	20 sq. ft. minimum or 15% of total wall area on which sign is located, whichever is greater to a maximum of 50 sq. ft.	Located in signable area on wall	One per business	Same as required for building	Internal, external	These small accessory uses are not permitted a freestanding or monument sign.
Tenant Identification	Yes	Canopy, Wall	50 sq. ft. minimum, or 15% of tenant wall area facing street on which sign is located, whichever is greater for each sign, provided no sign exceeds 100 sq. ft.	Located in signable area on wall for unit	One, except that a corner unit may have two wall signs	Same as required for building	Internal, external	Shall not exceed 75% of the width of the tenant space on the wall on which the sign is located. Tenants that do not have a primary access to the exterior of the building are not permitted individual wall signs.
Tenant Identification for Pad Sites	Yes	Monument	32 sq. ft.	6 feet	One per pad site	10 feet from the ROW	Internal	Property located within the Lakewood Center Activity Center is subject to design review.
Menu Boards	Yes	Freestanding, Monument	30 sq. ft.	6 feet	One per order station	10 feet from the ROW	Internal	No signage or advertising may be readable from the ROW.
Traffic and Parking Directional	No	Freestanding, Monument, Wall	6 sq. ft.	3 feet	One per curb cut. Additional signs may be allowed by the Director.	Sign triangle to be maintained	External; internal	No advertising allowed.
Secondary Signs	Yes	Wall	10 sq. ft.	Located in signable area of wall	One sign per business	Same as required for building	Internal, external	Sign shall not be counted toward the maximum sign area or number.

**TABLE 10-1: Sign Standards by District (Continued)**

<b>SIGNS PERMITTED IN THE COMMERCIAL ZONE DISTRICTS: 4-C AND 5-C FOR SINGLE BUSINESSES ON SINGLE PARCEL THAT IS NOT PART OF A SHOPPING CENTER</b> (For signs for community facilities i.e. churches, fire and police stations, helipads for noncommercial emergency use, parks, playgrounds, schools, public transportation facilities, water treatment facilities; see section on Signs Permitted for Community Facilities ) (For signs for institutional uses i.e. emergency health care facilities; see section on Signs Permitted for Institutional Uses)								
<b>TYPE OF SIGN</b>	<b>PERMIT REQD.</b>	<b>STYLE OF SIGN</b>	<b>MAXIMUM SIZE PER SIGN</b>	<b>MAXIMUM HEIGHT</b>	<b>MAXIMUM NUMBER</b>	<b>MINIMUM SETBACK</b>	<b>PERMITTED ILLUMINATION</b>	<b>OTHER REQUIREMENTS</b>
<b>TEMPORARY SIGNS</b>								
Bus Bench Signs	Yes	Painted on Bus Bench	One face of bench back rest	NA	One per bus bench	Meet required setback for bench	None	Bus Benches must meet all applicable provisions of Chapter 12.16 of the Lakewood Municipal Code.
Real Estate- such as "For Sale" and "For Rent"	No	Freestanding	32 sq. ft.	6 feet	One per street frontage	10 feet from the ROW	None	Must be removed within three days of date of closing for sale property or move-in for rental of property.
		Wall	32 sq. ft.	Signable area of wall				
Construction; Temporary Project Identification	Yes	Freestanding, Wall	32 sq. ft.	6 feet	One per street frontage	10 feet from the ROW	None	May be installed upon issuance of grading permit; must be removed when occupancy permit issued. Intended for display of the name of the project, names of design and engineering team, and telephone number for information on leasing or hiring.
New Development Directional	Yes	Freestanding	32 sq. ft.	6 feet	One per property	10 feet from the ROW	None	To be located on property under development unless approved for off-premise location by Director. To be allowed during period from when grading permit issued for overlot grading of development site to closing date for last unit sold or initial rental period concluded.
Special Event Banner	Yes	Banner	40 sq. ft.	25 feet	One	Same as structure	None	Must be attached flat against the side of the building or fence. Permits may be issued for any time frame not to exceed a cumulative of 90 days in one year per business.
Window	No	Window	20 per cent of first floor window area facing street being utilized	Within window area on first floor	NA	NA	None	Window signs cannot be displayed above first floor. No special illumination directed at the signage is permitted.

**TABLE 10-1: Sign Standards by District (Continued)**

**PERMANENT SIGNS (4-C – 5-C Single Bus.)**

Business Identification	Yes	Freestanding Monument	2 sq. ft. per foot of street frontage, or 150 sq. ft., whichever is less	25 feet	One	10 feet from the ROW	Internal, external	Property located within the Lakewood Center Activity Center is subject to design review, and freestanding signs must be monument style. Wall signs may not exceed 75% of the width of the wall on which the sign is located.
		Canopy, Wall	50 sq. ft. minimum or 15% of total wall area facing street on which sign is located, whichever is greater, provided no sign exceeds 150 sq. ft.	Located in signable area of wall	One per street frontage. Additional wall signs may be approved by the Director to utilize maximum sign area	Same as required for building		
Menu Boards	Yes	Freestanding Monument	30 sq. ft.	6 feet	One per order station	10 feet from the ROW	Internal	No signage or advertising may be readable from the ROW.
Traffic and Parking Directional	No	Freestanding Monument, Wall	6 sq. ft.	3 feet	One per curb cut. Additional signs may be allowed by the Director	Sight triangle to be maintained	External, internal	No advertising allowed.
Secondary Signs	Yes	Wall	10 sq. ft.	Located in signable area of wall	One sign per business	Same as required for building	Internal, external	Sign shall not be counted toward the maximum sign area or number.

**TABLE 10-1: Sign Standards by District (Continued)**

SIGNS PERMITTED IN THE COMMERCIAL ZONE DISTRICTS: 4-C AND 5-C FOR MULTIPLE BUSINESSES IN SINGLE OR MULTIPLE BUILDINGS (For signs for community facilities i.e. churches, fire and police stations, helpads for noncommercial emergency use, parks, playgrounds, schools, public transportation facilities, water treatment facilities; see section on Signs Permitted for Community Facilities) (For signs for institutional uses i.e. emergency health care facilities; see section on Signs Permitted for Institutional Uses)								
TYPE OF SIGN	PERMIT REQD.	STYLE OF SIGN	MAXIMUM SIZE PER SIGN	MAXIMUM HEIGHT	MAXIMUM NUMBER	MINIMUM SETBACK	PERMITTED ILLUMINATION	OTHER REQUIREMENTS
TEMPORARY SIGNS								
Bus Bench Signs	Yes	Painted on bus bench	One face of bench back rest	N/A	One per bus bench	Meet required setback for bench	None	Bus Benches must meet all applicable provisions of Chapter 12.16 of the Lakewood Municipal Code.
Real Estate- such as "For Sale" and "For Rent"	No	Freestanding	32 sq. ft.	6 feet	One per street frontage	10 feet from the ROW	None	Must be removed within three days of date of closing for sale or move-in for rental of property.
		Wall	32 sq. ft.	Signable area of wall				
Construction; Temporary Project Identification	Yes	Freestanding	32 sq. ft.	6 feet	One per street frontage	10 feet from the ROW	None	May be installed upon issuance of grading permit; must be removed when occupancy permit issued. Intended for display of the name of the project, names of design and engineering team, and telephone number for information on leasing or hiring.
New Development Directional	Yes	Freestanding	32 sq. ft.	6 feet	One per property	10 feet from the ROW	None	To be located on property under development unless approved for off-premise location by Director. To be allowed during period from when grading permit issued for overlot grading of development site to closing date for last unit sold or initial rental period concluded.
Special Event Banner	Yes	Banner	40 sq. ft.	25 feet	One	Same as structure	None	Must be attached flat against the side of the building or fence. Permits may be issued for any time frame not to exceed a cumulative 90 days in one year per business.
Window	No	Window	20 per cent of first floor window area facing street being utilized	Within window area on first floor	N/A	N/A	None	Window signs cannot be displayed above first floor. No special illumination directed at the signage is permitted.

**TABLE 10-1: Sign Standards by District (Continued)**

PERMANENT SIGNS (4-C – 5-C Multiple)								
Project Identification	Yes	Freestanding, Monument	2 sq. ft. per foot of street frontage to a maximum of 150 sq. ft.	25 feet	One sign per 1000 feet of street frontage	10 feet from the ROW	Internal, external	Property located within the Lakewood Center Activity Center is subject to design review, and freestanding signs must be monument style. Twenty (20) percent of sign area must be used to identify the name of the development.
Kiosks, Teller Machines, Key Shops, Recycling Machines, Film Processors	Yes	Wall	20 sq. ft. minimum or 15% of total wall area on which sign is located, whichever is greater to a maximum of 50 sq. ft.	Located in signable area of wall	One per business	Same as required for building	Internal, external	These small accessory uses are not permitted a freestanding or monument sign.
Tenant Identification	Yes	Canopy, Wall	50 sq. ft. minimum, or 15% of tenant wall area facing street on which sign is located, whichever is greater for each sign, provided no sign exceeds 150 sq. ft.	Located in signable area of wall	One, except that a corner unit may have two wall signs	Same as required for building	Internal, external	Shall not exceed 75% of the width of the tenant space on the wall on which the sign is located. Tenants that do not have a primary access to the exterior of the building are not permitted individual wall signs.
Tenant Identification for Pad Signs	Yes	Monument	32 sq. ft.	6 feet	One per pad site	10 feet from the ROW	Internal	Property located within the Lakewood Center Activity Center is subject to design review.
Menu Boards	Yes	Freestanding, Monument	30 sq. ft.	6 feet	One per order station	10 feet from the ROW	Internal	No signage or advertising may be readable from the ROW.
Traffic and Parking Directional	No	Freestanding, Monument, Wall	6 sq. ft.	5 feet	One per curb cut. Additional signs may be allowed by the Director	Sight triangle to be maintained	External, internal	No advertising allowed.
Secondary Signs	Yes	Wall	10 sq. ft.	Located in signable area of wall	One sign per business	Same as required for building	Internal, external	Sign shall not be counted toward the maximum sign area or number.

**TABLE 10-1: Sign Standards by District (Continued)**

**SIGNS PERMITTED IN THE INDUSTRIAL (IN) ZONE DISTRICT: SINGLE BUSINESS ON SINGLE PARCEL**

(For signs for community facilities i.e. churches, fire and police stations, helpads for noncommercial emergency use, parks, playgrounds, schools, public transportation facilities, water treatment facilities; see section on Signs Permitted for Community Facilities )

(For signs for institutional uses i.e. emergency health care facilities; see section on Signs Permitted for Institutional Uses)

TYPE OF SIGN	PERMIT REQD.	STYLE OF SIGN	MAXIMUM SIZE PER SIGN	MAXIMUM HEIGHT	MAXIMUM NUMBER	MINIMUM SETBACK	PERMITTED ILLUMINATION	OTHER REQUIREMENTS
<b>TEMPORARY SIGNS</b>								
Bus Bench Signs	Yes	Painted on Bus Bench	One face of bench back rest	NA	One per bus bench	Meet required setback for bench	None	Bus Benches must meet all applicable provisions of Chapter 12.16 of the Lakewood Municipal Code.
Real Estate- such as "For Sale" and "For Rent"	No	Freestanding	32 sq. ft.	6 feet	One per street frontage	10 feet from the ROW	None	Must be removed within three days of date of closing for sale property or move-in for rental of property.
		Wall	32 sq. ft.	Signable area of wall				
Construction; Temporary Project Identification	Yes	Freestanding, Wall	32 sq. ft.	6 feet	One per street frontage	10 feet from the ROW	None	May be installed upon issuance of grading permit; must be removed when occupancy permit issued. Intended for display of the name of the project, names of design and engineering team, and telephone number for information on leasing or hiring.
New Development Directional	Yes	Freestanding	32 sq. ft.	6 feet	One per property	10 feet from the ROW	None	To be located on property under development unless approved for off-premise location by Director. To be allowed during period from when grading permit issued for overlot grading of development site to closing date for last unit sold or initial rental period concluded.
Special Event Banner	Yes	Banner	40 sq. ft.	25 feet	One	Same as structure	None	Must be attached flat against the side of the building or fence. Permits may be issued for any time frame not to exceed a cumulative 90 days in one year per business.
Window	No	Window	20 per cent of first floor window area facing street being utilized	Within window area on first floor	NA	NA	None	Window signs cannot be displayed above first floor. No special illumination directed at the signage is permitted.

**TABLE 10-1: Sign Standards by District (Continued)**

PERMANENT SIGNS (IN Single Bus.)								
Business Identification	Yes	Freestanding, Monument	2 sq. ft. per foot of street frontage, or 100 sq. ft., whichever is less	25 feet	One	10 feet from the ROW	Internal, external	Wall signs may not exceed 75% of the width of the wall on which the sign is located.
		Canopy, Wall	50 sq. ft. minimum or 15% of total wall area facing street on which sign is located, whichever is greater, provided no sign exceeds 100 sq. ft.	Located in signable area of wall	One per street frontage	Same as required for building		
Traffic and Parking Directional	No	Freestanding, Monument, Wall	6 sq. ft.	3 feet	One per curb cut. Additional signs may be allowed by the Director	Sight triangle to be maintained	External, internal	No advertising allowed.
Secondary Signs	Yes	Wall	10 sq. ft.	Located in signable area of wall	One sign per business	Same as required for building	Internal, external	Sign shall not be counted toward the maximum sign area or number.

**TABLE 10-1: Sign Standards by District (Continued)**

SIGNS PERMITTED IN THE INDUSTRIAL (IN) ZONE DISTRICT: MULTIPLE BUSINESSES IN SINGLE OR MULTIPLE BUILDINGS (For signs for community facilities i.e. churches, fire and police stations, helpads for noncommercial emergency use, parks, playgrounds, schools, public transportation facilities, water treatment facilities; see section on Signs Permitted for Community Facilities) (For signs for institutional uses i.e. emergency health care facilities; see section on Signs Permitted for Institutional Uses)								
TYPE OF SIGN	PERMIT REQD.	STYLE OF SIGN	MAXIMUM SIZE PER SIGN	MAXIMUM HEIGHT	MAXIMUM NUMBER	MINIMUM SETBACK	PERMITTED ILLUMINATION	OTHER REQUIREMENTS
TEMPORARY SIGNS								
Bus Bench Signs	Yes	Painted on bus bench	One face of bench back rest	N/A	One per bus bench	Meet required setback for bench	None	Bus Benches must meet all applicable provisions of Chapter 12.16 of the Lakewood Municipal Code.
Real Estate- such as "For Sale" and "For Rent"	No	Freestanding	32 sq. ft.	6 feet	One per street frontage	10 feet from the ROW	None	Must be removed within three days of date of closing for sale property or move-in for rental property.
		Wall	32 sq. ft.	Signable area of wall				
Construction; Temporary Project Identification	Yes	Freestanding	32 sq. ft.	6 feet	One per street frontage	10 feet from the ROW	None	May be installed upon issuance of grading permit; must be removed when occupancy permit issued. Intended for display of the name of the project, names of design and engineering team, and telephone number for information on leasing or hiring.
New Development Directional	Yes	Freestanding	32 sq. ft.	6 feet	One per property	10 feet from the ROW	None	To be located on property under development unless approved for off-premise location by Director. To be allowed during period from when grading permit issued for overlot grading of development site to closing date for last unit sold or initial rental period concluded.
Special Event Banner	Yes	Banner	40 sq. ft.	25 feet	One	Same as structure	None	Must be attached flat against the side of the building or fence. Permits may be issued for any time frame not to exceed a cumulative 90 days in one year per business.
Window	No	Window	20 per cent of first floor window area facing street being utilized	Within window area on first floor	N/A	N/A	None	Window signs cannot be displayed above first floor. No special illumination directed at the signage is permitted.

**TABLE 10-1: Sign Standards by District (Continued)**

PERMANENT SIGNS (IN Multi. Bus. Continued)								
Project Identification	Yes	Freestanding, Monument	2 sq. ft. per foot of street frontage to a maximum of 100 sq. ft.	25 feet	One per street frontage	10 feet from the ROW	Internal, external	Twenty (20) percent of sign area must be used to identify the name of the development.
Project Directory	Yes	Monument	2 sq. ft. per business in center to a maximum of 50 sq. ft.	6 feet	One per major street entrance	10 feet from the ROW	Internal, external	No product or business advertising may be placed on the sign.
Building Identification	Yes	Canopy, Wall	50 sq. ft. minimum, or 2 sq. ft. per foot of building frontage on which sign is located. For each permitted sign, 100 sq. ft. or as calculated, whichever is less.	Located in signable area of wall	One per street frontage	Same as required for building	Internal	May not exceed 75% of the width of the wall on which the sign is located.
Tenant Identification	Yes	Canopy, Wall	50 sq. ft. minimum or 15% of tenant wall area facing street on which sign is located, whichever is greater, provided no sign exceeds 100 sq. ft.	Located in signable area of wall	One, except that a corner unit may have two wall signs	Same as required for building	Internal	May not exceed 75% of the width of the tenant space on the wall on which the sign is located. Tenants that do not have a primary access to the exterior of the building are not permitted individual wall signs.
Traffic and Parking Directional	No	Freestanding, Monument, Wall	6 sq. ft.	3 feet	One per curb cut. Additional signs may be allowed by the Director.	Sight triangle to be maintained	External, internal	No advertising allowed.
Secondary Signs	Yes	Wall	10 sq. ft.	Located in signable area of wall	One sign per business	Same as required for building	Internal, external	Sign shall not be counted toward the maximum sign area or number.

**TABLE 10-1: Sign Standards by District (Continued)**

SIGNS PERMITTED IN THE PLANNED DEVELOPMENT (PD) ZONE DISTRICT (For signs for community facilities i.e. churches, fire and police stations, helpads for noncommercial emergency use, parks, playgrounds, schools, public transportation facilities, water treatment facilities; see section on Signs Permitted for Community Facilities) (For signs for institutional uses i.e. emergency health care facilities; see section on Signs Permitted for Institutional Uses)								
TYPE OF SIGN	PERMIT REQD.	STYLE OF SIGN	MAXIMUM SIZE PER SIGN	MAXIMUM HEIGHT	MAXIMUM NUMBER	MINIMUM SETBACK	PERMITTED ILLUMINATION	OTHER REQUIREMENTS
TEMPORARY SIGNS								
Bus Bench Signs	Yes	Painted on bus bench	One face of bench back rest	NA	One per bus bench	Meet required setback for bench	None	Bus Benches must meet all applicable provisions of Chapter 12.16 of the Lakewood Municipal Code.
Real Estate- such as "For Sale" and "For Rent"	No	Freestanding	32 sq. ft.	6 feet	One per street frontage	10 feet from the ROW	None	Must be removed within three days of date of closing for sale property or move-in for rental property.
		Wall	32 sq. ft.	Signable area of wall				
Construction; Temporary Project Identification	Yes	Freestanding	32 sq. ft.	6 feet	One per street frontage	10 feet from the ROW	None	May be installed upon issuance of grading permit; must be removed when occupancy permit issued. Intended for display of the name of the project, names of design and engineering team, and telephone number for information on leasing or hiring.
New Development Directional	Yes	Freestanding	32 sq. ft.	6 feet	One per property	10 feet from the ROW	None	To be located on property under development unless approved for off-premise location by Director. To be allowed during period from when grading permit issued for overlot grading of development site to closing date for last unit sold or initial rental period concluded.
Special Event Banner	Yes	Banner	40 sq. ft.	25 feet	One	Same as structure	None	Must be attached flat against the side of the building or fence. Permits may be issued for any time frame not to exceed a cumulative 90 days in one year per business.
Window	No	Window	20 per cent of first floor window area facing street being utilized	Within window area on first floor	NA	NA	None	Window signs cannot be displayed above first floor. No special illumination directed at the signage is permitted.
PERMANENT SIGNS								
Planned Developments which have signage stipulations contained in the narrative text of the Official Development Plan (ODP) must abide by those written standards. Planned Developments which do not have signage stipulations in the text of the Official Development Plan, or which have signage stipulations which address all types of currently permitted signs, shall utilize the sign standards defined for the planned land use in the compatible zone district and such determinations shall be made by the Director.								

**TABLE 10-1: Sign Standards by District (Continued)**

**SIGNS PERMITTED FOR COMMUNITY FACILITIES**

(Fire and police stations, helpads for noncommercial emergency use, parks, playgrounds, schools, public transportation facilities, water treatment facilities)

TYPE OF SIGN	PERMIT REQD.	STYLE OF SIGN	MAXIMUM SIZE PER SIGN	MAXIMUM HEIGHT	MAXIMUM NUMBER	MINIMUM SETBACK	PERMITTED ILLUMINATION	OTHER REQUIREMENTS
<b>TEMPORARY SIGNS</b>								
Bus Bench Signs	Yes	Painted on bus bench	One face of bench back rest	NA	One per bus bench	Meet required setback for bench	None	Bus benches must meet all applicable provisions of Chapter 12.16 of the Lakewood Municipal Code.
Construction: Temporary Project Identification	Yes	Freestanding	32 sq. ft.	6 feet	One per street frontage abutting property	10 feet from ROW	None	Limited to non-residential uses only. May be installed upon issuance of grading permit; must be removed when occupancy permit issued. Intended for display of the name of the project, names of design and engineering team, and telephone number for information on leasing or hiring.
Real Estate Signs (Such as "For Rent", "For Sale")	No	Freestanding	32 sq. ft.	6 feet	One per street frontage abutting property	10 feet from ROW	None	Must be removed within three days of date of closing for sale property or move-in for rental property.
		Wall	32 sq. ft.	Signable area of wall				
Special Event Banner	Yes	Affixed to Wall or Fence	40 sq. ft.	Limited to height of building or fence to which it is affixed	One per property; suspended banners permitted only for community events	None, as approved	None	Must be attached flat against the side of the building or fence. Permits may be issued for any time frame not to exceed a cumulative 90 days in one year per business.
		Suspended	40 sq. ft.	6' if not over ROW 16' if over ROW				

**TABLE 10-1: Sign Standards by District (Continued)**

<b>PERMANENT SIGNS (Community Facilities)</b>									
Business Identification	Yes	Wall	100 sq. ft.	Signable area of wall	One per parcel or property	10 feet from ROW	Internal, external		
		Freestanding, Monument	100 sq. ft.	25 feet					
Traffic and Parking Directional	No	Freestanding, Monument, Wall	6 sq. ft.	3 feet	One per curb cut. Additional signs may be allowed by the Director.	As approved on permit; sight triangle to be maintained	Internal, external		

SIGNS PERMITTED FOR INSTITUTIONAL USES (Institutional uses i.e. churches and emergency health care facilities)								
TYPE OF SIGN	PERMIT REQD.	STYLE OF SIGN	MAXIMUM SIZE PER SIGN	MAXIMUM HEIGHT	MAXIMUM NUMBER	MINIMUM SETBACK	PERMITTED ILLUMINATION	OTHER REQUIREMENTS
TEMPORARY SIGNS								
Bus Bench Signs	Yes	Painted on bus bench	One face of bench back rest	NA	One per bus bench	Meet required setback for bench	None	Bus benches must meet all applicable provisions of Chapter 12.16 of the Lakewood Municipal Code.
Construction; Temporary Project Identification	Yes	Freestanding	32 sq. ft.	6 feet	One per street frontage	10 feet from ROW	None	Limited to non-residential uses only. May be installed upon issuance of grading permit; must be removed when occupancy permit issued. Intended for display of the name of the project, names of design and engineering team, and telephone number for information on leasing or hiring.
Real Estate Signs (Such as "For Rent", "For Sale")	No	Freestanding	32 sq. ft.	6 feet	One per street frontage	10 feet from ROW	None	Must be removed within three days of date of closing for sale property or move-in for rental property.

**TABLE 10-1: Sign Standards by District (Continued)**

Special Event Banner	Yes	Affixed to Wall or Fence	40 sq. ft.	Limited to height of building or fence to which it is affixed	One per property; suspended banners permitted only for community events	None, as approved	None	Must be attached flat against the side of the building or fence. Permits may be issued for any time frame not to exceed a cumulative 90 days in one year per business.
		Suspended	40 sq. ft.	6' if not over ROW 16' if over ROW				
<b>PERMANENT SIGNS (Institutional Uses)</b>								
Business Identification	Yes	Wall	100 sq. ft.	Signable area of wall	One per parcel or property	10 feet from ROW	Internal, external	
		Freestanding, Monument	100 sq. ft.	25 feet				
Building Identification	Yes	Wall	100 sq. ft.	Signable area of wall	One per building	Same as required for building	Internal, external	
Project Directory	Yes	Monument	50 sq. ft.	6 feet	One per major street entrance	10 feet from the ROW	Internal, external	No product or business advertising may be placed on the sign.
Traffic and Parking Directional	No	Freestanding, Monument, Wall	6 sq. ft.	3 feet	One per curb cut. Additional signs may be allowed by the Director.	As approved on permit; sight triangle to be maintained	Internal, external	





## **ARTICLE 11: LANDMARK PRESERVATION**

### **PART 1: GENERAL**

#### **17-11-1. STATEMENT OF PURPOSES.**

- (1) It is hereby declared as a matter of public policy that the protection, enhancement, perpetuation and use of structures, sites and districts of historical, architectural or geographic significance located within the City is a public necessity, and is required in the interest of the prosperity, civic pride and general welfare of the people.
- (2) The purpose of this Article 11 is to:
  - (a) Designate, preserve, protect, enhance and perpetuate those structures, sites and districts which reflect outstanding elements of the City's cultural, artistic, social, economic, political, architectural, historic or other heritage;
  - (b) Foster civic pride in the beauty and accomplishments of the past;
  - (c) Stabilize or improve the aesthetic and economic vitality and values of such structures, sites and districts;
  - (d) Protect and enhance the City's attraction to tourists and visitors;
  - (e) Promote the use of outstanding historical or architectural structures, sites and districts for the education, stimulation and welfare of the people of the City;
  - (f) Promote good urban design including the perpetuation of related private spaces; and
  - (g) Promote and encourage continued private ownership and utilization of such buildings and other structures now so owned and used, to the extent that the objectives listed above can be attained under such a policy.
- (3) It is the sense of the City Council that the economic, cultural and aesthetic standing of this City cannot be maintained or enhanced by disregarding the historical, architectural and geographic heritage of the City and by ignoring the destruction or defacement of such cultural assets.

**17-11-2. DEFINITIONS.** For the purposes of this Article 11, the terms set forth below shall have the meanings respectively ascribed to them:

*Alteration* means any act or process which changes one or more of the exterior architectural features of a structure or district.

*Commission* means the Heritage, Culture & the Arts Commission.

*Committee* means the Landmark Preservation Committee established pursuant to this Article 11 as a standing committee of the Commission.

*Department* means the Department of Community Planning and Development.

*Director* means the Director of the Department of Community Planning and Development, or designee.

*District* means any site, structure or improvement and its surrounding environments, or a group of sites, structures or improvements, or both, and their surrounding environs.

*Exterior*, when applied to an architectural feature, means the architectural style, design, general arrangement and components of all the outer surfaces of a structure or improvement, including, but not limited to the color, texture, materials, type and style of all windows, doors, lights, signs and other fixtures appurtenant to the structure or improvement.

*Improvement* means any building, structure, place, work of art or other object constituting a physical betterment of real property or any part of such betterment.

*Owner* means all persons who have a record ownership interest in a specific parcel of property.

*Secretary* means the Secretary to the Planning Commission.

*Site* means a specific location or place which may or may not have structures or improvements located upon it.

*Structure* means anything which is constructed or erected, and the use of which requires more or less permanent location on the ground or attachment to something having permanent location on the ground; an edifice or a building of any kind.

### **17-11-3. LANDMARK PRESERVATION COMMITTEE.**

#### **(1) Establishment; Members.**

- (a) There is hereby established a Landmark Preservation Committee, which shall be a standing committee of the Commission. The Committee shall consist of seven voting members appointed by the Commission. One member of the Committee shall be an architect with a demonstrated interest in historic architecture, one a realtor having not less than five (5) years of continuous professional real estate experience in the Lakewood area, one a member of the Lakewood Historical Society or successor organization, two at large, and the remaining two members shall be voting members of the Commission. When making appointments, the Commission shall identify each appointee to the qualification, or to membership on the Commission, which such person is intended to represent on the Committee. All members of the Committee shall be Lakewood residents except that the person appointed as the architect need not be, but is preferred. The Commission shall fill any vacancy on the Committee based upon the same criteria used to appoint the departing member.
- (b) Four members shall be appointed to serve initial terms of two years, extending from July 15, 1999 until July 15, 2001. The remaining three members shall be appointed to serve terms of three years, extending from July 15, 1999 until July 15, 2002. Thereafter, all

voting members shall be appointed to serve terms of three years, but no person shall serve more than two consecutive three-year terms.

- (c) Once constituted, the Committee shall elect a chair, who shall be a member of the Commission and shall preside over all meetings of the Committee, and a vice-chair and such other officers as its by-laws may prescribe. In the absence of the chair the vice-chair shall perform the duties of the chair. The chair and the vice-chair shall be entitled to vote on any matter pending before the Committee.

(2) Powers and Duties. The Committee shall have the following powers and duties:

- (a) Evaluate and make recommendations concerning the merits of applications for designation pursuant to Part 2 of this Article 11.
- (b) Conduct certificate of appropriateness review as provided in Part 3 of this Article 11.
- (c) Consult with City staff as requested concerning the conformity with approved plans of construction or alteration authorized pursuant to a certificate of appropriateness issued pursuant to Part 3 of this Article 11.
- (d) Prepare, or cause to be prepared, a comprehensive inventory of sites, structures or areas that may be appropriate for designation pursuant to Part 2 of this Article 11.
- (e) Develop and prepare design guidelines for construction and alteration of designated structures and structures in designated districts, for adoption and approval by the Planning Commission.
- (f) Increase public awareness of the value of historic, architectural and cultural preservation.
- (g) Evaluate and comment on decisions of other public agencies affecting the physical development and land use patterns in or affecting designated sites, structures and districts.
- (h) Make recommendations to City Council regarding the following:
  - 1. the utilization of grants from federal and state agencies, private groups, and individuals to promote the preservation of historic or architecturally significant structures within the City;
  - 2. the acquisition of facade easements and the imposition of other restrictions for purposes of preservation;
  - 3. contracts for the purpose of preservation where private preservation is not feasible; and
  - 4. any other functions which may be assigned to it by resolution of the City Council.
- (i) Provide advice and guidance to individuals, developers, neighborhood groups and other parties regarding work on designated sites or structures, or within designated districts.
- (j) Draft and recommend for adoption by the City Council such by-laws, operating policies and other rules of procedure, and amendment to or repeal of any of them, as the Committee may deem appropriate

(Sections 17-11-4 and 17-11-5 reserved)

## **PART 2: DESIGNATION**

### **17-11-6**

#### **APPLICATION AND REFERRAL TO COMMITTEE.**

- (1) Any person may file with the Department an application for designation.
- (2) Submittal requirements. The application shall be made on a fully completed form prescribed by the Department and shall be accompanied by all of the following:
  - (a) An application fee, in an amount determined by resolution of the City Council.
  - (b) A precise description, including a legal description of the specific parcel of real property or relevant portion thereof, and a detailed, specific description of those elements forming the basis for designation, of the structure, site or district proposed for designation. The description of a proposed district shall be accompanied by current assessment maps from the county assessor's office showing the boundaries of the proposed district, and the assessor parcel numbers of each ownership parcel within such boundaries.
  - (c) Evidence of the ownership of all real property included within a proposed site or district, and of the ownership parcel on which any structure proposed for designation is located, herein called "subject property(ies)." For applications for designation of property other than a district, such evidence shall consist of a commitment for or a title insurance policy, an attorney title opinion, a subdivision certificate, or a written ownership and encumbrance report, dated within 30 days before the date of submittal of the application, and shall include the address of each person having an ownership interest in the property, as shown on the instrument by which such person acquired such interest or if none the address shown for such person in the records of the county assessor pertaining to the property. For applications for designation of a district, such evidence shall consist of a list of the names and addresses of the property owners identified to and corresponding with the assessor parcel numbers for each ownership parcel within the proposed district as shown on the assessment maps. The applicant shall certify in writing that such list was obtained from the most current records of the Jefferson county assessor. Current records for the purposes of this section 17-11-6 shall have the same meaning as set forth in 17-17-4(1)(b) of this Zoning Ordinance.
  - (d) The Director may require reasonable evidence of the authority of the individuals signing the application to bind the applicant thereto.
  - (e) Written consent to the designation from not less than the requisite number of owner(s) of the subject property(ies), as established by Section 17-11-11 below. In the case of an application to designate an area as a district, the applicant shall also prepare and file with the application an abstract, based upon current information from the Jefferson county assessor's office, of all taxable properties within such area showing the assessed valuation for each such property and the total assessed valuation for the entire area.
  - (f) A complete statement of how the site, structure or district meets the approval criteria set forth in Section 17-11-10 below.
  - (g) Others, as determined from time to time by the Director as being necessary or appropriate for the purposes of determining the issues involved in designation.

- (3) Upon receipt of a complete submittal, the Department shall refer the application to the Committee for review.
- (4) The Committee shall review the application and send its written recommendations to the Planning Commission within 45 days after its receipt of the referral.

**17-11-7. PUBLIC HEARING BEFORE PLANNING COMMISSION.** Prior to making its findings or entering an order approving or denying an application, the Planning Commission shall hold a public hearing on the same, pursuant to the following procedures:

- (1) The Secretary shall schedule a public hearing to be held not later than sixty (60) days after a complete submittal. Notice of the hearing shall be provided as follows:
  - (a) Promptly upon scheduling the hearing, the Secretary shall give written notice of the date, time and place of the hearing, by first class mail, to the applicant.
  - (b) It shall be the obligation of the applicant, unless waived by the City, to mail written notice of the hearing to the following persons:
    - i) The fee owner(s) of the subject property(ies). Notice shall be deemed properly given to an owner if sent to the address shown for such owner in the evidence of title submitted pursuant to 17-11-6(2)(c) above.
    - ii) The applicant.
    - iii) The fee owners of real property within 500 feet of the boundary of the subject property(ies).
    - iv) The registered representative of neighborhood homeowners organizations which qualify for notice by having registered with the Department annually during the month of January of each year and having provided the Department with the name and address of a current representative and a current map, approved by the Department, which shows the boundaries of the area represented by the organization, if any boundary of the organization as shown on the map registered with the Department falls within 1,000 feet of the subject property(ies).
- (c) Not later than twenty (20) days prior to the date of the hearing, the applicant shall prepare and file with the Secretary two complete lists of the names and addresses of all persons entitled to receive notice of the hearing. The first list shall be typed or printed on one or more sheets of paper. The name(s) and address(es) of the fee owner(s) of the subject property(ies) shall be prepared from the evidence of title submitted pursuant to 17-11-6(2)(c) above, with names and addresses obtained from assessor maps and identified to specific assessor parcel numbers. The names and addresses of the fee owners of parcels of real property located within 500 feet of the boundary of the subject property(ies) shall be prepared using the same process and meeting all of the requirements provided in Section 17-17-4(1)(b) of this Zoning Ordinance for notice in rezoning cases, which process must be commenced not later than 45 days before the hearing. The names and addresses of registered homeowner organizations shall be prepared from information given to the applicant by the City. The applicant shall certify in writing that such mailing list includes the names and addresses of all owners of the subject property(ies) as shown

in the evidence of title submitted pursuant to 17-11-6(2)(c) above, and of all persons entitled to receive notice of the hearing pursuant to subparagraph (1)(b)(iii) above. As to the latter class the applicant shall certify in writing that such list was obtained from the most current records of the Jefferson County assessor. Current records for the purposes of this subsection (c) shall have the same meaning as set forth in 17-17-4(1)(b) of this Zoning Ordinance.

- (d) The second list of persons entitled to notice shall be in the form of preprinted mailing labels, the size and format of which has been approved by the Secretary.
  - (e) Upon being satisfied that the mailing list is complete and accurate, the City shall return the mailing labels to the applicant. The City will also provide to the applicant a sufficient number of copies of a letter of notification, printed on City letterhead and City envelopes. At least fifteen (15) days prior to the date of the Planning Commission hearing, the applicant shall mail said notification letters using the envelopes provided by the City, via first class mail to all persons and entities listed on the mailing labels. The applicant shall pay the cost of postage for mailing and preparation of notification letters.
  - (f) The applicant shall erect in a conspicuous place upon each proposed site or at the location of each proposed structure, or at not less than one conspicuous place on each boundary of a proposed district, a sign containing notice of the public hearing, which shall include the date, time and place the hearing will be held and notice that the property or structure is proposed for designation for preservation. 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) consecutive days prior to the date of such hearing.
  - (g) 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 six (6) days prior to the date of the hearing.
  - (h) The applicant shall certify in writing to the Secretary, prior to the public hearing, that letters of notification were mailed in accordance with paragraph (e) above, and that the signs were posted in accordance with paragraph (f) above. Failure of the applicant to provide such certification shall cause the public hearing to be postponed at least fifteen (15) days and until the applicant provides the certification.
- (2) The Planning Commission shall cause the hearing to be recorded by a reporter or by an electronic recording device. If requested by any person, the Planning Commission shall cause the hearing proceedings, or any portion thereof, to be transcribed, and the cost of transcription shall be paid by the person or entity requesting the transcript. If the City Council acquires a copy of the transcript of the proceedings, its copy shall be made available to any person at reasonable times for inspection and study.

#### **17-11-8. PLANNING COMMISSION DECISION.**

- (1) The Planning Commission shall consider the application and other submittals, the written consent(s) of the owner(s) of the subject property(ies), any requests for exclusion of property from a proposed district filed pursuant to subsection 17-11-11(3) below, any reports or recommendations of Department staff, and the recommendation of the Committee, and shall hear any relevant evidence or statement provided by the applicant, the owner of any subject property, the Committee or any member thereof, the Director or any member of the staff, and

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.

- (2) The Planning Commission shall approve the application if the applicant has demonstrated that requisite property owner consents are present and that the criteria set forth in Section 17-11-10 below have been met.
- (3) Within sixteen (16) days after the hearing, the Planning Commission shall provide to the applicant, the Committee and the owner(s) of the subject property(ies) its written findings and order on the application, which shall be effected by written resolution stating the Commission's findings and conclusions upon all relevant issues of fact and law raised by the application, and an order approving or denying the same. A copy of the written findings and order shall also be mailed to any other person who requested in writing a copy thereof.
- (4) A resolution of the Planning Commission approving the application, or denying the same for lack of requisite property owner consents, shall be deemed the final action of the City on the application. Upon the effective date of such resolution the Secretary shall cause a certified copy thereof to be recorded in the real property records of each county in which any structure or real property designated by the resolution is located, and shall send a copy thereof to the Colorado Historical Society.
- (5) Designation under this Part 2 shall not be deemed a change in regulations or restrictions, or a change in a zone district within the meaning of Section 31-23-305, C.R.S., or Section 1.20.020 of the Lakewood Municipal Code.

**17-11-9. APPEAL TO CITY COUNCIL.**

- (1) If the Planning Commission denies an application for any reason other than lack of requisite property owner consents, the applicant or the Committee shall have the right to appeal such decision to City Council by filing a written notice of appeal, specifying the factual and legal basis for the appeal, with the City Clerk and the Secretary not later than ten (10) days after the date of mailing of the Planning Commission's findings and order.
- (2) Notice of the City Council's consideration of the appeal, and of the City Council's consideration hearing thereon, shall be provided pursuant to the procedures set forth in Section 17-11-7 for the public hearing before the Planning Commission except that the City Clerk shall perform the responsibilities assigned therein to the Secretary. However, notwithstanding the provisions of Section 17-11-7, the public hearing and consideration by the City Council of the designation ordinance shall not be less than ten (10) days after the date of publication in an official paper or paper of general circulation in the City.
- (3) The City Council shall establish a period of time, prior to voting upon the appeal, during which the appellant or the Committee or any member thereof may comment and be heard upon the findings and order of the Planning Commission. Upon consideration of the appeal, the City Council may consider only the notice of appeal, the record before the Planning Commission, the written findings and order of the Planning Commission, and the comments

related thereto made during the City Council hearing. In addition, the City Council may, in its sole discretion, hear any other relevant written or oral statement regarding the findings and order of the Planning Commission. No other materials or evidence shall be considered by the City Council.

- (4) If it is shown that the written findings and order of the Planning Commission contain a finding based upon incorrect information, or if there is shown to be newly discovered information not available at the time of the public hearing before the Planning Commission, and if the correct or newly discovered information could, in the opinion of the City Council, change the findings or order 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 order of the Planning Commission, the mistake may be corrected by City Council action without referral to the Planning Commission.
- (5) After its hearing, the City Council may:
  - (a) Remand consideration of the application to the Planning Commission for further proceedings as the City Council may direct; or
  - (b) Revise the Planning Commission's findings of fact only if such revision is supported by evidence in the record made before the Planning Commission, and proceed to vote upon the appeal; or
  - (c) Adopt the Planning Commission's findings of fact and proceed to vote upon the appeal; or
  - (d) Table its decision to a specified date.
- (6) Final action by the City Council on the appeal, which shall be by written resolution setting forth its decision and the factual and legal basis therefor, shall be taken within ninety (90) days after the date of the City Council's hearing thereon, or within thirty (30) days after the date the City Council receives the findings and order 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 City Council denying the application. If the vote on any appeal is tabled by the City Council pursuant to the provisions of the 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.
- (7) The City Clerk shall provide a copy of the results of the City Council's final action on the appeal to the appellant, the Committee, the Secretary, and any other person who has requested in writing to receive the same.
- (8) Upon the effective date of a resolution of the City Council approving an application on appeal, the City Clerk shall cause a certified copy thereof to be recorded in the real property records of each county in which any structure or real property designated by the resolution is located, and shall send a copy thereof to the Colorado Historical Society.

**17-11-10.      CRITERIA.** A structure, site or district may be designated for preservation if it meets any of the criteria in any of the following three categories:

- (1) History. Historic importance relates to a structure, site or area that meets one or more of the following criteria:
  - (a) Has character, interest or value as part of the development, heritage or cultural characteristics of the City, the state of Colorado or the nation; or
  - (b) Is the site of an historic event that has interest and value, and which has affected the development, heritage, or cultural characteristics of the City, the state of Colorado or the nation; or
  - (c) Is identified with a person or group of persons who had some influence on the development, heritage or cultural characteristics of the City, the state or the nation; or
  - (d) Exemplifies the political, cultural, economic, social or historical heritage of the community; or
  - (e) By its preservation, promotes the civic pride of the present and future inhabitants of the community.
- (2) Architecture. Architectural importance relates to a structure, site or area that:
  - (a) Portrays the environment of a group of people in an era of history characterized by a distinctive architectural style;
  - (b) Embodies the distinguishing characteristics of a significant architectural type specimen;
  - (c) Is the work of an architect or master builder whose individual work has influenced the character of the City or of the state of Colorado;
  - (d) Contains the elements of design, detail, materials and craftsmanship which represents a significant architectural style.
- (3) Geography. Geographic importance relates to a structure, site or area that:
  - (a) As part of or related to a square, park or other distinctive area, should be developed or preserved according to a plan based on a historic, cultural or architectural motif;
  - (b) Due to its unique location or singular characteristics represents an established and familiar visual feature of the City.

**17-11-11.      PROPERTY OWNER CONSENT REQUIRED.**

- (1) Subject only to the provisions of subsection (2) of this Section 17-11-11, the Department shall not accept, nor shall the Planning Commission approve, an application to designate any structure or parcel of real property for preservation without the written consent of the owner thereof.
- (2) The Department shall not accept, nor shall the Planning Commission approve, an application to designate any area as a district for preservation without the written consent of the owners of properties which account for more than 75% of the assessed valuation and more than 75% of the number of legal ownership parcels in the area proposed for designation.

- (3) The Planning Commission shall exclude from any area proposed for designation as a district any property whose owner files with the Secretary a written request for such exclusion on or before the date of the public hearing before Planning Commission.

**17-11-12. REVOCATION OF DESIGNATION; EXCLUSION FROM DISTRICT.**

- (1) The owner of any structure or parcel of property designated for preservation other than as part of a district under this Article 11 may apply for revocation of the designation of such owner's property by filing an application therefor with the Department. The submittal requirements and procedure for such application shall be substantially as provided in sections 17-11-6 through 17-11-8 above, except that the Planning Commission shall approve such application if, at the time of the public hearing before Planning Commission, the owner confirms its desire to have the designation revoked.
- (2) The owner(s) of structure(s) or parcel(s) of property designated for preservation as part of a district may apply for revocation of the designation of such district by filing an application therefor with the Department. The submittal requirements and procedure for such application shall be substantially as provided in sections 17-11-6 through 17-11-8 above, except that the Planning Commission shall approve such application if, at the time of the public hearing before Planning Commission, the said owners confirm their desire to have the designation revoked, and their said properties account for 25% or more of the assessed valuation or 25% or more of the number of legal ownership parcels in the district.
- (3) The owner of any structure or parcel of property designated for preservation as part of a district may apply for the exclusion of such property from the district by filing an application therefor with the Department. The submittal requirements and procedure for such application shall be substantially as provided in sections 17-11-6 through 17-11-8 above, except that the Planning Commission shall approve such application if, at the time of the public hearing before Planning Commission, the owner confirms its desire to have its property excluded.
- (4) Action of the Planning Commission on any application for revocation or exclusion shall be deemed the final action of the City thereon.

(Sections 17-11-13 through 17-11-15 reserved)

**PART 3: BUILDING/DEMOLITION PERMIT REVIEW**

**17-11-16. REQUIREMENT.** It shall be unlawful for any person to commence work on any of the following without prior compliance with the provisions of this Part 3:

- (a) Alteration or reconstruction of, or addition to, the exterior of any improvement which constitutes all or part of a designated structure or all or part of a structure located in a designated district; or

- (b) Demolition of any improvement which constitutes all or part of a designated structure or all or part of a structure located in a designated district; or
- (c) Construction or erection of, or addition to, any improvement upon any property located in a designated district; or
- (d) Alteration of any designated site.

**17-11-17. APPLICATION AND COMMITTEE REVIEW.**

- (1) Except in cases of applications for building permits made in response to orders from building or fire officials to remedy conditions immediately dangerous to life, health or property, and except in cases exempted pursuant to Section 17-11-20, upon the filing of an application for a permit for the performance of any work coming within the scope of Section 17-11-16 above, the Director shall require the applicant to meet the following additional submittal requirements:
  - (a) A narrative description of the type of work proposed and its effect or impact upon the site, structure or district designated for preservation;
  - (b) Plans and design showing in detail any proposed alteration or construction;
  - (c) A landmark preservation review fee in an amount determined by resolution of the City Council;
  - (d) For applications for demolition, professionally prepared estimated costs of continued maintenance of the structure in its current condition, of rehabilitation, and of demolition, an engineer's or architect's report as to structural soundness, and professionally prepared estimates of market value of the property in its current condition, as rehabilitated, and after demolition; and
  - (e) Others, as determined from time to time by the Director as being necessary or appropriate for the purposes of determining the issues involved in the certificate of appropriateness review provided for herein.
- (2) On receipt of a complete submittal the Director shall refer the application to the Committee for review.
- (3) If the application and other submittals demonstrate that the criteria set forth in Section 17-11-18 below are met, the Committee shall issue and send a certificate of appropriateness to the Director within 45 days after its receipt of the referral.
- (4) If the application and other submittals do not demonstrate that the criteria set forth in Section 17-11-18 below are met, the Committee may issue an order continuing the permit application process for a period not to exceed 90 days from the date of complete submittal of the application. Any such order shall specify all aspects of the proposed work which do not meet the criteria and shall be sent promptly to the Director and the applicant.
- (5) During any continuance ordered by the Committee, the Committee shall act with due diligence to study alternative means whereby the work may be brought into conformity with applicable criteria and shall during such period be available to meet with the applicant in an attempt to resolve the nonconformities.

- (6) If the Committee fails to send either a certificate of appropriateness or a continuance order to the Director within 45 days after its receipt of the referral, or upon receipt of a certificate of appropriateness or the expiration of any continuance period, whichever shall first occur, the building permit application process shall proceed without further reference to this Part 3.

**17-11-18. CRITERIA.** The Committee shall issue a certificate of appropriateness for proposed construction or alteration if the application and other submittals demonstrate that it is of a nature which will not adversely affect or destroy any architectural feature of the structure, is in substantial conformity with the design guidelines adopted by the Planning Commission (see, 17-11-3(2)(e) above), and is appropriate or consistent with the purposes of this Article 11. The Committee shall issue a certificate of appropriateness for proposed demolition if the application and other submittals demonstrate that the structure is not structurally sound, or that maintenance or rehabilitation thereof would cause unreasonable economic hardship for the owner.

**17-11-19. APPEAL OF CONTINUANCE.** An applicant may appeal any continuance ordered by the Committee pursuant to subsection 17-11-17(4) above within 10 days after the entry of such order, by written notice to the Planning Commission setting forth the specific grounds for such appeal and the facts supporting the same. The Committee shall be given written notice of and may participate in the appeal as an interested party. The scope of review shall be limited to whether the Committee correctly applied the criteria, or whether delay from the continuance causes an unreasonable economic hardship for the applicant, or both. Such appeals shall be conducted pursuant to rules determined by the Planning Commission. Action of the Planning Commission on the appeal shall be the final action of the City.

**17-11-20 PUBLIC IMPROVEMENTS.** If an application for a permit for the performance of any work coming within the scope of Section 17-11-16 above filed by the City, the State of Colorado, or any other public agency in connection with the construction or installation of any transportation, utility, drainage or other building improvements is accompanied by a written request from the City Manager for exemption from the provisions of Sections 17-11-16 through 17-11-19 above, such application shall be exempt from said provisions.

Notwithstanding the foregoing, however, the applicant for such permit shall, prior to the commencement of any work coming within the scope of Section 17-11-16, seek recommendations from the Committee with respect thereto.

## **PART 4: ADMINISTRATION & ENFORCEMENT**

### **17-11-21. STAY OF DEMOLITION PERMIT PROCESS PENDING DESIGNATION.**

Except in cases of applications for demolition permits made in response to orders from building or fire officials to abate conditions immediately dangerous to life, health or property, upon the setting of a designation hearing pursuant to subsection 17-11-7(1) above, an application for a permit to demolish all or any portion of any structure proposed for designation, or of a structure located in a proposed district, shall be stayed pending a final, non-appealable determination of the designation application. If the structure for which demolition is applied is designated for preservation or is located in a district so designated, the application shall be referred to the Committee for review pursuant to Part 3 of this Article 11.

**17-11-22. MAINTENANCE.** Designated structures and structures located in designated districts shall be preserved against decay and deterioration and kept free from structural defects by the owner thereof, or by such other person or persons who may have legal custody and control thereof. Nothing in this Article 11 shall be construed to prevent or delay the ordinary maintenance of any exterior elements of any designated structure, or of a structure in a designated district. Ordinary maintenance is any work, the purpose and effect of which is to inhibit or correct deterioration, decay or minor damage which and does not effect a significant change in the exterior appearance of the structure.

**17-11-23. CONFORMITY WITH APPROVED PLANS.** Any and all construction or alteration authorized pursuant to a certificate of appropriateness shall conform to the approved construction and building plans.

**17-11-24. ENFORCEMENT** An alleged violation of any provision of this Article 11 shall be subject to the provisions of Section 17-1-9 of this Ordinance.

### **17-11-25. APPEALS.**

- (1) The Planning Commission may hear and decide appeals from any order, requirement, decision, or determination made by any administrative officer or employee of the City in the enforcement of this Article 11.
- (2) Appeals of an order, requirement, decision, or determination may be made by the owner or lessee of the property to which such officer's or employee's action pertains. An order, requirement, decision, or determination by such officer or employee shall be made in writing and sent by regular mail to the address furnished by the owner or lessee. Appeals by the owner or lessee to the Planning Commission must be filed in writing with the Director no later than 15 days from the date of the said officer's or employee's action. Any appeal shall be accompanied by an appeal fee in an amount established by resolution of the City Council.

**17-11-26. REVIEWING ENTITY FOR TAX CREDITS.** The Committee shall have no authority to act as a reviewing entity for purposes of the Colorado Historic Rehabilitation tax credit.



## ARTICLE 12: ACCESSORY USES

17-12-1. DEFINITION. The definition of Accessory uses is located in Article 2 of this Ordinance.

17-12-2. USE REGULATIONS.

- 1) Accessory uses are uses by right in conjunction with a Permitted Principal Use, and are listed for each specific Zone District in Article 5 of this Ordinance.
- 2) The following performance standards for Satellite Dish Antennas are to be applied for use of these antennas or dishes in all Zone Districts.

a. Purpose and Intent. It is the intent of the City Council of the City of Lakewood that this section of the Ordinance shall differentiate between satellite receive-only antennas and other types of antenna facilities. It is further the finding and intent of the City Council of the City of Lakewood that the regulation of satellite dish antennas has a reasonable and clearly defined health, safety or aesthetic objective and that the regulation of satellite dish antennas does not operate to impose unreasonable limitations on, or prevent reception of, a reasonable number of satellite-delivered signals by receive- only antennas or to impose costs on the users of such antennas that are excessive in light of the purchase and installation costs of the equipment.

1) The reasonable health, safety and aesthetic objectives of the Ordinance relate to the size of satellite dish antennas, their high visibility when placed either on the ground or on rooftops, and the need to assure adequate support and anchoring for installations of satellite dish antennas on rooftops. Satellite dish antennas are intrusive in a way, which television antennas are not. It is the intent of the Ordinance that satellite dish antennas not be placed in primary front yards and that they be screened from view by shrubbery or other material to the extent feasible consistent with their purpose.

2) The Ordinance does not operate to impose unreasonable limitations or excessive costs on the users of the satellite dish antennas. Evidence indicates that under the terms of the Ordinance most of the residences within the City of Lakewood will be allowed to install a satellite dish with minimal costs for screening. Additionally, the Ordinance recognizes that the City and the user will attempt to reach a reasonable accommodation with the user on those locations where setback requirements or other restrictions would otherwise prevent the installation of a satellite dish.

b. Exception. Satellite dish antennas with a diameter of 18" or less shall comply with the provisions of Subsection 17-12-2(2)(g) on satellite dish antenna design and color. Such satellite dish antennas shall otherwise be excepted from the provisions of this ordinance.

c. Placement and Number. Placement of Satellite Dish Antennas shall be as follows:

- 1) Ground-mounted satellite dishes are allowed in all zone districts.
- 2) Rooftop-mounted satellite dishes are allowed on buildings having flat roofs in zone districts 5R, 5RA, OF, 1-C through 5-C and IN, except as provided in Administrative Relief.
- 3) The number and placement of satellite dish antennas shall be limited as shown in Table 12-1 below.

TABLE 12-1: NUMBER & PLACEMENT PERMITTED FOR SATELLITE DISHES

ZONE DISTRICT	NUMBER	PLACEMENT
R1A	If satellite dish is accessory to a single family house, requirements as stated for 1-R through 3-R shall apply.	Same as 1-R through 3-R
	If satellite dish is accessory to a nonresidential use, requirements as stated for OF, 1-C through 5-C shall apply.	Same as OF, 1-C through 5-C
R-R through 3-R	One (1) satellite dish antenna per lot, or if duplex is located on one lot, then each unit in duplex may have one (1) satellite dish.	See Section 17-12-2(2)(d) on setbacks.
4-R through 5-R, improved with legal, nonconforming single family house(s) or duplex	One (1) satellite dish antenna per lot, or if duplex is located on one lot, then each unit in duplex may have one (1) satellite dish.	See Section 17-12-2(2)(d) on setbacks.
4-R	A maximum of one (1) satellite dish per condominium, townhouse, or apartment development. If more than one (1) satellite dish is requested, the location of the satellite dishes, and the maximum number allowed shall be determined by the Director as a condition of site plan approval.	See Section 17-12-2(2)(d) on setbacks. Satellite dishes may not occupy area for required parking, landscaping, or buffering, except as provided in Section 17-12-2(2)(i) on administrative relief.
5-R	A maximum of one (1) satellite dish per condominium, townhouse, or apartment development. If more than one (1) satellite dish is requested, the location of the satellite dishes, and the maximum number allowed shall be determined by the Director as a condition of site plan approval.	See Section 17-12-2(2)(d) on setbacks.
		For ground-mounted: Satellite dishes may not occupy area for required parking, landscaping, or buffering, except as provided in Section 17-12-2(2)(i) on administrative relief.
		For rooftop-mounted: Placement shall be coordinated with mechanical equipment or mechanical penthouse, if such equipment is in place.

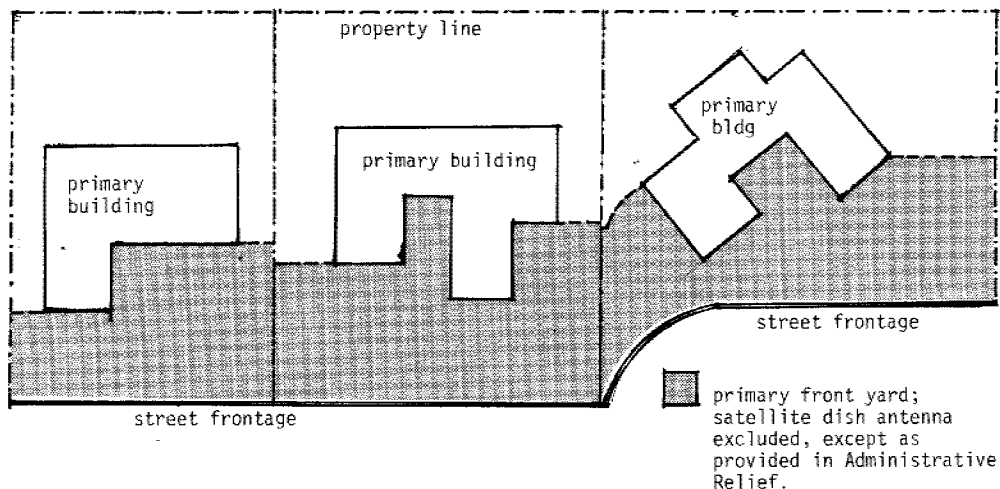
6-R	For mobile home parks which have been subdivided such that each mobile home is located on a recorded lot, one (1) satellite dish per lot. For mobile home parks where mobile homes are not located on individual recorded lots, a minimum of one (1) satellite dish per mobile home park. If more than one (1) satellite dish is requested, the location of the satellite dishes and maximum number allowed shall be determined by the Director as a condition of site plan approval.	See Section 17-12-2(2)(d) on setbacks. Satellite dishes may not occupy area for required parking, landscaping, buffering or recreational facilities, except as provided in Section 17-12-2(2)(i) on administrative relief.
OF, 1-C through 5-C	A maximum of one (1) satellite dish per parcel. If more than one (1) satellite dish is requested, the applicant shall submit a site plan illustrating the location of the satellite dishes, and the maximum number allowed shall be determined by the Director as a condition of site plan approval.	See Section 17-12-2(2)(d) on setbacks.
		For ground-mounted: Satellite dishes may not occupy area for required parking, landscaping, or buffering, except as provided in Section 17-12-2(2)(i) on administrative relief.
		For rooftop-mounted: Placement shall be coordinated with mechanical equipment or mechanical penthouse, if such equipment is in place.
IN	One (1) per parcel.	See Section 17-12-2(2)(d) on setbacks. Satellite dishes may not occupy area for required parking, landscaping, or buffering, except as provided in Section 17-12-2(2)(i) on administrative relief.
PD	Number allowed shall be the same as for the zoning district closest to the land use permitted by the PD district unless otherwise stated in the official development plan adopted with the PD district.	Placement allowed shall be the same as for the zoning district closest to the land use permitted by the PD district unless otherwise stated in the official development plan adopted with the PD district.

- d. Setbacks. Satellite dish antennas must meet the setback requirements as stated in Table 12-2, except as provided in Administrative Relief.

TABLE 12-2: SETBACKS FOR SATELLITE DISH ANTENNAS

ZONE DISTRICT	FRONT	SIDE	REAR
R1A, 1-R, 6-R	<p><b>Primary Front:</b> Not permitted in primary front yard. For the purposes of this Subsection 17-12-2(2), the primary front yard shall include the area between the primary front lot line and the following:</p> <p>(a) the front face(s) of the primary building</p> <p>(b) a line from the point on the primary building closest to each side lot line extending to that side lot line, with the line being parallel to the primary front lot line. (see Figure 12-1).</p> <p><b>Non-Primary Front:</b> No closer to the non-primary front lot line than the minimum front setback distance required for the applicable zoning district.</p>	20'	15'
2-R through 5-R; OF, 1-C through 5-C, and IN	Same as R1A, 1-R, 6-R	20'	5', except where a property in one of these districts abuts a property in R1A or 1-R through 6-R districts, the setbacks on the abutting side and/or rear shall be 10'
PD	Placement allowed shall be the same as for the zoning district closest to the land use permitted by the PD district unless otherwise stated in the official development plan adopted with the PD district.		

FIGURE 12-1



- e. Height Limits. Satellite dish antennas must meet the following height limitations, except as provided in Administrative Relief.
  - 1) Ground-mounted satellite dish antennas shall not exceed 12 feet in height measured from the finished grade of the property.
  - 2) Rooftop-mounted satellite dish antennas shall not exceed 12 feet above the height of the roof measured from the roof surface at the point(s) of attachment.
- f. Screening.
  - 1) Ground mounted: The purpose of screening for ground mounted satellite dishes is to lessen the visual impact of the satellite dish antenna on surface streets and adjacent properties as viewed from approximately the same grade level as the ground level of the site where the satellite dish antenna is to be installed. The type of screening required shall be determined by planning staff at the time the building permit for the satellite dish is issued to the applicant in general conformance with the following:
    - a) Non-receiving side: Screening for ground mounted satellite dish antennas shall consist of either vegetation, solid fencing or intervening buildings, or a combination of such elements on the non-receiving side. If vegetation is used, it shall be capable of achieving a height of eight (8) feet within two (2) growing seasons from the year in which the satellite dish is installed. Vegetation shall either be evergreen plants or deciduous plants having a dense branching structure. If fencing is used, it shall be judged by the City to be a sufficient screen at the maximum height allowed for fencing in the applicable zoning district.
    - b) Receiving side: Screening for ground mounted satellite dish antennas shall be either vegetation, solid fencing or intervening buildings, or a combination of such elements, except the height required for such elements shall be subject to administrative relief [see Section 17-12- 2(2)(i)] so interference with signal reception does not result.
  - 2) Rooftop mounted: Screening of rooftop mounted satellite dish antennas is required, using parapet walls, screens for mechanical equipment, or other means, to the extent the support structures are hidden from view from street level, except as provided in Section 17-12-2(2)(i) on administrative relief. Where the City determines that screening of rooftop mounted satellite dish antennas would create a greater visual intrusion than the satellite dish antenna itself, no screening shall be required.
- g. Satellite Dish Antenna Design and Color.
  - 1) A satellite dish antenna installed in the R1A, OF, 1-C through 5C, and IN zone district and any nonresidential portion of a PD district shall be constructed of non-

reflective, matte finish material. Satellite dish antennas installed in the 1-R through 6-R zone districts, and any residential portion of a PD district shall be constructed of non-reflective, matte finish mesh material.

- 2) The color of the satellite dish antennas shall be as follows:
  - 1) Ground-mounted satellite dish antennas shall be black, dark bronze, dark gray, dark brown or dark green.
  - 2) Rooftop-mounted satellite dish antennas shall be black, dark bronze, dark gray, dark brown or dark green, except that if the satellite dish is placed such that the mechanical penthouse serves as a backdrop to the dish, the satellite dish antenna shall be painted the same color as the mechanical penthouse.
  - 3) No advertising shall be permitted on or inside the satellite dish antenna.
- h. Building Permit. All satellite dish antennas must have a building permit prior to installation. Where the permit is for rooftop installation of a satellite dish antenna, the permit application must include certification by a registered engineer that the proposed installation complies with the standards listed in Chapter 23 of the Uniform Building Code of the City of Lakewood.
- i. Administrative Relief. In those instances in which the height, screening, placement, setback, or other requirements would prohibit the installation of a satellite dish antenna, the City Planning Division shall attempt reasonable accommodations to allow installation of the satellite dish antenna. The applicant must submit technical backup to the City to support a case that the satellite dish antenna must be placed in setbacks, landscaping, buffering or open space areas, exceed height limitations or otherwise cannot conform with the requirements of this ordinance in order to receive reception. The purpose of this subsection is to allow the applicant to receive at least two-thirds of the available orbital transmissions at the property under consideration. No applicant is guaranteed that any one particular channel shall be received. The administrative relief shall be achieved by:
  - 1) Varying the setback or height requirement in such a way that it allows installation of a satellite dish antenna and is also the minimum practical relief, which permits the installation.
  - 2) Allowing placement of the satellite dish in required landscaping, buffering or open space areas as long as appropriate screening for the satellite dish antenna is provided. In no event shall the placement of the satellite dish antenna interfere with any provision for required parking.
  - 3) Varying the screening or installation method of the satellite dish antenna to allow the installation of the antenna in a manner, which is not excessive in cost in relation to the purchase and installation costs of the satellite dish.

- 4) Modifying requirements of this ordinance as shall be determined by the Director.
- j. Appeals to the Board of Adjustment. Any appeal from a staff decision regarding administrative relief shall be to the Board of Adjustment. The Board of Adjustment shall use the following criteria in determining an appeal:
  - 1) Whether relocating the satellite dish antenna will observe the spirit of this ordinance, secure the public safety and welfare, and achieve substantial justice.
  - 2) Whether relocating the satellite dish antenna will afford the minimum degree of relief to the applicant to allow reception of at least two-thirds of the available orbital transmissions at the property under consideration.
  - 3) Whether the setback or height requirement can be varied in such a way that it allows installation of a satellite dish antenna and is also the minimum practical variance, which permits the installation.
  - 4) Whether the screening or installation method of the satellite dish antenna can be varied to allow the installation of the antenna in a manner which is not excessive in cost in relation to the purchase and installation costs of the satellite dish.
- k. Nonconforming Satellite Dish Antennas. All in-place satellite dish antennas which do not conform to this ordinance when it becomes effective are considered legal, nonconforming uses, provided proof is submitted, upon request by the City, that the satellite dish was in place prior to the effective date of this ordinance.

17-12-3 CMRS Telecommunications.

- (a) Design and Performance Criteria For All CMRS Telecommunication Sites. All CMRS telecommunications sites are subject to a design review process. The review process varies according to the type of facility proposed and the zone district in which the facility is located. Applicants should refer to this section (17-12-2) to determine the review process applicable to their proposed installation of a CMRS telecommunication site. The purpose of design review for CMRS telecommunications sites is to ensure that the necessary antennae, equipment, and equipment shelters are sited and screened in a way that minimizes visual and physical impacts on the surrounding area. The following design criteria and requirements shall apply to all CMRS telecommunication antennae, equipment, and equipment shelters:
- 1) All CMRS telecommunication antennae, equipment, and equipment shelters shall be designed to be compatible with surrounding buildings and existing or planned uses in the area. This may be accomplished through the use of compatible architectural elements such as color, texture, scale, and character.
  - 2) Siting and installation of CMRS telecommunication antennae, equipment, and equipment shelters shall preserve or enhance the existing character of the topography and vegetation

of a site. Existing vegetation, if any, and if suitable with natural features, should be preserved and/or improved to provide screening for the facility. If existing topography of the site does not adequately screen equipment from view, fencing may be required. Fencing should not be used exclusively but instead be supplemented with vegetation. Any security fencing should be of a design, which blends into the character of the existing environment, and meet the height limitation for the zone district in which the fencing is located.

- 3) All CMRS antennae and equipment should be no taller than necessary for the efficient operation of the CMRS antennae and equipment.
  - 4) Applicants shall demonstrate that the CMRS telecommunications site is a necessary component of the applicant's overall communication network and communication plan for the community. Such demonstration shall require that the applicant establish at least one of the following criteria: (1) the site is necessary to provide appropriate signal coverage quality; (2) the site is made necessary pursuant to the applicant's FCC license; (3) the site is necessary to handle increased capacity due to caller volume. In addition, the applicant shall demonstrate: (1) existing topography and/or structures in the surrounding area preclude other locations in the same area; and (2) technical and engineering factors require the site to be in the desired location in relation to other existing sites and system constraints such as frequency requirements, availability of electric power and interconnection to telephone land lines, and site access.
  - 5) All CMRS telecommunication antennae, equipment, and equipment shelters shall be sited, designed, and screened to minimize the visibility of such equipment from surrounding properties, public streets and neighborhoods.
  - 6) The colors of all CMRS telecommunication antennae, equipment, and equipment shelters shall minimize the visibility of the facility.
  - 7) To minimize the visual and physical impact on the surrounding area caused by freestanding and building mounted CMRS telecommunications facilities, the City encourages innovative and multiple use of building and structures for the location of CMRS telecommunications facilities, antenna, and equipment.
- (b) Design and Performance Standards for Structure or Building Mounted CMRS Telecommunications Facilities. All structure or building mounted CMRS antennae and equipment shall be designed and constructed to blend with and enhance the architectural characteristics of the accompanying building or structure.
- 1) Panel Antennae Standards
    - a. Panel antennae shall not protrude horizontally more than two (2) feet from the building wall and shall be painted or treated to match the building or structure to which the panel is attached.

- b. Panel antennae attached to the side of a building shall not exceed the height of the parapet or the roofline, whichever is greater.
- c. Panel antennae mounted on an existing penthouse or existing roof- top mounted service equipment for the building shall not exceed the height of the penthouse or service equipment to which the antennae is attached.
- d. Panel antennae shall not be mounted in a freestanding, sled, or rack-mounted fashion on the top of a building unless: (1) there exists unscreened service equipment on the roof which will be screened from view along with the panel antennae; and (2) the screening of the antennae and equipment will be architecturally compatible with the building; and (3) a waiver is obtained from the Planning Commission. The construction of artificial penthouses or artificial service equipment on a roof for the purpose of attaching CMRS telecommunication facilities is prohibited.
- e. No panel antenna shall exceed the maximum height limitation for the zone district in which the panel is located.

## 2) Whip Antennae Standards

- a. Single whip antennas shall not extend more than fifteen (15) feet above the building height.
- b. Where more than one whip antenna is attached to one building, such antennae shall maintain a minimum separation of fifteen (15) feet between antenna owned by different CMRS telecommunication providers.
- c. No whip antenna shall exceed the maximum height limitation for the zone district in which the antenna is located.

## (c) Design and Performance Standards for Freestanding CMRS Telecommunication facilities: All freestanding CMRS telecommunications facilities shall be subject to an Article 15 Site Plan review. The following design and performance standards shall apply to all freestanding CMRS telecommunication facilities:

- 1) The height of any freestanding CMRS communication facility shall conform to the height limit of the zone district in which the facility is located unless a height exception is granted by Planning Commission.
- 2) All freestanding CMRS telecommunications facilities shall meet the landscaping requirements set forth in Article 15 of the Lakewood Zoning Ordinance including screening of facilities with vegetation. As a condition of approval of any freestanding CMRS telecommunication facility, the City may require the applicant to provide a performance bond or other surety to the City which is adequate to ensure the completion of all planned and required landscaping and screening associated with the approved CMRS telecommunication facility. Where the CMRS telecommunications facility is

located on a parcel of land that is leased by the applicant and which is part of a larger parcel under single ownership, reasonable landscaping improvements in accordance with Article 15 of the Lakewood Zoning Ordinance may be required within the larger unleased parcel where such improvements will bring the facility into conformance with the requirements of this Ordinance, mitigate the impacts of the telecommunication facility, or enhance the visual qualities and aesthetics of the larger parcel.

- 3) A freestanding CMRS telecommunications facility, as defined by section 17-2-2 of the Zoning Ordinance, shall not be located closer than one thousand (1,000) feet from any other freestanding CMRS telecommunications facility established or proposed by the same or another provider unless a waiver from this requirement is obtained from the Planning Commission. Co-location of CMRS telecommunication facilities on the same freestanding facility is therefore strongly encouraged. No facility owner or lessee or employee thereof shall act to exclude or attempt to exclude any other provider from the same location. A service provider or lessee or employee thereof shall cooperate in good faith to achieve co-location or antennae with other providers. City staff can be used as a resource to facilitate this co-location. Should co-location not be acceptable to existing providers, the service provider wanting to locate on the existing facility shall be required to prove to the satisfaction of the Director that co-location is not feasible.

To obtain a waiver from the requirements of this subsection, the applicant shall demonstrate: (1) the site is necessary to provide appropriate signal coverage quality; (2) the site is made necessary pursuant to the applicant's FCC license; (3) the site is necessary to handle increased capacity due to caller volume; (4) existing topography and/or structures in the surrounding area preclude other locations in the same area; and (5) technical and engineering factors require the site to be in the desired location in relation to other existing sites and system constraints such as frequency requirements, availability of electric power and interconnection to telephone land lines, and site access; and (6) screening and design of the freestanding facility will make the site compatible with surrounding land uses.

- 4) All freestanding CMRS telecommunication facilities shall be designed and constructed to permit the facility to accommodate the attachment of at least two CMRS telecommunication providers on the same freestanding facility.

(d) Design and Performance Standards for CMRS Telecommunication Equipment Shelters. All CMRS telecommunications equipment shelters shall be screened to minimize the visibility of such equipment from surrounding properties, public streets and neighborhoods.

- 1) Equipment Shelters Associated with Structure or Building Mounted CMRS Antennae. Shelters associated with roof or building mounted antennae are encouraged to be located in one of the following areas, which are listed in order of preference from most (A) to least (G) preferred:
  - a. Inside the building or structure to which the panel or whip antennae are attached.

- b. Inside an existing equipment penthouse on the roof of a building whenever possible.
  - c. Immediately adjacent to the exterior of an existing equipment or elevator penthouse if the shelter can be visually incorporated into the penthouse structure by the use of screening of similar style and color to the penthouse.
  - d. If no penthouse exists, consideration may be given to the creation of a penthouse, or a screen which is deemed architecturally compatible with the associated building by the Director, that screens both the equipment shelter and the existing service equipment associated with the building such as heating and air- conditioning equipment.
  - e. Outside of a penthouse on the roof of a building if a parapet exists that is taller than the CMRS equipment shelter. If the parapet is not taller than the CMRS equipment shelter, consideration will be given to increase the height of the parapet provided that the building materials used are the same as those existing and if the design of the parapet is found acceptable to City standards and the parapet extension is architecturally compatible with the building.
  - f. Painted or treated the same color and located in such a manner that an additional protrusion is not created on the roof.
  - g. On the ground and screened according to the design criteria for CMRS telecommunications facilities.
- 2) Equipment Shelters Associated with Freestanding CMRS Antennae. CMRS telecommunications equipment shelters associated with freestanding CMRS telecommunications facilities shall:
- a. Either be located in an enclosed building that is architecturally compatible with the surrounding environment; or
  - b. Be screened completely with an architecturally compatible wall or fence so the shelter is not visible from adjacent properties, streets or public areas;

And in addition, all CMRS telecommunication equipment shelters associated with freestanding CMRS telecommunications facilities shall:

- (1) Have enclosed buildings, walls, or fencing, the appearance of which is enhanced by vegetation;
- (2) Be grouped as closely as technically possible to each other and the freestanding facility;
- (3) Cover a surface area not to exceed 450 square feet per provider;

(4) Use designs, materials, and colors compatible with structures and vegetation on the same parcel and adjacent parcels; and

(5) Not reduce the parking or landscaped areas below the minimum district requirements for other principal uses on the parcel.

(e) Approval Procedures for All CMRS Telecommunications Facilities in Specific Zone Districts. CMRS telecommunication facilities shall be permitted as provided in the following schedule:

<b>Zone District</b>	<b>Structure or Building Mounted Facility</b>	<b>Freestanding Facility</b>
R1A (Non-Residential Uses	Administrative Review	Special Use Permit
R1A through 3-R Single Family Detached	Not Permitted	Not Permitted
3-R through 5-R Single Family Attached	Not Permitted	Not Permitted
4-R through 5-R Multi-Family Attached	Special Use Permit	Not Permitted
OF Office District	Administrative Review	Administrative Review <sup>2</sup>
1-C through 3-C Commercial District	Administrative Review	Administrative Review <sup>2</sup>
4-C through 5-C Commercial District	Administrative Review	Site Plan <sup>3</sup>
IN Industrial District	Administrative Review	Site Plan <sup>3</sup>
R1A, 1-C through 5-C, IN City Owned Property	Special Use Permit	Special Use Permit
PD Planned Development	Determined by Director <sup>4</sup>	Determined by Director <sup>4</sup>
Unzoned Land within City Boundaries	Special Use Permit	Special Use Permit

1 Structure or building mounted telecommunication facilities are permitted on non-residential structures within residential districts and also permitted on multi-family residential buildings provided that the antenna and equipment are located no closer to a dwelling unit than the distance deemed safe or appropriate by the Federal Communication Commission or other appropriate federal regulatory agency for radio frequency radiation or emissions.

2 Any freestanding CMRS telecommunications facility in the OF, 1-C, 2-C, and 3-C zone districts shall be entirely enclosed within an attached architectural element of a building or structure that is compatible in design, color, and materials with the adjacent uses to the CMRS telecommunications site.

- 3 All Site Plans shall meet the requirements set forth in Article 15 of the Lakewood Zoning Ordinance.
- 4 For CMRS telecommunication sites proposed within a PD Planned District, the PD District shall be reviewed by the Director to determine the appropriate review process based on the underlying zoning classification and proposed or established land use(s) of the PD zoned property.

(f) Exceptions and Requirements for Particular Uses.

- 1) CMRS telecommunication facilities mounted on church or school buildings or other non-residential structures located within any residential zone district may be permitted and shall be subject to administrative review and approval.
- 2) Public utility transmission facilities, structures, and transmission poles may be utilized as a CMRS telecommunication site if: (1) the utility company has granted approval of the use of the facility, structure, or pole; and (2) where located in a residential zone district, the CMRS telecommunication facility is granted a Special Use Permit; or where located in a zone district other than residential, the telecommunication facility has received administrative review and approval; and (3) where the CMRS telecommunication facility does not exceed the height of the existing transmission structure or pole by fifteen (15) feet.
- 3) In all zone districts where telecommunication facilities are permitted, freestanding or tower facilities, panels, antennae, and equipment shelters which are completely enclosed and contained entirely within a sign or other structure which meets all requirements of the Zoning Ordinance may be administratively approved by the Director provided that the tower, panel, antennae, and shelter are not visible.
- 4) In all zone districts in which CMRS telecommunication facilities are permitted, any proposal to co-locate or otherwise mount new CMRS facilities on an existing freestanding CMRS telecommunication facility meeting all requirements of this section 17-12-2 shall be subject to administrative review.

- (g) Application for Approval of CMRS Telecommunication Facilities. All applications for approval of a CMRS telecommunication facility shall be accompanied by a non-refundable application fee as established by resolution of the City Council. The application must be completed and submitted by the owner of the property upon which the CMRS telecommunication facility is proposed for location or the owner's authorized representative. In addition, where the site for the CMRS telecommunication facility will be leased to a CMRS telecommunication provider, the application must include the provider's consent and approval.

All CMRS telecommunications facility applications shall include such plans; drawings, photographs and specifications as are necessary for the City of Lakewood to determine that the proposed installation is consistent with the standards set forth in the design review and performance standard sections of this Ordinance. Such application shall include, describe, or illustrate the dimensions, location and appearance of:

- 1) All proposed CMRS telecommunications facilities and associated equipment shelters for the proposed site.
- 2) All buildings and/or structures to which the proposed CMRS telecommunications equipment shelter and antenna will be attached.
- 3) The proposed methods for minimizing the visibility of the proposed CMRS telecommunication facility, including but not limited to all screening, landscaping, cladding materials, and paint color or other treatment samples.
- 4) Proof of ownership (deed or title documentation) or a letter of authorization from the property owner of the real property on which the CMRS telecommunications facility is proposed to be located.
- 5) Evidence acceptable to the City that the property owner and the CMRS telecommunication provider shall remove, at the property owner's and CMRS telecommunication provider's cost and expense, the CMRS telecommunication facility and all equipment and restore the property to a condition substantially similar to that existing before the installation following abandonment of the facility or non-use for a period of six (6) months. Such removal shall not, however, include removal of any installed landscaping unless approved by the City. Such evidence may be in the form of an executed agreement between the telecommunication provider and the property owner, which is approved by the Director. Such an agreement shall provide that the agreement may not be terminated without the City's written consent and the agreement shall be enforceable by the City against the property owner and the CMRS telecommunication provider.
- 6) Evidence that the CMRS provider has obtained or secured a performance bond, letter of credit, or other surety ("performance guarantee") acceptable to the City Attorney in an amount of one-hundred twenty percent (120%) of the estimated cost and expense of removing the CMRS telecommunication facility following abandonment of the facility or non-use of the facility for a period of six (6) months. All performance guarantees shall authorize the City to obtain the funds secured by the guarantee upon the City's determination that the CMRS telecommunication facility is abandoned or no use of the facility has been made for a period of six (6) months. The amount of such performance guarantee shall be based upon as estimate obtained by the CMRS telecommunication provider, which shall be subject to review and approval of the City. In the event that the City rejects an estimate as inaccurate, incomplete, or incorrect, the City may obtain, at its cost and expense, an estimate, which shall be used for purposes of determining the amount of the performance guarantee. The CMRS telecommunication provider shall take all action necessary to keep such performance guarantee valid and in effect at all times. Expiration of a performance guarantee may, at the option of the City and following notice to the CMRS provider, result in the expiration of the City's approval of the CMRS telecommunication facility.

- 7) Proof of insurance to insure adjacent property owners and the public against personal and property damage resulting from negligent installation and/or damages caused by or arising from the operation and maintenance of the CMRS telecommunication site.

(h) Review Procedures and Requirements for Approval.

- 1) Special Use Permit: If a proposed installation requires a Special Use Permit, regulations listed in Sections 17-6-1 through 17-6-3 of the Lakewood Zoning Ordinance shall be followed. In addition to these requirements, the proposed installation will have to meet the performance standards for CMRS telecommunications facilities in Articles 6 and 12 of the Lakewood Zoning Ordinance.
- 2) Site Plan: Applications requiring a site plan shall be submitted in conformance with the requirements of Article 15 of the Lakewood Zoning Ordinance as well as the requirements set forth in Article 12.
- 3) Administrative Review: An application for administrative approval shall be submitted in conformance with the requirements of the Lakewood Building Department, and the requirements set forth in this Article 12. In addition to the appropriate application fee, all CMRS telecommunications facilities are subject to building permit review and other fees established by the City.

All required applications, permits, and plans shall be submitted and approved prior to commencing construction for any CMRS telecommunication facility or equipment.

- (i) Appeals. Any applicant aggrieved by a final administrative decision made pursuant to this Ordinance may appeal such decision to the Planning Commission. A request for appeal shall be made by the applicant in writing accompanied by payment of the appeal fee set by resolution of the City Council. A request for appeal shall be received by the Secretary of the Planning Commission within thirty (30) days of the date of the administrative decision. The request for appeal shall be heard by the Planning Commission at the next regularly scheduled meeting or as soon thereafter as practicable. Following review, the Planning Commission may affirm, reverse, or remand the decision to the administrative official with directions. During the time an appeal is pending, no building permit shall be issued.
- (j) The Planning Commission shall have the authority to grant waivers and exceptions, which are expressly permitted by provisions of this Section 17-12-2(3). An applicant requesting a waiver or exception shall submit a written application to the Director and the application shall specify the provision for which the waiver or exception is requested. The Director is authorized to promulgate forms and require additional information from the applicant, which may be necessary to provide sufficient information to the Planning Commission to evaluate the applicant's request for a waiver or exception.



## ARTICLE 13: HOME OCCUPATIONS

**17-13-1.      DEFINITION.** Home Occupation - Any occupation of a service character which is clearly secondary to the main use of the premises as a dwelling unit, and which does not change the character thereof except as provided in Section 17-13-5 of the Zoning Ordinance of the City of Lakewood.

**17-13-2.      PURPOSE AND INTENT.** It is the purpose and intent of this chapter to:

- (1) Maintain neighborhood integrity and preserve the residential character of neighborhoods by encouraging compatible land uses.
- (2) Provide residents of the City with an option to utilize their residences as a place to enhance or fulfill personal economic goals as long as the choice of home occupation does not infringe upon the residential rights of neighborhood inhabitants.
- (3) Establish criteria for operating home occupations in dwelling units within residential districts.
- (4) Minimize the impact a home occupation has on a neighborhood with respect to public and private services such as street, sewer, water, and electrical systems.

**17-13-3      PERFORMANCE STANDARDS FOR R1A, R-R, 1-R, 2-R, 3-R, 4-R, 5-R AND PLANNED DEVELOPMENT ZONE.** A home occupation operating from a single family detached or duplex residential dwelling unit in R1A, R-R, 1-R, 2-R, 3-R, 4-R, 5-R and Planned Development Zones, shall meet the following conditions

- (1) Area of use: The area used for a home occupation shall not exceed twenty-five (25) percent of the habitable space of the dwelling unit. Habitable space shall be as defined in the Lakewood Building Code.
- (2) Parking:
  - a) If the garage is used for a home occupation, parking required by Article 9 of the Lakewood Zoning Ordinance must be provided.
  - b) At all times during the day or night parking related to the home occupation shall be confined to the street frontage of the lot in question, the driveway, and the garage/carport.
- (3) Persons permitted to conduct home occupation: The home occupation shall be conducted by the residents of the dwelling with no more than one (1) additional employee.
- (4) Home occupations permitted:
  - a) Minor repair services: Such as for electronics, small appliances and upholstery.

- b) Craft work for sale off-site: Such as the making of pottery, jewelry, or dolls, gunsmithing, and woodworking which are produced or manufactured on the premises.
- c) Tutoring: Such as music lessons, dance lessons, swimming lessons, tennis lessons, or gymnastic lessons.
- d) Garment work: Such as tailoring, dressmaking, millinery work, ironing and garment repair.
- e) Office use: Such as office uses for door-to-door, home party and phone solicitation sales, investment counseling, typing, notary public, travel services, physicians, dentists, lawyers, certified public accountants, architects, engineers, and computer uses where an exchange of information is done via telephone modem for uses such as acquiring mailing lists or information libraries.
- f) Artistic endeavors: Such as art studios, portrait studios, photography studios, writing and lithography.
- g) Renting of rooms: The renting of rooms to not more than two (2) persons per dwelling unit only in conjunction with a Family living in and owning the dwelling unit. (O-2002-42)
- h) Garage sales: Not to exceed four (4) sales in a total of fourteen (14) days, which need not be consecutive, per calendar year.
- i) Hair care: Hair care services and/or manicuring services carried on by only one (1) inhabitant of the dwelling unit.
- j) Mail Order: Not to include retail sales from site.
- k) Child care: Providing primarily daytime care for compensation for children from birth to sixteen (16) years of age, for up to six (6) children, including in the total any of the provider's own children not attending full day school. In addition, providing primarily daytime care for two (2) additional children of school age before and/or after school hours, including in this total number any of the provider's own school age children under the age of twelve (12). The following chart is provided by way of illustration:

Provider's children not attending full day school	Maximum number of day care children permitted at one time
6 or more	0
5	1
4	2
3	3
2	4
1	5
0	6

Provider's school age children under 12 years of age	Additional school age day care children permitted during non-school times
0	2
1	1
2	0

- 1) Foster Care for dogs in the (R1A) One Acre Residential District: The keeping of four (4) dogs in addition to permitted household pets in the R1A Zone District under the following conditions:

1. Minimum lot size of one (1) acre;
2. Buildings or pens housing dogs must be located in rear yards and must be at least one hundred (100) feet from residential buildings on adjoining properties; and
3. Foster care of dogs shall not exceed a period of six (6) months.

**17-13-4. PERFORMANCE STANDARDS FOR MULTI-FAMILY BUILDINGS IN 4-R, 5-R, and PLANNED DEVELOPMENT ZONES.** A home occupation operating from a dwelling unit in a multi-family building in 4-R, 5-R, and Planned Development Zone shall meet the following conditions:

- (1) Area of use: The area used for a home occupation shall not exceed twenty-five (25) percent of the habitable space in the dwelling unit.
- (2) Persons permitted to conduct home occupation: The home occupation shall be conducted only by the residents of the dwelling unit with no additional employees.
- (3) Home occupations permitted:
  - (a) Office uses: Such as office uses for door-to-door, phone solicitation sales, investment counseling, typing, travel services, physicians, dentists, lawyers, certified public accountants, architects, engineers, and computer uses where an exchange of information is done via phone modem for such uses as acquiring mailing lists or information libraries. These office uses shall not generate customer or client traffic to or from the dwelling unit.
  - (b) Garage sales: Garage sales shall be sponsored or coordinated by the management or owners' association of a residential complex. No more than two (2) garage sales may be held, not to exceed six (6) days, per calendar year or three (3) days per event. The management or owners' association shall ensure access to all residential dwelling units is maintained free and clear of any obstruction generated by such garage sale. It shall be unlawful for a resident to conduct a garage sale which is not in conjunction with one of the residential complex's sponsored sales.

**17-13-5. SIGNAGE.** For single family detached dwellings and duplexes a maximum of one (1) non-illuminated sign, not to exceed one and one-half (1 and 1/2) square feet, to be attached to the dwelling shall be permitted. No signage will be permitted for home occupations in multi-family buildings.

**17-13-6. CHANGES TO EXTERIOR OF DWELLING UNITS.** The exterior appearance of a dwelling unit shall not be altered to draw attention to the structure as a commercial or business operation, such as alteration of building material, size, or color; lighting fixtures or the intensity of light; parking area; or other exterior changes which alter the residential character of the dwelling unit and detract from the residential character of the neighborhood.

**17-13-7. STORAGE OF STOCK, SUPPLIES AND PRODUCTS.** Storage of stock, supplies and products shall be permitted only inside the premises where a home occupation is being operated. No exterior storage of stock, supplies, and products shall be permitted.

**17-13-8. RETAIL SALES.** Sale of stocks of merchandise or products shall not be conducted on the premises, except as follows:

- (1) One engaged in hair care and/or manicuring services may sell products directly related to such services;
- (2) One conducting a garage sale may sell merchandise displayed for sale during the garage sale and items for sale shall belong to the person conducting the garage sale, or in the case of a residential complex, to the tenants of the complex;
- (3) One engaged in garment work may sell custom work to specific clients, but may not develop stocks of garments for sale to the general public on site;
- (4) One engaged in home party and phone solicitation sales may display sample products and take orders for the products on the premises, but delivery and payment for the products shall occur off-site; and
- (5) One engaged in artistic endeavors may sell custom work to specific clients, but may not develop stocks of products for sale to the general public on site.

**17-13-9. NUISANCE UNLAWFUL.** It shall be unlawful for a resident operating a home occupation to:

- (1) Produce, dump, or store combustible or toxic substances in or around a residential dwelling unit.
- (2) Create interference or fluctuations of radio or television transmission received by other residents of the neighborhood.

**17-13-10. SPECIFIC EXCLUSIONS.** In no event shall any of the home occupations permitted herein be interpreted to allow any of the following business or commercial activities:

- (1) Body or mechanical repair or modification of any motor vehicle for compensation or of any motor vehicle not owned by an occupant, or family member of an occupant, of the dwelling unit where the repair or modification occurs. However an occupant may repair or modify motor vehicles of any family member whether or not the family member lives on the premises. (As amended by 0-93-43.)
- (2) Animal hospital, or kennel.
- (3) Residential health care facility.
- (4) Restaurant.

**17-13-11. 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 which also contains a use approved by a Special Use Permit.



## **ARTICLE 14: FLOOD PLAIN MANAGEMENT**

**17-14-1.      TITLE.** This Ordinance shall be known and may be cited as "Flood Plain Management Ordinance of Lakewood, Colorado. *(As amended by O-88-39.)*

**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) Agency: The Federal Emergency Management Agency. *(As amended by O-2002-32.)*
- (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 of 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 Manager or his/her appointed designee. *(As amended by O-91-59.)*
- (7) Development: For the purpose of Article 14 only, shall mean any manmade 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 manufactured home park for which the construction of facilities for servicing the lot on which the manufactured homes are 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) are completed before the effective date of 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 manufactured 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: 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): An official map of a community on which the Federal Emergency Management Agency 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: 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 nonstructural 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. This information is based upon the Urban Drainage and Flood Control District's criteria.
- (21) Floodway Encroachment Lines: The lines marking the limits of floodways as tabulated in the Official Flood Studies.
- (22) Grade: For the purpose of Article 14 only, shall mean the lowest finished ground level adjacent to a foundation wall. *(As amended by O-2002-32.)*
- (23) Lowest Floor: The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable elevation design requirements of this Ordinance.
- (24) 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 and shall include the National Geodetic Vertical Datum (NGVD) of 1929 for purposes of the National Flood Insurance Program, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.
- (25) Manufactured Home: A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle." *(As amended by O-2002-32.)*

- (26) Manufactured Home Park or Manufactured Home Subdivision: For the purpose of Article 14 only, shall mean a parcel or contiguous parcel(s) of land divided into two or more home lots for rent or sale for which the construction of facilities for servicing the lot on which the manufactured 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) 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.
- (28) Official Flood Hazard Map: A map delineating the 100-year Flood Hazard area.
- (29) 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.
- (30) Person: Any individual or group of individuals, corporation, partnership, association, or any other entity, including state and local governments and agencies.
- (31) 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
- (32) Recreational Vehicle: A vehicle, which is (a) built on a single chassis (b) 400 square feet or less when measured at the largest horizontal projections (c) designed to be self-propelled or permanently towable by a light duty truck and (d) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use. *(As amended by O-2002-32.)*
- (33) Start of Construction: Includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

- (34) Structure: For the purpose of Article 14 only, shall mean a walled and roofed building, including gas or liquid storage tank, that is principally above ground, as well as a manufactured home.
- (35) 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.
- (36) Variance: A grant of relief by Lakewood, Colorado, from the terms of the Flood Plain Management Ordinance.
- (37) Water Surface Elevation: The height in relation to Mean Sea Level reached by floods of various magnitudes and frequencies in flood plains.
- (38) 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 amendments 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. A copy of said map, studies and amendments are on file in the City Clerk's office and available for public inspection. *(As amended by O-2002-32.)*

- (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  
Portions of this study are superseded by (1)(t) below.
- (c) Major Drainageway Planning  
Sanderson Gulch/Weir Gulch

Volume 2, Drawings August, 1972  
 Portions of this study are superseded by (1)(d),(1)(e) and (1)(q) 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  
 Portions of this study are superseded by (1)(r) and (1)(s) below.
- (m) Flood Hazard Area Delineation  
 Dry Gulch and Tributaries November, 1977
- (n) Flood Hazard Area Delineation  
 Henry's Lake Drainageway July, 1983  
 Portions of this study are superseded by (1)(u) and (1)(v) below.  
*(As amended by O-2002-32.)*
- (o) Flood Hazard Area Delineation  
 Weaver Creek May, 1981

- (p) Flood Hazard Area Delineation  
Dutch Creek, Lilley Gulch,  
Coon Creek and Three Lakes Tributary May, 1978.
  - (q) Major Drainageway Planning  
Upper Weir Gulch  
Phase B Preliminary Design Report December, 1993
  - (r) Flood Hazard Area Delineation  
Upper Lena Gulch January, 1993
  - (s) Major Drainageway Planning  
Upper Lena Gulch  
Phase B Report March, 1994
  - (t) Flood Plain Revisions  
Depew Street Basin December, 1998  
*(As amended by O-2002-32.)*
  - (u) Outfall System Planning  
Academy Park Tributary to Bear Creek July, 1999  
*(As amended by O-2002-32.)*
  - (v) Outfall System Planning  
Pinehurst Tributary to Bear Creek December, 1999  
*(As amended by O-2002-32.)*
  - (w) Flood Insurance Study prepared for the Federal Insurance Administration by the United States Army Engineering District, Corps of Engineers, Omaha, Nebraska, 1971, and the Flood Insurance Study for Jefferson County, Colorado and Incorporated Areas prepared by the Federal Emergency Management Agency, 2003. *(As amended by O-2003-10.)*
- (2) The official flood studies listed as (a) through (v) above and any amendments to the 1971 Flood Insurance Study or 2003 Flood Insurance Study (w) are to be used in all cases for administration of this Article. *(As amended by O-2003-10.)*
- (3) 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 City of Lakewood, the Urban Drainage and Flood Control District and the Federal Emergency Management Agency. *(As amended by O-2002-32.)*

**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 Chief Executive Officer 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. *(As amended by O-2002-32.)*

**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 or the Federal Emergency Management Agency for any flood damages that result from reliance on this section or any administrative decision lawfully made there under. *(As amended by O-2002-32.)*

**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 to 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 flood-proofed 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 manufactured homes, new manufactured home parks, expansions of existing mobile home parks, and mobile home parks where the repair, reconstruction or improvements of the streets, utilities and pads equal or exceed fifty (50) percent of their value before the repair, reconstruction or improvement was commenced, are to be placed or substantially improved and be elevated on a permanent foundation such that the lower floor of the manufactured home is one foot (1') above the 100-year flood elevations as indicated in the Official Flood Studies, provide adequate surface drainage, be securely anchored to an adequately anchored foundation system in accordance with this Ordinance, and access for a hauler be 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 manufactured homes anywhere in the flood plain.
- (6)
  - (a) All manufactured homes placed after the effective date of these regulations in the 100-year flood plain shall be installed using methods and practices which minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to use of over-the-top or frame ties to ground anchors. There shall be top ties at each corner with one (1) mid-point tie on each side of manufactured homes shorter than fifty feet (50'). Longer manufactured homes shall have two (2) ties at intermediate points on each side.
  - (b) All parts of the anchoring system shall have a strength of 4,800 pounds. Additions to manufactured homes shall be anchored in the same way.
- (7) Recreational Vehicles shall either (a) be on the site for fewer than 180 consecutive days, (b) be fully licensed and ready for highway use, or (c) meet the permit requirements and elevation and anchoring requirements for manufactured homes. *(As amended by O-2002-32.)*

- (8) All land development proposals shall follow the guidelines for drainage studies outlined in the Engineering Regulations, Construction Specifications, and Design Standards adopted by the City Council of Lakewood, Colorado.
- (9) 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.
- (10) 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 adopted 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, resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy,
    - (2) be constructed with materials and utility equipment resistant to flood damage,
    - (3) be constructed by methods and practices that minimize flood damage, and
    - (4) constructed with electrical, heating, ventilation, plumbing and air-conditioning equipment and other service facilities designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
  - (d) Require every builder or developer to submit a statement from a registered land surveyor listing the lowest floor (including basement) of new and substantially improved structures.
  - (e) Require that for all new construction and substantial improvements, fully enclosed areas below the lowest floor that are subject to flooding shall:
    - (1) have the interior grade elevation that is below base flood elevation no lower than two feet below the lowest adjacent exterior grade, *(As amended by O-2002-32.)*

- (2) have the height of the below-grade crawlspace, measured from the interior grade of the crawlspace to the top of the foundation wall, not exceed four feet at any point, *(As amended by O-2002-32.)*
- (3) have an adequate drainage system that allows floodwaters to drain from the interior area of the crawlspace following a flood, *(As amended by O-2002-32.)*
- (4) be anchored to prevent flotation, collapse, or lateral movement of the structure and be capable of resisting the hydrostatic and hydrodynamic loads, *(As amended by O-2002-32.)*
- (5) be constructed with materials and utility equipment resistant to flood damage, *(As amended by O-2002-32.)*
- (6) be constructed using methods and practices that minimize flood damage, *(As amended by O-2002-32.)*
- (7) be constructed with electrical, heating, ventilation, plumbing, air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding, and *(As amended by O-2002-32.)*
- (8) Be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or licensed architect or must meet or exceed the following minimum criteria:
  - (a) A minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding shall be provided.
  - (b) The bottom of all openings shall be no higher than one foot above the exterior grade. *(As amended by O-2002-32.)*
  - (c) Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
- (f) Review subdivision proposals and other proposed new development (including proposals for manufactured home parks and subdivisions) to determine whether such proposals will be reasonably safe from flooding. The proposals shall include base flood level data submitted with subdivision proposals and other proposed developments greater than fifty (50) lots or five (5) acres whichever is less. 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.
- (g) 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,
  - (3) on-site waste disposal systems to be located to avoid impairment to them or contamination from them during flooding, and
  - (4) cumulative effect of any proposed development, when combined with all other existing and anticipated development, shall not increase the water surface elevation of the base flood more than six inches (6") at any point.  
(*As amended by O-2002-32.*)

#### **17-14-12. FLOODWAY REGULATIONS.**

- (1) The Floodway delineates 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 base flood water surface elevation more than six inches (6") at any point. This information is based upon the Urban Drainage and Flood Control District's criteria.

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" x 24" shall be posted listing the depth of water in a base flood. Where interpretation is needed as to the exact location of the

stream bank, the Chief Executive Officer shall make the interpretation. *(As amended by O-2002-32.)*

- (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. Where interpretation is needed as to the exact location of the stream bank, the Chief Executive Officer shall make the interpretation. *(As amended by O-2002-32.)*
  - (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 (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 flood-proofed 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 within the Department of Community Planning and 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. *(As amended by O-91-59.)*

(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 Planning and Development for the evaluation of the effects of the proposed use upon flood flows: *(As amended by O-91-59.)*

(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 danger to life and property due to flooding or erosion damage. *(As amended by O-2002-32.)*
- (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 importance of the services provided by the proposed facility to the community. *(As amended by O-2002-32.)*
- (e) The availability of alternative locations not subject to flooding for the proposed use.
- (f) The compatibility of the proposed use with the existing and anticipated development. *(As amended by O-2002-32.)*
- (g) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area. *(As amended by O-2002-32.)*
- (h) The safety of access to the property in times of flood for ordinary and emergency vehicles.
- (i) The expected heights, velocity, duration, rate of rise and sediment and debris transport of the floodwaters expected at the site.
- (j) The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, water systems, streets and bridges. *(As amended by O-2002-32.)*
- (k) The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination and unsanitary conditions.

**17-14-14. PROCEDURES FOR MODIFYING THE OFFICIAL FLOOD STUDIES, THE FLOOD INSURANCE RATE MAP, AND THE OFFICIAL FLOOD HAZARD MAP.**

- (1) The 100-year flood elevations may increase or decrease resulting from physical changes affecting flooding conditions. Before completion or occupancy of a development or within six months of the date that such information becomes available, whichever is sooner, notification shall be made to the Federal Emergency Management Agency 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. Delineation of new flood plain boundaries and floodways is required and shall be found acceptable by the Federal Emergency Management Agency, the Urban Drainage and Flood Control District and the City of Lakewood before completion or occupancy of a development. *(As amended by O-2002-32.)*

- (2) The City of Lakewood shall notify adjacent communities, the Urban Drainage and Flood Control District, and the Colorado Water Conservation Board prior to any alteration or relocation of a watercourse. Evidence of such notification shall be sent to the Federal Emergency Management Agency. 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 Emergency Management Agency 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 Emergency Management Agency. *(As amended by O-2002-32.)*

**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 sixty (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, nonresidential facilities can be completely flood-proofed 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 flood-proofed 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 manufactured home or manufactured home park located in the floodway and floodway fringe area is destroyed by any means such that the cost of restoration would exceed sixty (60) percent of the market value of the structure prior to damage; then such manufactured home or manufactured 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. When base flood elevation data has not been provided by the Federal Emergency Management Agency in a Flood Insurance Study or in a Flood Insurance Rate Map, the Chief Executive Officer shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a Federal, State, or other source, as criteria for requiring that new construction, substantial improvements, or other development meet the requirements of this Ordinance. *(As amended by O-2002-32.)*

**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 of Adjustment 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) In passing upon such applications, the Board of Adjustment shall consider all technical evaluations, all relevant factors, standards specified in other sections of this ordinance, and: *(As amended by O-2002-32.)*

- (1) The probability that materials may be swept onto other lands or downstream to the injury of others. *(As amended by O-2002-32.)*
  - (2) The danger to life and property due to flooding or erosion damage. *(As amended by O-2002-32.)*
  - (3) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage to the individual owner. *(As amended by O-2002-32.)*
  - (4) The importance of the services provided by the proposed facility to the community. *(As amended by O-2002-32.)*
  - (5) The availability of alternative locations not subject to flooding for the proposed use. *(As amended by O-2002-32.)*
  - (6) The compatibility of the proposed use with the existing and anticipated development. *(As amended by O-2002-32.)*
  - (7) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area. *(As amended by O-2002-32.)*
  - (8) The safety of access to the property in times of flood for ordinary and emergency vehicles. *(As amended by O-2002-32.)*
  - (9) The expected heights, velocity, duration, rate of rise and sediment and debris transport of the floodwaters expected at the site. *(As amended by O-2002-32.)*
  - (10) The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, streets and bridges. *(As amended by O-2002-32.)*
  - (11) The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination and unsanitary conditions. *(As amended by O-2002-32.)*
- (e) 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.
- (f) 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 Emergency Management Agency 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. *(As amended by O-2002-32.)*
- (3) Special Exceptions for Historic Places: The 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: The City of 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 commensurate with the increased risk from the reduced lowest floor elevation 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. *(As amended by O-2002-32.)*

**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 than 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.

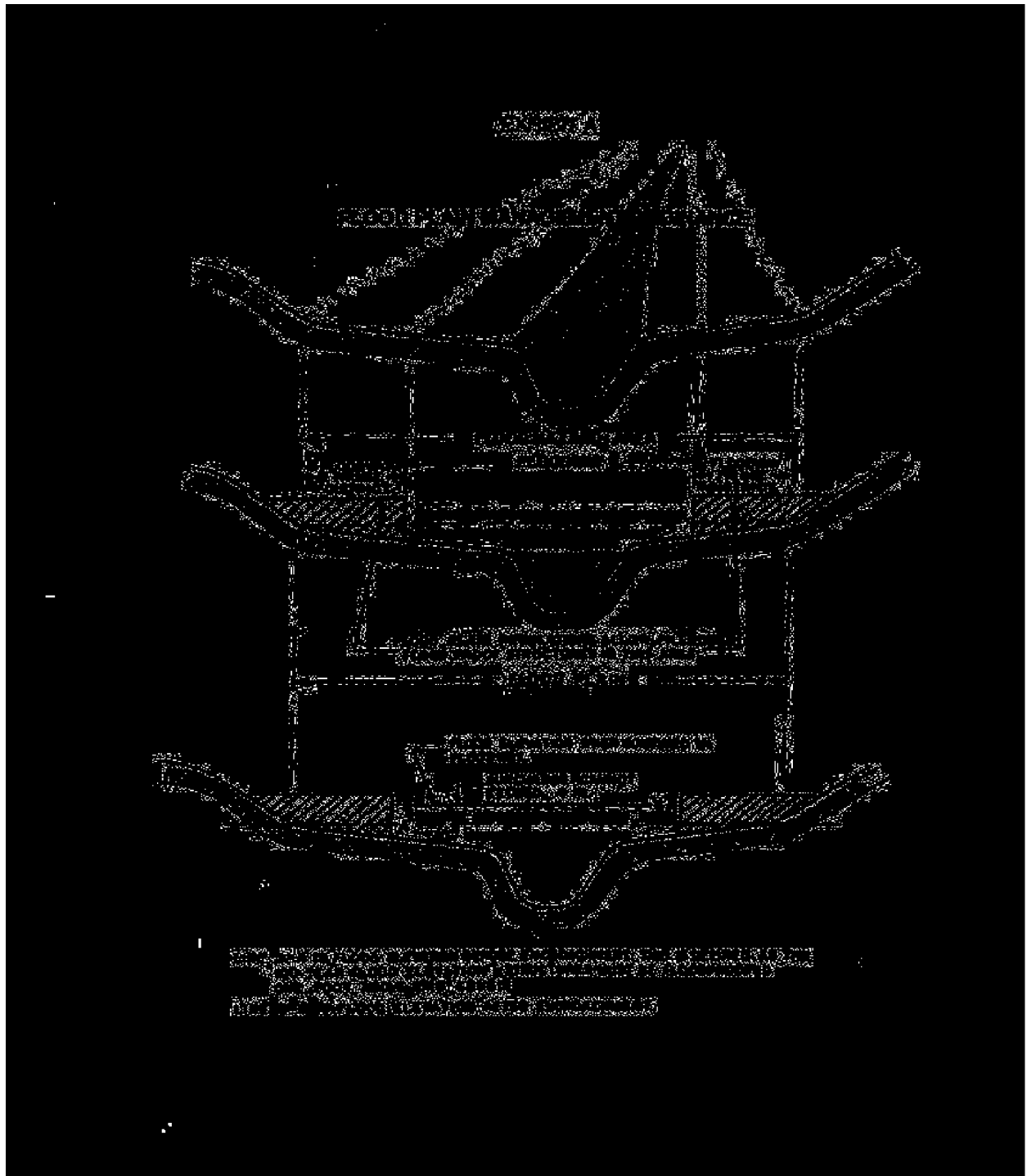
**17-14-20. RECORDS.** The City of Lakewood shall maintain for public inspection:

- (1) Official Flood Studies, a Flood Insurance Rate Map, an Official Flood Hazard Map, and any amendments. *(As amended by O-2002-32.)*
- (2) Certificates of flood-proofing 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.** The City of Lakewood will annually notify the Federal Emergency Management Agency 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. *(As amended by O-2002-32.)*

**17-14-22. ANNUAL REPORT.** The City of Lakewood shall submit an annual report to the Federal Emergency Management Agency, utilizing a report form designated by the Federal Emergency Management Agency. *(As amended by O-2002-32.)*



## ARTICLE 15: SITE DEVELOPMENT STANDARDS

### 17-15-1. APPLICABILITY

- (1) These site development and design controls and requirements shall apply to:
- (a) Any development proposed in an application for zoning or rezoning.
  - (b) Any development within a subdivision of two (2) lots or greater which subdivision receives final plat approval in accordance with the Subdivision Ordinance of the City of Lakewood after the effective date of this Ordinance and which is located within the following districts:

R1A	Residential One Acre District
RR	Rural Residential District
1-R	Large Lot Residential District
2-R	Small Lot Residential District
3-R	Duplex and Small Lot Residential
3-RA	High Density Detached/Low Density Attached Residential District
  - (c) All development 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
PD	Planned Development District which permits uses allowed in any of the above-listed zone districts.
  - (d) Development which is located or to be located on property otherwise not subject to this article when the owner of the property requests application of these site development regulations.
- (2) No building permit for any development 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 of Community Planning and Development (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 any development as 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. In case of any conflict among applicable site development standards, the more restrictive standards will apply.

**17-15-2. APPLICATION FORM AND SITE PLAN**

Every request for site plan approval shall be accompanied by a completed application form and all of the necessary plans and reports required by the Director. The Director shall have available a checklist for site development plan applications which is to include submittal items needed for review of plans. The site development plan shall be submitted to the Director on one or more sheets of paper measuring twenty-four (24) by thirty-six (36) inches and shall meet all the criteria on the checklist. The required fee for the review shall be submitted with the application. The Director shall review the application and render a determination concerning the completeness of the application and advise the applicant of the date the application is deemed complete or provide an explanation of the deficiencies in the application.

**17-15-3 REVIEW PROCEDURES, DESIGN CONSIDERATIONS, CONTROLS AND REQUIREMENTS**

**(1) REVIEW PROCEDURES**

- (A) A nonrefundable application fee shall be paid in an amount as set by City Council Resolution. The amount of the application fee shall not be credited against the amount of the building permit fee or any other fee.
- (B) For all development listed in Section 17-15-1, the developer must submit, along with a site plan, a set of design controls and requirements which address all of the design considerations listed in Subsection (2) of this Section 17-15-3.
- (C) The Director of Community Planning and Development shall approve or deny the site plan, proposed building elevations and proposed design controls and requirements in accordance with Article 15.

Site plans, building elevations and design controls and requirements shall be approved if they are complete in form; substantially meet and address all the applicable standards set forth in this title; address the design considerations set forth in Subsection (2) of this Section; and all required engineering plans/reports have been approved. It is the intent of this section that the qualitative standards serve as general guidelines in the review of site plans and building elevations. It is not expected that any one development will meet all of the qualitative guidelines, but it is expected that principles of good design be applied in the best combination determined by the use, nature of the site, and location of the development. It is further the intent that the design criteria set forth herein be administered so as to improve those development proposals which appear to be marginal or weak in design character. The criteria are not to be administered in a fashion which

would require a developer to make changes unless there is a sound basis in principles of good design to support the changes.

- (D) Any approval or denial shall be in writing with the reasons for the denial set forth. Red line changes on the site plan shall constitute sufficient detail of the reasons for the denial.
- (E) Upon denial of a site plan, the applicant may request in writing delivered to the Director within five (5) working days after denial, that the Director reconsider his or her decision. The request shall state the grounds for reconsideration. A decision upon the request for reconsideration will be given by the Director within ten (10) working days after receipt of the request. No appeal to the Planning Commission shall be permitted unless a request for reconsideration was timely filed with and denied by the Director.
- (F) If a building permit has not been issued within two (2) years from the date of approval of the site plan occurred, the site plan shall be null and void unless the date of approval is extended. An extension may be granted by the Director for shown cause for a maximum of one year upon the written request of the applicant. No extension shall be granted if this Ordinance is amended such that the site plan no longer conforms to the requirements of the amended Ordinance. If a zone change for any property included within an approved site plan has occurred, the site plan approval shall be null and void.
- (G) If an applicant or property owner desires to amend an approved site plan, Section 17-15-6 shall be used to evaluate such a request. However, if such a request is submitted or requested during the construction of a site in any way but not limited to changing the landscape materials, landscape design, architectural character, landscape quantities or other similar requests as determined by the Director, a fee in the amount of 150 percent of the original site plan fee required to review the original site plan will be required. In addition, such amended plans must be in compliance with the standards in the Zoning Ordinance.

The Director in his sole discretion shall not approve amendments to site plans related to specific commitments made in a rezoning case unless he finds exceptional circumstances to warrant such a request. Such a consideration may be forwarded to the Planning Commission at the Director's discretion.

- (H) The Director shall prepare, approve, and make available a Design Manual to supplement and accompany the design considerations and requirements contained in this Article 15. The Design Manual shall constitute the Director's administrative interpretation of this Article 15 and nothing in the Design Manual shall supersede or conflict with the specific requirements of this Article 15. The Design Manual may include, but shall not necessarily be limited to, written text, illustrations, photographs, and lists of recommended building, construction, and landscaping materials and plants to clarify and express both good and bad design techniques for site improvements and architectural designs for private property improvements. The Design Manual shall guide applicants and planning staff in the planning, design, evaluation, review, and redlining of site plans prepared in accordance with this Article 15. The Manual may be updated by the Director

from time-to-time provided that the Director shall maintain for public inspection at all times a current and updated Design Manual.

## **(2) DESIGN CONSIDERATIONS, CONTROLS AND REQUIREMENTS**

### **(A) Site Design and Substantial Conformance**

Intent: This Section is intended to ensure that the development of land within the City of Lakewood is planned with a consideration of natural and environmental features. Development shall be constructed in a manner that substantially conforms, as determined by the Director or his designee, to this Section of the Zoning Ordinance and it is also the intention that the development will improve the quality of life in the Community.

Applicability: This Section applies to all development within the City for which a formal site plan is required pursuant to Section 17-15-1 of this Zoning Ordinance.

Conformance Requirement: All development plans which include but are not limited to site plans, landscape plans, fencing plans and building elevations submitted in accordance with Article 15 shall substantially conform to the controls/requirements stated in this section. For purposes of this section, “substantially conform” shall mean that the development plan and supporting documentation demonstrates or illustrates that the applicant considered and addressed all of the controls/requirements of this section and that all or a substantial number of controls/requirements contained in this section have been fully satisfied or met. Where any control/requirement is not fully satisfied or met, the applicant shall provide an explanation of why conformance with the control/requirement(s) is impossible or impractical as the result of characteristics or constraints unique or peculiar to the site. The Director of Community Planning and Development or his designee shall determine if the development plan does or does not substantially conform to Article 15 of this Ordinance. Following in Sections (B), (C), and (D) are the controls/requirements that are to be implemented and addressed with required Article 15 site development plans.

### **(B) Overall Site Design**

Intent: The overall site design and organization of a development plan is to include and maximize the physical characteristics of the site with the man-made development proposed. Each site is to be designed to be a high quality addition to the Lakewood Community. Streets and roadways are critical components in the organization of a site and its relationship to adjacent areas. Well designed street and roadway systems will also ensure the safety, efficiency, and convenience for automobile, bicycle, pedestrian and transit modes of travel. Balancing the parking needs on a site with the broader goals for improved building design and vehicle and pedestrian activities is to be evaluated in the design of every site development plan.

In the context of suburban development, public and private streets and parking areas are crucial elements to be included in site development design. Since the advent of the automobile, streets have been the unifying force in the layout of commercial and residential communities. The excessive use of cul-de-sacs, parking areas, strip commercial centers and the dominance of the

automobile has resulted in streets and drives that handle cars well but fail to accommodate pedestrians. Overly wide streets and drives are visually obtrusive, encourage motorists to exceed speed limits, require more clearing and grading, and increase land development costs. This results in more expensive housing and development, increased runoff and wasted resources. Streets, drives and parking areas should be positive visual open space elements in themselves.

The parking of automobiles is also a necessity, but parking facilities often detract from the appearance of commercial and residential neighborhoods and developments. Numerous design techniques to soften the visual impact of parking lots and private garages are available. Parking should be designed to minimize the visual impact on physical form and the fabric of the city while ensuring access to, and parking for, individual properties. The circulation system, including parking lots, should contribute to the order and aesthetic quality of the site. Provisions shall be made to limit the affect of vehicular noise, exhaust and the visibility of vehicles in parking areas. Negative impacts of parking areas shall be minimized. Aesthetics, compatibility with the overall site design, convenience, and safety for users and pedestrians shall be considered in parking lot design. Many elements of a development can contribute to the perceived “sense of place.” Some elements which are overlooked, such as urban features, signage and operational characteristics, can significantly enhance the quality of development.

For these reasons the following considerations related to Natural Features and Physical Organization, Open Space and On-site Amenities, and Connections, Parking and Circulation shall be used with the preparation and review of all site development applications.

- (1) ***NATURAL FEATURES AND PHYSICAL ORGANIZATION:*** The development plan shall preserve and enhance all significant natural resources, natural areas and natural features, native vegetation, and open lands by demonstrating methods and techniques to preserve and enhance existing: Topography and slope; Views from and through the site; Vegetation and landscaping; Waterways; and Solar Orientation.

The design of any commercial or residential development or community begins with a study of the proposed site and its natural processes. An understanding of natural systems and environmental relationships is fundamental to any prospective development project. A site development plan should respond to a site's natural features and should be an extension of the site's environmental characteristics. Quality design will appear to “fit the topography and land.” It is also important to respect the adjacent land uses to ensure that a plan is sensitive to its surroundings and to consider environmental issues that affect planning and development. The plan should display sensitivity to the site including logical on-site/off-site pedestrian, auto, and bicycle linkages. Landscaping on or near the border of the site should be an amenity to the adjacent use as well as the project.

The development plan shall demonstrate that it is compatible with and enhances the existing character of neighboring properties by addressing the following issues:

- (a) Organization of the site which includes its relationship to the streets and lots in or near the development and the final building alignment and placement.

- (b) Plans to include features which incorporate building materials and designs which are high quality and aesthetically pleasing and enhance the character and relationship with other buildings/structures as proposed and/or adjacent to the site.
- (c) Plans to address the operational characteristics needed on a site which may be a nuisance or unattractive to nearby uses or the public, related to the intended hours of operation, days of operation, parking, service/deliveries, and location of service areas and docks.
- (d) Buffering to mitigate an intended or adjacent use to not create a continuing nuisance, noise and disruption to adjacent properties.
- (e) Connections to other systems (such as but not limited to linkages between the site development plan and adjacent open spaces, pedestrian/bike paths, streets, roadways and transit connections.)
- (f) Placement of site amenities and required improvements.
- (g) Orientation of the intended use, access points and buildings.
- (h) Alignment of access points and buildings.

(2) ***OPEN SPACE AND ON-SITE AMENITIES:*** Open space can serve a multitude of functions including: conveyance of water; providing wildlife and pedestrian corridors; providing corridors linking districts, neighborhoods, or important social and cultural facilities; and providing a community with a sense of integration with the natural environment. To optimize these benefits, new development plans shall preserve and enhance significant natural resources, areas and features, native vegetation, and open lands. All development plans shall:

- (a) Preserve natural site features, including mature and healthy trees, topography and drainage areas;
- (b) Provide an overall landscape treatment of exterior spaces which enhance the quality of the project and create usable open space;
- (c) Provide for connections with other existing or proposed public and/or civic spaces adjacent to the site;
- (d) Provide for a layout of the other site components such as parking lots, buildings and structures that are designed in a pattern which ties into the natural topography and protects view corridors without the need for extensive regrading or use of retaining walls;
- (e) Include the use of urban features such as but not limited to entry monuments, gateways, walls, landscaping, topography and fountains which define edges between the project and adjacent uses;
- (f) Include the use of features such as, but not limited to, decks, pavilions, trellises and walls which work as extensions of buildings and provide transition between the built and natural forms of the site;
- (g) Provide a landscape plan with the site development plan that is in conformance with this ordinance; and
- (h) Include engineering plans and reports which are and consistent with the City's Engineering Regulations which address storm water discharge, water quality and detention, geotechnical requirements and other appropriate engineering regulations.

- (3) **CONNECTIONS, PARKING AND CIRCULATION:** The development plan shall include the physical connections and linkages with adjacent properties such as, but not limited to; open and public spaces, trails, paths, private accesses, roadways, transit stops and parking. All development plans shall:
- (a) Provide connections to regional transit systems, regional and local railways and/or pathway systems, and established and proposed roadway systems.
  - (b) Provide for a street and pedestrian design which meet existing Lakewood Engineering Regulations, Construction Specifications and Design Standards which provides a clear differentiation between streets, trails, bike paths, and other pedestrian or transit modes of transportation. It shall also provide a strongly defined pedestrian network on and adjacent to the site through the use of but not limited to lighting, pavement materials and color and landscaping.
  - (c) Provide accessibility to all internal functions and provides reasonable access to adjacent functions and their connections.
  - (d) Provide auto and pedestrian transportation patterns without long and circuitous routes for vehicles and pedestrians. Each development plan shall include:
    - (1) Connections with adjacent uses, developments and other modes of travel (pedestrian, bike, auto, transit);
    - (2) Orientation of the site and its improvements with the roads;
    - (3) Accessible routes for both internal and external circulation;
    - (4) Rights-of way adjacent to or near the site; and
    - (5) Pedestrian, bike and equestrian (where appropriate) paths;
  - (e) Provide major or primary entries which are visible from adjacent streets.
  - (f) Provide adequate screening of internal functions which generally are not appealing to see, such as but not limited to, trash, service areas, delivery areas and utilities.
  - (g) Minimize impacts to the existing site and adjacent areas by addressing the following:
    - (1) Minimize excavation and fill.
    - (2) Site mitigation: both on the site and along edges of adjacent areas, make provisions for mitigation or buffering devices such as but not limited to: berms and natural vegetation which are consistent with the character of the site and area.
    - (3) Edges: provide appropriate features, such as but not limited to fences, landscaping, berms, for transition along the edges with adjacent areas.
    - (4) Minimize impervious areas.
    - (5) Lighting that is shielded and downcast with light kept onsite, and which does not create a nuisance to nearby properties.
    - (6) Other site functions: provide design solutions to positively mitigate and camouflage site functions that include snow dump and snow storage areas; utilities e.g. transformers, panels, meters, and trash and storage locations from public view.

(C) **Building Design**

Intent: The following requirements are intended to encourage design sensitivity to the relationship of structures and land uses to one another and to the development of a quality and unique community identity. In order to achieve better land use patterns, the quality of site design and structure design must be coordinated so as to create streetscapes of pedestrian scale and respond to design issues which arise at the edges of abutting, similar and dissimilar land uses and coordination between varying densities of similar land uses. Because of this, all plans shall address the following Building Design requirements:

- (1) **GENERAL:** Development plans shall provide for the design of structures which are consistent in character and compatible with adjacent structures in terms of the following:
  - (a) Mass, bulk and height
  - (b) Pedestrian scale and Relationship to open spaces
  - (c) Building footprint, shape and form
  - (d) Materials/Textures
  - (e) Orientation to the principal street: At least one main entrance of any commercial or mixed-use building shall face and open directly onto a walkway which connects to a public street;
  - (f) Roof Forms: All roofs shall be designed with the following features: parapets which conceal flat roofs and rooftop equipment from public view; or sloping roofs with multiple roof planes and overhanging eaves.
  - (g) The goals and design expectations related to building and site design and character included in any applicable Neighborhood Plan or Corridor Plan approved as part of the Comprehensive Plan.
  - (h) Proposed building designs shall be developed using the Design Manual, referred to in 17-15-3 of this ordinance, as a reference for quality designs envisioned in the Lakewood Community.
- (2) **ENTRY:** All structures and buildings shall directly face to the street and provide a clear view of the public entry from adjacent public rights-of-way. Each principal building on a site shall have clearly defined, highly visible customer entrances featuring a combination of the following: canopies, overhangs, recesses/projections, arcades, raised corniced parapets over the door, peaked roof forms, arches, outdoor patios, display windows, architectural details, and integral planters. To the extent possible all structure(s) shall take advantage of solar orientation by providing entries which consider natural solar orientation, plazas, and adjacent open spaces with natural solar orientation.
- (3) **ROOF:** Sloped roofs shall provide articulations and variations in order to break up the massiveness of the roof. Sloped roofs shall include eaves which are at least 18 inches in width. Parapets shall be at least 3 feet in height, be on all facades of the building, and shall conceal any rooftop equipment. When screens are necessary on a roof, they shall be designed to blend in with the architecture of the building in terms of color, materials and scale. Parapets shall also provide a cap, cornice and/or other element to demonstrate that

the upper edge is the top of the building. All canopies over 30 feet in length shall provide articulations and/or sloped variations on the canopy to avoid long flat surfaces.

- (4) ***VIEWS AND PUBLIC PLACES:*** All building(s) and/or structure(s) shall neither alter the opportunity for nor quality of desirable views from public places, streets, parks within the community and adjacent sites. The placement of all structure(s) shall consider, coordinate and enhance other public spaces on the site.
- (5) ***TRANSITION:*** Provide a transition in scale, mass, bulk and height. When adjacent land uses have significantly different visual character and where gradual transitions are not possible, compatibility shall be achieved through the use of complimentary and compatible scale, form, materials, and colors.
- (6) ***LENGTH:*** All structures or buildings with any one side having a length of more than 100 feet shall not position and design the structure so as to have a side with a length of 30 feet or more facing a street or connecting walkway without including at least two of the following: change in plane, staggering of the wall, change in texture or masonry pattern, artwork, shadow lines, or an equivalent element that subdivides the wall into a scale proportional to the adjacent pedestrian amenities such as, but not limited to plazas, sidewalks, benches and landscaping.
- (7) ***VISUAL INTEREST:*** All structures shall be consistent with other proposed structures and/or adjacent structures in terms of providing a pedestrian interest at street level.
- (8) ***MATERIALS, COLORS AND CONTRAST:*** A variety of materials and colors shall be used on each building to avoid uniform facades. Contrast on a building shall be accomplished by providing various depths to the facade. Various depths, along with overhangs, create shadow lines on a facade of building and a variety of colors, depth, materials and texture shall be incorporated in all building designs.
- (9) ***TOPOGRAPHY:*** To the greatest degree possible, development shall occur in a manner consistent with the existing topography of the site. Conformance and consistency shall be demonstrated by designs which minimize the need for alteration of the existing topographic contours and which significantly reduce the size, height, and number of structures or walls necessary to retain slopes or control movement of soils.
- (10) ***GARAGES AND SINGLE FAMILY HOME MODELS:*** Garages shall not be a dominant feature of the front or street facade of a residential structure. Not more than fifty (50) percent of a street or front facade of a residential structure is allowed to be a garage door opening. In addition, designs are encouraged to include living space over a garage or include side loaded garages. Garages shall not project more than 8 feet in front of the habitable portion of a house adjacent to the garage.

Single Family Homes shall not be the same model or building footprint for 3 or more consecutive lots in any development. Building permit applications shall include model numbers and footprints of the two lots/homes on both sides of the lot subject to review.

**(D) Landscaping Design and Plant Materials**

Intent: The provision of landscaping is important not only for improved quality of life and aesthetic value but also for reasons such as shading structures, cooling structures, storm water mitigation and enhancement, water quality and enhancement of urban wildlife areas and corridors. Landscaping and plantings on a site help to create a sense of entry to a site and to the building. It also can enliven the character of the site for those visiting and for passers-by.

It is the intent that all development plans and landscape plans seek to preserve and/or enhance the natural topography and slope of the existing site and the natural vegetation and landscaping of the existing site. Natural vegetation includes native grasses, bushes, trees and other species and does not include noxious weeds. Plans shall preserve and/or enhance the natural waterways, including but not limited to lakes, streams, creeks and ponds of the existing site. Development plans and landscape plans shall provide for plant selections which minimize or conserve water usage and enhance the natural landscaping of the existing site in terms of indigenous plantings, environmentally sensitive plantings, and patterns of planting. Also, plans shall incorporate and integrate the building(s) into the landscaped area of the site by means of providing plazas, decks, trellises and walls. All development plans shall be designed in accordance with the plant list in the Design Manual of the City of Lakewood and shall include landscape plans that meet the following minimum standards:

- (1) *LANDSCAPE AREA TREATMENT:*** Landscape areas shall include all areas on the site, extending to the adjacent street curb or pavement edges on private property or in a street right-of-way that are not covered by buildings, structures, parking areas or impervious surface areas which are not pedestrian walks and plazas. The selection and location of turf, ground cover (including shrubs, grasses, perennials, and flowerbeds), and pedestrian pathways and other landscaping elements shall be used to prevent erosion and meet the functional and visual purposes such as defining spaces, accommodating and directing circulation patterns, managing visibility, attracting attention to building entrances and other focal points, and visually integrating buildings with the landscape area and with each other.

Existing topography, slope, mature trees and waterways are to be valued and preserved in a proposed development plan. Significant changes in these natural elements are highly discouraged and proposed changes are to be substituted only with documentation that warrants such proposals. They should be proposed only where reasonable use of the property is not possible unless such elements are changed.

- (a) Turf grass. High-use areas, including but not limited to, streets and large visible areas on a site shall be planted with irrigated turf grass. Non-irrigated short prairie grasses or other adapted grasses that are considered as xeriscape landscaping may be established in, low-use, low visibility areas and when appropriate in high-use areas.
- (b) Planting beds and ground cover. Shrub and ground cover planting beds shall be separated from turf grass with edging and shall have open surface areas covered

with mulch. Mulch is not to be used as a primary landscaping feature but is to be used in between living ground cover, shrubs and trees.

- (c) Slopes. Terrace designed retaining walls or slope retention methods integrated with plantings shall be used to stabilize natural slopes that are steeper than 3:1. Planting areas on terraces shall be of sufficient width to support and maintain vegetation and root systems.
  - (d) Foundation Plantings. Exposed sections of building walls that are in high-use or high-visibility areas of the building exterior shall have planting beds approximately 8 feet wide placed directly along at least fifty (50) percent of such walls.
  - (e) Parkways and Street Corridors. All adjoining parkways and corridors shall be landscaped and maintained by the adjacent property owner. Such areas shall be planted and maintained in accordance with the applicable City Engineering Standards and the approved Corridor Plan or Neighborhood Plan which is part of the City's Comprehensive Plan.
  - (f) No artificial trees, shrubs, turf or plants shall be used to fulfill the minimum requirements for landscaping as required by this Article.
- (2) ***PERIMETER LANDSCAPING:*** Perimeter landscaping in the areas between the street and the building or parking areas shall meet the following minimum standards:
- (a) Trees shall be provided at a ratio of one-and-a-half (1.5) trees (along Arterial Streets) or one (1) tree (along non-arterial public streets) and four (4) shrubs per twenty-five (25) lineal feet of street frontage; and one (1) tree per forty (40) lineal feet along a side or rear lot line. Trees may be spaced irregularly in informal groupings or be uniformly spaced, as consistent with larger overall planting patterns and organization of the site. Perimeter landscaping along a street shall be designated and integrated with the streetscape in the street right-of-way.
  - (b) A perimeter landscape area shall be provided where the property lies adjacent to an arterial or collector street (extending to the roadway edge) along the entire perimeter averaging at least twenty-five (25) feet in width but not less than twenty (20) feet at any point, as measured from the back of curb of the eventual cross section of the street. Bikeways and walkways may be included in the perimeter landscape area and counted as part of the twenty-five (25) feet. The eventual cross section shall be based upon the Transportation Section of the Comprehensive Plan and/or functional plans in the City's Public Works Department.

Where the property lies adjacent to a local street, a landscaped strip along the entire perimeter area averaging at least twenty (20) feet in width but not less than twelve (12) feet at any point, as measured from the back of curb of the eventual cross section of the street, shall be provided. 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 and/or functional plans in the City's Public Works Department.

- (c) Screening of commercial, residential and multi-family when adjacent to single-family residential uses shall consist of a fence or wall six (6) feet in height in combination with plant materials of sufficient opacity to block at least seventy-five (75) percent of light from vehicle headlights. Screening from the street and all non-residential uses shall be of sufficient height and opacity to continuously block at least the lowest twenty (20) percent of the cross section view of the parking area from the street or adjacent use. These screening standards may be met in any number of different ways, including, but not limited to, a garden wall, earthen berm, constructed planter, dense hedge, or combination of ways. Where screening from the street is required, plans submitted for review shall include a graphic depiction of the parking lot screening as viewed from the street. Plant material used for the required screening shall achieve required capacity in its winter seasonal condition within three years of construction of the vehicular use area to be screened.

- (d) A buffer area not less than ten (10) feet wide shall be provided between residential land uses and non-residential land uses and activities. In situations where a non-residential land use abuts a residential use along a property line a solid fence or wall shall be placed adjacent to the property line which abuts the residential district and shall be a minimum height of six (6) feet. The fence requirement may be waived by the Director if a continuous hedge with a minimum height of five (5) feet is existing.

Landscaping shall include one (1) tree and four (4) shrubs 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.

- (e) In single family developments with 2 or more lots approved in a subdivision each single family lot shall provide 2 trees in the front yard. One tree shall be planted along the street within 8 feet of the back of curb or edge of asphalt and the other in the front yard. The front yard shall also be landscaped with a minimum of 50% of the front yard in living ground cover.

- (3) **NON-PERIMETER LANDSCAPING:** One (1) tree and four (4) shrubs shall be required on the site for every one-thousand (1000) square feet of non-perimeter landscape open space area required and/or provided on the site.

- (4) **PARKING LOT INTERIOR LANDSCAPING:** Parking Lot Landscaping in the amount of six (6) percent of the interior space of all parking lots with less than 100 spaces, and ten (10) percent of the interior space of all parking lots with 100 spaces or more shall be landscaped. All parking lot islands, connecting walkways through parking lots, and driveways through or to parking lots shall be landscaped according to the following standards:

- (a) **Visibility.** To avoid landscape material blocking driver sight distance at driveway-street intersections, no plant material greater than twenty-four (24) inches in height shall be located within the 55-foot visibility triangles at driveway intersections measured at the flowlines.
  - (b) **Maximized Area of Shading.** Landscaped islands shall be evenly distributed to the maximum extent feasible. At a minimum, trees shall be planted at a ratio of one (1) canopy shade tree per one hundred fifty (150) square feet of internal landscaped area with a landscaped surface of turf, ground cover perennials, or mulched shrub plantings.
  - (c) **Landscaped Islands.** In addition to any pedestrian refuge areas, each landscaped island shall include one or more canopy shade tree, be of length greater than nine (9) feet in width and eighteen (18) feet in length, include at least eighty (80) square feet of ground area per tree to allow for root aeration, and have raised concrete curbs.
  - (d) **Walkways and Driveways.** Connecting walkways through parking lots, as required in Article 15 shall have one (1) canopy shade tree per forty (40) lineal feet of such walkway planted in landscape areas within 5 feet of such walkway. Driveways through or to parking lots shall have one (1) canopy shade tree per forty (40) foot lineal feet of and along each side of such driveway, in landscape areas within five (5) feet of such driveway.
- (5) ***SCREENING:*** Landscape and building elements shall be used to screen areas of low visual interest or visually intrusive site elements including but not limited to service areas, loading docks, and trash containers. Trash containers, and open storage areas shall be screened to a minimum height of six (6) feet. Screening shall be established on all sides of such elements except where an opening is required for access. If access is possible only on a side that is visible from a public street, a removable or operable screen shall be required. The screen shall be designed and established so that the area of element being screened is no more than twenty (20) percent visible through the screen. Required screening shall be provided in the form of new or existing plantings, walls, fences, screen panels, topographic changes, buildings, horizontal separation, or a combination of these techniques.
- (6) ***SPECIES DIVERSITY, STREET TREES AND MINIMUM STANDARDS***
- (a) To prevent uniform insect or disease susceptibility and eventual uniform maturity and agedness on a development site or in the adjacent area or the district, species diversity is required and extensive monocultures are prohibited. The following requirements shall apply to site development plans.

<u>Number of trees on site</u>	<u>Maximum percentage of any one species</u>
10-19	75%
20-39	60%
40-or more	50%

- (b) Planting of street trees shall occur in the adjoining street rights-of-way or on private property in connection with the development by one or more of the methods described in subparagraphs (1) through (3) below.
- (1) Wherever the sidewalk is separated from the street by a grass or landscaped area, canopy shade trees shall be placed at least eight (8) feet away from the edges of driveways and alleys.
  - (2) Wherever the sidewalk is attached to the street, canopy shade trees shall be established in an area ranging from four (4) to eight (8) feet behind the sidewalk. Wherever the sidewalk is attached to the street and is eight (8) feet or more in width, or extends from the curb to the property line, canopy shade trees shall be established in planting cutout areas of at least sixteen (16) square feet.
  - (3) Ornamental trees shall be planted in substitution of the canopy shade trees where overhead lines and fixtures prevent normal growth and maturity.
- (c) The Director shall provide a recommended list of trees which shall be acceptable to satisfy the requirements for landscape plans, including approved canopy shade trees that may be used as street trees. The following minimum sizes shall be required:

<u>Type</u>	<u>Minimum Size</u>
Canopy Shade (Deciduous) Tree	3.0" caliper balled and burlapped equivalent
Evergreen Tree	6.0' height balled and burlapped or equivalent
Ornamental Tree	1.5" caliper balled and burlapped or equivalent
Shrubs	5 gallon or adequate size consistent with design intent
Canopy Shade Tree as a street tree on a Residential Local Street Only	2.5" caliper container or equivalent

Any tree or shrub plantings that are in addition to the minimum required by Article 15 are exempt from the foregoing size requirements.

**(7) *EXISTING TREE PROTECTION AND REPLACEMENT:***

- (a) Existing trees greater than 4 inch caliper, measured 1 foot above grade, within the development shall be preserved to the extent reasonably feasible and will help satisfy the landscaping requirements of this Section. Such trees shall be considered "protected" trees within the meaning of this Section, subject to the

exceptions contained in subsection (c) below. Streets, buildings, and lot layouts shall be designed to minimize the disturbance to protected trees.

- (b) Where it is not feasible to preserve and retain protected tree(s) or to transplant them to another on-site location, the applicant shall replace such tree(s) according to this section. Replacement trees shall be used to satisfy the tree planting standards of this Section. Replacement trees shall meet the minimum size requirements.
- (c) Trees that meet one or more of the following removal criteria shall be exempt from the requirements of this subsection:
  - (1) Dead, dying or naturally fallen trees, or trees determined by the City to be a threat to public health, safety, or welfare;
  - (2) Trees that are determined by the City to substantially obstruct clear visibility at driveways and intersections;
  - (3) Tree species that constitute a nuisance to the public as determined by the City Cottonwood, Siberian Elm, Russian Olive, and Female Box Elder. Native cotton bearing Cottonwood trees and Female Box Elder trees as well as any other species of tree, when located near a property line and create a buffer between any use, are not nuisance tree species.
- (d) All existing street trees that are located on city rights-of-way or easements adjacent to the development shall be accurately identified by species, size, location, and condition on required landscape plans, and shall be preserved and protected in accordance with the standards of this section.
- (e) The following tree protection specifications shall be followed for all projects with protected existing trees.
  - (1) Within the drip line of any protected existing tree, there shall be no cut or fill over a four-inch (4") depth unless the City Forester has evaluated and approved the disturbance.
  - (2) All protected existing trees shall be pruned.
  - (3) Prior to and during construction, a fenced tree protection zone formed by barriers shall be erected and maintained around all protected trees.
  - (4) The installation of utilities, irrigation lines, or any underground fixture requiring excavation deeper than six inches shall be accomplished by boring under the root system of protected existing trees at a minimum depth of 24 inches.

**(8) *LANDSCAPE MATERIALS, MAINTENANCE, REPLACEMENT AND IRRIGATION:*** The following standards and controls shall be used and included in all site development plans, construction, installation and maintenance of all landscaping.

- (a) Topsoil. To the maximum extent feasible, topsoil that is removed during construction activity shall be conserved for later use on areas requiring revegetation and landscaping.
- (b) Plant materials. The selection of plant materials shall be based on the City of Lakewood's climate, site conditions and recommended plant material list approved by the Director.
- (c) Plant quality. All plants shall be A-Grade or No. 1 Grade, free of any defects, of normal health, height, leaf density, and spread appropriate to the species as defined by American Association of Nurserymen standards.
- (d) Installation. All landscaping shall be installed according to sound horticultural practices in a manner designed to encourage quick establishment and healthy growth. All landscaping in each phase shall either be installed or the installation shall be secured with a letter of credit, escrow, or performance bond for 150% of the value of the landscaping prior to the issuance of a certificate, or temporary certificate of occupancy for any building in such phase. The form of security shall be subject to approval by the City Attorney.
- (e) Maintenance. Trees and vegetation, irrigation systems, fences, walls, and other landscape elements shall be considered as elements of the project in the same manner as parking, building materials, and other site details. The applicant, landowner, or successors in interest shall be responsible for the regular and proper maintenance of all landscaping elements installed on the right-of-way or on private property, from the back of curb of the street to keep them in good and healthy condition. All landscaping shall be maintained free from disease, pests, weeds, litter, and all landscape structures such as fences and walls shall be repaired and replaced as necessary to maintain a structurally sound condition.
- (f) Replacement. Any required element that fails, dies, or is otherwise damaged or removed, shall be replaced within 30 days or during the next growing season if it is found dead during the winter months.
- (g) Mitigation. Healthy, mature trees that are removed by the property owner or by anyone acting on behalf of, or with the approval of, the property owner shall be replaced with not less than one (1) or more than six (6) replacement trees sufficient to mitigate the loss of value of the removed tree. The applicant shall select either the City Forester or a qualified landscape appraiser to determine such loss based upon an appraisal of the removed tree, using the most recent published methods established by the Council of Tree and Landscape Appraisers.
- (h) Utilities. Landscape and utility plans shall be coordinated to provide ease of future maintenance and to prevent conflicts between tree and shrub plantings and

utilities. Tree/utility separations shall not be used as a means of avoiding the planting of required street trees.

- (i) Re-vegetation. When the development causes any disturbance within any natural area on a property replacement shall occur as required in this Section.
- (j) Alternative Compliance. Upon request by an applicant, the Director may approve an alternate landscape and tree protection plan that substantially satisfies the intent of this Section. The Director at his discretion may opt to forward any alternative proposal to the Lakewood Planning Commission for their review and determination pursuant to this Article.
- (k) Irrigation. All non-residential and multifamily residential properties, shall be irrigated with an automatic irrigation or sprinkler system.

#### **17-15-4. APPEALS**

- (1) If the Director denies the application upon reconsideration, the applicant may appeal to the Planning Commission. Written appeals from the decision of the Director must be received by the Secretary to the Planning Commission within thirty (30) days of the date of denial upon reconsideration, and must be accompanied by an appeal fee in an amount to be established by City Council Resolution. During the time an appeal is pending, no building permit shall be issued.
- (2) The Planning Commission shall conduct a public hearing within thirty (30) days after the appeal is made in writing by the applicant of a decision made by the Director pursuant to this Ordinance. The inquiry of the Planning Commission shall be limited to whether the decision of the Director was contrary to or violated this Ordinance.
- (3) Any decisions of the Planning Commission shall be set forth in writing giving reasons for affirming, modifying, or reversing the administrative decision of the Director. Any decision of the Planning Commission shall be final and any appeal there from shall be to the courts.

#### **17-15-5. WAIVERS AND EXCEPTIONS**

- (1) Upon written request, the Director of Community Planning and Development may waive specific plan form or information requirements as set forth in Subsection 17-15-2. Such request must be accompanied by a request fee, the amount of which shall be established by City Council Resolution.
- (2) The Director of Community Planning and Development may waive any requirement of a site plan 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.

- (3) The Director of Community Planning and Development may approve a site plan which is different from dimensional and other quantitative criteria in this Article provided that the change fulfills the Design Considerations, Controls and Requirements in Subsection 17-15-3(2) and does not conflict with other ordinances and regulations.
- (4) Notwithstanding any other provision in the Zoning Ordinance, the Director may modify the setback standards for buildings in the OF, 1-C, 2-C, 3-C, 4-C, 5-C and IN zone districts only at the request of an applicant during review of an Article 15 site plan. The request for a modification shall be reviewed by the Director using the criteria in Section 17-4-3(1) (a through e) of the zoning ordinance. The Director may refer a decision to the Planning Commission along with the Article 15 site plan for review and a determination. An applicant may appeal the Director's denial to the Planning Commission in accordance with Section 17-15-4.

#### **17-15-6. AMENDMENTS TO SITE PLAN**

- (1) Except as provided in paragraph (2) of this Subsection 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. Amendments deemed minor shall require payment of a minor amendment fee in an amount established by City Council Resolution, while major amendments shall require payment of a major amendment fee in an amount to be established by City Council Resolution. A change shall be deemed minor unless it involves one or more of the following:
  - (a) A change altering any other condition of the zoning.
  - (b) 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.
  - (c) A change of twenty (20) percent 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.
  - (d) 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.
- (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 after submission of a new site plan indicating the desired 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 in Subsection (1) above.

- (b) If the modification is deemed to be minor, the Director shall approve or deny the modifications pursuant to the provisions of Article 15 of this Ordinance. Such approval or denial shall be given only after the applicant has paid a minor modification fee in an amount to be determined by City Council Resolution.
- (c) 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, and shall pay the fees required for such a new application.
- (d) If the Director is unable to determine whether 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, the provisions of Paragraph (2)(b) above shall apply. If the Planning Commission determines that the change is substantial, the provisions of Paragraph (2)(c) above shall apply.
- (e) Regardless of the type of amendment applied for, every amendment to an approved site plan shall be reviewed by the City Engineer in accordance with the applicable provisions of Chapter 14.13 to determine if the amendment necessitates the dedication and/or construction of public improvements by the applicant.

**17-15-7. LOW DENSITY RESIDENTIAL (R-1A, RR, 1-R, 2-R, 3-R) STREET STANDARDS**

- (1) Purpose and Philosophy: The purpose of these standards is to create safe, livable and attractive streets. Properly designed streets provide for, police and fire emergency vehicle access, as well as attractive gathering places for neighborhood interaction. These standards also provide efficient access for public utility networks including water, sewer, electricity, telecommunications, gas services, trash disposal, postal and other delivery services. These standards are intended to assist in designing multi-functional streets with strong pedestrian orientation.
- (2) Objective: By utilizing Low Density Residential Street Standards, the community can achieve the following:
  - (a) Reduction in traffic related impacts.
  - (b) More attractive streetscape.
  - (c) Pedestrian friendly neighborhoods.
  - (d) Reduction in pavement width.

- (e) Reduction in the need to retrofit traffic calming elements in the future.
- (3) Urban Design: In an urban setting, such as Lakewood, Street Design Standards should address the following:
- (a) Contribute and aid in the creation of a sense of community.
  - (b) Add to a clearly defined neighborhood identity.
  - (c) Be designed with attention to pavement and right-of-way widths, alignment, spacing and setbacks, landscaping, green spaces and materials.
  - (d) Provide a benefit to the community including improved safety, improved site design, improved streetscape, improved identity or image, and the creation of a public place for neighborhood interaction.
  - (e) Be designed with attention to their configuration in both plan and section.
- (4) Street Function: Streets shall be designed according to their function. A variety and hierarchy of residential streets based on pedestrian and vehicular load is required. In designing residential streets attention should be given to the levels of accessibility, safety and convenience for all users. Under no circumstances will a residential street be designed for the sole purpose of vehicular movement.
- (5) Landscaping: Landscaping strips and trees as specified will create an improved appearance and street canopy effect. This appearance will assist in achieving the traffic calming objective. The street standards reflect minimum requirements.
- (6) Connectivity and Pattern: A single residential street is always to be considered a part of overall street network. Connectivity and continuity of pedestrian and vehicle movement accessing alternative ingress/egress paths to various destinations within the local, collector and arterial street network is desirable. Providing these connections will reduce traffic volume on any one street and minimize the length of time drivers can expect to spend in their vehicles. To provide the desired connectivity, the following design characteristics shall be considered:
- (a) Cul-de-sacs are discouraged, and only allowed when connectivity is unachievable.
  - (b) Block length shall favor the pedestrian. Distances between intersections shall be walkable (300-600 feet).
  - (c) The street pattern shall provide a safe environment for pedestrians, bicycle and motor vehicles.

- (d) The street pattern shall discourage excessive and inappropriate cut through traffic by well designed traffic calming measures (eg: landscaping), not by closures.
  - (e) The street pattern shall compliment the pedestrian, bicycle and open space networks.
  - (f) The design of residential streets shall control vehicular speeds while maintaining reasonable access requirements for emergency vehicles.
  - (g) The street designs will not create additional obligations on the Public Works and Police Departments. The street shall be designed to avoid future maintenance problems and the need for retrofitting (eg: speed humps). It shall be designed to minimize traffic speeds and volumes, and designed to maintain or reduce current maintenance demands or costs. Refer to Engineering Street Design Standards for standard details and cross sections.
- (7) Appeals Procedure:
- (a) Any appeal under this section 17-15-15 shall be made to the Director of Public Works or his designee.
  - (b) The Director shall hear the appeal within twenty (20) calendar days after receipt of a completed application. The Director shall make a written decision which shall be mailed to the applicant within fifteen (15) calendar days of said hearing.
  - (b) Any appeal from the decision of the Director shall be to the Planning Commission. A notice of appeal must be filed with the Secretary of the Planning Commission within ten (10) calendar days of receipt of the decision of the Director. The Planning Commission shall hold a complete, new hearing within thirty (30) calendar days of the filing of the notice of appeal. Those issues that have been adjudicated by the Director and not appealed are final. Any appeal of the final decision of the Planning Commission shall be to the Jefferson County District Court.
  - (d) Any appeal to the Planning Commission shall require payment of a fee prior to the consideration of the appeal. The amount of this fee shall be established by City Council resolution.

The following graphics illustrate two residential street standards:

**Low Density Residential Street (28 feet)  
(R1A, RR, 1R, 2R, 3R)**

The residential street (28 feet) is designed to provide access to individual properties as well as access and connection to the larger city wide street network of local, collector and arterial streets. The residential street provides for local neighborhood circulation and some through traffic movements. The residential street shall be designed to meet the following minimum standards:

**Sidewalks:** Detached sidewalks are required on both sides of the street and shall be placed in an easement dedicated to the City. Sidewalks shall be a minimum of 5 feet in width and separated from back of curb by a landscaped planting strip.

**Barrier curb and detached sidewalks:** They are required unless existing conditions in the field warrant combination curbwalk. Curb and gutter may be eliminated in a case by case basis. Refer to Engineering Design Standards.

**Landscaping:** A landscaped planting strip a minimum of 6 feet in width shall be provided between the back of curb and sidewalk. Street trees shall be planted at the street edge between the back of curb and the sidewalk at a minimum of 25 feet and a maximum of 40 feet apart.

**Streetscape:** Streetscape improvements required. Refer to Article 15.

**Tree Species:** Mixed species. Refer to approved street tree list.

**Planting Pattern:** Planted at mid point between curb and sidewalk edge spaced at 36' o.c.

**Parking:** Allowed on both sides of the street.

### **Low Density Residential Street (27 feet, 4 inches) (R1A, RR, 1R, 2R, 3R)**

The residential street (27 feet, 4 inches) is designed to provide access to a limited number of individual properties with few cut through trips anticipated. The residential street also provides access and connection to the larger city wide street network of local, collector and arterial streets. The residential street (27 feet, 4 inches) shall be designed to meet the following minimum standards:

**Sidewalks:** Detached sidewalks are required on both sides of the street and shall be placed in an easement dedicated to the City. Sidewalks shall be a minimum of 5 feet in width and separated from back of curb by a landscaped planting strip.

**Barrier curb and detached sidewalks:** They are required unless existing conditions in the field warrant combination curbwalk. Curb and gutter may be eliminated in a case by case basis. Refer to Engineering Design Standards.

**Landscaping:** A landscaped planting strip a minimum of 6 feet in width shall be provided between the back of curb and sidewalk. Street trees shall be planted at the street edge between the back of curb and the sidewalk at a minimum of 25 feet and a maximum of 40 feet apart.

**Streetscape:** Streetscape improvements required. Refer to Article 15.

**Tree Species:** Mixed species. Refer to approved street tree list.

**Planting Pattern:** Planted at mid point between curb and sidewalk edge spaced at 30' o.c.

**Parking:** Allowed only on one side of the street.



## WATERSMART PLANT LISTS

The following list is not comprehensive but intended to be used as a reference when choosing watersmart plant materials. Additional species or varieties within species listed below may be appropriate and will be reviewed by Staff upon submittal of a landscape proposal.

**Group 1 - WATER USE:** Once established, plant materials listed in this group can survive on approximately ½ inch of water every two weeks.

### Shrubs

Blue mist spirea  
Fernbush  
Gambel oak  
Currant  
Peashrub  
Rabbitbrush  
Apache plum  
Sage  
Lead plant  
Sumac  
Cliff rose  
Mountain mahogany  
Snowberry

### Ornamental Grasses

Little bluestem  
Switch grass  
Big bluestem

### Perennials

Blanket flower  
Prairie coneflower  
Poppy mallow  
Globe thistle  
Statice  
Chocolate flower  
Russian sage  
Evening Primrose  
Penstemon  
Pussytoes  
Blue Flax  
Jupiter's beard  
Sulphur flower

**Group 2 - WATER USE:** Once established, plant material in this group can survive on approximately ½ inch of water every week.

### Shrubs

Potentilla  
Creeping Grape Holly  
Lilacs  
Honeysuckle  
Mockorange  
Butterfly bush  
Kinnikinnick  
Euonymus  
Juniper  
Amur maple

### Ornamental Grasses

Indian grass  
Prairie cordgrass

### Perennials

Black-eyed susan  
Red hot poker  
Yarrow  
Hyssop  
Lamb's ear  
Pincushion  
Bachelor button  
Aster  
Ice plant  
Plumbago  
Rose campion  
Snow daisy  
Creeping thyme  
Sedum

**Group 3 - WATER USE:** Once established, plant material in this group can survive on approximately 1 inch of water every week.

Shrubs

Viburnum  
Chokecherry  
Daphne  
Spirea  
Serviceberry  
Mugo Pine  
Buckthorn  
Cherry  
Plum  
Spirea  
Barberry

Ornamental Grasses

Feather reed grass  
Fountain grass  
Maiden grass  
Blue fescue  
Blue oat grass  
Northern sea oats

Perennials

Purple coneflower  
Fireweed  
Shasta daisy  
Sweet woodruff  
Periwinkle  
Verbena  
Foxglove  
Delphinium  
Columbine  
Purple wintercreeper  
Tickweed  
Bellflower  
Spiderwort  
Gayfeather  
Windflower  
Day lily

**Trees** - The trees in this list can survive, once established\*, on approximately 1 inch of water or less every week.

Common Hackberry  
Honeylocust  
Ash  
Redbud  
Western Catalpa  
Hawthorns

Bigtooth maple  
Kentucky Coffeetree  
Pine (most species)  
Oak (most species)  
Goldenrain tree



## **ARTICLE 16: NONCONFORMING USES AND AMORITIZATION**

**17-16-1. ADMINISTRATION AND DEFINITIONS.** An application for a Nonconforming Use Certificate shall be submitted on forms approved by the Director of Community Planning and Development along with a fee in an amount established by City Council Resolution. Any nonconforming use may be revoked subject to Section 17-16-10. Any appeal of the decision regarding Nonconforming Use Certificates under this Section shall be to the Planning Commission.

For the purpose of this Article 16 the following definitions shall apply:

- (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, except as allowed in Section (5) below, 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, except for single household dwelling units or duplexes in the 4-R, and 5-R Zone Districts. 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) Except as provided herein, 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 August 30, 1980, located in a 4-R, or 5-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. A legal conforming two household dwelling unit, on August 30, 1980, 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. Further, a legal nonconforming multiple household dwelling in existence on or before August 27, 1989, located in a 4-R, or 5-R Zone District may be rebuilt or reconstructed and used as a multiple household dwelling containing a maximum of the same number of dwelling units that existed prior to the destruction or damage if a building permit for the structure(s) is applied for within one year after the destruction or damage occurred.

### **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 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, or at the discretion of the Director, a detached single household dwelling unit consistent with the provisions of the 2-R Zone District. The Director may waive or vary minimum open space, parking lot area, setback, and lot width requirements. The Director may grant said waiver or variance 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.

**17-16-6. NONCONFORMING KEEPING OF DOMESTIC LIVESTOCK AND PERMITTED DOMESTIC LIVESTOCK IN THE 3-R AND 4-R ZONE DISTRICTS.**

- (1) For property in the 3-R or 4-R Zone Districts the keeping of horses, cattle, sheep, goats, poultry, pigeons, rabbits, and chinchillas shall be permitted to continue as a permitted use only if they legally existed on the property at any time in 1987 and the keeping of such animals is in conformance with Section 17-5-9(5)(b).
- (2) The nonconforming keeping of horses, cattle, sheep, goats, poultry, pigeons, rabbits, and chinchillas may continue on a property in any other zone district by obtaining a Nonconforming Use Certificate.

The criteria and standards outlined in this Article shall be met prior to issuance of any certificate and the Nonconforming Use Certificate shall run with the property and be permitted to continue if the subject property is sold, transferred, or bequeathed so long as the criteria below continues to be met.

Criteria.

- a) Nonconforming Use Certificate may be issued if a complete application is submitted within ninety (90) days of the effective date of this Ordinance and if the application meets the following criteria:
  1. The property contains an occupied legally conforming or legally nonconforming single household dwelling unit.
  2. The keeping of such animals is in conformance with the domestic livestock standards listed in Section 17-5-9(5)(b)(1).
  3. A scaled site plan of the property is submitted.
  4. If an adjacent property is not allowed to keep livestock and a house on that property is located within fifty (50) feet of the common property line and a six (6) foot solid fence is not existing on the common property line between the adjacent property and where animals are kept, the applicant requesting approval of the nonconforming use of domestic livestock shall construct and maintain a six (6) foot solid fence along the common property line between the adjacent property and where the animals are kept. For the purpose of this paragraph, solid fence means a fence with five (5) percent or less open space in its vertical surface.
  5. Number of animals allowed. The nonconforming use application shall not be granted for more animals than the property is entitled to as regulated in Section 17-5-9(5)(b)(1). If a Nonconforming Use Certificate is issued it shall state the number of animals allowed on the property and such number shall not exceed the number permitted.

6. Species of animals allowed. The applicant shall submit evidence to clearly establish the specific species and number of animals that legally existed on the subject property at any time in 1987. The determination of what domestic livestock was on the property shall be made by the Director of Community Planning and Development or his designee after reviewing all evidence submitted in relation to the application for a Nonconforming Use Certificate for domestic livestock. The Nonconforming Use Certificate shall be designated the allowance to have only the species of domestic livestock determined to have legally existed on the property at any time in 1987.

**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. REVOCATION OF ANY NONCONFORMING USE.** Any nonconforming use may be revoked by the Director of Community Planning and Development if:

- (1) Violations of the Lakewood Municipal Code related to the nonconforming use are not resolved within thirty (30) days of issuance of an official notice of violation, and/or
- (2) There are recurring violations related to the nonconforming use to the property owner or persons in association with the nonconforming use.
  - a) Procedures. The Director shall notify the property owner in writing stating the time and place for an administrative hearing. The purpose of the hearing shall be for the Director to determine whether revocation of the nonconforming use or other legal action should be pursued. Written notice of the hearing shall be provided at least ten (10) days prior to the hearing to the person owning the property on which the nonconforming use is located.

Following the hearing, the Director shall issue a decision either revoking or allowing continuance of the nonconforming use. This decision may be appealed to the Planning Commission only upon written request. The request shall be filed with the Secretary to the Planning Commission no later than thirty (30) days after the Director's decision. The appeal shall be conducted as a public hearing in accordance with Section 17-6-2(10)(a). The revocation of the nonconforming use shall require the use to terminate. After revocation, the property owner or any other person may not apply for a Nonconforming Use Certificate or be allowed to continue the nonconforming use on the property.

The City, in addition to any other remedies provided in this Ordinance or by law, may institute injunction, mandamus, abatement, or any other appropriate action or proceeding to prevent, enjoin, abate, or remove such violation.

**17-16-11 AMORTIZATION.** Uses which are made nonconforming by Ordinance O-2002-42, regulating the number of unrelated individuals in a single family dwelling unit, shall be brought into conformance by December 31, 2005.

## **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. In addition to the pre-application review, the applicant shall meet with residents and persons owning property in the vicinity of the site prior to filing a formal rezoning application in accordance with the Neighborhood Referral Program which is hereby established. The meeting shall take place pursuant to the Neighborhood Referral Program administrative guidelines which shall be adopted by resolution.
- (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 Manager 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.
  - c) For property which has been previously zoned PD or a comparable zoning in the jurisdiction from which it is being annexed, see Section 17-5-22.

### **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 pre-application review with the Department of Community Planning and Development. No application for rezoning shall be accepted until after the pre-application review is

completed and written notification of the Department's conclusions is received by the applicant.

- b) In addition to a pre-application review with the Department of Community Planning and Development, the City Engineer shall review the rezoning application to determine if public improvements may be necessitated as a result of the zoning or rezoning. If public improvements are necessary, the standards, criteria, timing, and extent of the public improvements as specified in Chapter 14.13 of the Lakewood Municipal Code shall apply.

- 1. The extent of existing and contemplated development of the surrounding area.
- 2. The need to ensure 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, the 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.

- (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 pre-application 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 (8 1/2) 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 pre-application 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 pre-application review, the Department of Community Planning and 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.
- (6) After receiving the written conclusions of the pre-application review, but prior to filing a formal application, the applicant shall meet with residents and persons owning property in the vicinity of the site in accordance with the Neighborhood Referral Program. Notification for said meeting shall be as provided in Subsections 17-17-4(1)(b) and (c) of this Ordinance.

### **17-17-3. APPLICATION PROCEDURE.**

- (1) An application for a rezoning shall be submitted on forms approved by the Director of Community Planning and Development. 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
- (2) If the requested rezoning for the parcel is for a Planned Development District, the applicant also shall include with the application all information required by Section 17-5-22.
- (3) An application for a rezoning shall be accompanied by a Conceptual Site Plan.
  - a) The Conceptual Site Plan is intended to supply enough information about the development for the Director of Community Planning and Development to evaluate and for the Planning Commission and City Council to make a decision on the rezoning application. The information to be supplied will be determined by the Director of Community Planning and Development as part of the pre-application review, but should generally include:
    - 1. The site characteristics.
    - 2. The density and intensity.
    - 3. General circulation and location of building(s) and parking area(s).
    - 4. The amount of the site devoted to structure, open space and parking.
    - 5. Compatibility with surrounding land uses.
  - b) The Conceptual Site Plan shall be considered part of the rezoning application.

- c) The Conceptual Site Plan will be required as follows:
1. Applications for 3-R through 6-R, OF, 1-C through 5-C, and IN or PD zones shall be accompanied by a Conceptual Site Plan.
  2. Applications for R-R, R1A, 1-R, 2-R, and single-family homes in 3-R will not normally require a Conceptual Site Plan. However, if the application involves an area of significant natural features or constraints, or involves an infill situation with more than three (3) units, or other similar situations, the Director of Community Planning and Development may require such a plan.
- d) The Director of Community Planning and Development may waive or defer the requirement for the Conceptual Site Plan for: a) City-initiated rezonings, b) rezonings related to an annexation, and c) other situations for which the Director determines that the requirement for a Conceptual Site Plan at the time of rezoning is not in the best interest of the City. If the requirement for a site plan is deferred, the Planning Commission shall consider the Conceptual Plan at a subsequent public hearing prior to the issuance of building permits. The reasons for waiving or deferring the Conceptual Site Plan requirement shall be incorporated into staff recommendations to the Planning Commission on the rezoning request. The Planning Commission or City Council may require a Conceptual Site Plan even if it has been waived or deferred by the Director of Community Planning and Development.
- e) Decisions of the Director of Community Planning and Development may be appealed to the Planning Commission by the applicant.
- f) The Final Site Plan shall conform to the approved Conceptual Site Plan, or the Director of Community Planning and Development must determine that the changes are minor. Decisions of the Director of Community Planning and Development may be appealed to the Planning Commission. If the changes are substantial, a public hearing on the Final Site Plan will be held by the Planning Commission. The decision of the Planning Commission on a Final Site Plan is final.

Criteria to be used by the Director of Community Planning and Development in determining whether a change is substantial are as follows:

1. Whether or not the plan has the same character and same basic arrangement of buildings, parking and open space.
2. Whether or not the change adversely affects the surrounding area.
3. Whether or not the change constitutes more than a five (5) percent increase in gross floor area or the number of dwelling units.

4. Whether or not the change reduces the amount of usable open space, reduces the recreational amenities, or amount of landscaped area by more than five (5) percent or does not adversely affect natural features which were preserved with the Conceptual Site Plan.
  - g) If City regulations have changed since the approval of the Conceptual Site Plan and the submittal of the Final Site Plan; and if the regulations cannot be met on the Final Site Plan without major deviation from the approved Conceptual Site Plan, a public hearing before Planning Commission will be held on the Final Site Plan.
- (4) If an application proposes a rezoning to a zone district listed in Section 17-15-1, a Final Site Plan which complies with selected requirements of Article 15 may be required rather than a Conceptual Site Plan.
  - a) By the Director of Community Planning and 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;
  - c) By the City Council, to be filed prior to completion of its hearing on the rezoning ordinance. If the City Council requires the Final 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 Final Site Plan may be required pursuant to Subsection (3) above unless the Director of Community Planning and Development, Planning Commission, or City Council determines that the Final Site Plan is essential to a determination that the proposed rezoning and method of development of the property will be compatible and consistent with the Comprehensive Plan.
- (5) 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.
- (6) The Department of Community Planning and 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 to be held not later than forty-five (45) days after all studies and plans submitted with the application have been approved by staff unless the hearing is continued by action of the Planning 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) It shall be the obligation of the applicant, unless otherwise waived by the City, to provide notice of the hearing to the following people or entities:
    - i. The fee owners of the subject property(ies). Notice to one fee owner shall be considered notice to all other owners of the property.
    - ii. The applicant.
    - iii. The fee owners of real property within 500 feet from the boundary of the subject property(ies).
    - iv. The registered representative of neighborhood homeowners organizations which qualify for notice by having registered with the Department annually during the month of January of each year and provided the Department with the name and address of a current representative and a current map, approved by the Department, which shows the boundaries of the area represented by the organization, if any boundary of the organization as shown on the map registered with the Department falls within 1,000 feet of the subject property(ies).

At least forty-five (45) days prior to the Planning Commission hearing, the applicant shall provide to the City a current assessment map(s) from the applicable county assessor's office showing the property or properties which are the subject of the hearing, as well as those properties subject to the notice requirements of this Subsection 17-17-4(1). Said assessment map(s) shall indicate the assessor's ID number(s) of the subject property(ies) and shall indicate the assessor's ID numbers of all surrounding property(ies) to a distance of 1,000 feet, as required by 17-17-4(1)(b)(iii) above.

Within ten (10) days of the applicant submitting the map, the City shall draw on the assessment map(s) a boundary encircling the property(ies) which is/are the subject of the hearing. This boundary will encircle all property as set forth in 17-17-4(1)(b) (iii) above.

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

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

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

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

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

- c) The City shall return the mailing labels to the applicant, along with mailing labels for all registered neighborhood associations and organizations subject to the notice provisions established in 17-17-4(1)(b) above. The City will also provide to the applicant a sufficient number of copies of a letter of notification, printed on City letterhead and City envelopes. At least fifteen (15) days prior to the date of the Planning Commission hearing, the applicant shall mail said notification letters using the envelopes provided by the City, via first class mail to all persons and entities listed on the mailing labels.
- d) The applicant shall erect upon the property, or aggregate of properties described within the application and to which the application applies, one or more signs containing notice of the public hearing which shall include the date, time and place the hearing will be held and the nature of the land use requested. 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) consecutive days prior to the date of such hearing. The applicant shall certify in writing to the Secretary of the Planning Commission prior to the public hearing that the signs were posted on the property in accordance with this paragraph.

- e) 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 six (6) days prior to the date of the hearing.
  - f) The applicant shall certify in writing to the Secretary to the Planning Commission, prior to the public hearing, that the lists submitted in accordance with (b) above were obtained from the most current records of the applicable county assessor, and that letters of notification were mailed in accordance with (c) above.
  - g) Failure of the applicant to provide the certification required in paragraphs (d) and (f) of this subsection shall cause the public hearing to be postponed 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 recommendations 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 recommendations 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.
- (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.

**17-17-5. WRITTEN OBJECTIONS AND TRANSCRIPT OF HEARING.**

- (1) After receipt by the City Council of the written findings and recommendations and notice described in Section 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) Any person who objects to a finding or the recommendation of the Planning Commission may file a written statement with the Secretary to the Planning Commission 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. This objection must be filed with the Secretary to the Planning Commission at least ten (10) days prior to the public hearing before City Council.
- (3) Within five (5) days after receipt of a written objection, the staff of the Department of Community Planning and 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 Section 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 Planning and 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 consideration hearing thereon, shall be provided pursuant to the procedures set forth in Section 17-17-4(1) except that the City Clerk shall perform the responsibilities assigned therein to the Secretary to the Planning Commission. However, notwithstanding the provisions of Section 17-17-4(1)(e), the public hearing and consideration by the City Council of the rezoning ordinance shall not be less than ten (10) days from the date of publication in an official paper or paper of general circulation in the City.
- (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 it is demonstrated:
  - 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) The proposal as evidenced by the Conceptual Site Plan, is compatible with surrounding uses; or in the case of redevelopment that the proposal is an improvement to the area; and
  - c) The proposal as evidenced by the Conceptual Site Plan, enhances significant natural characteristics of the site by preservation or incorporating the features into the development's open space; and
  - d) The proposed as evidenced by the Conceptual Site Plan and/or Official Development Plan, shall comply with the Performance-Based Review Process contained in Article 7 of this Zoning Code; and
  - e) At least one of the following additional factors exist:
    - 1. The proposed rezoning is consistent with the goals of 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 CITY-INITIATED LEGISLATIVE REZONING AFFECTING A LARGE NUMBER OF PROPERTIES.**

Notwithstanding any other provision of this Article 17, only the following procedures shall be required for comprehensive City-initiated legislative rezonings affecting a large number of properties and occurring subsequent to the effective date of this Ordinance:

- (1) The City Manager of the City of Lakewood, or his or her designee, may initiate a request for a legislative rezoning of property within the City upon a determination that:
  - a) The proposed rezoning affects a large number of properties and the proposed rezoning is not limited only to a specific individual or readily identifiable group of individuals; and,
  - b) It would be inefficient, cumbersome, and unduly burdensome on the resources of the City to rezone the potentially affected properties in a quasi-judicial manner on a site-by-site basis; and,
  - c) The rezoning is prospective in nature and reflects public policy of a permanent or general character impacting the City on a scale greater than at the individual property level; and,
  - d) The proposed rezoning is intended to:
    - a. Implement specific goals or objectives of the City's Comprehensive Plan; and/or,
    - b. Rezone a large number of properties to a newly created zone district in a manner consistent with the goals or objectives of the City's Comprehensive Plan.
- (2) For purposes of this Section, a rezoning affecting fifty (50) or more individual parcels of property is presumed to affect a large number of properties.
- (3) The process for legislative rezoning shall involve public hearings before the Planning Commission and City Council, and shall follow the procedures as set forth in this subsection (3).

- a) Notice of the Planning Commission hearing and the subsequent City Council hearing shall include the date, time, and place of the hearing, together with a general statement of the nature of the rezoning, the general boundaries of the area affected, and a statement that the process shall be conducted as a legislative matter in accordance with this Section. Such notice shall be published in an official paper or paper of general circulation in the City at least fifteen (15) days prior to the date of the hearing. Notice to individual landowners whose property is being rezoned shall not be required, but is desirable. At the discretion of the City Manager and as a courtesy to property owners, a copy of the published notice may be sent by first class mail to the owners of record of the properties to be rezoned and notice may be posted in or near the areas to be rezoned.
  - b) During the fact-finding hearing, the Planning Commission and City Council 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 and City Council may, in their sole discretion, hear and consider any other relevant statement or evidence, written or oral.
  - c) Within sixteen (16) days after the hearing, the Planning Commission shall provide to the applicant and the City Council its written findings and recommendations 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 recommendations also shall be mailed to any other person who requested in writing a copy thereof.
  - d) After receipt by the City Council of the written findings and recommendations of the Planning Commission, an ordinance embodying the proposed rezoning shall be placed on the agenda of a meeting of the City Council for first reading.
  - e) The notice provisions set forth in 3(a) above shall be performed by the Secretary to the Planning Commission for fact finding hearings relating to the Planning Commission and by the City Clerk for fact finding hearings related to the City Council.
- 4) In lieu of the standards outlined in Section 17-17-7, no legislative rezoning ordinance shall be approved by Planning Commission or City Council unless it is demonstrated and found that:
- a) The rezoning affects a large number of properties and the proposed rezoning is not applicable only to a specific individual or readily identifiable group of individuals;
  - b) It would be inefficient, cumbersome, and unduly burdensome on the resources of the City to rezone the potentially affected properties on a site-by-site basis;
  - c) The rezoning is prospective in nature and reflects public policy of a permanent or general character impacting the City on a scale greater than at the individual property level;

- d) The proposed rezoning is consistent with and will implement the goals of the City's Comprehensive Plan;
  - e) The proposed rezoning promotes the health, safety or welfare of the inhabitants of the City and the purposes of this Ordinance;
  - f) The proposed rezoning is in the public interest.
- (5) Judicial review of an ordinance adopted pursuant to this Section shall be by petition to district court pursuant to the requirements of Colorado Rule of Civil Procedure 57.

**17-17-9. WHEN REZONING APPLICATIONS ARE NOT ACCEPTED.** 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:

- (1) Denial by the Planning Commission of the rezoning application without an appeal to the City Council;
- (2) Withdrawal of the rezoning application occurring after the Planning Commission has voted on the rezoning application and prior to the vote by the City Council on the rezoning ordinance; or
- (3) The vote by the City Council denying or approving the rezoning ordinance.

**17-17-10. ZONING CONDITIONS.** The Planning Commission may recommend and the City Council may adopt an ordinance initially zoning or rezoning property which includes specific conditions binding upon the owner of the property, his successors, heirs and assigns. Examples of such conditions are the requirement that certain actions such as subdivision platting be completed prior to building permit issuance, further regulation of the use of the property itself such as specific use requirements, site plan requirements, height restrictions, or public improvement construction.

- (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 continuous 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.



## **ARTICLE 18: SITE SPECIFIC DEVELOPMENT PLAN**

**17-18-1. PURPOSE.** The purpose of this Article is to provide the procedures necessary to implement the provisions of Article 68 of Title 24, C.R.S., as amended. (As amended by 0-88-11.)

**17-18-2. GENERAL PROVISIONS.** The Planning Commission may recommend and the City Council may adopt an Ordinance approving a Site Specific Development Plan. Approval of a Site Specific Development Plan pursuant to this Article shall create a vested property right. The approval may include such terms and conditions as are necessary to protect the public health, safety and welfare, and failure to abide by such terms and conditions may result in a forfeiture of the vested property rights.

**17-18-3. APPLICATION.**

- (1) An owner of property who seeks to cause rights to vest may file an application for approval of a Site Specific Development Plan, as defined in Article 2, Section 17-2-2(379) of this Zoning Ordinance. Each application shall be signed by the fee owner of the property, or his authorized agent. Each such application shall be accompanied by a fee to be established by City Council Resolution to cover necessary costs related to processing the application.
- (2) The Director of Community Planning and Development may require an application for approval of a Site Specific Development Plan to include any of the items listed below.
  - a) Site Plan meeting the requirements of Article 15 of this Zoning Ordinance;
  - b) Landscape Plan meeting the requirements of Article 15 of this Zoning Ordinance;
  - c) Building Elevations meeting the requirements of Article 15 of this Zoning Ordinance;
  - d) Preliminary Drainage Study;
  - e) Grading Plan;
  - f) Traffic Study;
  - g) Utility Plan;
  - h) Soils/Geologic Report; and
  - i) Preliminary Construction Plans for Required Public Improvements.

**17-18-4. NOTICE OF HEARING.**

- (1) No Site Specific Development Plan shall be approved until after noticed public hearing before the Planning Commission and City Council have been held. The Planning Commission and the City Council shall follow the notice procedures set forth in Section

17-17-4(1) of this Zoning Ordinance. Such notices and hearings may, at the City's option, be combined with the notice and hearings for the types of plan approval set forth in the definition of Site Specific Development Plan found in Section 17-2-2 of the Lakewood Zoning Ordinance.

- (2) A Site Specific Development Plan shall be deemed approved upon the effective date of the Ordinance relating thereto. Within 14 days following such approval, a notice describing generally the type and intensity of use approved, the specific parcel or parcels of property affected, and stating that a vested property right has been created shall be published once in a newspaper of general circulation within the City.

#### **17-18-5. DURATION OF RIGHT AND TERMINATION.**

- (1) A property right which has been vested, as provided for in this Article, shall remain vested for a period of three (3) years. In the event amendments to the Site Specific Development Plan are processed and approved, the effective date of such amendments, for purposes of the duration of the vesting period, shall be the date of the approval of the original Site Specific Development Plan, unless the amendments are approved by City Council and City Council specifically finds to the contrary and incorporates such findings in an approval of the amendment.
- (2) The City may conduct periodic subsequent reviews of the development and require the owner of the property to demonstrate compliance with the terms and conditions of the original approval. Failure to establish such compliance may result in a notice of forfeiture from the Director of Community Planning and Development.
  - a) Upon receipt of a notice of forfeiture, an owner or his authorized agent may file a written request, within five (5) working days of receipt, that the Director reconsider his decision. The request for reconsideration shall state the grounds therefore and shall specifically describe the actions which constitute compliance with the terms and conditions of approval. No appeal to the Planning Commission shall be permitted unless a request for reconsideration is timely filed with and denied by the Director.
  - b) Denial or a request for reconsideration may be appealed according to the procedures set forth in Section 17-15-4 of this Zoning Ordinance.

#### **17-18-6. OTHER PROVISIONS UNAFFECTED.**

- (1) Approval of a Site Specific Development Plan shall not constitute an exemption from or waiver of any other provisions of the Municipal Code pertaining to the development and use of property. Nor shall it preclude the application of ordinances or regulations which are general in nature and applicable to all property subject to land use regulation in the City of Lakewood.
- (2) Upon the discovery of natural or man-made hazards on or in the immediate vicinity of property on which a Site Specific Development Plan has been approved, which hazards could not have been reasonably discovered at the time of the approval, and where such hazards, if uncorrected, would pose a serious threat to the health, safety or welfare, the City

may alter, amend, or repeal its approval of the Site Specific Development Plan as necessary to protect the public health, safety and welfare.

**17-18-7. DEVELOPMENT AGREEMENTS.** In conjunction with approval of a Site Specific Development Plan pursuant to this Article, the City Council may enter into a Development Agreement with an owner providing that property rights shall be vested for a period exceeding three (3) years where Council finds such to be warranted in light of all relevant circumstances, including, but not limited to, the size and phasing of the development, economic factors, and market conditions.

**17-18-8. LIMITATIONS.** No approval of any site plan, or other land use plan, by the City, other than a Site Specific Development Plan approved pursuant to this Article, shall be deemed to vest a property right pursuant to Article 68, Title 24, C.R.S., as amended.

**17-18-9. FEES.** City Council may by Resolution establish fees to cover the costs of processing a Site Specific Development Plan.



## **ARTICLE 19: THE WEST COLFAX AVENUE OVERLAY DISTRICT**

**17-19-1. OVERLAY DISTRICT INTENT.** The West Colfax Avenue Overlay District is recognized to be of special and substantial public interest due to its significant tax base contributions and to its unique urban character within the Denver metropolitan area. In recognition of the public interest and in conformance with the West Colfax Revitalization Plan, the West Colfax Avenue Overlay District (District) is hereby established. The District is intended to:

- (1) Support and stimulate commercial vitality within the District.
- (2) Contribute to economic development and revitalization of the District.
- (3) Provide mechanisms that encourage flexibility in the physical and economic revitalization of the District.

**17-19-2. WEST COLFAX AVENUE INTENT.** Within the District, West Colfax Avenue specifically serves as a major transportation route, the center of community commerce, and the character essence of the District. These functions require that properties fronting West Colfax Avenue be recognized and enhanced in a distinctive and special manner separate from the rest of the District. In recognition of these unique functions, West Colfax Avenue is intended to:

- (1) Create design continuity for West Colfax Avenue through the use of special urban design standards.
- (2) Advance and promote a pedestrian-friendly environment in the District.
- (3) Provide sign standards that stimulate innovative and creative sign design that supports the unique character of West Colfax Avenue.

**17-19-3. APPLICABILITY AND EFFECTS.** Within the District generally and specifically along West Colfax Avenue, these standards are expected to enhance the identity of the District while encouraging cohesive development and increased economic vitality. These standards set a benchmark for development and should be applied whenever possible. It is recognized that in some situations, it will not be possible for all of the City standards to be met.

- (1) The standards contained in this Article shall apply to all property within the District as defined by the City of Lakewood Official Zoning Maps. There are additional design standards that apply only to properties fronting on West Colfax Avenue. Underlying zone district designations shall not be affected by this District except to the extent that where District standards conflict, the District shall supersede the underlying zoning. For properties in the District zoned Planned Development (PD), the owner shall have the option to adhere to either the District standards or the approved Official Development Plan.

- (2) Within this District the following regulations, standards, and guidelines shall apply:  
West Colfax Design Guidelines, Uniform Building Code and other applicable building and construction regulations, City of Lakewood Flood Plain Ordinance, Colorado Department of Transportation Access Code requirements, City of Lakewood Engineering Standards, City of Lakewood Transportation Design Standards, and applicable provisions of the Lakewood Zoning Ordinance. Where conflicts occur regarding development requirements, the provisions of this District shall supersede those of the Zoning Ordinance, Chapter 14.13 of the Municipal Code, Public Improvements Exaction Policies except as provided in (4) below.
- (3) Properties within this District shall be exempt from the requirements of the Park Land Dedication and Park Development Fee Ordinances.
- (4) All properties within this District with West Colfax Avenue frontage shall be subject to the City-wide Public Improvements Exaction Policies relating to the Colfax Streetscape.
- (5) West Colfax Avenue frontage shall be defined as any property that directly adjoins or fronts the West Colfax Avenue right-of-way within the City of Lakewood.
- (6) Property, for purposes of this Article, shall be defined as a tract of land, held in individual or joint ownership, established either by a recorded subdivision plat or by written, recorded conveyance.
- (7) Story, shall be defined as the height between the successive floors of a building. For the purpose of this section, the average height for a story shall be defined to be 12 feet.

#### **17-19-4. APPROVAL AND FLEXIBILITY.**

- (1) Intent: It is recognized that many different situations exist within the District, which may require flexibility in the application of City standards to a project site. Each site shall be considered on its own merits, attributes, and by its constraints, which are unique to each site and in consideration of the broad District goals of furthering Colfax character, commercial vitality, and revitalization.
- (2) The Department shall require a site plan in accordance with the format requirements and procedures of Article 15 Site Development Standards and the standards herein for the following:
  - (A) Any major addition to existing buildings greater than 50% increase in gross floor area on any property in the District, or 20% or greater increase in gross floor area for properties with 150 feet or more of Colfax frontage. Increases in gross floor area are cumulative and are calculated from the size of the building as it legally existed on or before August 28, 1980.
  - (B) Rezoning (A Conceptual Site Plan may be substituted for a full Article 15 site plan with Director approval.)

(C) Redevelopment of an existing and/or vacant site.

(D) New development on vacant lots.

- (3) The Director may require a Conceptual Site Plan as described in 17-17-3(a) of the Zoning Ordinance or any other relevant information necessary for adequate review for site improvements, which may include new or changed signs, decks, landscaping, or buildings which constitute a minor addition. A minor addition shall be considered to be less than a 20% increase in gross floor area for any property within the District, or less than a 50% increase in gross floor area for properties with less than 150 feet of Colfax frontage.
- (4) Site plans shall be subject to the standards listed herein and the review and approval requirements of Article 15. Any requested appeals from the standards of this District or the underlying zone district shall be subject to the procedures of Articles 4 and 15 of the Zoning Ordinance, as appropriate. For purposes of this District, the standards contained herein shall be subject to Director administrative authority contained in Article 15 of the Zoning Ordinance.

**17-19-5. WEST COLFAX AVENUE STREETSCAPE STANDARDS.**

- (1) Intent: West Colfax Avenue has a character that can be described as eclectic, strip corridor, "Main Street" development. Due to a variety of development standards over a long period of years and the diversity of land uses, architecture, signage, and building placement along the West Colfax Avenue corridor, a common streetscape design is critical to create a cohesive appearance along the Colfax Avenue frontage. The design standards differentiate the "urban" and "suburban" character areas which exist along the corridor (see Figure 19-1). The urban segment is generally the Colfax corridor east of Iris Street. The "urban" streetscape design for the Colfax Avenue frontage is generally characterized by buildings constructed close to the street and a streetscape consisting of brick pavers, attached sidewalk, low brick walls, planters, and a row of street trees in a landscaped strip. The suburban segment is generally the Colfax corridor west of Iris Street. The "suburban" streetscape design consists of brick pavers, a detached sidewalk, and a row groupings of street trees in landscaped areas next to the street.
- (2) West Colfax Avenue Streetscape Standards (see Table 19-3B, Landscaping Specifications for the streetscape):
- (A) Urban Segment: The urban segment shall be defined as West Colfax Avenue frontage, east of Iris Street to Sheridan Boulevard: A 20 foot wide area, as measured from back of curb, shall be provided along the Colfax frontage, extending around any street corner to include the full radius. This area shall include items 1, 2, and 3 below (see Figure 19-2) and shall, as much as possible considering development constraints in order of priority, include items 4, 5, and 6 listed below:

- (1) A six foot wide concrete walk;

- (2) Street trees (in tree grates where appropriate), planted 35 feet apart, set back 11 feet from curb flowline, and 25 feet from point of curb return at intersections;
- (3) A two foot wide, brick pavement strip adjacent to the curb;
- (4) A planted area adjacent to the sidewalk, 12 feet wide minimum, landscaped with approved ground cover, shrubs, and trees (see Table 193A, Plant Materials List);
- (5) Free-standing masonry, concrete, brick walls, and/or planters setback ten feet from the curb flowline. Masonry/brick walls, or other approved visual edge continuations, shall be required when parking lots or vehicle display areas front directly on Colfax Avenue. Walls or other visual continuity may include intermittent breaks or gaps to permit appropriate display of automobiles or other similar merchandise; and
- (6) Pedestrian scale lighting and/or approved bollards.

(B) Suburban Segment: The suburban segment shall be defined as West Colfax Avenue frontage, west of Iris Street to Youngfield Avenue: A 20 foot wide landscape area, as measured from back of curb, shall be provided along the Colfax frontage, extending around the corner to include the full radius. This area shall include items 1, 2, and 3 below (see Figure 19-3) and shall, as much as possible considering development constraints in order of priority, include items 4, 5, and 6 listed below:

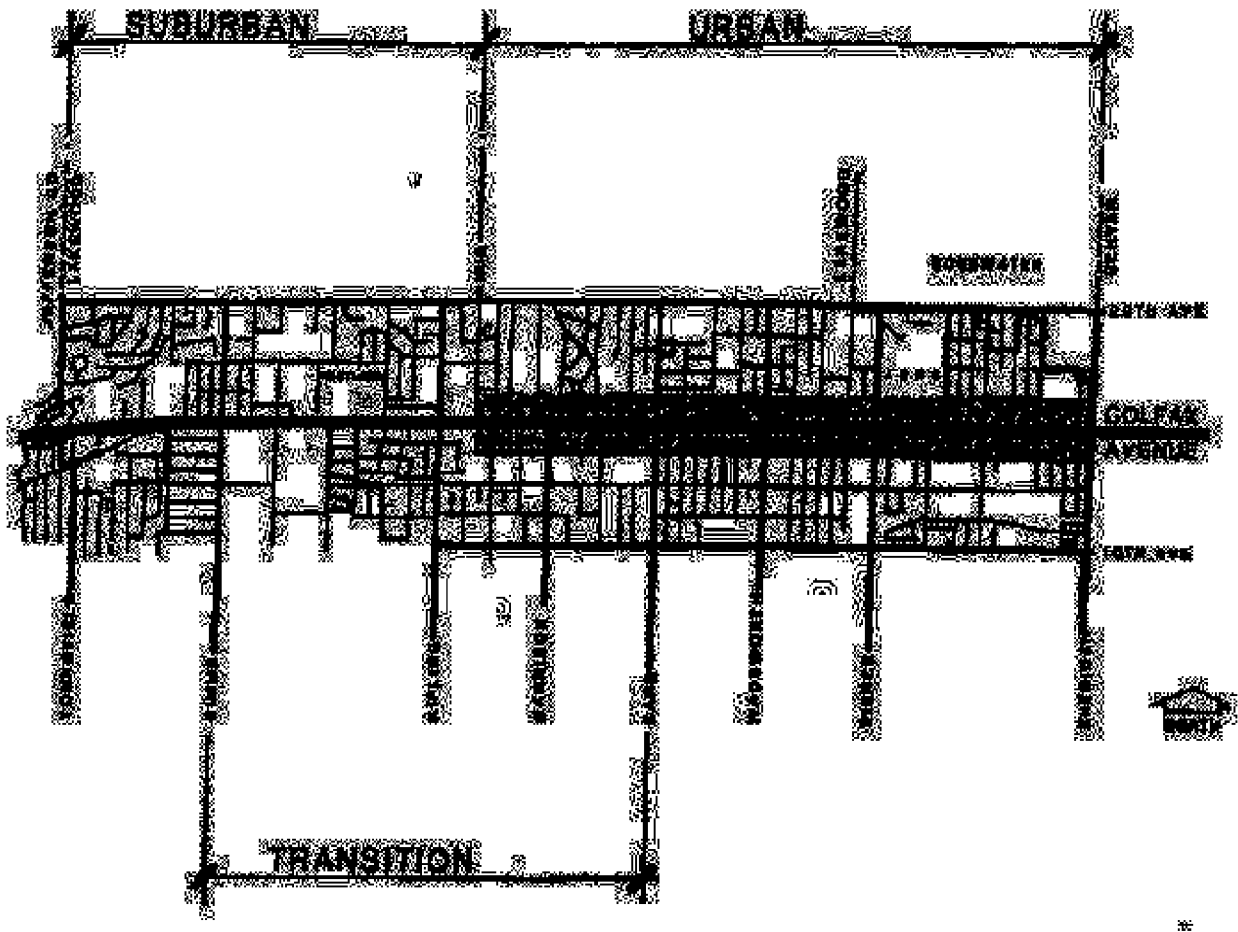
- (1) A five foot wide sidewalk, separated from the brick pavement strip by a planted area. The sidewalk shall be placed no closer than six feet from the curb;
- (2) Street trees, averaging 35 feet apart, planted 11 feet minimum from the curb flowline, and 25 feet from point of curb return at intersections;
- (3) A two foot wide brick pavement strip adjacent to the curb;
- (4) A minimum 12 feet wide planted area, including areas on either side of the sidewalk, containing approved street trees, shrubs, and appropriate ground cover (see Table 19-3A, Plant Materials List);
- (5) Landscaped berms, lighting, walls, evergreen shrubbery, and/or planters shall be provided to screen parking and vehicular display areas, which front on Colfax. Walls shall be set back ten feet from the curb flowline. Masonry/brick walls or other approved visual edge continuations, shall be required when parking lots or vehicle display areas front directly on Colfax Avenue. Walls or other visual continuity may include intermittent breaks

or gaps to permit appropriate display of automobiles or other similar merchandise; and

(6) Pedestrian scale lighting and/or approved bollards.

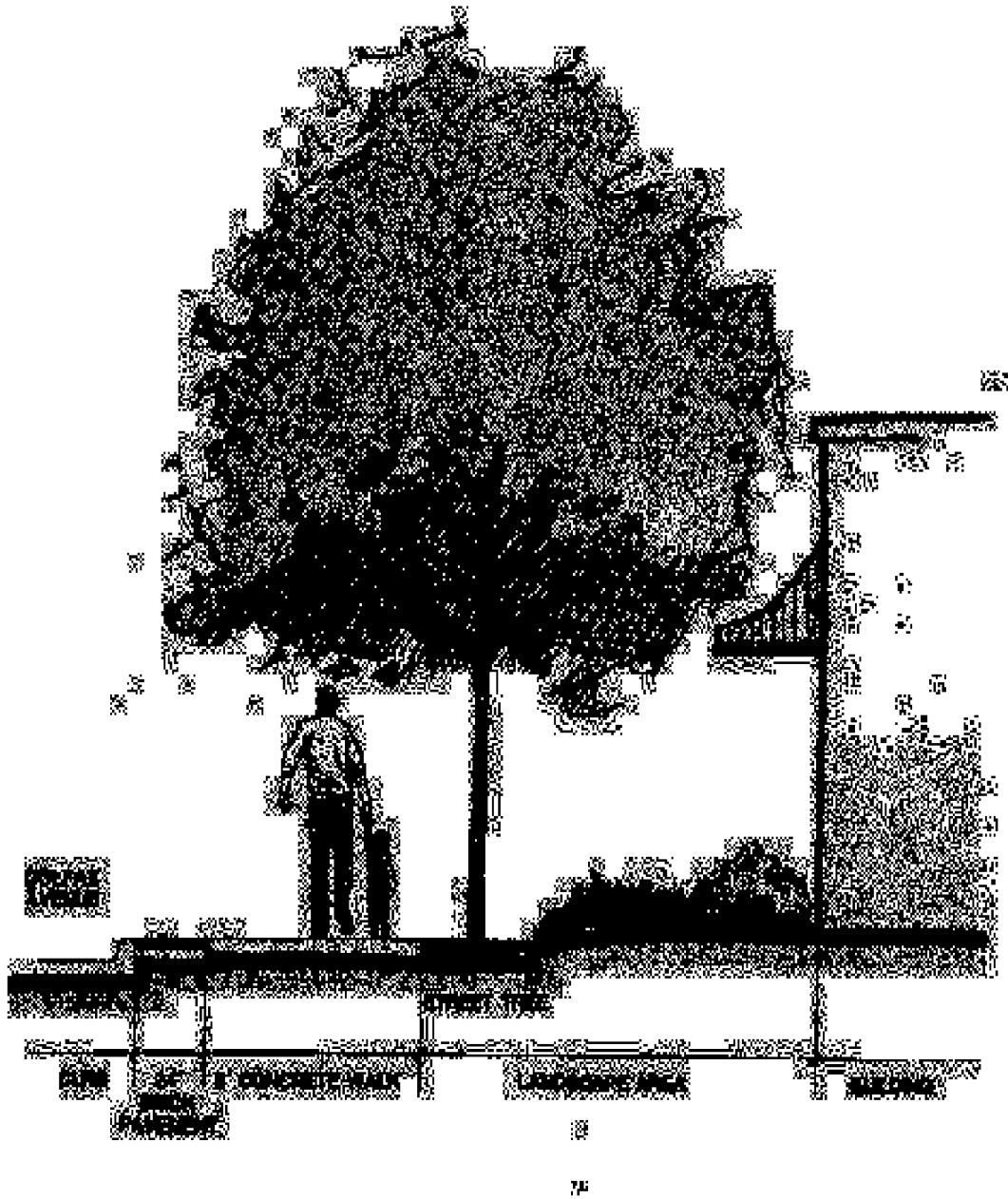
(C) Transition Segment: The transition segment shall be defined as West Colfax frontage, between Carr and Simms Street: Due to existing conditions, it may not be possible to construct the Urban or Suburban treatment as intended. When necessary, due to insufficient space, site conditions, or other development constraints and with Director approval, the required streetscape standards may be modified if an alternative treatment is approved and provided. The minimum streetscape treatment shall, in all cases, include the sidewalk, a row of street trees, and the brick pavers.

**FIGURE 19-1**



**URBAN AND SUBURBAN TREATMENT SECTIONS**

**FIGURE 19-2**



**TYPICAL URBAN STREETSCAPE TREATMENT**

**FIGURE 19-3**



**TYPICAL SUBURBAN STREETScape TREATMENT**

**17-19-6. BUILDING SETBACK AND SEPARATION STANDARDS.**

(1) Intent: Building setbacks in the Urban Segment are intended to foster the urban character and to reflect existing setbacks along West Colfax Avenue. Setbacks in the Urban section are characterized by locating buildings close to the street curb. setbacks in the Suburban Segment are less rigid and are intended to permit flexibility in building location. It is recognized that, in some instances, buildings may be set back further from the street with parking in front of the buildings than is suggested by the minimum setback. In those cases, visual street continuity should be provided by a full streetscape treatment. Building separations are intended to buffer the commercial intensity, which occurs along Colfax Avenue from the adjacent residential uses.

(2) Standards:

(A) Front Setbacks: All setbacks are minimum unless otherwise stated below and shall be measured from back of right-of-way curb to structure wall.

(1) Urban Segment: 20 feet; 20 feet maximum is also strongly encouraged. If the building is set back more than 20 feet, other means of visual continuity along the street shall be provided, to include: streetscape treatment, walls, planters, plaza, pedestrian lights, or other special treatments.

(2) Suburban Segment: 20 feet.

(3) Setbacks for Projections: Projections up to seven feet into front setbacks may be permitted if the streetscape is installed and insurance for liability acceptable to the City is provided. In no instance shall projections be permitted into existing utility easements. Examples of permitted projections are as follows:

(a) Coverings over sidewalks, such as awnings.

(b) Signs

(c) Building projections including bay windows, cantilevers above the first story, decks, eaves of roofs and awnings hung parallel to the street.

(d) Roofs or overhangs to entrances.

(4) Fuel pump islands for service stations: 30 feet.

(5) Canopies for fuel pump islands: 20 feet.

(B) Side/Rear Setbacks, Building Separation, and Buffers:

(1) For all uses, building setbacks and separations shown in Table 19-1 shall apply.

**TABLE 19-1  
BUILDING SETBACKS AND SEPARATIONS**

<b>PROPOSED USE</b>	<b>ADJACENT USE (EXISTING OR ZONED)</b>	<b>SIDE AND REAR SETBACK*</b>
Non-residential	Low and medium density residential	20'**
High density residential	Low and medium density residential	30'**
Non-residentialL	High density residential	10'
High density residential	High density residential	20'
Non-residential	Non-residential	0'
* See 17-19-10, Landscaping Standards 2(d), for buffering requirements.		
** For proposed buildings over 30 feet in height, the building separation from existing residential uses shall be 45 feet plus 1/2 foot for each foot of proposed building height over 30 feet.		

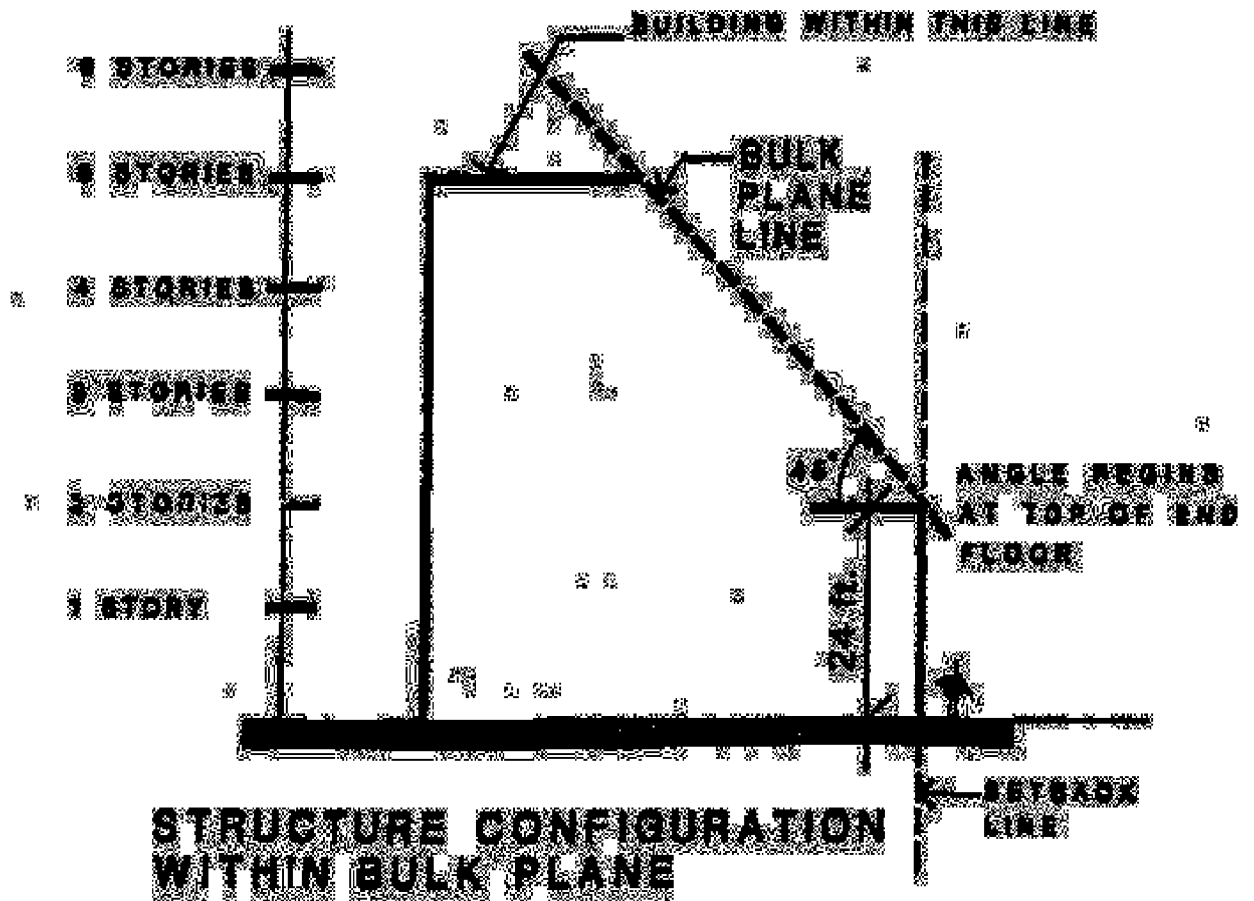
**17-19-7. BUILDING HEIGHT STANDARDS.**

- (1) Intent: The Building Height Standards section is intended to encourage higher intensity residential, office, and mixed-use development along arterial rights-of-way within the Colfax Overlay District to support transit use and pedestrian amenities. Higher intensity development should consider and promote pedestrian amenities and scale while protecting adjacent uses from negative impacts of intensity and height.
- (2) Applicability: The standards contained in this section shall apply to all properties with arterial frontage within the City of Lakewood Colfax Overlay District and at appropriate locations within the District as further defined below. For all properties zoned PD, with arterial frontage, and as further defined below, the owner shall have the option to adhere to either the District height standards or to the approved Official Development Plan. All other properties within the Colfax Overlay District shall be regulated by the underlying zone district height standards.

Buildings proposed in accordance with the unlimited height standard regulations shall only be located in appropriate arterial locations for high density development.  
Appropriate locations shall be considered to be activity centers and major commercial nodes, as defined by the Colfax Revitalization Plan, Figure 19-4-Commercial Land Use District Plan.

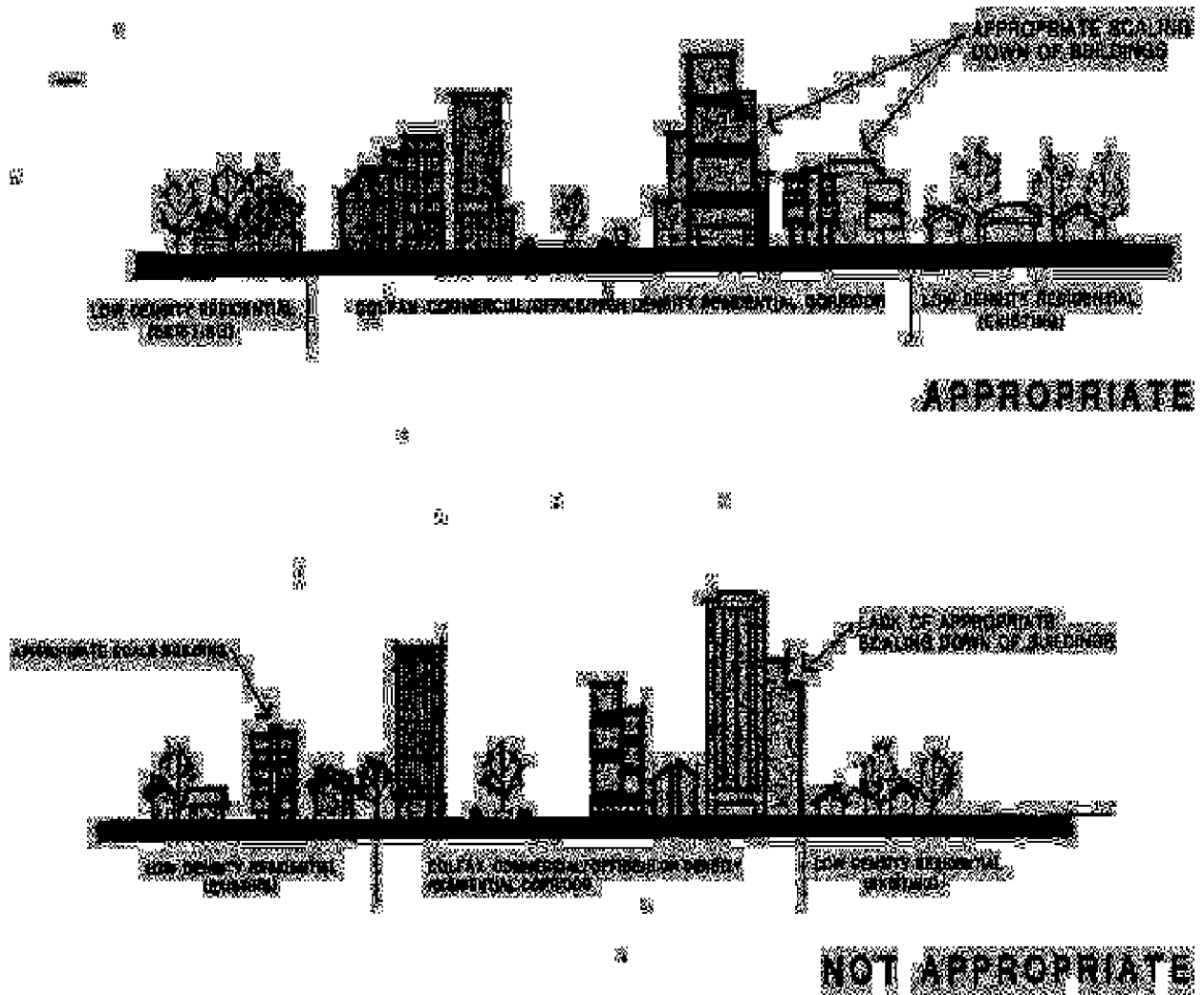
(3) Standards:

- (A) Except as specifically provided by this section, the maximum height of any structure within this District shall be regulated by the underlying zone district height standards for that site.
- (B) Structures within the District may have unlimited height provided all of the following conditions are met:
  - (1) The first floor along the arterial frontage and at an approved appropriate location shall provide retail and/or entertainment-type uses at a minimum of 60% of the first floor gross floor area;
  - (2) Canopies, arcades, horizontal bands, windows, or other approved means of reducing the visual impact of height and scale shall be provided to establish pedestrian scale along the arterial frontage;
  - (3) The structure shall not cast shadows on public sidewalks, cafes, open air plazas, other public areas, or on adjacent properties for more than six hours per day.
- (C) The structure may be required to be stepped back horizontally at a 45 degree angle above the second story (24 feet) to mitigate impacts of height on surrounding structures. (See Figure 19-4).
- (D) The impact of the bulk and/or mass of buildings adjacent to residential neighborhoods shall be mitigated by reducing building height adjacent to the edges of the development as shown in Figure 19-5, or as may be required or deemed appropriate by approval of the Director.

**FIGURE 19-4**

## ALTERNATE TREATMENTS FOR BUILDINGS FRONTING ARTERIAL RIGHTS-OF-WAY

**FIGURE 19-5**



**TRANSITIONAL BUILDING SCALE ADJACENT TO  
EXISTING LOW DENSITY RESIDENTIAL USES**

#### **17-19-8. PARKING STANDARDS.**

(1) Intent: Parking standards are intended to encourage safe, attractive, and adequate parking to meet the needs of the Colfax corridor. Whenever feasible, shared and combined parking arrangements are recommended. These standards are also intended to encourage parking to be placed to the side and/or rear of buildings to increase traffic safety and improve the visual appearance of the streetscape. The City recognizes that parking is important to business and that maximum flexibility should be considered in development review for parking requirements in order to encourage continued redevelopment in the District.

(2) Standards:

(A) Urban Segment-Required Spaces: Numeric requirements of Article 9 of the Zoning Ordinance shall not apply to office or commercial zoned properties. Where a property proposes a mixed-use development, the total parking requirements shall be calculated only for the total residential use. All standards of Article 9 shall apply to all residential zoned properties in the Urban Segment.

(B) Suburban Segment-Required Spaces: All standards of Article 9 of the Zoning Ordinance shall apply to all properties in the Suburban Segment.

(C) Setbacks-Urban and Suburban Segments: Parking areas added after the effective date of this Ordinance, shall be set back a minimum of 20 feet from the back of the curb along West Colfax Avenue or as determined by the approved streetscape treatment.

(D) Design: Parking areas shall conform to the standards in Article 9 of the Zoning Ordinance. New parking areas fronting West Colfax Avenue shall provide a minimum streetscape treatment.

#### **17-19-9. OPEN SPACE STANDARDS.**

(1) Intent: Open space standards are intended to encourage adequate on-site open space and urban landscaping along the Colfax corridor. Where development constraints or hardships are demonstrated to the City, flexibility in standards may be considered. Plazas, pedestrian environments, trees, and seating areas are strongly encouraged.

(2) Standards:

(A) Office/Commercial uses: No minimum requirement.

(B) Multi-family residential uses:

- (1) 45% of the total site area shall be open space (landscaped right-of-way behind curb shall be included in this total).

- (2) Total open space requirement may be reduced to 30% of the total site area, if 100% of the required parking is structured. If less than 100% of the parking is structured, the open space requirement shall be determined by the following formula:

**Open Space Formula**

Total Open Space Required	=	45% of Total Site Area	-	Percentage of Structured Parking Provided	X	15% Total Site Area
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- (3) Interior recreational facilities, a clubhouse, a pool, tennis courts, ponds, water features, and appropriately designed and landscaped courtyards may be counted toward the usable open space requirement.

**(C) Mixed-use developments:**

- (1) Where over 75% of the project is residential, the project shall be required to meet residential open space requirements.
- (2) Where 75% or less of the project is residential, the project shall not be required to meet any minimum open space requirements.

**17-19-10. LANDSCAPING STANDARDS.**

- (1) Intent: Landscaping standards are intended to ensure that architecture blends and connects visually with the site and to the remainder of the Colfax corridor, to encourage pedestrian scale, to promote visual continuity and cohesiveness, to mitigate any adverse effects of development, and to provide screening and buffers from commercial areas to adjacent properties and neighborhoods.

**(2) Standards:**

- (A) Colfax Avenue frontage: Urban/Suburban Segment streetscape requirements shall apply.
- (B) Perimeter Landscape Areas: Article 15 standards shall apply.
- (C) Parking Lot Landscaping: Article 15 standards shall apply.
- (D) Buffers, ten feet wide in accordance with Article 15 standards, shall be required along side and rear lot lines of all proposed office, commercial, and/or multifamily developments, except that any of the following buffer options may be

considered to reduce the width requirement. The final selection of options shall consider the site, the proposed use, adjacent uses, and the success in mitigation of any adverse impacts of development.

- (1) A continuous screen of "Approved Screening Plant Materials" which are a minimum of four feet high at installation. These materials shall be planted to accommodate mature growth. (See Table 19-2).
- (2) A combination of Approved Screening Plant Materials (See Table 19-2) and fencing to create a continuous buffer a minimum of eight feet high at maturity.
- (3) An existing, continuous hedge of approved plant materials a minimum of eight feet high.
- (4) A combination of berming and approved plant materials a minimum of eight feet high at installation.

**CITY OF LAKEWOOD  
ZONING ORDINANCE**

**TABLE 19-2  
APPROVED SCREENING PLANT MATERIALS**

<b>COMMON NAME</b>	<b>SCIENTIFIC NAME</b>
<i>All evergreen trees</i>	
Amur Maple	Acer ginnala
Columnar Buckthorn	Rhamnus frangula columnaris
Common Lilac	Syringa vulgaris
Highbush American Cranberry	Viburnum trilobum
Golden Elder	Sambucus canadensis aurea
Hawthorn	Crataegus sp.
Nannyberry Viburnum	Syringa persica integrifolia
Persian Lilac	Syuringa persica integrifolia
Purpleleaf Plum	Prunus americana
Rocky Mountain Maple	Acer galbrum
Snowball Viburnum	Viburnum opulis sterile
Wayfaring Tree	Viburnum Viburnum lantana
Dogwood	Cornus sp
Serviceberry	Amelanchier sp
Ninebark	Physocarpus sp.
Mockorange	Philadelphus sp.
Privet	Ligustrum sp.

**CITY OF LAKEWOOD  
ZONING ORDINANCE**

**TABLE 19-3A  
PLANT MATERIALS LIST**

COMMON NAME	SCIENTIFIC NAME
<b>1. STREET TREES:</b> Boulevard street trees shall be planted 35 feet apart along the street right-of-way, 3" caliper in size or larger as measured at one foot above ground level, and limited to the following species.	
Norway Maple	Acer platanoides
Marshall Seedless Ash	Fraxinus pennsylvanica "Marshall's Seedless"
American Linden	Tilia Americana
Shademaster Honeylocust	Gleditsia triacanthos inermis "Shademaster"
Common (Western) Hackberry	Celtis occidentalis
Sugar Maple	Acer saccharum
Northern Red Oak	Quercus borealis
Autumn Purple Ash	Fraxinus americana "Autumn Purple"
Burr Oak	Quercus macrocarpa
Little Leaf Linden	Tilia cordata
Red Maple	Acer rubrum
<b>2. PLANT MATERIALS IN LANDSCAPED AREAS:</b>	
<b>Shade Trees</b>	
Street trees (as listed in 1 Street Trees above)	
Ohio Buckeye	Aesculus glabra
English Oak	Quercus robur
Kentucky Coffee Tree	Gymnocladus dioicus
<b>Ornamental Trees</b>	
Amur Maple	Acer ginnala
Golden Rain Tree	Koelreuteria paniculata
Bradford Pear	Pyrus calleryana "Bradford"
Downy Hawthorn	Crataegus mollis
Eastern Redbud	Cercis Canadensis
European Mountain Ash	Sorbus aucuparia
Washington Hawthorn	Crataegus phaenopyrum
Crabapple	Malus sp.
Newport Plum	Prunus americana "Newport"
Canada Red Cherry	Prunus virginiana melanocarpa "Shubert"
Tartarian Maple	Acer tataricum

**TABLE 19-3A  
PLANT MATERIAL LIST  
(Continued)**

COMMON NAME	SCIENTIFIC NAME
<b>Evergreen Trees</b>	
Austrian Pine	Pinus nigra
Bristlecone Pine	Pinus aristata
Colorado Blue Spruce	Picea pungens glauca
White Fir	Abies concolor
Pinyon Pine	Pinus edulis
Ponderosa Pine	Pinus ponderosa
Scotch Pine	Pinus sylvestris
Norway Spruce	Picea abies
<b>Shrubs</b>	
A. W. Spirea	Spiraea bumalda "Anthony Waterer"
Lead Plant	Amorpha Canescens
Alpine Currant	Ribes alpinum
Mockorange	Philadelphus
Beautybush	Kolkwitzia amabilis
Bridalwreath Spirea	Spiraea prunifolia plena
Mugho Pine	Pinus mugho mughus
Broadmoor Juniper	Juniperus sabina "Broadmoor"
Silver Buffaloberry	Shepherdia argentea
Golden Ninebark	Physocarpus opulifolius aureus
Potentilla	potentilla fruticosa
Chinese Lilac	Syringa chinesis rothmagensis
Privet	Ligustrum sp.
Chokeberry	Aronia melanocarpa
Rabbitbrush	Chrysothamnus nauseosis
Columnar Buckthorn	Rhamnus frangula columnaris
Redtwig Dogwood	Cornus stolonifera coloradensis
Common Buckthorn	Rhamnus cathartica
Rocky Mountain Maple	Acer glabrum
Common Flowering Quince	Chaenomeles lagenaria japonica
Three Leaf Sumac	Rhus trilobata
Common Lilac	Syringa vulgaris
Cotoneaster	Cotoneaster sp.

**TABLE 19-3A  
PLANT MATERIAL LIST  
(Continued)**

<b>COMMON NAME</b>	<b>SCIENTIFIC NAME</b>
Serviceberry	Amelanchier alnifolia
Creeping Juniper	Juniperus horizontalis
Siberian Peashrub	Caragana arboroscens
Dwarf Winged Euonymus	Euonymus alatus compactus
Snowberry	Symphoricarpos albus
Burning Bush	Euonymus alatus
Snowmound Dwarf Spirea	Spirea nipponica "Snowmound"
Elder	Sambucus sp.
Smooth Sumac	Rhus glabra
Staghorn Sumac	Rhus typhina
Forsythia	Forsythia intermedia
Thimbleberry	Rubus deliciosus
Golden Currant	Ribes aureum longiflorum
Zabel Honeysuckle	Locinera korolkowi "Zabeli"
True Mountain Mahogany	Cercocarpus montanus
Barberry	Berberis sp.
Variegated Dogwood	Cornus sanguinea variegata elegantissima
Viburnum	Virburnum sp.
Wild Rose	Rosa rugosa
Buffalo Juniper	Juniperus sabina "Buffalo"
Gambel's Oak	Quercus gambeli
Privet	Ligustrum sp.

**TABLE 19-3A  
PLANT MATERIAL LIST  
(Continued)**

COMMON NAME	SCIENTIFIC NAME
<b>Ground Covers</b>	
Bugle Plant	Ajuga reptans
Creeping Phlox	Phlox subulata
Bistort	Polygnum
Clematis	Clematis sp.
Dwarf Spring Cinquefoil	Potentilla verna "Nana"
Creeping Holly Grape	Mahonia repens
Englemann Ivy	Parthenocissus engelmanni
Periwinkle	Vinca minor
Stonecrop	Sedum sp.
Kinnickinnick	Arctostaphylos uva-urs
Mother-of-Thyme	Thymus serpyllum
Sandwort	Arenaria
Wild Strawberry	Frageria Americana
Snow-in-summer	Cerastium tomentosum
Hall's Honeysuckle	Locinera japonica "Hall's"
Wintercreeper	Euonymus fortunei

**CITY OF LAKEWOOD  
ZONING ORDINANCE**

**TABLE 19-3B  
LANDSCAPING SPECIFICATIONS FOR THE STREETScape**

ITEM	SIZE	QUANTITY	TYPE	OTHER
CONCRETE WALK	<u>Urban:</u> 6 foot width; 6 inch depth  <u>Suburban:</u> 5 foot width; 6 inch depth	Along entire Colfax frontage	See Engineering Design Standard	<u>Urban:</u> Attached to brick pavers  <u>Suburban:</u> Detached
BRICK PAVERS	2 foot width; 3 5/8" x 7 5/8" x 2 1/4" brick	Along entire Colfax frontage	See Appendix Section C	Attached to curb
STREET TREES	3 inch caliper min., measured one foot above the ground	35 ft. apart along street frontage	<u>Urban:</u> Street trees only, as per Specifications List A  <u>Suburban:</u> Shade trees only, as per Specifications List A	<u>Urban:</u> 35 ft. apart, located eleven feet from Colfax curb flow line  <u>Suburban:</u> 35 ft. apart, may be clustered
OTHER TREES	SHADE: 2.5 inch caliper minimum  ORNAMENTAL: 2 inch caliper  EVERGREEN: 6 ft. height minimum	<u>Urban:</u> Two trees per 1,000 S.F. of total landscape area; street trees may be counted towards meeting this requirement  <u>Suburban:</u> Three trees per 1,000 S.F. of landscaped area	Specification List A	Clustered

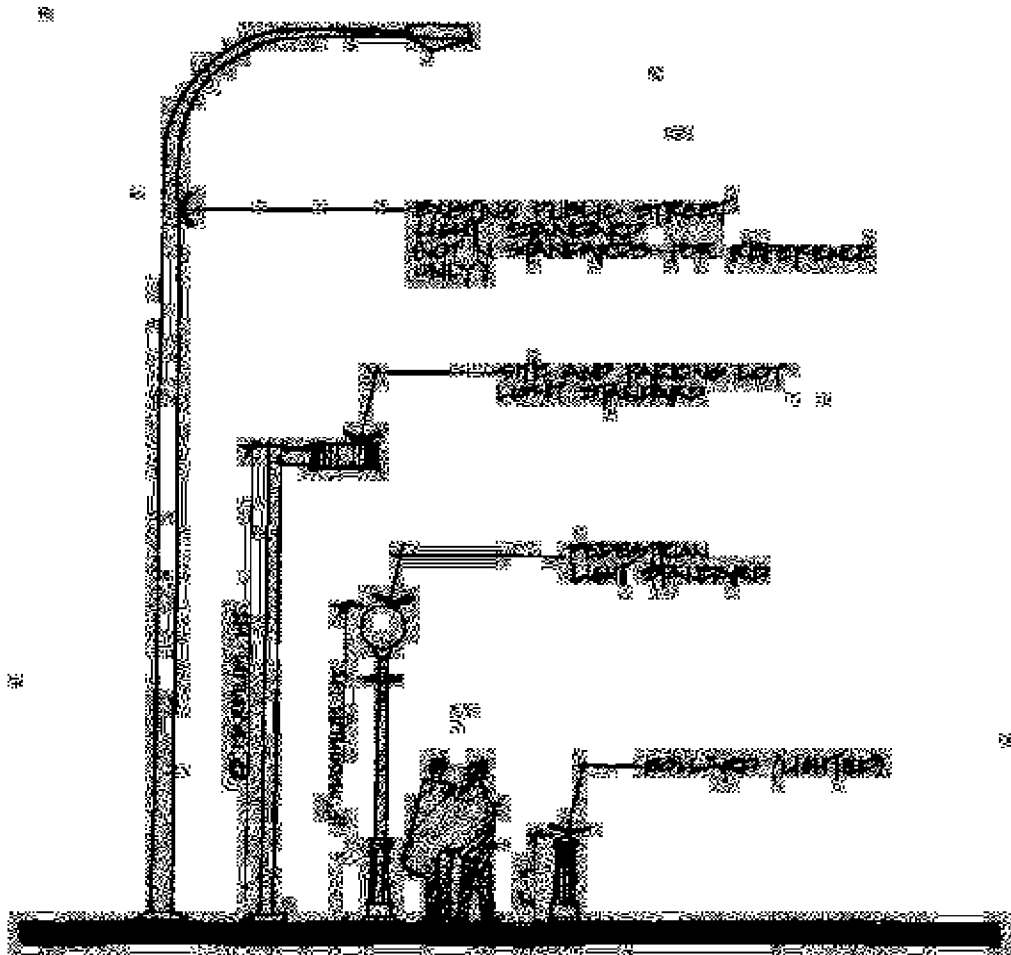
**TABLE 19-3B**  
**LANDSCAPING SPECIFICATIONS FOR THE STREETScape**  
**(Continued)**

ITEM	SIZE	QUANTITY	TYPE	OTHER
GROUND COVER	1-gallon container size or flats	Amount necessary to cover planted areas	Specification List A	Used in lieu of turf unless planted area is very large
TURF	Sod cut to 1/4 inch thickness minimum	Amount necessary to cover planted area	Blended bluegrass sod	Used only in very large planted areas
ROCK	Minimum 2 inch diameter	Minimum 3 inch depth, or depth= 2" x max. gradation of rock	Washed river rock	In planter beds only
PLANTER WALLS	20 inches in height; 3 5/8 x 7 5/8 x 2 1/4" brick	As needed to screen parking	Medium buff color brick	Between walk and parking or auto display areas
MULCH	1 inch in diameter or larger	Minimum 3 inch depth	Pine, cedar, aspen, or spruce bark	In planter beds only
BERMS	Suburban area only: Maximum 3 1/4:1 side slopes and 32 inches in height	N/A	N/A	Landscaped with trees, plantings, living ground cover and turf

#### 17-19-11. LIGHTING STANDARDS.

- (1) Intent: Lighting standards are intended to promote the use of pedestrian-scale lighting standards and to provide for other appropriate types of lighting.
- (2) Standards: These standards apply to all site and parking lot light standards including pedestrian light standards and lighted bollards. (See Figure 19-6).
  - (A) All types of illumination shall be downcast and shall not cast overflow light to adjacent properties.
  - (B) Parking lot light standards shall be a maximum of 25 feet high, and shall be set back a minimum of 20 feet from all property lines.

**FIGURE 19-6**



**STREET AND SITE LIGHTING**

## **17-19-12. WEST COLFAX AVENUE SIGN STANDARDS.**

- (1) Intent: West Colfax Avenue developed over a period of years where the automobile wielded considerable power over American taste and style. West Colfax Avenue has a street character best described as diverse, "Main Street" development. This development style has resulted in a character along West Colfax Avenue that requires a different approach to sign design review from the remainder of the District and Lakewood. Due to the historical character and variety of sign styles, land uses, building setbacks, and architecture along the West Colfax Avenue corridor, flexibility in review of signs that exhibit innovation and creativity and reflect the commercial enterprise should be encouraged. These Sign Standards are intended to:
  - (A) Support and stimulate commercial vitality, character, and competition along the length of West Colfax Avenue within the Overlay District.
  - (B) Promote business interests and enhance the distinctive identity of West Colfax Avenue characterized in buildings and signs by the use of exaggerated geometry, streamlined curves, fanciful literal figures, chrome, neon, and animated lights.
  - (C) Avoid or reduce commercial intrusion into adjoining residential neighborhoods by the strategic placement of signs and consideration of illumination directions and intensities.
  - (D) Encourage signage with diversity of styles, designs, light levels, signage types, facade locations, and materials.
- (2) Applicability: The standards contained in this section shall apply to all properties zoned OF, 1C, 2C, 3C, 4C, and 5C fronting West Colfax Avenue within the City of Lakewood Colfax Overlay District. For all properties zoned PD fronting West Colfax Avenue, the owner shall have the option to adhere to either the Colfax sign standards or to the approved Official Development Plan. All other properties within the Colfax Overlay District shall be regulated by Article 10 Lakewood Sign Code. A sign permit in accordance with Article 10 of the Lakewood Zoning Ordinance shall be required.
- (3) Definitions:
  - (A) Incentive: An incentive shall be a sign that meets the intent and standards of this section and that by its introduction on a property would exceed the maximum permitted standards allowed by Article 10 Lakewood Sign Code.
  - (B) Projecting sign: A sign other than a wall sign, is supported by a wall, extends vertically and perpendicular to the wall, and which may extend above top of wall or parapet.

- (C) Mural sign: A non-illuminated, wall sign painted directly on the side or rear setback of any office or commercial building and with copy or advertising content not exceeding more than 50 percent of total wall area.
  - (D) Electronic message center: A sign that provides changeable copy or content in an illuminated, electronic format.
  - (E) Reader boards: A sign that requires copy or content to be manually changed and permits an illuminated format.
- (4) Incentives: To encourage and strengthen Colfax character and business vitality, the City shall consider additional number of signs, sign types, and/or sign area that further the intent of this section (See Table 19-4 Colfax Sign Incentives). Incentives may only be granted where one or more of the *Design Factors* in subsection (7) below is used in a Colfax sign and the sign is approved in accordance with the *Colfax Sign Design* Findings in subsection (6) below. Where a standard cabinet sign form, or where indirect or internal lighting as the primary light source is proposed, no sign incentives shall be granted and Article 10 sign standards shall apply.
- (5) Colfax Sign Design Review: A request for Colfax Sign Review shall be submitted with sufficient material to evaluate a sign for approval by the Director. Denial of any request may be appealed in accordance with procedures set forth within Article 10. The sign request shall be reviewed by a person with a background in architecture, urban design, landscape architecture, sign design, or other related design background. A sign request should be prepared and submitted by a sign design professional. A minimum submittal shall include:
- (A) Site plan showing adjacent properties within 100 feet and location of proposed signage.
  - (B) Building elevations including proposed signage
  - (C) Technical specifications for proposed signage
  - (D) Color and material samples of proposed signage, as appropriate.
  - (E) Any other relevant information deemed necessary by the Director.
- (6) Colfax Sign Design Findings: The Director shall consider the sign recommendation and may approve, or conditionally approve a Colfax sign request when the Findings below are made. The sign is:
- (A) An enhancement of and furthers the unique character of West Colfax Avenue when considered in terms of scale, color, materials, lighting levels, and adjoining uses.
  - (B) Compatible with and/or an enhancement of the architectural characteristics of the buildings on which they appear or are adjacent to when considered in terms of scale, proportion, color, materials, and lighting levels.
  - (C) Appropriate to and expressive of the business or activity for which it is displayed.

- (D) Creative in the use of unique literal or figurative and/or three dimensional form, profile, and iconographic representation, employs exceptional lighting design, and represents exceptional graphic design, including the use of color, pattern, typography, and materials.
- (E) Of high quality, durable materials appropriate to an urban setting.
- (F) Appropriate to and considerate of adjacent properties, particularly residential, in terms of lighting, location, and height.

(7) Design Factors: The City of Lakewood recognizes that a vital business district and community character are associated. The Colfax Avenue corridor's historical and modern significance evokes images of western Americana, a time of automotive elegance, the flash of chrome, bright neon and animated lights. Design factors, for purposes of this section, shall be considered to be elements of a proposed sign that meet the intent of this sign section and that incorporate one or more of the Design Factors (a) and/or (b) below.

Signs incorporating motion or animation achieved through lighting design may be permitted *only* when both Design Factors (A) and (B) listed below are applied in combination with Design Factors (a) and (b). All animated signs shall be reviewed by the City's Traffic Engineering Division prior to final approval by the Director.

- (A) A significant portion or a significant design element of the sign area face shall use neon, fiber optic, incandescent bulb, and/or other similar lighting technology in a graphic or typographic manner on the sign face. Where indirect lighting or internal lighting in a cabinet or rectilinear form is proposed, no incentives as provided by *Sign Incentives* in subsection (4) above shall be permitted.
- (B) The sign shall be a literal or figurative and/or three dimensional sign form, profile, or iconographic representation, such that the style is characterized by the use of exaggerated geometry, streamlined curves, and fanciful elements representative of the business and intent of this sign standards section. Where a standard cabinet sign form is proposed, no incentives as provided by *Sign Incentives* in subsection (4) above shall be permitted.

(8) Sign Standards Supplemental to Article 10:

- (A) Permitted Sign Types: Wall, Window, Ground, Projecting, Banner, Murals
- (B) Maximum Number of Signs: The maximum number of signs for each business shall be determined as follows:

(1) *For a lot having one business:*

Where at least one design factor is used, one sign in addition to the maximum permitted in Article 10 may be permitted for the first 25 linear feet of Colfax right-of-way frontage and then one additional sign for every 50 linear feet of Colfax right-of-way frontage thereafter.

In no case shall more than four additional signs to the maximum permitted in Article 10 be permitted for any single lot with one business.

(2) *For a lot having two or more businesses:*

Where a design factor is used, one sign in addition to the maximum permitted in Article 10 may be permitted for the first 25 linear feet of Colfax right-of-way frontage and then one additional sign for every 25 linear feet of Colfax right-of-way frontage thereafter. In no case shall more than six additional signs to the maximum permitted in Article 10 be permitted for any single lot with two or more businesses.

(B) Maximum Sign Area: The maximum sign area for each business shall be determined as follows:

(1) *For a lot having one business:*

Where at least one design factor is used, the sign area of a ground and/or wall sign may be increased by up to 50% over the maximum permitted within Article 10 for the first 25 linear feet of Colfax right-of-way frontage and then up to an additional 25% over the permitted maximum area for each additional sign for every 50 linear feet of Colfax right-of-way frontage thereafter.

In no case shall the total sign area for any one property exceed 800 square feet for any single lot with one business except where otherwise permitted by Article 10. In no case shall any one sign exceed more than 200 square feet of sign area.

(2) *For a lot having two or more businesses:*

Where a design factor is used, the sign area of a ground and/or wall sign may be increased by up to 50% over the maximum permitted within Article 10 for the first 25 linear feet of Colfax building frontage and then up to an additional 25% over the permitted maximum area for every 25 linear feet of Colfax building frontage thereafter.

In no case shall the total sign area for any one property exceed 1200 square feet for any single lot with two or more businesses except where

otherwise permitted by Article 10. In no case shall any one sign exceed more than 200 square feet of sign area.

(C) Maximum Sign Height:

(1) *Ground:*

The height of a ground sign shall not exceed 25 feet.

(2) *Wall/projecting:*

The height of the wall/projecting sign shall be permitted to extend above the edge of the wall no more than 20 percent of the total height of the wall to which it is attached. In no instance shall the sign exceed a height greater than 12 feet above the total wall height or parapet. Special design consideration should be given to sign attachment that reduces visual clutter.

(E) Setback:

(1) *Ground:*

Ground signs shall be setback, as measured from back of curb, a minimum of five feet in the urban segment and ten feet in the suburban segment. Sign placement in the urban segment shall require approval by the City Traffic Engineer. Insurance for liability acceptable to the City shall be required. In no case shall any sign be permitted closer than two feet from the public right-of-way.

(2) *Wall/projecting:*

Wall/projecting signs may project up to seven feet into the required setback space. A minimum of ten feet of clearance from the sidewalk grade shall be required for all signs. In no case shall the sign project into the public right-of-way. Insurance for liability acceptable to the City shall be required.

(F) Permitted Illumination:

Signs may be illuminated by indirect lighting, neon, incandescent bulbs, fiber optics, and/or other similar lighting technology. All direct illumination shall not exceed twenty-five watts per bulb. Illumination may flash, blink, or fluctuate at a rate not to exceed 15 cycles per minute. Electronic message center signs are permitted. All animated signs shall be reviewed for safety and sight issues by the City Traffic Engineer.

(G) Miscellaneous signs:

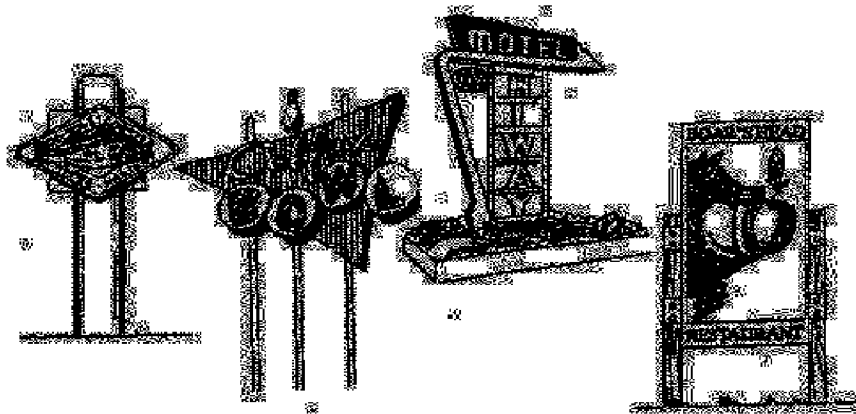
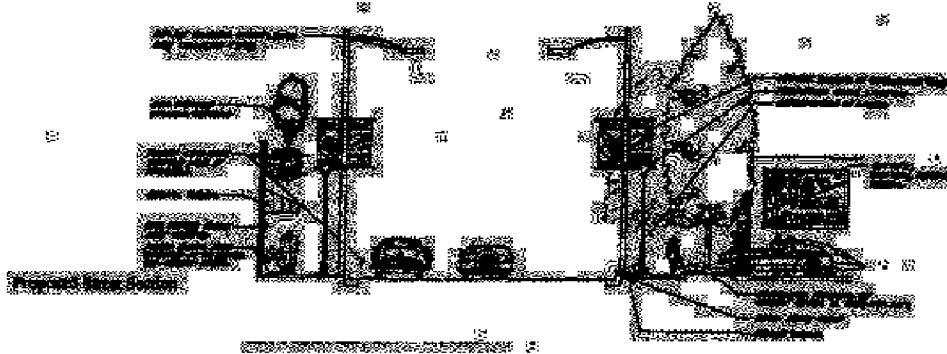
(1) *Banner/flag signs:*

Banner or flag signs shall be permitted up to a maximum of 90 consecutive days per calendar year and shall be limited to two, 100 square feet banner signs per business.

(2) *Wall murals:*

Wall murals shall be permitted at all times and shall be limited to one per business and shall be limited in size by the building wall. Additional restrictions shall include: non-illuminated only, painted directly on the building wall, and shall face a side or rear setback only.

**EXAMPLES OF ACCEPTABLE SIGNS**



(9) Exempt Signs:

(A) General:

The signs listed below in Table 19-5 are exempt from Article 10 standards and continued display is permitted based upon the finding by the Director that each designated sign complies with the following criteria:

- (1) The sign is of a design representative of the Colfax corridor, such that the style is characterized by the use of exaggerated geometry, streamlined curves, and fanciful literal elements and lighting.
- (2) A major portion of the sign is illuminated by neon or incandescent bulb lighting.

(B) Historical signs:

Signs of a historical nature or significance that can prove or demonstrate that the sign was erected and in place prior to January 1, 1969, that characterize the business, and support the intent of this section, may be permitted to exceed or vary the numerical requirements set forth within this section. Signs must be good condition or be capable of being restored to historical appearance. In no instance shall roof signs be permitted. Submittal and review requirements set forth in sections (5) and (6) above shall be required for approval by Director.

(D) Designated signs in Table 19-5 are:

**TABLE 19-5  
DESIGNATED COLFAX SIGNS**

ADDRESS	BUSINESS	SIGN TYPE
6060 W Colfax	White Swan Motel	Ground
5601 W Colfax	Lakewood Lodge	Ground
5799 W Colfax	Westway Motel	Ground
6001 W Colfax	Rocky Mountain Motel	Ground
6218 W Colfax	Bugs Bunny Motel	Ground
6993 W Colfax	Original Mexican Cafe	Ground
8025 W Colfax	Lakewood Lanes	Wall
8100 W Colfax	Lakewood Grill	Ground
8837 W Colfax	Homestead Motel	Ground
9025 W Colfax	Trails End Motel	Ground
9495 W Colfax	Davies Chuck Wagon	Ground
9501 W Colfax	Veldkamps Flowers	Ground
9895 W Colfax	Guitar City	Ground
11891 W Colfax	A Bar D Motel	Ground

(D) Removal or Alteration:

Signs designated pursuant to this section may be removed at any time. Any new sign shall comply with the requirements of Article 10, as amended. Any alteration of a designated sign shall be in the same style, color, and materials as the original sign.

(E) Compliance:

Signs designated by the City are granted exceptions to the provisions of this article regulating sign height, area, design, and setbacks. All other provisions, including permitted maximum number, shall apply. Nothing in this section shall exempt any sign not designated herein from compliance with the Lakewood Sign Code Article 10, as amended, including designated signs on the same premises.

**CITY OF LAKEWOOD  
ZONING ORDINANCE**

**TABLE 19-4  
COLFAX SIGN INCENTIVES  
SUPPLEMENTAL TO ARTICLE 10 SIGN CODE STANDARDS**

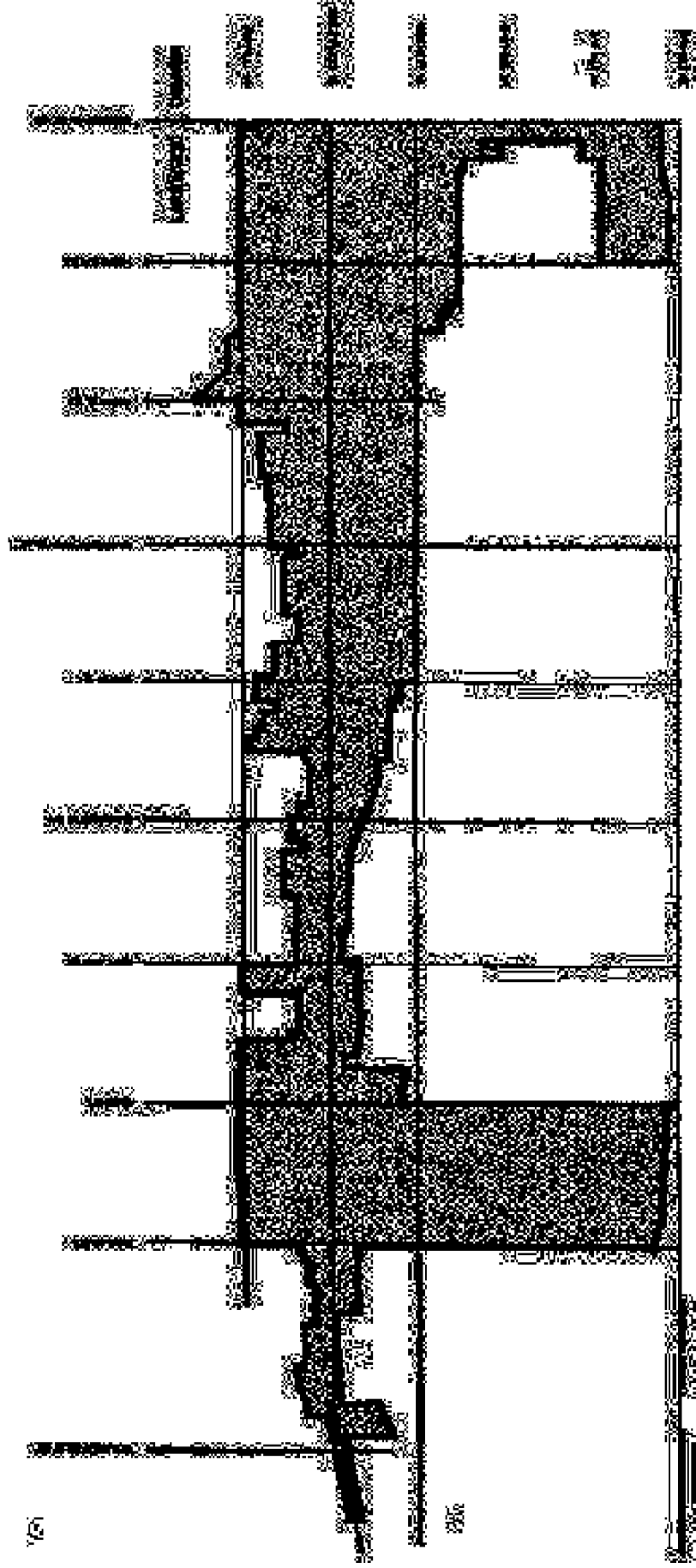
**Table 19-4 is a SUMMARY ONLY. Please refer to text for complete standards.**

SIGN TYPE	Maximum Number of Additional Signs		Maximum Additional Sign Area	Required Setback (as measured from back of curb)	Permitted Illumination	Maximum Sign Height
	One Business	Two + Businesses	One Business			
<b>All Standard Signs (Reference Article 10)</b>	NA	NA	NA	NA	NA	NA
<b>Ground Signs using Design Factors A and/or B with Colfax Avenue frontage only. See Factors below</b>	<ul style="list-style-type: none"> <li>1 sign/first 25 ft. frontage;</li> <li>Then 1 sign/50 ft. frontage thereafter</li> <li>Max. 4 total additional signs / property</li> </ul>	<ul style="list-style-type: none"> <li>1 sign/first 25 ft. frontage;</li> <li>Then 1 sign/25 ft. frontage thereafter;</li> <li>Max. 6 additional signs/ property</li> </ul>	<ul style="list-style-type: none"> <li>50% first 25 ft. frontage;</li> <li>Then 25%/50ft. frontage thereafter;</li> <li>Max. 800 sq. ft./ property</li> </ul>	<ul style="list-style-type: none"> <li>Urban Segment 5 ft.</li> <li>Suburban Segment 10 ft.</li> </ul>	<ul style="list-style-type: none"> <li>Indirect / direct (Max. 25 W / bulb)</li> <li>Animation permitted (Max. 15 cycles / min)</li> <li>Electronic message centers permitted.</li> </ul>	<ul style="list-style-type: none"> <li>Ground sign: 25% increase to Max. 25 ft.</li> </ul>

**TABLE 19-4  
COLFAX SIGN INCENTIVES  
(Continued)**

SIGN TYPE	Maximum Number of Additional Signs		Maximum Additional Sign Area		Required Setback (as measured from back of curb)	Permitted Illumination	Maximum Sign Height
	One Business	Two + Businesses	One Business	Two + Businesses			
<b>Wall/Projecting Signs using Design Factors A and/or B with Colfax Avenue frontage only. See factors below</b>	<ul style="list-style-type: none"> <li>• 1 sign/first 25 ft. frontage; Then 1 sign/50 ft. frontage thereafter;</li> <li>• Max 4 total additional signs/property</li> </ul>	<ul style="list-style-type: none"> <li>• 1 sign/first 25 ft. frontage; Then 1 sign/25 ft. frontage thereafter;</li> <li>• Max 6 additional signs / property</li> </ul>	<ul style="list-style-type: none"> <li>• 50%/first 25 ft. frontage; Then 25%/50ft. frontage thereafter;</li> <li>• Max. 800 sq.ft./property</li> </ul>	<ul style="list-style-type: none"> <li>• 50%/first 25 ft. frontage; Then 25%/25 ft. frontage thereafter;</li> <li>• Max. 1200 sq.ft./property</li> </ul>	<ul style="list-style-type: none"> <li>• 3 ft.; Insurance for liability shall be required. In no instance shall the sign project into ROW.</li> </ul>	<ul style="list-style-type: none"> <li>• Indirect/direct (Max. 25 W/ bulb)</li> <li>• Animation permitted (Max. 15 cycles/min.)</li> <li>• Reader boards permitted</li> </ul>	<ul style="list-style-type: none"> <li>• Sign may extend 20% above the total height of the wall or parapet. No more than a max. 12 ft above edge of wall or parapet</li> </ul>
<b>Banners/flags (permitted for a maximum of 90 consecutive days per year)</b>	Two/business		100 sq.ft.		<ul style="list-style-type: none"> <li>• Urban Seg: 5'</li> <li>• Sub. Seg: 10'</li> </ul>	No illumination	Roof line
<b>Wall murals only if non-illuminated, painted directly on the building, and face a side or rear setback</b>	One		Limited by size of building wall		NA	No illumination	NA
<b>Factor A Signs:</b> Significant portion or design element using of neon, fiber optic, incandescent bulb, or similar lighting technology in the sign face area.							
<b>Factor B Signs:</b> Literal or figurative and/or three dimensional sign forms, profiles, or representations.							

**WEST COLFAX OVERLAY DISTRICT BOUNDARY  
CITY OF LAKEWOOD, COLORADO**



## ARTICLE 20: ROONEY VALLEY OVERLAY DISTRICT DEVELOPMENT STANDARDS

### 17-20-1. OVERLAY DISTRICT INTENT.

The Rooney Valley presents a significant opportunity for development that reflects the unique characteristics of the area and protects and preserves environmentally sensitive areas. Site plans, building architecture, landscape elements, street design and signs should be harmonious and result in projects that are integrated into the Rooney Valley and the City of Lakewood.

The purpose of the Rooney Valley Overlay District, “District”, is to implement the goals of the Rooney Valley Master Plan. The District sets forth Development Standards, “Standards”, which recognize and protect the environmental, geographic, historic, and visual qualities of the Rooney Valley. The Standards are intended to promote the general health, safety, and welfare of the area by encouraging environmentally-sensitive development within the Rooney Valley. The Standards address issues unique to the Rooney Valley which include the following:

*Hillside Development.* Significant slopes exist along Rooney Gulch and on two major hillsides in the Valley that will require sensitive treatment to ensure that development fits with and protects the topography.

*Geology and Soils.* There are areas with soils that have a high shrink/swell potential, areas of dipping bedrock, and other potential geological hazards that will have an impact on potential development.

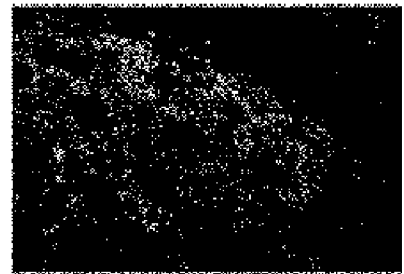
*Water.* Availability of water for development is limited; therefore, plant materials should be predominantly drought- tolerant and adapted to this arid environment.

*Drainage.* Drainage corridors need to be preserved in their natural state. Regional water detention and water quality should be promoted throughout the area. New development should incorporate requirements of adopted drainage plans.

*Visual Resources.* Protecting views to the Hogback and ridge lines within the Rooney Valley is important.

*Historical Resources.* The Rooney Valley Homestead is an important architectural feature that needs to be protected. Dinosaur Ridge is an important area that needs to be protected. See Figure 1, this page.

*Open Space/Trails.* Open space corridors should be preserved to



**Figure 1.** Dinosaur tracks located at the Hogback.

promote wildlife movement and habitat preservation. Pedestrian, bicycle, and equestrian movement should be promoted by connecting new development to existing development and existing pedestrian, bicycle, and equestrian systems.

*Mineral Extraction Rights.* Mineral extraction activities occur on certain land located within the City of Lakewood's portion of the Rooney Valley. These existing mineral rights permit this activity to occur well into the next century.

**17-20-2. APPLICABILITY AND EFFECTS.** Within the Rooney Valley, these Standards are expected to enhance the identity of the Rooney Valley while encouraging cohesive development.

- (1) These Standards shall apply to all property currently within the City of Lakewood portion of the Rooney Valley as defined by Map 1 provided in Section 17-20-19. These Standards shall also apply to all properties within the Rooney Valley, which are annexed to the City of Lakewood subsequent to the adoption of the Standards.
- (2) Within the Rooney Valley, all City of Lakewood ordinances, policies, regulations and plans shall apply. Where conflicts occur regarding development requirements, the provisions of these Standards shall supersede those of the Lakewood Zoning Ordinance.

**17-20-3. APPROVAL AND FLEXIBILITY.**

- (1) Intent: It is recognized that many different situations exist within the Rooney Valley which may require flexibility in the application of these Standards and other City requirements and standards to a project site. Each site shall be considered on its own merits, attributes, and by its constraints which are unique to each site and in consideration of the broad District goals of furthering Rooney Valley character.
- (2) Subdivisions, site plans, final plats, rezonings and changes to Official Development Plans shall be subject to these Standards and the application, review and approval requirements and standards contained in Article 15 of the Lakewood Zoning Ordinance. Any requested appeals from decisions based upon these Standards or the underlying zone district shall be subject to the procedures of Article 15 of the Zoning Ordinance, as appropriate. Waivers or exceptions to these Standards shall be subject to the procedures of Article 15 of the Zoning Ordinance, as appropriate. These Standards shall be subject to Director administrative authority contained in Article 15 of the Zoning Ordinance.

#### **17-20-4. ROONEY VALLEY DESIGN CHARACTER.**

##### *Intent*

*Rooney Valley is comprised of rolling foothills and prairie areas. Development should be of a style that fits with the low, rolling terrain of the foothills. Colors should harmonize with existing earth tones in the area. Design should be simple, bold and elegant in nature. Structures should emphasize the horizontal rather than the vertical and have low peaked roofs to blend and harmonize with the existing topography of the valley. See Figures 2 and 3.*

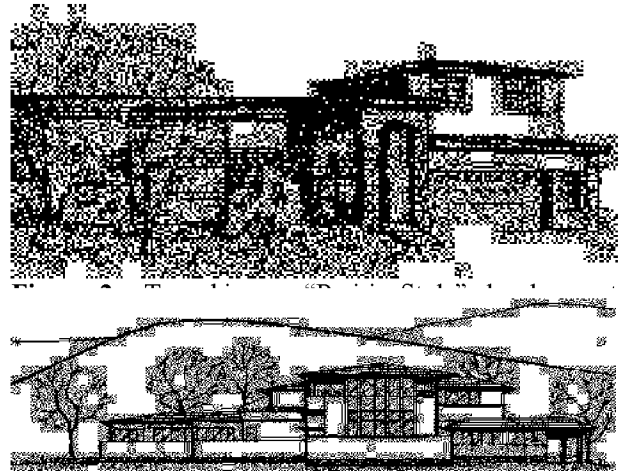
*Building design, materials, elements, and features should contribute to and harmonize with the unique qualities of the Rooney Valley.*

*Development should use materials common to the Rooney Valley, such as red rock, stone, and brick.*

*Development should use colors compatible with those found in rock formations and other features in the area, such as brown, tan, red, beige, green, and other related earth tones, as described herein at Section 17-20-18.*

*Buildings should assume an individual character as opposed to corporate or trademark design.*

*Development should promote the use of native and drought tolerant plant materials that fit within the existing environment.*



**Figure 3.** Building style in Rooney Valley should incorporate low peaked roof pitches, materials similar in color and texture to the surrounding natural environment, and emphasize the horizontal rather than the vertical.

#### **17-20-5. HILLSIDE DEVELOPMENT STANDARDS.**

##### *Intent*

*Structures and roadways should be integrated into the surrounding natural landscape and topography.*

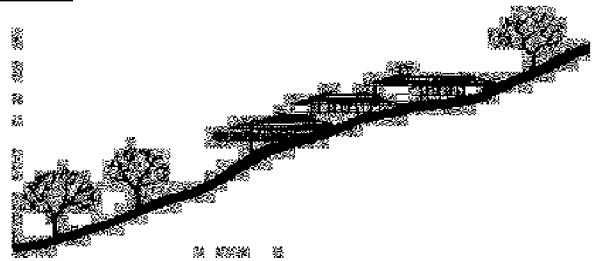
*Visible construction cuts and permanent scarring should be avoided.*

*Lots should be oriented toward views and vistas.*

*Lots should be located at right angles to contour lines.*

*Development should be placed in less sensitive areas of the site.*

*Disturbance of natural features such as hillsides, drainage areas and open spaces should be minimized.*



**Figure 4.** Design and locate structures to fit into the contour of the hillside and relate to the form of the terrain.

*Ridge lines should be protected from development.*

*Grade cuts and fills should imitate natural slope changes with rounded tops of cuts and gradual transitions at the toes of fills.*

- (1) Protect ridgelines associated with hillsides with a slope of 11 percent or greater.

- (2) Protect views of Foothills, Hogback, and Green Mountain.

- (3) Development shall not occur on slopes greater than 20 percent.

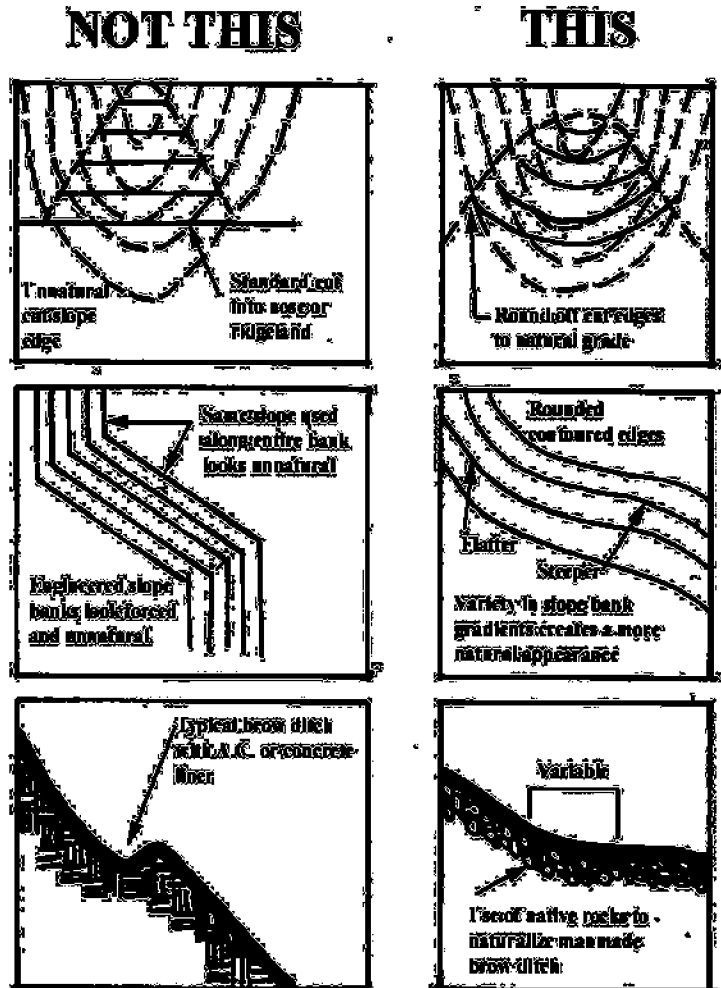
- (4) Prior to submission of a grading plan, the applicant shall meet with the City to develop a grading plan which adequately addresses these Standards and other City ordinances and regulations.

- (5) All slopes shall be *Landform Graded*. *Landform Grading* is defined as a grading method that creates artificial slopes with curves and varying slope ratios. Landform grading is designed to simulate the appearance of surrounding natural terrain. Concepts of Landform Grading include the following:

- (a) Incorporation of created ravines and ridge shapes with protective drainage control systems and integrated landscaping design.

- (b) Transition with natural slopes. At the intersections of manufactured and natural slopes, abrupt angular intersections shall be avoided. Contours shall be curved to blend with the natural slope.

- (c) Retention and incorporation of hillsides and drainage areas into development patterns.



**Figure 5.** Landform Grading is a grading method used to create artificial slopes that simulate the appearance of the natural, surrounding terrain.

- (d) Rounded transitions at top and toe of manufactured slopes.
- (e) Avoidance of abrupt, squared-off manufactured slope transitions.
- (f) Grading for pads shall follow the contours of the existing underlying landform.
- (g) Standard prepared building pads resulting in grading outside of the building footprint and driveway area are discouraged.
- (h) To minimize grading and protect natural contours, roads shall follow the natural contours.

- (6) All newly graded slopes shall be planted with appropriate erosion control plant materials. All landscape materials shall be approved by the City of Lakewood Forester. The City Forester publishes a document of acceptable drought-tolerant landscaping materials which is available to all applicants.

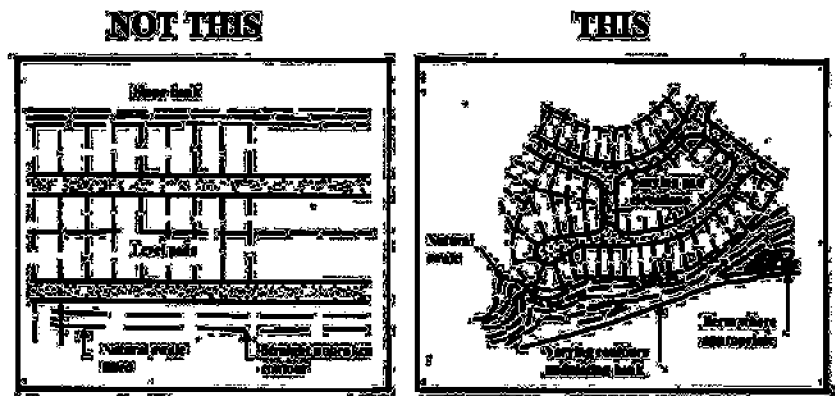


Figure 6. Landform grading applications in subdivision layout.

- (7) All retaining walls shall be engineered to comply with City ordinances and regulations and shall be a maximum of five feet in height. Retaining walls located in public rights-of-way or visible from public spaces shall be faced with river rock, natural stone, or constructed of interlocking blocks in earth tones. See Section 17-20-18 for approved earth tone colors.
- (8) Areas not to be graded shall be delineated in the field with fences during construction to ensure such areas remain undisturbed.

#### **17-20-6. GEOLOGY AND SOILS STANDARDS.**

##### *Intent*

*Locate development to recognize and address the occurrence and effects of steeply dipping bedrock, high shrink/swell soils, and other potential hazards in the Rooney Valley.*

- (1) Due to soil and geologic conditions, all preliminary maps, final plats, site plans, plans for public facilities, and plans for streets in the Rooney Valley require geotechnical investigation and written report to evaluate and address: shrink and swell potential; subsidence; fault areas; soil strength; compressibility; liquefaction; dipping bedrock; mineral rights; and other geologic conditions that may exist on the site.

**17-20-7. OFFICE, COMMERCIAL AND MULTI-FAMILY SITE DEVELOPMENT STANDARDS.**

*Intent*

*Create buildings that provide human scale, interest, and variation in their overall form.*

*Provide interest at the street level through the display of goods, internal operations, or information displays.*

*Avoid blank walls.*

*Preserve views of and along The Hogback.*

*Protect views of the Foothills and Green Mountain.*

*Orient buildings so that existing land forms and site features are enhanced; the relationships between buildings are strengthened; and pedestrian and vehicular circulation is facilitated.*

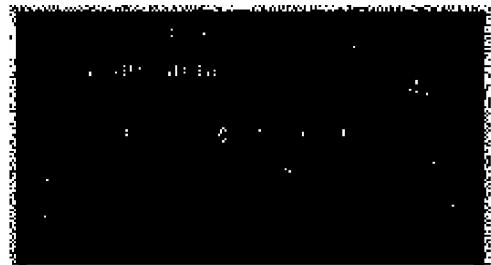
*Cluster development to preserve open space.*

*Orient development toward streets and open spaces.*

*Minimize the visual impact of parking lots.*

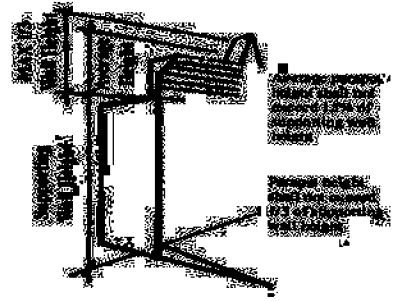
*Minimize the visual impact of service areas, refuse storage and mechanical/electrical equipment.*

- (1) Exterior finish materials shall be low reflectance, have varied textures, and utilize earth tone colors. Examples of permitted materials include: brick, stone, stucco, split faced block, cut stone. The use of smooth-faced concrete block and pre-fabricated steel panels shall be prohibited.
- (2) Neon trim colors and neon tubing shall not be acceptable for building trim or accent areas.
- (3) Buildings constructed of all glass exteriors shall not be permitted.
- (4) To encourage architecture that blends with the rolling topography of the Rooney Valley and to decrease the visual appearance of roofs, lower pitched sloped roofs are strongly encouraged. A recommended range for roof pitches is from 4 feet in 12 feet to 7 in 12 feet. See Figure 7.



**Figure 7.** Recommended roof pitch is 4 feet of vertical in 12 feet of horizontal.

- 5) Flat roofs shall be screened with parapets on all sides of the building. The parapet shall be of height sufficient to screen all rooftop mechanical equipment (e.g. HVAC units). If no rooftop mechanical equipment exists, the parapet shall be a minimum of 18 inches in height. The average height of such parapets shall not exceed 15 percent of the height of the supporting wall and such parapets shall not exceed one third of the height of the supporting wall. Such parapets shall feature three-dimensional cornice treatment. See Figure 8.



**Figure 8.** Parapet Standards.

- (6) To achieve a prairie-style development character in the Rooney Valley, sloped roofs shall have overhanging eaves, extending a minimum of twenty-four inches past the supporting walls.
- (7) To achieve a prairie-style development character in the Rooney Valley, sloped roofs shall be covered with one of the following:
- (a) Flat, square/rectangular clay shingle tiles in earth tone colors.
  - (b) Flat, square/rectangular concrete shingle tiles in earth tone colors.
  - (c) Flat, square/rectangular asphalt shingle tiles in earth tone colors.
  - (d) Standing seam metal roof materials in earth tone colors.
  - (e) Other approved materials, which provide the equivalent appearance as items (a) through (d).
- (8) See Section 17-20-18 for a list of earth-toned colors approved for use in the Rooney Valley. The use of high intensity colors, primary colors, metallic colors, black or fluorescent colors is not permitted.
- (9) Ground floor facades that face public streets or provide a primary entry to the building shall have display windows or similar transparent area comprising 40 to 80 percent of the first floor facade area. See Figure 9.



**Figure 9.** Ground Floor Facade Area (A) is calculated by multiplying the facade length (l) by the ground floor height (h). The total ground floor transparent area divided by the Ground Floor Facade Area (A) equals the Transparency Ratio. The ratio must lie between 40% and 80%. The example above illustrates a 60% transparency.



**Figure 10.** Facades shall provide a human scale, interest, and variation in their overall form. Avoid blank walls by visually dividing the ground floor facade every thirty feet with features such as windows, columns, facade projection or recession, or other features.

- (10) Building facades and walls on all stories of a building shall be visually divided every thirty feet in width. Examples of visual division include the use of architectural features such as columns, ribs or pilasters, piers, and pattern of windows and doors, change in plane, change in texture or masonry pattern, windows, trellis with vines, or an equivalent element that subdivides the wall. See Figure 10.
- (11) Side and rear walls of all stories shall be constructed of the same building materials and contain the same architectural treatment as the front of the building, excluding window areas.
- (12) All buildings shall have clearly defined, highly visible primary entrances featuring no less than three of the following:
  - (a) Fabric or metal awnings that correspond to the length of a single storefront. Awnings shall be of similar size, materials and colors throughout the development.
  - (b) Physical recesses or projections.
  - (c) Arcades.
  - (d) Raised cornice parapets over doorway(s).
  - (e) Peaked roof forms.
  - (f) Outdoor patios.
  - (g) Trellises with plantings.

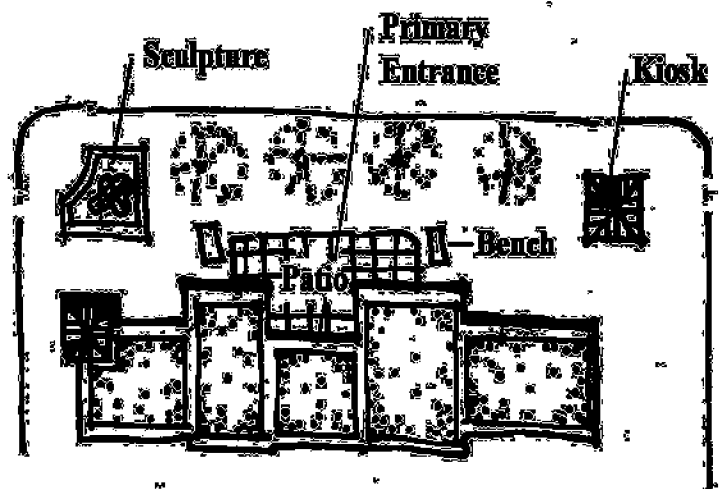
- (h) Integrated planters or wind walls that incorporate landscape areas and/or places for sitting.
- (I) Architectural details such as tile work and moldings, which are integrated into the building structure and design.
- (j) Other amenities, which add visual interest or public convenience as approved by the City.



**Figure 11.** Entries shall be clearly defined through architectural techniques such as incorporating projections or recessions in the facade.

- (13) Each building shall provide at least two of the following to be located at the primary entrance or adjacent to a public street and constructed of approved materials that are similar to the principal materials of the building:

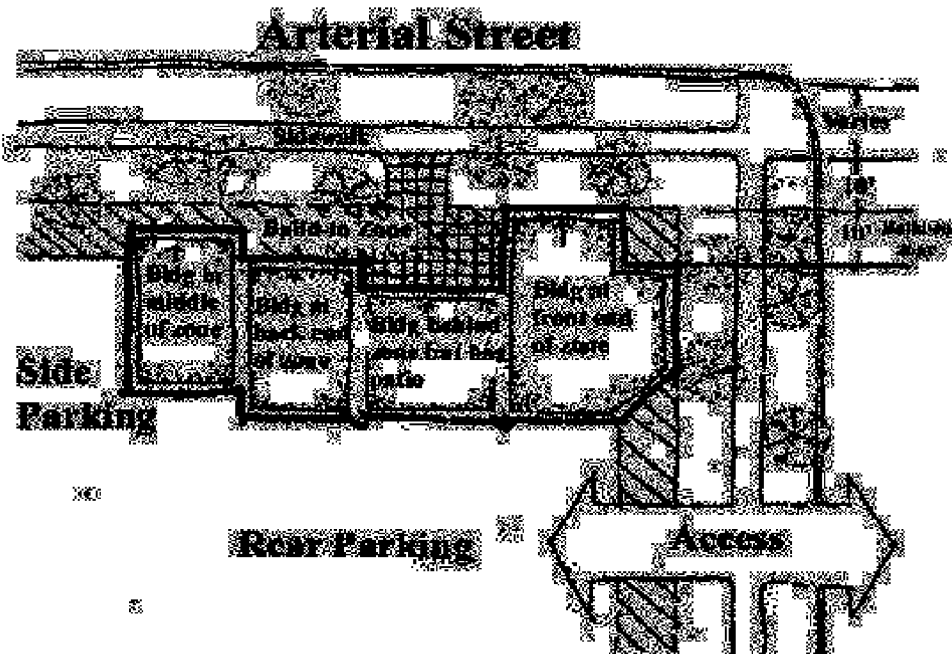
- (a) Patio or plaza with seating.
- (b) Window shopping walkway.
- (c) Sculpture or artistic amenity.
- (d) Informational kiosk.
- (e) Transportation center that displays information about transportation and commute options.
- (f) Other amenities, which add visual interest or public convenience as approved by the City.



**Figure 12.** Site amenities such as kiosks, patio areas, sculpture, and benches provide human scale components to developments.

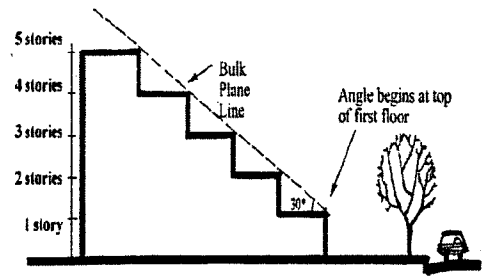
- (14) Gasoline pump canopies, utilities (gas, electric), vending machines, and other site accessories shall be integrated into the architectural character of the development.
- (15) Buildings shall be oriented to primary streets, not parking areas.
- (16) Along arterials, major collectors, and minor collectors, the facades of office, commercial and multi-family buildings of 60,000 square feet or less shall be placed

within the *build-to zone*. This zone is defined as an area that is a minimum of 10 feet from the back of sidewalk to a maximum of 20 feet from the back of sidewalk. The area between the building and the back of curb shall be landscaped. See Figure 13.



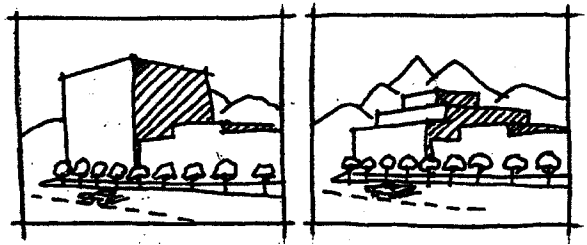
**Figure 13.** The build-to zone provides flexibility in setbacks and ensures that building entries will still be within reasonable walking distance to the sidewalk denoted by the diagonally hatched area.

- (17) Approved exceptions to the build-to zone shall be permitted in order to create an outdoor space such as a plaza, courtyard, patio, or garden between a building and the sidewalk. Such space shall have landscaping, low walls not to exceed 42 inches, fencing or railings not to exceed 42 inches, a tree canopy, and/or other similar site improvements along the sidewalk.
- (18) To ensure that buildings fit with the rolling terrain of the Rooney Valley and to ensure that views of the Foothills, Hogback, and Green Mountain are protected, a building bulk plane line of forty-five degrees is strongly recommended. The bulk plane line is measured from the top of the first story which is to be a maximum of 15 feet in height. See Figures 14 and 15.



**Figure 14.** Illustration of bulk plane line.

- (19) Consider construction of “unconventional structures” that fit into the hillside are strongly encouraged. Examples of this technique include: (1) multiple “step-up” or “step-down” structures; (2) structures with open foundations if landscaping screens the underside area of the building; or (3) stilt structures.



**Figure 15.** The illustration on the left depicts an undesirable building as it does not fit with the terrain and blocks views. The illustration on the right depicts a desirable building that utilizes a recommended bulk plane line of forty-five degrees.

- (20) Parking areas shall be designed to fit with topography and minimize impacts to the terrain.
- (21) To decrease the visual impact of parking areas, parking areas should be located in one of the following ways:
- (a) Located to the sides and/or rear of buildings, or
  - (b) Comprised of several, linked parking areas rather than one large parking area, or
  - (c) Provided in another manner that meets the goals of this standard.
- (22) Parking areas shall be located to encourage shared-use.

#### **17-20-8. SINGLE FAMILY RESIDENTIAL LAND USES DEVELOPMENT STANDARDS.**

##### *Intent*

*Promote building design that is high quality in design, materials, and construction.*

*Provide variety between houses within a development and along a street.*

*Provide architectural detail through a variety of materials, and use of windows.*

*Garage doors shall not be the primary visual feature along a residential street scape.*

*Architectural treatments on the sides of residential structures shall be similar to the architectural treatment on the front.*

*Buildings shall use a variety of treatments to create visual interest.*

*Promote a pedestrian scale with the streetscape.*

*Use materials that have distinct textures, such as rock found in the Rooney Valley area, stone, cultured stone, stucco, or other acceptable materials per the adopted site plan.*

*Utilize berming and different wall textures in front yard to add variety and interest.*

*Avoid “canyon effect” between houses.*

- (1) Exterior finish materials shall be low reflectance, have varied textures, and utilize earth tone colors. Examples of permitted materials include: brick, stucco, stone, split-faced

block, cut stone. The use of smooth-faced concrete block and pre-fabricated steel panels shall not be permitted

- (2) To encourage architecture that blends with the rolling topography of the Rooney Valley, all residential buildings shall have sloped roofs. To enhance blending with the rolling topography and to decrease the visual appearance of roofs, lower pitched sloped roofs are strongly encouraged. A recommended range for roof pitches is from 4 feet in 12 feet to 7 in 12 feet.

- (3) To achieve a prairie-style development character in the Rooney Valley, sloped roofs shall have overhanging eaves, extending a minimum of twenty four inches past the supporting walls.

- (4) To achieve a prairie-style development character in the Rooney Valley, sloped roofs shall be covered with one of the following:

(a) Flat, square/rectangular clay shingle tiles in earth tone colors.

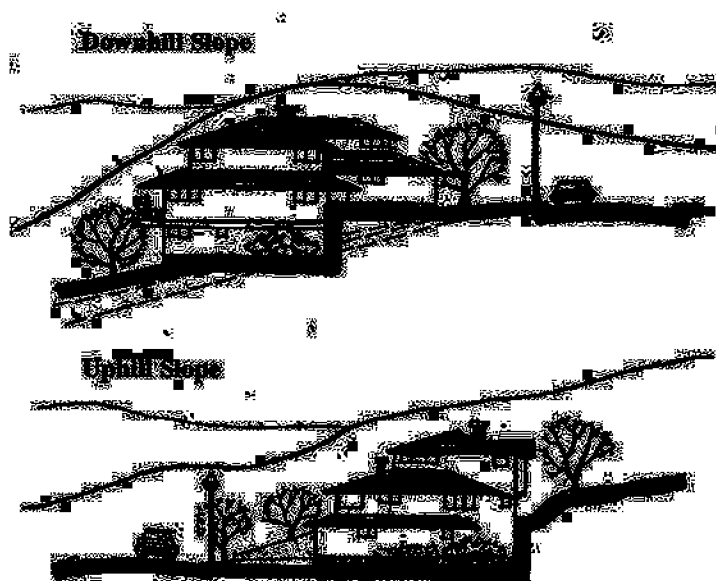
(b) Flat, square/rectangular concrete shingle tiles in earth tone colors.

(c) Flat, square/rectangular asphalt shingle tiles in earth tone colors.

(d) Standing seam metal materials in earth tone colors.

(e) Other approved materials which provide the equivalent appearance as items (a) through (d).

- (5) See Section 17-20-18 for a list of earth toned colors approved for use in the Rooney Valley. The use of high intensity colors, primary colors, metallic colors, black or fluorescent colors shall be prohibited.



**Figure 16.** Hillsides are important to preserve. When development occurs on hillsides the garage shall be over or under the structure depending on lot orientation. Garage doors shall not exceed 40 percent of the building's primary street frontage.

(6) For homes constructed into hillsides, garage space shall be either under or over the structure depending on whether the lot is uphill or downhill from the street.

(7) Garage doors shall not exceed 40 percent of the building's street frontage.

(8) Garages can be provided in one of the following ways:

(a) Flush with the front façade, provided the front façade includes a covered porch extended forward from the front wall of the house at least six feet.

(b) Recessed from the front facade by six feet.

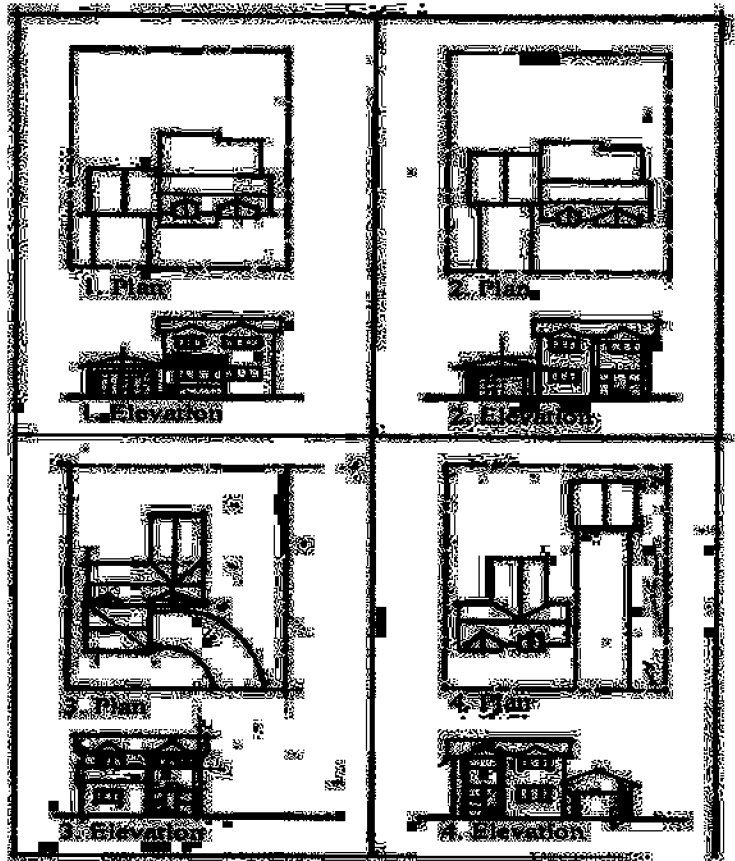
(c) Side-loaded.

(d) Detached and located behind the house.

(e) Other ways that result in the garage door not exceeding 40 percent of the building's street frontage.

(9) To provide a variety of housing styles and to prevent a "canyon effect" between houses, model type shall vary in order that no two houses adjacent to one another have the same profile, roofline, and architectural features.

(10) To provide a variety of housing styles and flexibility in lot layout, a variation in lot sizes is strongly encouraged.



**Figure 17.** Potential garage options for single family residential. 1) Porch projecting, 2) Recessed, 3) Side loaded, 4) Detached and located behind house.

#### **17-20-9. PEDESTRIAN, BICYCLE, AND EQUESTRIAN CIRCULATION.**

##### *Intent*

*Developments within the Rooney Valley should create linkages with existing development within the City of Lakewood.*

*Establish connections between neighborhoods and within neighborhoods and to open space systems.*

*Non-motorized travel is considered an important mode of travel in the Rooney Valley.*

- (1) In commercial areas, pedestrian walkways across public streets and across internal drive aisles shall be distinguished from driving surfaces with durable, low maintenance materials. Examples include: pavers, bricks, scored concrete, raised walkways, or other materials that provide a similar texture and character.



**Figure 18.** Raised walkways can be used to better define pedestrian space in commercial parking areas.

- (2) Sidewalks, bike paths, bike lanes, and equestrian trails shall be provided and built in accordance with adopted City of Lakewood specifications, adopted bike route plans, the City of Lakewood Capital Improvement Program, the Rooney Valley Master Plan, and the Lakewood Community Resources Plan.
- (3) All pedestrian and bicycle paths shall connect to abutting sidewalks, bike paths, and bike lanes.
- (4) Bike racks and/or bike lockers shall be installed at all office, commercial, and multi-family developments at a minimum ratio of 5 bike parking spaces per 100 parking spaces. Bike parking spaces are considered to be one bike locker or one space on a bike rack.
- (5) The following style of bicycle rack is to be provided in the Rooney Valley. Manufacturer: Du Mor, Inc. Style: Loop Bicycle Rack (83-00-S1). Color: Black powder coated. Substitutions which provide a similar style may be approved.

#### **17-20-10. OFFICE, COMMERCIAL AND RESIDENTIAL SIGNS.**

##### *Intent*

*Promote a unique and high quality image for development in the Rooney Valley.*

*Signs should enhance and complement buildings not visually dominate them.*

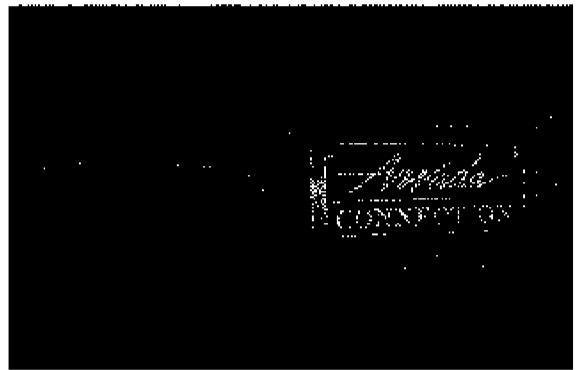
*Sign form should give the impression that it blends with the natural topography.*

*Clearly designate and define entries into neighborhoods and commercial areas.*

*Create distinct, identifiable neighborhoods and commercial areas in the Rooney Valley.*

- (1) A Comprehensive Sign Plan shall be required for all developments. The Plan shall address the items noted in this Section.
- (2) All signs or entry treatments shall utilize similar elements of the development, including but not limited to: landscaping materials, building materials, and lighting elements.
- (3) Neighborhood entry signs shall be provided and maintained by each residential development. One sign shall be located at each intersection of arterials or the intersection

of an arterial and collector that provides an entry to the development. The Comprehensive Sign Plan shall identify privately provided maintenance responsibilities.



**Figure 19.** Entry signs help create district, identifiable neighborhoods and commercial developments.

- (4) Commercial entry signs shall be provided and maintained by each commercial development. Signs shall be located at each intersection of arterial or intersection of an arterial and collector that provides an entry to the development. The Comprehensive Sign Plan shall identify privately provided maintenance responsibilities.
- (5) Free standing signs shall be monument style and coordinate with the materials used on the primary building. Pole signs are prohibited.
- (6) For monument signs that advertise three or more tenants in a building with 60,000 square feet or less, the following maximum sign standards shall apply: maximum sign area shall be 80 square feet; maximum height shall be 10 feet; and maximum width shall be 10 feet. Signs may be of any size and shape as long as the sign fits within this identified sign envelope.
- (7) For monument signs that advertise a single tenant on an individual parcel or single neighborhood, the following maximums shall apply: maximum sign area shall be 50 square feet; maximum height shall be 10 feet; and, maximum width shall be 10 feet. Signs may be of any size and shape as long as the sign fits within this identified sign envelope.

#### **17-20-11. LANDSCAPING.**

##### *Intent*

*Develop a landscape plan that encourages water conservation practices.*

*Use appropriate plant materials to screen service areas from views from streets and adjacent properties.*

*Blend new landscaping with the scenic character of the area, especially when adjacent to open space corridors.*

- (1) A comprehensive landscaping plan shall be required for all developments. This plan shall be approved by the City as part of the planning process.
- (2) All landscaped areas must be irrigated in a manner that conserves water. The type of

irrigation will be determined by the intensity of the landscape development and associated water requirements of the plant materials.

- (3) All landscape materials shall be approved by the City of Lakewood Forester. The City Forester publishes a document of acceptable drought-tolerant landscaping materials, which is available to all applicants.

#### **17-20-12. OPEN SPACE.**

*Intent*

*Preserve drainage corridors as open space.*

*A system of open space corridors shall be developed along drainage ways and shall connect parks and open space systems associated with residential and commercial development.*

*Open space systems shall allow for the movement of wildlife in the area.*

- (1) A minimum 200 foot wide wildlife corridor shall be maintained along gulches that are identified in the Rooney Valley Master Plan - Open Space Framework Plan. The 200 foot corridor shall be measured from the center flow line of the gulch. If road crossings are necessary, they shall provide for wildlife movement through the crossing.
- (2) Open spaces identified in the Rooney Valley Master Plan - Open Space Framework Plan shall be connected to one another.

#### **17-20-13. SCREENING, FENCING AND WALLS.**

*Intent*

*Fences and walls demarcating property lines are strongly discouraged.*

*Where fencing is necessary to protect persons and property, the use of screening, fencing and walls should be visually integrated into the development and surrounding landscape.*

*Fencing should be of an open style whenever feasible.*

*The visual impact of service areas, refuse storage and mechanical/electrical equipment should be minimized.*

- (1) A comprehensive plan for screening, fencing and walls shall be required for all developments. This plan shall identify privately provided maintenance responsibilities. This plan shall be approved by the City as part of the planning process.
- (2) Fences or walls shall be constructed of materials similar to, or compatible with and complementary to, the primary building material and architecture. Fences shall receive the same architectural treatment on both sides. Chain link fences shall be coated with PVC and provided in earth tone colors identified in Section 17-20-18. Strips (wood or plastic) shall not be installed in chain link fences.

- (3) Fences or walls along public streets and public open spaces shall provide visual breaks or architectural treatments every thirty feet. These treatments include: columns, planting areas, open fencing sections, or others that meet the intent of this Section. See Figure 20.



**Figure 20.** Fences shall incorporate visual breaks every 30 feet.

- (4) Ancillary structures and service areas such as trash enclosures, utility enclosures, or loading docks shall be screened from view.

- (5) Screening standards can be met in a number of ways, including, but not limited to: garden walls, retaining walls, wooden fences, earthen berms, constructed planters, dense hedges, or a combination of these identified strategies. See Figure 21.



- (6) Plans submitted for review shall include a graphic depiction of the screening as seen from the street or public open space.



- (7) Plant material used for screening shall achieve required screening in its winter seasonal condition within three years of completion of the construction of the area to be screened.



**Figure 21.** Acceptable screening techniques include using landscaping combined with fencing, walls, or berms.

- (8) Fences adjacent to designated public open spaces, gulches, and detention facilities shall be minimum of 90 percent open. All fences adjacent to public open spaces and detention facilities shall be of similar style and materials the entire length of the open space or detention facility.
- (9) All landscape materials shall be approved by the City of Lakewood Forester. The City Forester publishes a document of acceptable drought tolerant landscaping materials which is available to all applicants.

#### **17-20-14. PRIVATE LIGHT FIXTURES.**

##### *Intent*

*Private lighting fixtures shall be designed and located to provide attractive and unique pedestrian scale lighting.*

- (1) Illumination shall be downcast and shielded to prevent light spillage onto adjacent properties.
- (2) Within developments, privately provided light poles and fixtures shall not be taller than 20’.
- (3) Metal halide light fixtures are required.
- (4) Mercury vapor lights are not permitted.
- (5) Pedestrian Lights: The following style of pedestrian lighting is permitted in the Rooney Valley. Manufacturer: Architectural Area Lighting, Universe Collection. Style: Pole (PR4-4R18), Head (SL FH22PM). Color: Black powder coated. Substitutions which provide a similar style may be approved.

#### **17-20-15. STREET FURNITURE.**

*Intent*

*The intent is to provide attractive and functional street furniture that supports pedestrian and other non-motorized modes of travel.*

- (1) All office, commercial and residential developments shall submit a comprehensive street furniture plan that identifies location, number and maintenance responsibilities associated with benches, trash receptacles, railings, newspaper boxes, informational signs, bicycle racks, and bicycle lockers.
- (2) Trash Receptacles: The following style of trash receptacles are permitted in the Rooney Valley. Manufacturer: Victor Stanley. Style: Model (S-42). Color: Black powder coated. Substitutions which provide a similar style may be approved.
- (3) Benches: The following style of benches are permitted in the Rooney Valley. Manufacturer: Du Mor, Inc. Style: Bench (118). Color: Black powder coated. Substitutions which provide a similar style may be approved.

#### **17-20-16. STREET DESIGN.**

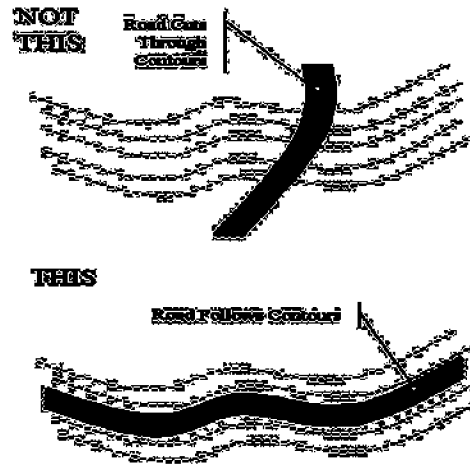
*Intent*

*Roads and associated development should result in minimum disturbance to environmentally sensitive features such as hillsides and drainage ways.*

*The pattern of major streets is illustrated in the Conceptual Transportation Plan comprised in Map 11 of the Rooney Valley Master Plan document.*

- (1) When possible, roads shall follow natural contours to avoid excessive cut and fill.

- (2) To minimize cut and fill and to protect natural contours, City standards are available which may be used to decrease parking requirements.
- (3) Landscaped and irrigated medians and roadsides shall be provided along major regional arterials and arterials.
- (4) Landscaped and irrigated roadsides shall be provided along major and minor collectors.
- (5) All landscape materials shall be approved by the City of Lakewood Forester. The City Forester publishes a document of acceptable drought-tolerant landscaping materials, this publication is available from the City Forester.



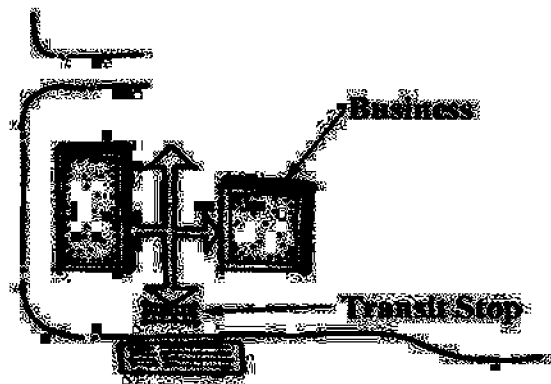
**Figure 22.** Roads shall follow the natural contours of the topography.

#### **17-20-17. TRANSIT.**

##### *Intent*

*The ability of Rooney Valley residents to efficiently and effectively utilize modes of transportation other than the private automobile shall be encouraged in every development.*

- (1) Direct pedestrian routes to transit stops and facilities will be provided.
- (2) When feasible, programs shall be established at employment centers to encourage the use of transit, car/vanpools, bicycling, and walking.



**Figure 23.** Direct routes from transit stops to the entry of buildings shall be provided in commercial areas.

#### **17-20-18. COLORS.**

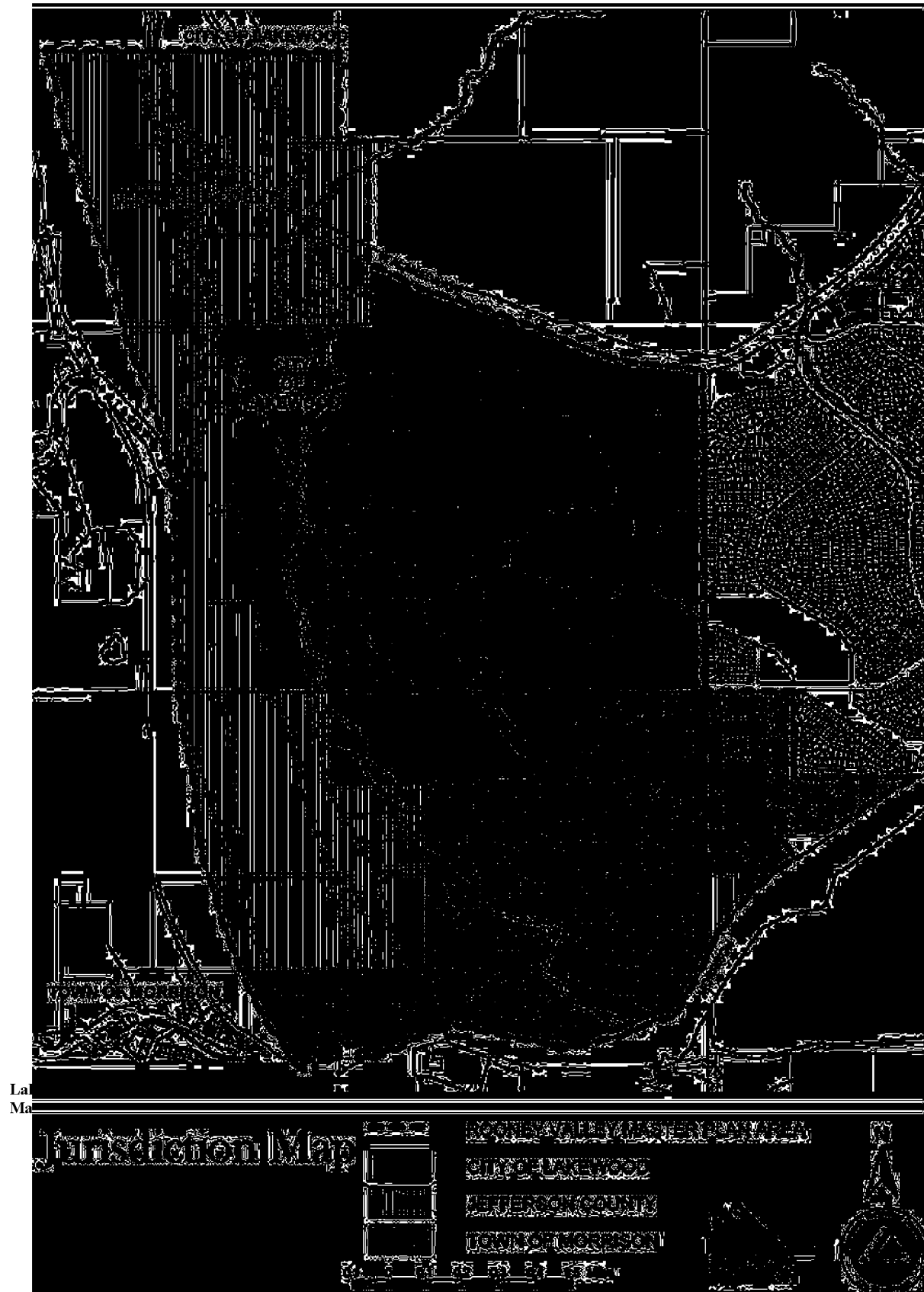
##### *Intent*

*To encourage development that harmonizes with the Rooney Valley, colors used on buildings, signs, and retaining walls should reflect the existing earth tone colors seen in the Rooney Valley.*

- (1) Colors noted are from Patterned Concrete Industries, Inc. Color Chart A-112-08 from the L.M. Schofield Company. Color name and number are noted. Acceptable substitutes may be proposed. Permitted colors include: A-24 Russet, A-25 La Cresenta Brown, A-29 Terra Cotta, A-55 Pecan Tan, A-53 Arizona Tan, A-51 Steadman Buff, A-59 Beige Cream, and A-50 Slate Gray. Designer colors include: Smoke Beige, Stone Gray, Oyster White, Weathered Sage, and Ash White.

**17-20-19.      ROONEY VALLEY OVERLAY ZONE DISTRICT.**

Map 1



## **ARTICLE 21: ALAMEDA OVERLAY DISTRICT**

### **17-21-1. INTENT.**

- (1) Alameda Avenue is a significant corridor within Lakewood. It has historical significance since it was originally designed as a parkway to connect Denver with Red Rocks Park in the foothills. Its wide, tree-lined right-of-way, has allowed it to remain a unique roadway for development. Alameda Avenue is also a gateway to the heart of the Lakewood City Center. Due the significance of Alameda Avenue within the City of Lakewood, the Alameda Overlay District (District) is established.
- (2) Several adopted plans overlap the District including the following: The Lakewood Center Plan (1989), The Alameda Cornerstone Plan (2003), The Wadsworth Boulevard Strategic Plan (1997), The Jefferson Gardens Neighborhood Plan (1995), and the North Alameda Neighborhood Plan (1998). The District is intended to:
  - a) Create a unique place within the Metro Area for working, shopping, living, and recreation,
  - b) Balance open space with development intensity,
  - c) Balance business interests along the corridor with the interests of the neighborhoods adjacent to the corridor,
  - d) Maintain the integrity and viability of the adjacent residential neighborhoods,
  - e) Recognize the historic significance of Alameda Avenue and preserve and utilize its history through site and building design,
  - f) Blend the different designs along the corridor into a cohesive environment, and
  - g) Maintain strong property values.

### **17-21-2. APPLICABILITY.**

- (1) Within the District, which is defined in Section 17-21-2 (2), these Standards are intended to enhance the identity of the corridor while encouraging cohesive development.
- (2) These Standards shall apply to all properties zoned as office, commercial or PD that include office and/or commercial uses west of Sheridan Boulevard and east of Union Boulevard as shown in Section 17-12-12, Maps 1, 2, and 3. Refer to the Lakewood Zoning Map for specific properties to which this zone applies.
- (3) These Standards shall be applied to new development, redevelopment, or exterior modifications including, but not limited to, building additions, facade improvements, or landscaping improvements within the overlay zone.

- a) Partial redevelopment or rehabilitation. When projects involve only a partial redevelopment such as a facade improvement, parking lot reconfiguration, or other rehabilitation, these standards shall apply to the particular portion of the project being changed.
  - b) When an increase in development square footage (buildings or parking) of at least 20% occurs, all of the Alameda Overlay District standards shall apply.
- (4) Within the District, all City of Lakewood ordinances, policies, regulations and plans shall apply. Where conflicts occur regarding development requirements in this article, the provisions of these Standards shall supersede those of the Lakewood Zoning Ordinance.

**17-21-3. FLEXIBILITY AND APPROVAL.**

- (1) It is recognized that many different situations exist within the Alameda Overlay District that may require flexibility in the application of these Standards and other City requirements and standards to a project site. Each site shall be considered on its own merits and attributes, by constraints, which are specific to each site, and in consideration of the broad District goals of furthering the revitalization of the Alameda Overlay District.
- (2) Appeals from decisions based upon these Standards or the underlying zone district shall be subject to the procedures of the Lakewood Zoning Ordinance, as appropriate. Waivers or exceptions to these Standards shall be subject to the review procedures of the Zoning Ordinance, as appropriate. These Standards shall be subject to the Planning Director's administrative authority contained in the Zoning Ordinance.

**17-21-4. PERMITTED USES.**

- (1) Intent: Continue the commercial function of Alameda and allow expanded development opportunity by permitting multi-family residential uses within the zone district when combined with commercial uses (mixed use).
- (2) Uses allowed by the underlying zoning are permitted within the District.
- (3) In addition, the District allows residential and/or live-work uses to be developed on the property provided that the following conditions are met:
  - a) A site plan is submitted that is consistent with Article 15 requirements.
  - b) The residential density and character respect the intent of the ordinance. Development is intended to be pedestrian-oriented with buildings close to and oriented to the sidewalk, especially at street intersections.

#### **17-21-5. SITE LAYOUT.**

- (1) Intent: Orienting the buildings closer to Alameda Avenue will help define the street edge, promote a pedestrian oriented street environment for walking and shopping, and keep the taller buildings away from the adjacent residences north or south of the district.
- (2) Building Orientation.
  - a) Main Entrance. Primary structures shall be oriented with their main entrance facing the street to which the site fronts. The main building entrance shall be on a street-facing wall and within 12 feet of the building corner.
  - b). Entrances. Provide for a hierarchy of entry points to each site and to each building. By creating a clearly identified system of entry points, the pedestrian environment and the vehicular environment will be enhanced.
  - c) Each building shall provide at least two of the following to be located at the primary entrance, adjacent to a public street, or other logical public entry points to the building. The following amenities should be constructed of approved materials that are complementary to the primary exterior materials of the building:
    - (1) Patio or plaza with seating.
    - (2) Window shopping walkway.
    - (3) Sculpture or other artistic amenity provided pursuant to an adopted Public Art Ordinance.
    - (4) Informational kiosk.
    - (5) Transportation center that displays information about transportation and commuting options.
    - (6) Other amenities that add visual interest or public convenience as approved by the City.
  - d) On sites with at least two street frontages:
    - (1) The primary structures on corner lots shall use the minimum setback requirements.
    - (2) At least one of the street-facing walls shall be at least 40 feet long.

e) Views. Views can be affected by the orientation of tall buildings. To avoid blocking views of the foothills and mountains, buildings taller than 35 feet should be oriented with the long axis running east/west.

f) Solar access. Solar access shall be preserved for public spaces such as plazas, courtyards, or rooftop patios. The preferred priority for orienting public spaces is as follows (see Figure 1):

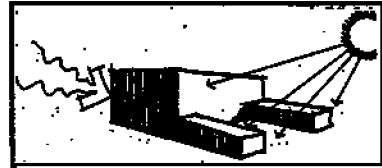
(1) South / Southwest

(2) West

(3) East

(4) North / Northwest

g) Buildings should be oriented to take advantage of passive solar collectors as well as block cold north/northwest winds during the winter months. See Figure 1.



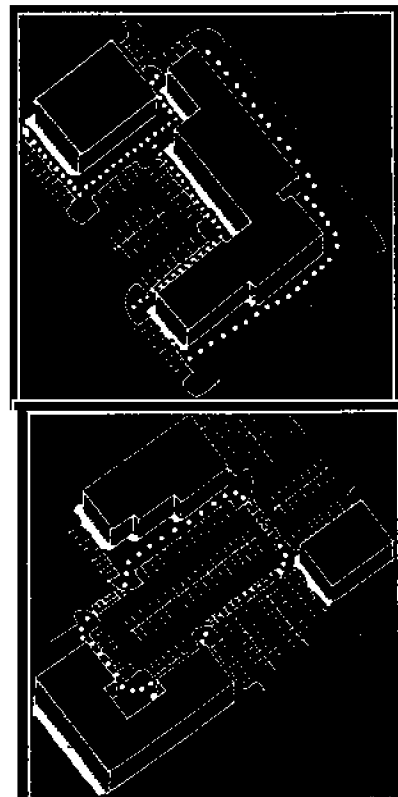
**Figure 1.** Building orientation should take advantage of solar collection and winter winds.

(3) Connections.

a) Intent: A main objective for the Alameda corridor is to get people out of their cars and to provide opportunities for them to walk past many shops on their way to their original destination. This allows exposure to merchandise and buying opportunities. Accordingly, pedestrian ways shall be conveniently interconnected, comfortable, and interesting.

b) Internal to Site.

(1) Minimize the number of interruptions by creating a continuous walking environment between buildings. Where a pedestrian crossing area exists, minimize the distance across the street, drive aisle, or similar walking interruption. See Figure 2.



**Figure 2.** Internal pedestrian connections. The top figure shows convenient pedestrian connections with few interruptions. The bottom figure shows inconvenient pedestrian connections where crossing parking lots and drive aisles is an issue.

- (2) Pedestrian walkways across public streets and across internal drive aisles shall be distinguished from driving surfaces with durable, low maintenance materials. Examples include: pavers, bricks, scored concrete, raised walkways, or other materials that provide a similar texture and character.
- c) Connections to adjacent uses and modes of travel shall be provided as per Article 15 requirements.
- (4) Parking lot design.
  - a) Intent: Decrease the negative visual impact of parking areas.
  - b) Parking areas should be located in one of the following ways:
    - (1) Located to the sides and/or rear of buildings, or
    - (2) Comprised of several, interconnected parking areas defined with landscaped areas, rather than one large parking area, or
    - (3) Provided in another manner that meets the goals of this standard.
  - c) Parking areas shall be located to encourage shared-use.
  - d) Barriers that limit pedestrian circulation between parking lots are not permitted. Examples include fences, walls, or other similar types of structures.

#### **17-21-6. SIGNS.**

- (1) Intent:
  - a) Reduce visual clutter between 12 and 25 feet above the curb.
  - b) Enhance the street environment and views by encouraging smaller signs constructed of similar, high quality materials used in the primary structure.
  - c) Treat signs as architecture, not as an afterthought.
- (2) Regulations stated in the Lakewood Zoning Ordinance, Article 17-10, Signs, shall apply as appropriate.
- (3) Additional development standards for project and business identification signs shall include the following:

<b>Standard</b>	<b>Project identification for multi-tenant center</b>	<b>Business identification for pad site</b>	<b>Business identification for single business on single parcel</b>
<b>Max. Height</b>	12 feet	10 feet	10 feet
<b>Max. Area</b>	80 square feet per side	40 square feet per side	40 square feet per side
<b>Setback</b>	Front property line	Front property line	Front property line
<b>Number of tenants</b>	Maximum of four (4) tenants per side	Not Applicable	Not Applicable
<b>Style</b>	Monument	Monument, 3D	Monument, 3D
<b>Colors</b>	Dark colors for background, Light colors for lettering	Dark colors for background, Light colors for lettering	Dark colors for background, Light colors for lettering
<b>Landscaping</b>	Area around sign with radius at least one-half height of sign.	Area around sign with radius at least one-half height of sign.	Area around sign with radius at least one-half height of sign.

#### **17-21-7. SITE FURNISHINGS.**

- (1) Intent: In order to create cohesiveness within the Alameda Overlay Zone the following site furnishing package has been developed for public spaces along the Alameda Corridor.
- (2) The Planning Department maintains a list of approved site furnishings. For each of the site furnishings, substitutions that provide a similar style may be approved.
- (3) The site furnishing package shall include the following items as appropriate to the site:
  - a) Bench
  - b) Trash Receptacle

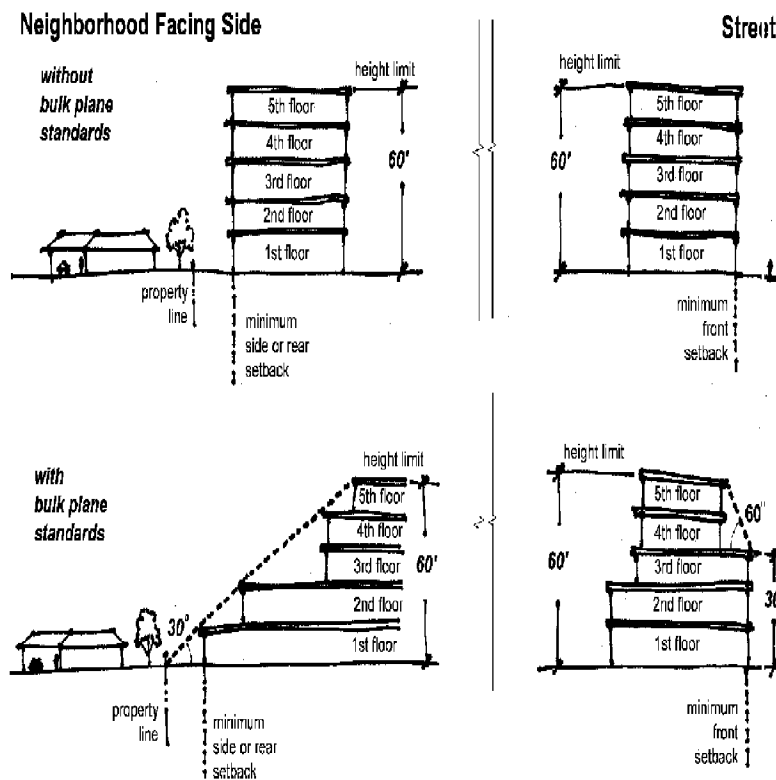
- c) Transit shelter
- d) Bollard
- e) Newspaper rack
- f) Tree grate
- g) Bike locker
- h) Bike rack

**17-21-8. ARCHITECTURE.**

- (1) Intent: Architecture should complement the pedestrian environment to create a lasting image for Alameda Avenue. Architecture should be of human scale, show attention to detail, and materials and colors should relate to the natural features of the region such as Red Rocks.
- (2) Development Standards:

<b>Setbacks</b>	
Front, any	
<i>Minimum</i>	30 feet from back of curb, but not in Right-of-Way.
<i>Maximum</i>	50 feet from back of curb; where property line is greater than 50 feet from back of curb, property line is maximum setback.
Side	0': if building code rated firewall 5': if non-rated firewall with windows 5': accessory buildings and structures 5': loading dock, with approved screening 20': if adjacent to residential zone district.
Rear	0': if building code rated firewall 5': if non-rated firewall with windows 5': accessory buildings and structures 5': loading dock, with approved screening 20': if adjacent to residential zone district.
<b>Maximum Height</b>	Underlying zoning heights are followed; For mixed-use projects that have, live/work, and/or residential on upper floors: 60 feet, provided the bulk plane standards are followed.
<b>Maximum Building Coverage</b>	For properties that front West Alameda Avenue, the maximum lot area including principal and accessory buildings, parking, and drive aisles will be increased to 80% if minimum open space utilizes right-of-way. The purpose is to encourage buildings to front onto West Alameda Avenue and to locate closer to the roadway to create a more urban environment.
<b>Minimum Open space</b>	25% of lot area; For properties fronting Alameda, the right-of-way may be used in the calculation provided that it is landscaped, maintained by the adjacent property owner and lot open space is at least 20% of lot area.
<b>Parking</b>	Refer to parking standards in section 17-21-11.

- (3) **Exceptions.** Approved exceptions to the setback standards shall be permitted, pursuant to adopted sight line requirements, in order to create an outdoor space such as a plaza, courtyard, patio, or garden between a building and the sidewalk. Such space shall have landscaping, low walls not to exceed 42 inches, fencing or railings not to exceed 42 inches, a tree canopy, and/or other similar site improvements along the sidewalk.
- (4) **Bulk Plane.** To ensure that new buildings adequately relate in scale to adjacent neighborhoods and the street, bulk plane lines are used (see Figure 3). The following standards apply:
  - a) **Neighborhood facing side.** A bulk plane of 30 degrees will be used for commercial and mixed use structures. For mixed use developments that have multi-family residential uses such as townhomes adjacent to the rear or side property line, the 35 foot height limit shall apply. The bulk plane will be measured from the rear property line at the curb.
  - b) **Street facing side.** Adding visual interest in terms of massing along Alameda and other street edges is important for achieving a more pedestrian-friendly environment. A bulk plane of 60 degrees measured at the minimum street facing setback, 30 feet above the curb is recommended.



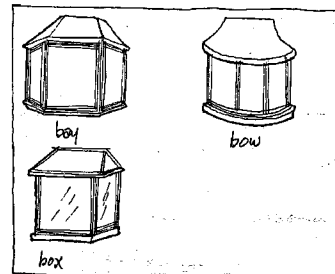
**Figure 3.** Illustration of bulk plane line.

(5) Entry.

- a) Intent: Provide for a hierarchy of entry points to each site and to each building. By creating a clearly identified system of entry points, the pedestrian environment and the vehicular environment will be enhanced.
- b) Each building shall provide at least two of the following to be located at the primary entrance, adjacent to a public street, or other logical public entry points to the building. The following amenities should be constructed of approved materials that are complementary to the primary exterior materials of the building:
  - (1) Patio or plaza with seating.
  - (2) Window shopping walkway.
  - (3) Sculpture or other artistic amenity.
  - (4) Informational kiosk.
  - (5) Transportation center that displays information about transportation and commuting options.
  - (6) Other amenities that add visual interest or public convenience as approved by the City.

(6) Facade.

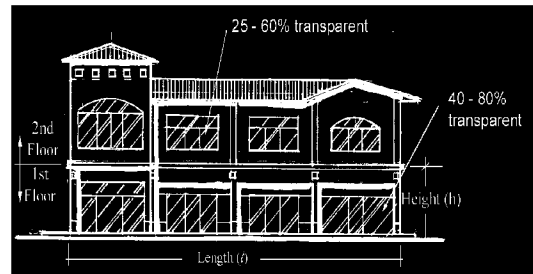
- a) Intent: Create visually interesting facades that are not long expanses of blank walls. Create a human scale, pedestrian-friendly shopping environment.
- b) Visual Breaks. Building facades and walls on visual breaks every thirty feet in width at a maximum. Examples of visual breaks include the use of three-dimensional architectural features such as columns, balconies, projecting windows, a change in plane or an equivalent element that articulates the wall. See Figure 4.



**Figure 4.** Window boxes are one way to provide visual breaks.

c) Transparency

- (1) Ground floor facades that face public streets or provide a primary entry to the building shall have display windows or similar transparent area comprising 40 to 80 percent of the first floor facade area. Maximum horizontal spacing between windows and doors is 12 feet. See Figure 5.



**Figure 5.** Transparency ratio equals the total ground floor transparent area divided by ground floor Façade Area (A). (A) is calculated by multiplying the façade length (l) by the ground floor height (h). The ground floor transparency ratio must lie between 40% and 80%. The example above illustrates a 60% transparency. The second floor transparency ratio must lie between 25% and 60%. The above example illustrates a 30% transparency.

- (2) Upper floor facades shall be 25 to 60 percent transparent.

d) Distinct ground floor. The ground level of the primary structure shall be visually distinct from upper stories. This separation may be provided by:

- (1) A cornice above the ground level,
- (2) An arcade,
- (3) Changes in material or texture, or
- (4) Another means of providing a distinct ground floor as approved by the Planning Department.

- (7) Parapets. Flat roofs shall be screened with parapets on all sides of the building. The parapet shall be of height sufficient to screen, from the street level view, all rooftop mechanical equipment (e.g. HVAC units). If no rooftop mechanical equipment exists, the parapet shall be a minimum of 18 inches in height. Such parapets shall feature three-dimensional cornice treatment. See Figure 6.



**Figure 6.** Parapet Standards.

- (8) Roof Treatments. See Lakewood Zoning Ordinance, Article 15 for required roof treatments.

(9) Materials.

- a) Primary exterior materials. Primary exterior finish materials shall make up at least 75 percent of the remaining exterior surface area of the building after the transparent area, defined in this Article, is deducted. They shall be low reflectance, have natural-textures, and utilize earth tone colors. Examples of permitted materials include: brick, stone, split-faced block, or cut stone. Use of other naturally-textured material may be approved by the Planning Department. The use of all-glass exterior, smooth-faced concrete block, pre-fabricated steel panels shall be prohibited.
- b) Secondary materials and trim materials. Secondary materials and trim materials shall complement the primary materials in texture and scale and provide enough contrast to be visible.

(10) Color.

- a) Primary Materials. Muted shades of red or brown, defined as earth tones, are preferred for primary exterior materials. The use of high intensity colors, primary colors, metallic colors, black or fluorescent colors is not permitted for primary exterior materials. The Planning Department maintains a list of earth toned colors approved for use in the Alameda Overlay Zone.
- b) Secondary materials and trim materials.
  - (1) Colors shall complement the primary material colors and provide enough contrast to be visible.
  - (2) In the case where smooth-textured block or similar secondary or trim materials are used, the color may be natural or stained, but not painted.

- (11) Accessory structures. Gasoline pump canopies, utilities (gas, electric), and other accessory structures shall use the same types of materials and colors as the primary structure. See Lakewood Zoning Ordinance, Article 15 for design criteria related to canopies.

**17-21-9. LANDSCAPING.**

- (1) In addition to Article 15 landscaping and screening requirements, the following shall also apply:
  - a) Alameda Avenue right-of-way landscaping substitution. For properties fronting Alameda, the right-of-way may be used in the calculation provided that it is landscaped, maintained by the adjacent property owner and site open space is at least 20% of lot area.
  - b) Plant material ratio. The plant material ratio is 4 trees and 2 shrubs per 1000 square feet of landscaped area.

c) Buffer. When side or rear yards are adjacent to residential zones, a 20 foot wide minimum landscaped buffer shall be installed.

(1) The buffer area landscaping may consist of berms, shrubs, trees, and other appropriate plant materials that help provide an adequate buffer between the properties.

(2) If the 20 foot wide minimum buffer cannot be met due to certain lot configurations that may exist (such as a shallow lot), the buffer width will be maximized, but not less than 10 feet.

**17-21-10. PUBLIC ART.**

(1) Intent: Promote the cultural and historic characteristics of Lakewood. Ensure that the work, thinking, creative skills, and unique perspectives of artists are included in the planning, design, and construction of development within the Alameda Overlay District.

**17-21-11. VEHICULAR AND BICYCLE PARKING.**

(1) Intent. Encourage innovative parking strategies that reduce the amount of land used for surface parking and promote alternative travel modes within the corridor.

(2) Parking lot development standards.

a) Access to vehicle areas shall be located at least 40 feet from any adjacent residential zone. If the 40 foot minimum distance cannot be met due to certain lot configurations that may exist, such as a shallow lot, the distance shall be maximized, but not less than 20 feet.

b) No more than 50 percent of the site may be used for vehicle areas and internal drive aisles associated with the vehicle area.

(3) Vehicular parking.

a) Off-street parking requirements. The parking regulations in Article 9 apply.

b) The required parking ratios included in Article 9 shall be MAXIMUM ratios for the Alameda Overlay Zone District.

c) Minimum ratios are 75 percent of the maximum ratios.

- d) If the development requests more than the maximum allowable parking, the additional parking should be provided in a structure or alternative manner other than surface lots.
- (4) Parking Reductions. The following strategies are available for reduction in the amount of required off-street parking:
- a) Joint use parking. Joint use of required parking spaces may occur where two or more uses on the same or separate sites are able to share the same parking spaces because their parking demands occur at different times. Joint use of required nonresidential parking spaces is allowed if the following documentation is submitted in writing to the Planning Department as part of the site plan review. The following elements are required:
    - (1) A legally recorded cross-access agreement that includes the names, addresses, and signatures of the owners or tenants - and their successors - that are sharing the parking, and a description and location of the corresponding uses,
    - (2) The location and number of parking spaces that are being shared,
    - (3) An analysis showing that the peak parking times of the uses occur at different times and that the parking area will be large enough for the anticipated demands of both uses.
  - b) Transit-supportive plazas.
    - (1) Sites where at least 20 parking spaces are required may substitute transit-supportive plazas for required parking, provided that there is a bus stop within 1000 feet of the site and/or where at least one street lot line abuts a transit street - a street that has a transit route with scheduled stops every 15 minutes, maximum, during both morning and evening peak hours. Existing parking areas may be converted to take advantage of these provisions.
    - (2) Transit-supportive plazas may be substituted for up to 10 percent of the required parking spaces on the site,
    - (3) The plaza shall be adjacent to the transit street. If there is a bus stop along the site's frontage, the plaza shall be adjacent to the bus stop,
    - (4) The plaza shall be at least 300 square feet in area and be shaped so that a 10'x10' square will fit entirely in the plaza,
    - (5) The plaza shall include all of the following elements:
      - a) Open to the public;
      - b) A bench, trash receptacle, and shelter or other weather protection

consistent with the standards of this Article;

- c). At least 10 percent, but not more than 25 percent of the transit-supportive plaza shall be landscaped consistent with the landscape standards of this Article.

c) Carpool parking.

- (1) For office and institutional uses where there are more than 20 parking spaces on the site, the following standards shall be met:
  - a) Five spaces or five percent of the parking spaces on site, whichever is less, shall be reserved for carpool use before 9:00 AM on weekdays.
  - b) The spaces will be those closest to the building entrance or elevator,
  - c). Signs shall be posted indicating these spaces are reserved for carpool use before 9:00 AM on weekdays.
  - d) Eliminating curb cuts. Five spaces or 5 percent of the required parking spaces, whichever is less, may be reduced for eliminating at least one curb cut.

(5) Bicycle parking.

- a) Intent: Bicycle parking is required for most use categories to encourage the use of bicycles by providing safe and convenient places to park bicycles.
- b) Required Bicycle Parking. The required minimum number of bicycle parking spaces for each use category is shown in the table below. These minimums represent approximately a five percent ratio of bicycle parking to vehicular parking. No bicycle parking is required for uses not listed.

Use	Long term parking	Short term parking
<b>Commercial</b> <i>Retail sales, retail services, office</i>	2, or 1 per 20,000 sq. ft. of net building area, whichever is greater.	2, or 1 per 7,000 sq. ft. of net building area, whichever is greater.
<b>Residential</b> <i>Multi-family</i>	1 per 4 units	2, or 1 per 20 units, whichever is greater.
<b>Transit centers</b>	8	None

c) Exemptions.

- (1) No long-term bicycle parking is required on a site where there is less than 2,500 square feet of gross building area.
- (2) No long-term bicycle parking is required for dwelling units that provide comparable storage space within the unit for a bicycle.

d) Short-term bicycle parking.

- (1) Purpose. Short-term bicycle parking encourages shoppers, customers, messengers, and other visitors to use bicycles by providing a convenient and readily accessible place to park bicycles.
- (2) Short-term bicycle parking shall be provided in lockers or racks that meet the standards of this Article;
- (3) Location.
  - a) Where there is one main entrance on the site, the short-term bicycle parking spaces shall be:
    - i. Within 50 feet of the main entrance to the building, or with the permission of the Department of Community Planning and Development and the Public Works Department, bicycle parking may be located in the public right-of-way; or
    - ii. Inside a building, in a location that is easily accessible for bicyclists.

- b) Where there is more than one building or main entrance on a site that is not part of an institutional campus, the short term bicycle parking shall be:
      - i. Within 50 feet of a main entrance and be distributed to serve all buildings or main entrances; or
      - ii. Inside a building, in a location that is easily accessible for bicyclists.
    - c) On an institutional campus, where there is more than one building or main entrance, the short-term bicycle parking shall be:
      - i. Within 50 feet of a main entrance; or
      - ii. Inside a building, in a location that is easily accessible for bicyclists; or
      - iii. In a common bicycle parking location along a walkway if the short-term bicycle parking is more than 50 feet from a main entrance.
  - (4) Covered Spaces. If 10 or more short-term bicycle spaces are required, then at least 50 percent of the required short-term bicycle spaces shall be covered and meet the standards contained within this Article.
  - (e) Long-term bicycle parking.
    - (1) Purpose. Long-term bicycle parking provides employees, students, residents, commuters and others who generally stay at a site for several hours, a secure and weather-protected place to park bicycles. Although long-term parking does not have to be provided on-site, the intent of these standards is to allow bicycle parking to be within a reasonable distance in order to encourage bicycle use.
    - (2) Standards. Required long-term bicycle parking shall meet the following standards:
      - a) Long-term bicycle parking shall be provided in racks or lockers that meet the standards of this Article;
      - b) Long-term bicycle parking shall be located on the site or in an area within 250 feet of the building;
      - e) At least 50 percent of required long-term bicycle parking shall be covered and meet the standards of this Article; and

f) To provide security, long-term bicycle parking shall be in at least one of the following locations:

- i. In a locked room,
- ii. In an area that is enclosed by a fence with a locked gate,
- iii. Within view of an attendant or security guard,
- iv. Within 100 feet of an attendant or security guard,
- v. In an area that is monitored by a security camera, or
- vi. In an area that is visible from employee work areas.

f) Standards for all bicycle parking.

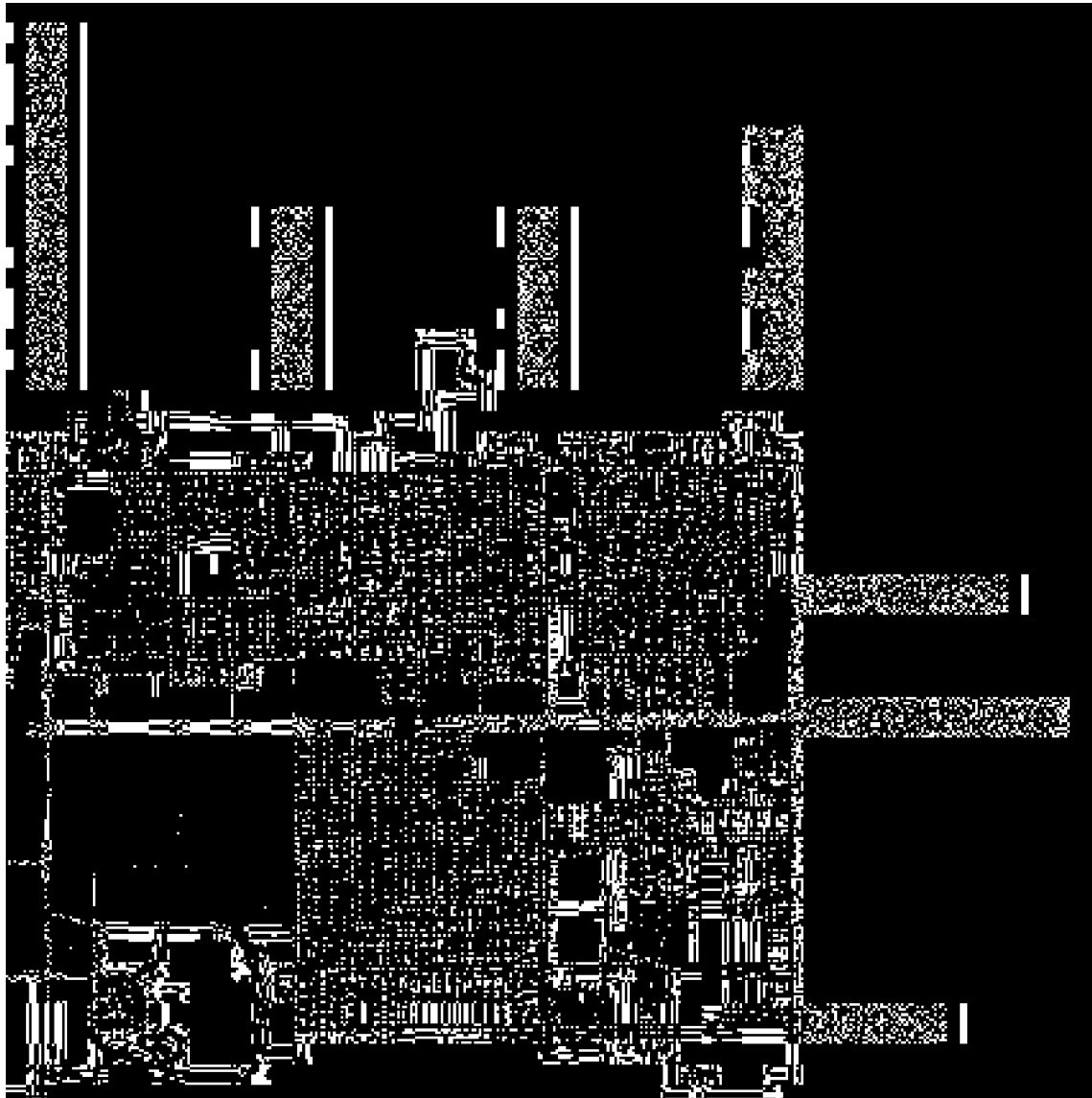
- (1) Intent: These standards ensure that required bicycle parking is designed so that bicycles may be securely locked without undue inconvenience and will be reasonably safeguarded from intentional or accidental damage.
- (2) Bicycle lockers. Approved by the Department of Community Planning and Development.
- (3) Bicycle racks. Approved by the Department of Community Planning and Development.
- (4) Maneuvering areas.
  - a) Each required bicycle parking space shall be accessible without moving another bicycle; and
  - b) There shall be an aisle at least 5 feet wide behind all required bicycle parking to allow room for bicycle maneuvering.
- (5) Covered bicycle parking. Covered bicycle parking, as required by this section, can be provided inside buildings, under roof overhangs or awnings, in bicycle lockers, or within or under other structures. Where required covered bicycle parking is not within a building or locker, the cover shall be:


- a) Permanent;
- b). Designed to protect the bicycle from rainfall; and
- c) High enough to provide at least 7 feet of clearance above the floor or ground.

(6) Signs.

- a) Transit centers. If required bicycle parking is not visible from the transit center, a sign must be posted at the center indicating the location of the parking.
- b) Other uses. For uses other than transit centers, if required bicycle parking is not visible from the street or main building entrance, a sign must be posted at the main building entrance indicating the location of the parking.

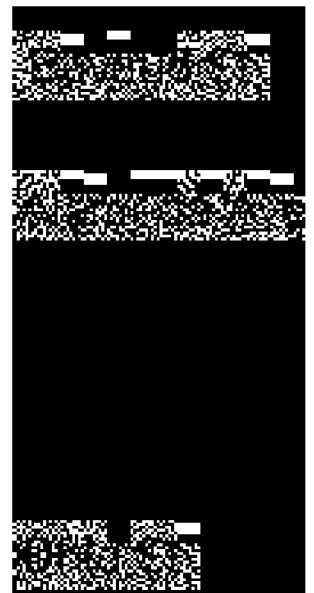
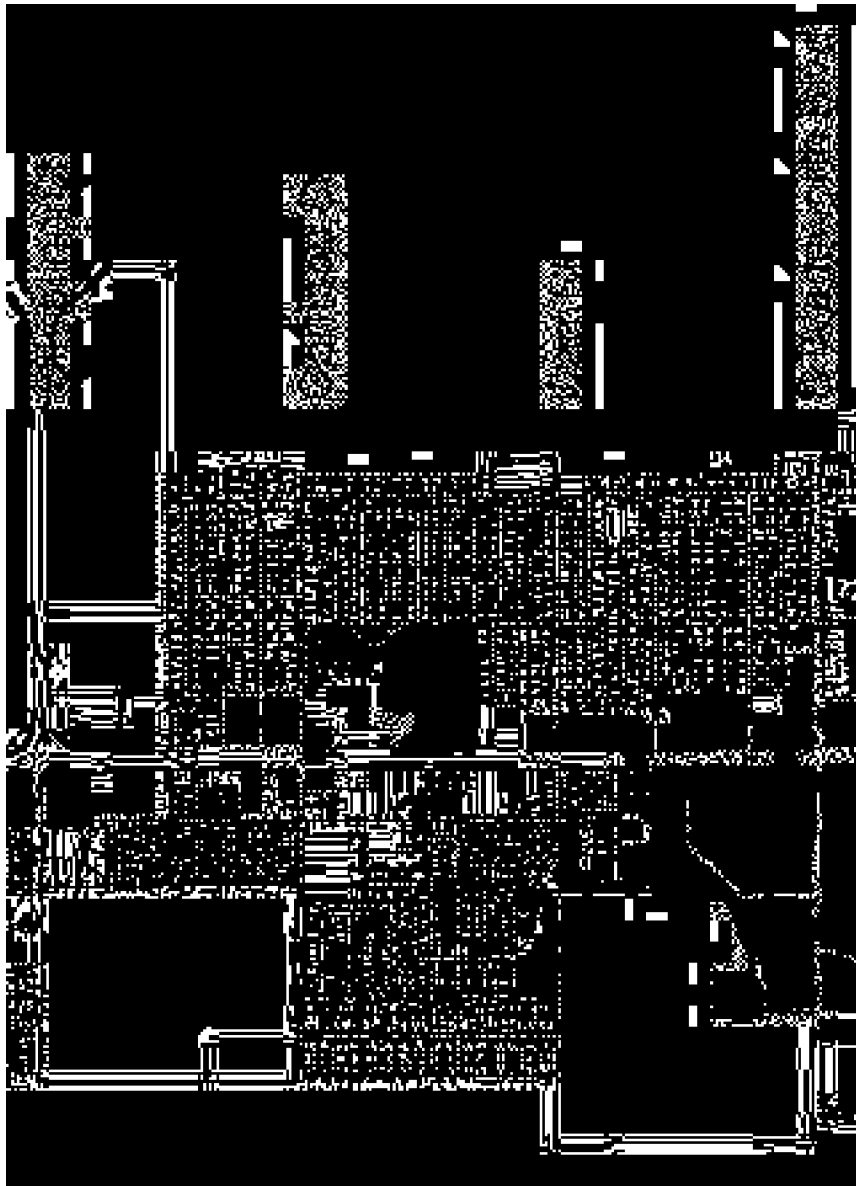
17-21-12. MAP OF ALAMEDA OVERLAY DISTRICT BOUNDARY.




 Properties within Alameda Overlay Zone District



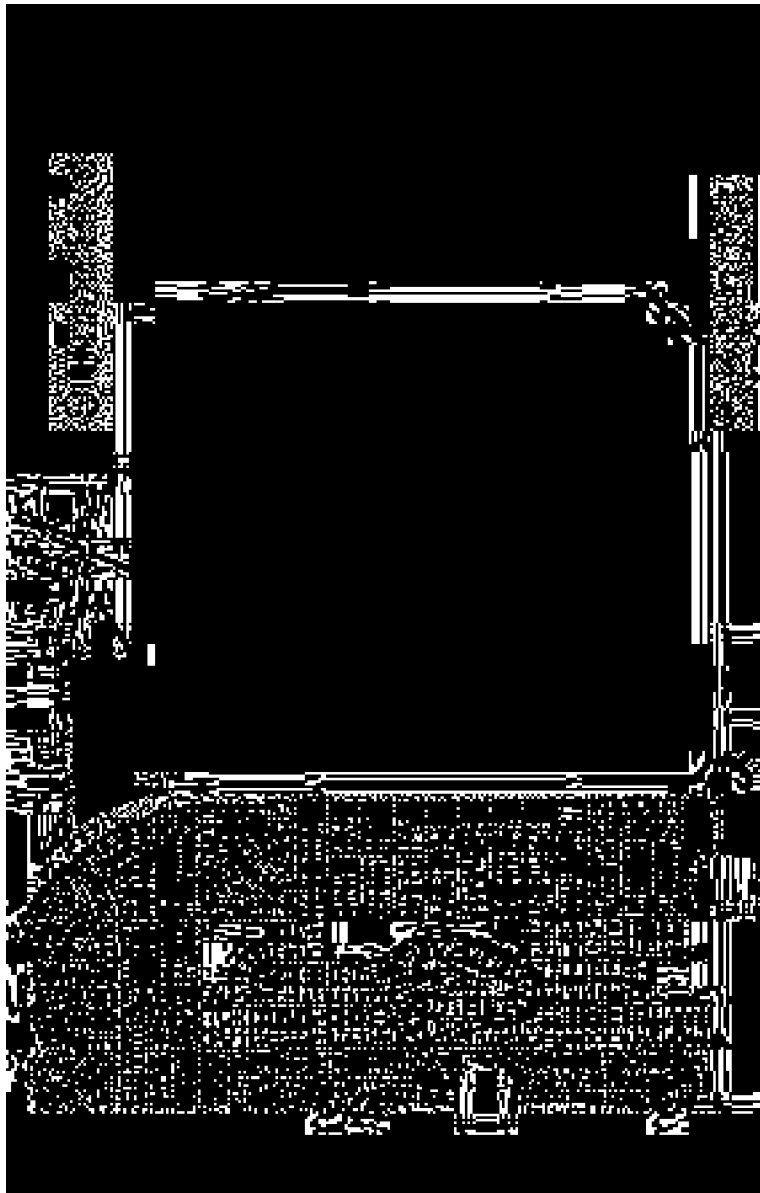
**Map 1**




 Properties within Alameda Overlay Zone District



**Map 2**




 Properties within Alameda Overlay Zone District



**Map 3**

## **ARTICLE 22: TRANSIT MIXED USE ZONE DISTRICT**

### **17-22-1. INTENT AND PURPOSE.**

The intent of the Transit Mixed Use (TMU) Zone District is to create an environment for efficient and attractive transit and pedestrian oriented commercial, office, residential, research and development, and mixed-use projects at major nodes along the Regional Transportation District's (RTD's) West Corridor light rail line. The TMU zone district is also intended to allow for flexibility in use mixture and building design in the eight designated sub-areas.

The purpose of the Transit Mixed Use Zone District is to allow and encourage development that has sufficient density of residents, employees and/or users to be supportive of the transit provided to the area; generates a relatively high percentage of trips by transit; contains a complementary mix of land uses; and is designed to encourage people to walk, ride a bicycle, or use transit for a significant percentage of their trips.

To further enhance the flexibility inherent in the TMU zone district, proposed projects shall utilize the Performance-Based Review Process, which addresses how development functions and interacts with adjacent land uses and transit infrastructure. Project creativity and responsiveness to the established neighborhood framework and nearby transit facilities is encouraged as part of the process.

### **17-22-2. APPLICABILITY.**

The Transit Mixed Use Zone District is applicable to specific station areas within the City of Lakewood, as defined by the legal descriptions attached as Exhibits "A," "B," "C," and "D," which are incorporated herein by reference.

### **17-22-3. PERFORMANCE-BASED REVIEW PROCESS WITHIN THE TRANSIT MIXED USE ZONE DISTRICT.**

Within the Transit Mixed-Use Zone District, the Performance-Based Review Process, described in Article 7 of the Zoning Ordinance, shall be used as a guide for all residents, property owners, planners, and developers to follow during the review of any proposed project. The process is intended to offer flexibility and encourage creativity as part of project review and development.

The Performance-Based Review Process is applied by the City within the TMU Zone District early in the development review process to facilitate productive discussions among applicants, property owners, and the surrounding community.

All development in the TMU Zone District will be evaluated through the use of the Performance-Based Review Process as described in Article 7 of the Zoning Ordinance.

#### **17-22-4. INTENT AND PURPOSE OF EACH SUB-AREA.**

The Transit Mixed Use Zone District includes eight distinct sub-areas, each of which is created to achieve the more specific purposes below.

- (1) *Transit Mixed Use – Station Core Sub-Area (TMU-SC).* This sub-area, generally located adjacent to, and within ¼ mile of, the light rail station platform, is intended to contain the most intense development. Projects within this area will include a mix of retail, office, hotel, civic, cultural, and multi-family residential uses. Transit stations and associated parking facilities will generally be located within this sub-area as well. This will be the most pedestrian-friendly of the TMU sub-areas, with automobile access and parking limited to the greatest extent possible. All new buildings within this sub-area shall contain at least two of the uses described above. Up to 75 percent of the gross floor area of a project in the Station Core sub-area may be residential.
- (2) *Transit Mixed Use – Commercial Sub-Area (TMU-C).* This sub-area will allow for the concentration and densification of commercial uses along arterial streets generally within ½ mile of the station platform. This sub-area is primarily intended to be retail oriented, although mixed-use development including multi-family residential is also encouraged. All new development within this sub-area will be pedestrian-friendly, with buildings oriented to the adjacent principal streets. Up to 50 percent of the gross floor area of a project in the Commercial sub-area may be residential.
- (3) *Transit Mixed Use – Office Sub-Area (TMU-O).* This sub-area will allow for the development of intense employment centers within the station areas. This sub-area will primarily allow for office and retail development adjacent to stations and arterial streets within the station areas. Multi-family residential, as a secondary use, will also be allowed within this sub-area. Up to 40 percent of the gross floor area of a project in the Office sub-area may be residential.
- (4) *Transit Mixed Use – Office 2 Sub-Area (TMU-O2).* This sub-area will allow for the development of intense employment centers within the station areas. This sub-area will primarily allow for office and retail development adjacent to stations and arterial streets within the station areas. Additionally, some light manufacturing and similar uses will also be allowed. Multi-family residential, as a secondary use, will also be allowed within this sub-area. Up to 40 percent of the gross floor area of a project in the Office sub-area may be residential.
- (5) *Transit Mixed Use – Research and Development Sub-Area (TMU-RD).* This sub-area is intended to allow existing research and light industrial users within the station area to continue the development of high quality employment centers adjacent to the light rail station. The sub-area encourages campus-style development that is transit-supportive in design, and provides for easy pedestrian access to the light rail station.
- (6) *Transit Mixed Use – Higher Density Residential Sub-Area (TMU-HDR).* This sub-area will allow for compact multi-family residential development generally in close

proximity to the station platform. This sub-area will also allow for office and retail uses that are integrated into residential projects. Minimum residential densities are established as part of this sub-area to maximize the potential number of transit riders and business users within the station areas. Up to 30 percent of the gross floor area of a project in the Higher Density Residential sub-area may be a non-residential use.

- (7) *Transit Mixed Use – Medium Density Residential Sub-Area (TMU-MDR)*. This sub-area is intended to act as a buffer between the more intense development planned around the station platform and existing medium density residential development surrounding the station area. Although this sub-area allows for a mix of uses, it is primarily intended for single-family attached and multi-family residential development. Single-family detached residential units are also allowed. Minimum and maximum residential densities are established to further the intent of transit oriented development, while limiting the impact on existing neighborhoods. Up to 25 percent of the gross floor area of a project in the Medium Density Residential sub-area may be a non-residential use.
- (8) *Transit Mixed Use – Lower Density Residential Sub-Area (TMU-LDR)*. This sub-area is intended to act as a buffer between the more intense development planned around the station platform and existing lower density residential development surrounding the station area. Single-family attached and detached residential development is allowed. Non-residential uses, with the exception of live-work spaces, are not permitted in this sub-area. Maximum residential densities are established to limit the impact on existing neighborhoods.

#### **17-22-5. AMENDMENT OF TRANSIT MIXED USE SUB-AREA BOUNDARIES.**

- (1) *General Amendments*. A request to redesignate land in the Transit Mixed Use Zone District from one sub-area to another, or to adjust the boundaries of a Transit Mixed Use Zone District sub-area, shall be treated as an application to rezone land. In addition to the criteria for approval in Section 17-17-7, in order to redesignate land, a determination shall also be made that:
- a. The proposed change would be consistent with the intended purpose of the proposed sub-area; and
  - b. The change is to accommodate proposed development that will be consistent with the TMU zoning regulations and design standards.

#### **17-22-6. USES.**

The following set forth the specific permitted uses, special uses, and uses not permitted within each sub-area of the Transit Mixed Use Zone District.

- (1) *Transit Mixed Use – Station Core (TMU-SC)*.

- a. Permitted Uses: No building or land within the TMU-SC sub-area shall be used and no building shall be hereafter constructed or altered, except for the following uses:

1. Bank, savings and loan, and other financial institutions without drive-through.
2. Business and professional office.
3. Church/Synagogue/Temple/Mosque.
4. Civic/cultural facilities.
5. Clinics, medical and dental.
6. CMRS structure on a building.
7. Colleges, universities, and vocational schools.
8. Dwelling unit – live/work.
9. Dwelling unit – multiple household.
10. Dwelling unit – single family detached, existing prior to the effective date of the ordinance creating the TMU district (April 1, 2007).
11. Hotels.
12. Mixed-use building.
13. Personal services.
14. Public transit and associated parking facilities.
15. Public use or facility.
16. Printing facility.
17. Recreation trails and corridors.
18. Restaurants.
19. Retail business, less than 10,000 square feet, gross floor area.
20. Schools, elementary and secondary.
21. Utility facilities, minor.

- b. Special Uses: The following uses are permitted as Special Uses, subject to approval of a Special Use Permit as provided for in Article 6 of the Lakewood Zoning Ordinance:

1. Day care facilities, child and adult.
2. Group home.
3. Health clubs, spas
4. Meeting, banquet, and conference facilities.
5. Repair, rental, and servicing (non-motor vehicle).
6. Residential health care facilities.
7. Retail business, between 10,000 and 40,000 square feet, gross floor area.
8. Sale or rental of motor vehicles, without outdoor display or storage.
9. Theater, indoor.

*(2) Transit Mixed Use – Commercial (TMU-C).*

- a. Permitted Uses: No building or land within the TMU-C sub-area shall be used and no building shall be hereafter constructed or altered, except for the following uses:

1. Art studio.
2. Bank, savings and loan, and other financial institutions without drive-through.
3. Business and professional office.
4. Church/Synagogue/Temple/Mosque.
5. Civic/cultural facilities.
6. Clinics, medical and dental.
7. CMRS structure on a building.
8. Colleges, universities, and vocational schools.
9. Day care facilities, child and adult.
10. Dwelling unit – live/work.
11. Dwelling unit – multiple household.
12. Dwelling unit – single family detached, existing prior to the effective date of the ordinance creating the TMU district (April 1, 2007).
13. Emergency health care facilities.
14. Health clubs, spas.
15. Hotels.
16. Mixed-use building.
17. Personal services.
18. Public parks and open space.
19. Public transit and associated parking facilities.
20. Public use or facility.
21. Printing facility.
22. Recreation trails and corridors.
23. Restaurants.
24. Retail business, less than 10,000 square feet, gross floor area.
25. Retail business, between 10,000 and 40,000 square feet, gross floor area.
26. Sale and rental of motor vehicles, without outdoor display or storage.
27. Schools, elementary and secondary.
28. Theater, indoor.
29. Utility facilities, minor.
30. Veterinary hospital.

- b. Special Uses: The following uses are permitted as Special Uses, subject to approval of a Special Use Permit as provided for in Article 6 of the Lakewood Zoning Ordinance:

1. Bed and breakfast residences.
2. Clubs, lodges, or service organizations.
3. Drive-through facilities.
4. Group home.
5. Hospitals.
6. Meeting, banquet, and conference facilities.

7. Motels.
8. Motor fuel filling and service stations, and/or washing facilities.
9. Office-showroom.
10. Recycling collection facility.
11. Repair, rental, and servicing (non-motor vehicle).
12. Residential health care facilities.
13. Retail business, greater than 40,000 square feet, gross floor area.
14. Utility facilities, major.

*(3) Transit Mixed Use – Office (TMU-O).*

- a. Permitted Uses: No building or land within the TMU-O sub-area shall be used and no building shall be hereafter constructed or altered, except for the following uses:
  1. Art studio.
  2. Banks, savings and loan, and other financial institution without drive-through.
  3. Business and professional office.
  4. Church/Synagogue/Temple/Mosque.
  5. Civic/cultural facilities.
  6. Clinics, medical and dental.
  7. CMRS structure on a building.
  8. Colleges, universities, and vocational schools.
  9. Day care center, child and adult.
  10. Dwelling unit – live/work.
  11. Dwelling unit – multiple household.
  12. Emergency health care facilities.
  13. Health clubs, spas.
  14. Hospitals.
  15. Hotels.
  16. Meeting, banquet, and conference facilities.
  17. Mixed-use building.
  18. Personal services.
  19. Printing facility.
  20. Public parks and open space.
  21. Public transit and associated parking facilities.
  22. Public use or facility.
  23. Recreation trails and corridors.
  24. Restaurants.
  25. Retail business, less than 10,000 square feet, gross floor area.
  26. Sale or rental of motor vehicles, without outdoor display or storage.
  27. Schools, elementary and secondary.
  28. Utility facilities, minor.
  29. Veterinary hospital.

- b. Special Uses: The following uses are permitted as Special Uses, subject to approval of a Special Use Permit as provided for in Article 6 of the Lakewood Zoning Ordinance:

1. Ambulance service.
2. Clubs, lodges, or service organizations.
3. Drive-through facilities.
4. Laboratories.
5. Motels.
6. Office – showroom.
7. Retail business, between 10,000 and 40,000 square feet, gross floor area.
8. Retail business, greater than 40,000 square feet, gross floor area.
9. Theater, indoor.
10. Utility facilities, major.

*(4) Transit Mixed Use – Office 2 (TMU-O2)*

- a. Permitted Uses: No building or land within the TMU-O2 sub-area shall be used and no building shall be hereafter constructed or altered, except for the following uses:

1. All uses permitted in the TMU-O sub-area.
2. Animal day care.
3. Bowling centers.
4. Cold storage lockers.
5. Communication centers, including transmitting centers.
6. Manufacturing, processing, fabrication, assembly, packaging, warehousing, storage, wholesaling, retailing, repair, rental, or servicing of any commodity, but only if totally enclosed in a structure.
7. Postal sub-stations.
8. Printing establishments.
9. Retail sales, with accessory warehousing.
10. Studio for custom work or for making articles to be sold at retail on the premises.

- b. Special Uses: The following uses are permitted as Special Uses, subject to approval of a Special Use Permit as provided for in Article 6 of the Lakewood Zoning Ordinance:

1. All special uses allowed in the TMU-O sub-area.

*(5) Transit Mixed Use – Research and Development (TMU-RD).*

- a. Permitted Uses: No building or land within the TMU-RD sub-area shall be used and no building shall be hereafter constructed or altered, except for the following uses:

1. Ambulance service.
  2. Business and professional offices.
  3. Church/Synagogue/Temple/Mosque.
  4. CMRS structure on a building.
  5. Colleges, universities, and vocational schools.
  6. Health clubs, spas.
  7. Laboratories.
  8. Light manufacturing.
  9. Mixed-use building.
  10. Personal services.
  11. Printing facility.
  12. Public parks and open space.
  13. Public transit and associated parking facilities.
  14. Recreation trails and corridors.
  15. Retail business, less than 10,000 square feet, gross floor area.
  16. Schools, elementary and secondary.
  17. Storage, distribution, and warehousing.
  18. Utility facilities, minor.
  19. Veterinary hospital.
- b. Special Uses: The following uses are permitted as Special Uses, subject to approval of a Special Use Permit as provided for in Article 6 of the Lakewood Zoning Ordinance:
1. Bank, savings and loan, and other financial institution without drive-through.
  2. Civic/cultural facilities.
  3. Clinics, medical and dental.
  4. Day care center, child and adult.
  5. Drive-through facilities.
  6. Hotels.
  7. Meeting, banquet, and conference facilities.
  8. Motels.
  9. Public use or facility.
  10. Restaurants.
  11. Retail business, between 10,000 and 40,000 square feet, gross floor area.
  12. Retail business, greater than 40,000 square feet, gross floor area.
  13. Sale at wholesale.
  14. Utility facilities, major

(5) *Transit Mixed Use – Higher Density Residential (TMU-HDR).*

- a. Permitted Uses: No building or land within the TMU-HDR sub-area shall be used and no building shall be hereafter constructed or altered, except for the following uses:

1. Bank, savings and loan, and other financial institution without drive-through.
  2. Business and professional office.
  3. Church/Synagogue/Temple/Mosque.
  4. CMRS structure on a building.
  5. Dwelling unit – live/work.
  6. Dwelling unit – multiple household.
  7. Dwelling unit – single family detached, existing prior to the effective date of the ordinance creating the TMU district (April 1, 2007).
  8. Health clubs, spas.
  9. Mixed-use building.
  10. Personal services.
  11. Printing facility.
  12. Public parks and open space.
  13. Public transit and associated parking facilities.
  14. Recreation trails and corridors.
  15. Restaurant.
  16. Retail business, less than 10,000 square feet, gross floor area.
  17. Schools, elementary and secondary.
  18. Utility facilities, minor.
- b. Special Uses: The following uses are permitted as Special Uses, subject to approval of a Special Use Permit as provided for in Article 6 of the Lakewood Zoning Ordinance:
1. Accessory dwelling unit.
  2. Civic/cultural facilities.
  3. Clinics, medical and dental.
  4. Colleges, universities, and vocational schools.
  5. Group home.
  6. Hotels.
  7. Public use or facility.
  8. Retail business, between 10,000 and 40,000 square feet, gross floor area.

(6) *Transit Mixed Use – Medium Density Residential (TMU-MDR).*

- a. Permitted Uses: No building or land within the TMU-MDR sub-area shall be used and no building shall be hereafter constructed or altered, except for the following uses:
1. Accessory dwelling unit.
  2. Bank, savings and loan, and other financial institution without drive-through.
  3. Business and professional office.
  4. Church/Synagogue/Temple/Mosque.
  5. CMRS structure on a building.
  6. Dwelling unit – attached wall town home.
  7. Dwelling unit – live/work.

8. Dwelling unit – multiple household.
9. Dwelling unit – single family detached.
10. Health clubs, spas.
11. Mixed-use building.
12. Personal services.
13. Printing facility.
14. Public parks and open space.
15. Public transit and associated parking facilities.
16. Recreation trails and corridors.
17. Residential health care facilities.
18. Restaurant.
19. Retail business, less than 10,000 square feet, gross floor area.
20. Utility facilities, minor.

- b. Special Uses: The following uses are permitted as Special Uses, subject to approval of a Special Use Permit as provided for in Article 6 of the Lakewood Zoning Ordinance:

1. Bed and breakfast residence.
2. Civic/cultural facilities.
3. Clinics, medical and dental.
4. Day care home, child and adult.
5. Group home.
6. Public use or facility.
7. Recreation facilities, outdoor.

*(7) Transit Mixed Use – Lower Density Residential (TMU-LDR).*

- a. Permitted Uses: No building or land within the TMU-LDR sub-area shall be used and no building shall be hereafter constructed or altered, except for the following uses:

1. Accessory dwelling unit.
2. Church/Synagogue/Temple/Mosque.
3. CMRS structure on a building.
4. Dwelling unit – attached wall town home.
5. Dwelling unit – live/work.
6. Dwelling unit – single family detached.
7. Public parks and open space.
8. Public transit and associated parking facilities.
9. Recreation trails and corridors.
10. Residential health care facilities.
11. Utility facilities, minor.

- b. Special Uses: The following uses are permitted as Special Uses, subject to approval of a Special Use Permit as provided for in Article 6 of the Lakewood Zoning Ordinance:

1. Bed and breakfast residence.
2. Civic/cultural facilities.
3. Day care home, child and adult.
4. Group home.
5. Public use or facility.
6. Recreation facilities, outdoor.

(8) *Uses Not Permitted*. The following uses are not permitted in any sub-area:

- a. Adult businesses.
- b. Drive-in.
- c. Junkyard.
- d. Kennel.
- e. Mini-warehouses, except within the Office-2 sub-area.
- f. Motor vehicle service and repair facilities, except within the Office-2 sub-area.
- g. Outdoor storage.
- h. Pawnbrokers business.

(9) Uses not specifically named within a sub-area are not permitted in that sub-area, except under the provisions of Section 17-5-6, pertaining to Unnamed Uses.

(10) A use permitted prior to remapping of properties to the TMU district, but that is identified as a special use per this Article shall remain a permitted use without the need for a special use permit. However, a special use permit shall be required for any significant alteration of the building subsequent to the enactment of this Article.

#### **17-22-7. PERMITTED DENSITY OF DEVELOPMENT.**

The table below indicates the required minimum and maximum development density for the sub-areas. Densities are in terms of dwelling units per acre (du/ac) for residential development.

<b>Transit Mixed Use Sub-Area Density Regulations</b>							
	<b>TMU-SC</b>	<b>TMU-C</b>	<b>TMU-O/O2</b>	<b>TMU-RD</b>	<b>TMU-HDR</b>	<b>TMU-MDR</b>	<b>TMU-LDR</b>
Minimum Residential Density	35 du/ac	25 du/ac	20 du/ac	N/A(1)	30 du/ac	5 du/ac	None
Maximum Residential Density	None	None	None	N/A(1)	None	25 du/ac	10 du/ac

(1) Residential uses are not permitted in the Research and Development sub-area.

### 17-22-8. DIMENSIONAL REQUIREMENTS.

Minimum and maximum building heights and setbacks for each sub-area are specified in the table below.

Transit Mixed Use Sub-Area Dimensional Requirements								
		TMU-SC	TMU-C	TMU-O/O2	TMU-RD	TMU-HDR	TMU-MDR	TMU-LDR
Minimum Height		3 stories	2 stories	2 stories	1 story	3 stories	2 stories (5)	1 story
Maximum Height	Sheridan Blvd Station Area	8 stories	6 stories	6 stories	N/A(1)	6 stories	4 stories	2 stories
	Wadsworth Blvd Station Area	8 stories	6 stories	6 stories	N/A(1)			
	Oak St Station Area	6 stories	6 stories	6 stories	4 stories			
	Union Corridor Station Area	12 stories	12 stories	12 stories	N/A(1)			
Minimum Front Building Setback(2)		0 feet	0 feet	0 feet	20 feet	0 feet	5 feet	10 feet
Maximum Front Building Setback(2)		15 feet	20 feet	20 feet	None	20 feet	20 feet	25 feet
Minimum Side Setback(3)		0 feet if building code rated firewall					5 feet (4)	5 feet (4)
Minimum Rear Setback(3)		10 feet						

- (1) The Research and Development sub-area will only be implemented at the Oak St. station.
- (2) The front building setback is measured from the back of sidewalk or plaza areas. The front setback shall apply to all public and private street frontages.
- (3) See requirements in Section 17-22-19 if adjacent to property located outside of the TMU Zone District.
- (4) Setback for single-family attached residential dwellings applies to the buildings.
- (5) The minimum height requirement shall not apply to expansion of existing single-family detached residential structures.
- (6) Accessory dwelling units are allowed within the Medium and Lower Density Residential sub-areas, provided the structure is located behind the primary structure and subject to the dimensional requirements listed in the table above.

### 17-22-9. OPEN SPACE REQUIREMENTS.

Open spaces for congregation and recreational opportunities shall be required for all new development. Such development must provide minimum useable open space behind the required setback and on private property according to the following table:

<b>Transit Mixed Use Sub-Area Open Space Requirements</b>							
	<b>TMU-SC</b>	<b>TMU-C</b>	<b>TMU-O/O2</b>	<b>TMU-RD</b>	<b>TMU-HDR</b>	<b>TMU-MDR</b>	<b>TMU-LDR</b>
Required Minimum Private Open Space, per Lot Area	10 percent	10 percent	10 percent	15 percent	15 percent	20 percent	30 percent

- (1) Open space within the Station Core, Commercial, Office, and Higher Density Residential sub-areas is required to be provided as public plazas, pocket parks, roof top gardens, or courtyards.
- (2) All required open space shall be accessible to the users of the building(s) and be improved with seating, plantings, and amenities. Open space areas should be visible from adjacent streets or pedestrian areas to the greatest extent possible.

#### **17-22-10. LEGAL NON-CONFORMING USES AND STRUCTURES.**

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

- (1) Legal non-conforming non-residential uses may be continued in accordance with Section 17-16-2 of the Zoning Ordinance, except that uses may be expanded by a maximum of 20 percent of the floor area of the use at the date of rezoning of the property. Expansion of the use may occur under the regulations of the previous zone district, prior to rezoning of the property to TMU.
- (2) Legal non-conforming non-residential structures may continue to be used in accordance with Section 17-16-3 of the Zoning Ordinance, except that the structure may be expanded by a maximum of 20 percent of the gross floor area of the structure at the date of rezoning of the property.

#### **17-22-11. DESIGN REQUIREMENTS IN THE STATION CORE, COMMERCIAL, OFFICE, AND HIGHER DENSITY RESIDENTIAL SUB-AREAS.**

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

- (1) At least 40 percent of the length of a buildings ground and second floor façade facing a public or private street must be located at the minimum setback distance as required by Section 17-22-8. However, within 300 feet of a station platform

the setback distance shall be measured from either the back of sidewalk or from the edge of a pedestrian plaza provided as part of the building site plan.

- (2) Within the Station Core and Higher Density Residential sub-areas, at least 75 percent of a parcel frontage adjacent to a public street shall be bordered by buildings. Within the Commercial and Office sub-areas, at least 50 percent of the parcel frontage adjacent to a public street shall be bordered by buildings.
- (3) Within the Commercial and Office sub-areas, buildings located more than 150 feet away from a public street shall not be required to meet the minimum height or front setback requirements identified in Section 17-22-8.
- (4) Structured parking facilities located adjacent to a public street shall contain retail or office uses on the first floor fronting the street, or be wrapped with development of equal or greater height than the parking structure.
- (5) Surface parking areas are prohibited within the Station Core sub-area, except that short-term, convenience parking lots with fewer than 10 spaces per building may be allowed. Convenience spaces shall be located behind the building and be clearly marked for short-term use only.

#### **17-22-12. GENERAL DESIGN REQUIREMENTS.**

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

- (1) Design and construction of energy efficient buildings with reduced overall energy demands through the use of building materials, lighting, heating, and cooling systems shall be demonstrated.
- (2) Architectural features and treatments shall not be restricted to a single facade. All sides of a building open to view by the public, whether viewed from public or private property, shall display a similar level of quality and architectural interest.
- (3) The first floor façade of all buildings, including structured parking facilities, shall be designed to encourage and complement pedestrian-scale interest and activity.
- (4) Drive-through windows shall not face public streets. Drive-through lanes shall not be allowed in the area between a building and a public street.
- (5) At least the first two floors of any building shall be located within the minimum and maximum setback identified in Section 17-22-8. Building step-backs are permitted above the second floor of any building or structure.

- (6) All buildings fronting on a street shall be designed so that the first floor street façade includes clear glass windows and doors to increase pedestrian interest. These openings shall be arranged so that the uses are visible from and to the street on at least 50 percent of the façade. No reflective surfaces shall be permitted on street level exterior windows.
- (7) All buildings and ground floor users shall provide a primary entrance that faces an adjacent public street. If a building is not located adjacent to a public street, then the entrance shall face an adjacent private street.
- (8) Structured parking facilities shall be designed so that motorized vehicles parked on all levels of the facility are screened from public and private streets, station platforms and the rail line, and from adjacent residentially zoned property outside of the station areas.
- (9) Building design shall create varied rooflines in order to create interesting skylines.
- (10) Architectural elements located on the primary building facades may encroach into the required setback, as defined in Section 17-22-8, up to five feet. These elements may include window planter boxes, eaves, balconies, canopies, and awnings. However, architectural element encroachment shall not interfere with pedestrian movement or street tree growth. No feature shall be located within two feet horizontally of a public sidewalk unless located greater than 10 feet above the sidewalk surface.
- (11) All stairwells, corridors, and circulation components of the building shall be completely enclosed within the building envelope.
- (12) On all structures exceeding three stories in height, roofs shall have drainage systems that are not visible from public or private streets.
- (13) All rooftop mechanical equipment shall be screened from public view through the use of parapets or enclosures that are equal to or greater than the height of the equipment to be screened. The parapet or enclosure shall be compatible with the overall architectural character and scale of the building.
- (14) Ventilation grates on the building and emergency exit doors located on the first floor street façade shall be decorative and part of the overall building design.
- (15) Loading docks, on-site storage yards, utility structures associated with a building, and all other service areas shall be fully screened from view by walls or fences, and roof structures for loading docks and trash enclosures.
- (16) On-street parking shall be provided where permitted by the City of Lakewood and/or the Colorado Department of Transportation.

- (17) Utility boxes or equipment shall not be located along a public street frontage.

**17-22-13. DESIGN REQUIREMENTS IN THE RESEARCH AND DEVELOPMENT SUB-AREA.**

All buildings developed in the Research and Development Sub-Area shall meet the following minimum requirements, or achieve a comparable result through the Performance-Based Review Process as described in Article 7 of the Zoning Ordinance.

- (1) At least 25 percent of the length of the ground floor façade of the building facing a public street must be located at the minimum setback distance.
- (2) No more than 60 percent of the frontage on arterial streets to a depth of 80 feet shall be occupied by parking.

**17-22-14. DESIGN REQUIREMENTS FOR LARGE FORMAT RETAIL BUILDINGS.**

The intent of this section is to allow for the development of large format retail stores, while reducing the perceived size, scale, and homogeneity of the structures by requiring pedestrian-friendly elements and placement of buildings adjacent to public streets. These requirements shall apply to all retail buildings containing more than 40,000 square feet of gross floor area.

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

- (1) At least one side of the building shall be located adjacent to a public street and meet the minimum and maximum setback requirements provided in Section 17-22-8.
- (2) All façades located adjacent to a public street shall be, or appear to be, a minimum of two stories in height. If a faux multi-story façade is provided, it shall be designed to clearly mimic an actual façade and be architecturally integrated with the non-street frontage portions of the building. The second story façade shall, at a minimum, include spandrel glass windows with architecturally appropriate sills, trim and mullions.
- (3) Ground floor facades adjacent to public streets shall have display windows, entry areas, awnings, and other similar pedestrian-oriented design elements along no less than 60 percent of the façade length.
- (4) Each building shall have a clearly defined pedestrian connection between the adjacent public street and the building entrance(s). The walkway shall be separated from parking areas through the use of landscape elements, and be a

minimum of 8 feet in width, or 10 feet where there is adjacent perpendicular head-in or diagonal parking.

- (5) Structured parking facilities shall be incorporated into the overall site design wherever possible. The minimum and maximum parking requirements of Section 17-22-17 shall apply to large format retailers.

#### **17-22-15. DEVELOPMENT MANUAL.**

In addition to the design requirements contained in Section 17-22-12 through 17-22-14 of this Article, all new development in the TMU Zone District shall be subject to the design standards and guidelines found in the Transit Mixed-Use Zone District Development Manual, which the Planning Commission is authorized to adopt and amend by resolution.

#### **17-22-16. CIRCULATION AND CONNECTIVITY.**

Transit oriented development uses shall be integrated with the surrounding community, easily accessible, and have a good internal circulation system for a variety of travel options.

- (1) Internal walk connections are required between buildings, and from buildings to all on site facilities, such as parking areas, bicycle facilities, and open space.
- (2) External walk connections are required to provide direct access from all buildings on the site to existing or planned sidewalks, adjacent multi-use trails, parks, and greenways.
- (3) Bicycle parking and storage facilities, connected to all buildings on the site, shall be provided in accordance with Section 17-22-17(2).
- (4) Wherever possible, sidewalks through surface parking areas shall be located within landscaped islands. In any case, each point at which the system of sidewalks must cross a parking lot or internal street or driveway to make a required connection shall be clearly marked through the use of change in paving materials height, or distinctive colors.
- (5) All walks within surface parking lots shall be a minimum of 5 feet wide or 7 feet where there is adjacent perpendicular head-in or diagonal parking. If parking is provided on both sides of the walk, the minimum width shall be 9 feet.

#### **17-22-17. PARKING REQUIREMENTS.**

- (1) The purpose of this section is to provide a reduction in parking to developments within the zone district. New permitted uses within this zone district shall adhere to the required minimum and maximum number of off-street parking spaces according to the following table, or achieve a comparable result through the

Performance-Based Review Process as described in Article 7 of the Zoning Ordinance. All square footage is measured as gross floor area:

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

- a. No maximum requirement shall apply if all parking, with the exception of a convenience lot described in Section 17-22-11(5), is provided within a parking structure.
- b. The required/permitted number of parking spaces for any building shall be the sum total of the requirements for each use in the building calculated separately.
- c. All surface off-street parking shall be primarily located behind buildings that face on a public street and be accessed by an alley or short driveway located between buildings. Where surface parking is located adjacent to a public or private street, landscaping or a low screen wall providing screening to a height of 36 inches shall be provided. If a wall is installed, the construction material shall match the first floor exterior material used on the primary building. Shared access to surface parking lots is strongly encouraged.
- d. Pedestrian access shall be provided between structured or surface parking facilities and the nearest public street. Wherever possible, the walkway shall be separated from vehicular travel lanes.

- e. On-street parking available along the portion of a public or private street abutting the use may be counted toward the minimum number of parking spaces required.
  - f. The parking requirements may be met on-site or off-site at a distance of up to 600 feet from the use, provided that a shared parking agreement is obtained prior to approval of the site plan or tenant improvement permit.
  - g. Shared parking shall be permitted and is encouraged. Shared parking approval shall be subject to the review and approval of a shared parking study citing at least three other comparable instances of similar land uses in comparable settings in the United States where shared parking has proven successful.
  - h. Handicapped parking spaces shall be provided in accordance with section 17-9-2 of the Zoning Ordinance.
  - i. At least 10 percent of the area of surface parking lots shall be landscaped. Landscaping, at a minimum, shall include trees and shrubs.
- (2) Bicycle parking is required within the Station Core, Commercial, Office, and High Density Residential sub-areas to encourage the use of this mode of transportation by providing safe and convenient places to park them. Bicycle parking spaces are required as follows:
- a. For non-residential development, a number of off-street bicycle parking spaces shall be provided equal to three percent of the required motor vehicle parking spaces.
  - b. For residential development, one plus an additional one space for each 25 dwelling units.

**17-22-18. SIDEWALK IMPROVEMENTS ADJACENT TO PUBLIC AND PRIVATE STREETS.**

- (1) All sidewalks adjacent to major regional arterial or arterial streets within Station Core, Commercial, Office, and High Density Residential sub-areas must be 17 feet in width. The first seven feet behind the curb shall be designed to include street trees located in grates or planters with the trunks located at least four and one-half feet from the back of curb and spaced a maximum of 30 feet apart on-center. Pedestrian amenities, such as lighting, benches, and planters may also be located within the seven-foot area.
- (2) All sidewalks adjacent to private streets within the Station Core, Commercial, Office, and High Density Residential sub-areas with non-residential first floor uses, and that intersect with a major street, shall meet the requirements of Section

17-22-18(1) above.

- (3) All sidewalks adjacent to collector or local public streets, or private streets shall be five feet in width, and be separated from the curb by a six-foot wide tree lawn. In addition to street trees, the tree lawn shall contain living plant material. However, paved pedestrian walkways may cross the tree lawn at appropriate locations.

**17-22-19. COMPATIBILITY WITH ADJACENT LAND USES AND ZONE DISTRICTS.**

Development at the Perimeter Interface Zone, the area within 125 feet of the TMU Zone District boundary, must function and interact appropriately with adjacent land uses located outside of the district.

- (1) Projects located within the Perimeter Interface Zone shall be required to demonstrate compatibility with the properties located outside the zone district boundaries, through an analysis of building bulk and plane, potential buffering through the use of landscaping or decorative walls, building and parking orientation, and other similar site specific conditions.
- (2) All development within 125 feet of a residentially zoned property located outside of the Transit Mixed Use Zone District shall have a maximum height no greater than the maximum height allowed in the adjacent district.

**17-22-20. SITE DEVELOPMENT REVIEW PROCEDURES AND STANDARDS.**

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

**17-22-21. SIGN REGULATIONS.**

Signs along commercial frontages shall be clear, informative to the public, and durable. Signs shall be scaled to the pedestrian-oriented nature of the Transit Mixed Use district. Signage shall not be too glaring or too large so to create distraction and visual clutter. The following regulations apply to all sub-areas, except the Low Density Residential Sub-Area, unless alternative requirements are developed to achieve a comparable result through the Performance-Based Review Process as described in Article 7 of the Zoning Ordinance.

- (1) All signs shall be subject to the provisions of Sections 17-10-1 through 17-10-3 and 17-10-5 of the Zoning Ordinance.

- (2) Wall signs are permitted within the area between the second story floor line and the first floor ceiling, within a horizontal band not to exceed 42 inches in height.
  - a. The horizontal band shall be no higher than 18 feet or lower than 12 feet above the adjacent sidewalk. The band shall be at the same height across an entire building, unless a grade change at the base of the building requires a step in the band.
  - b. Wall sign letters shall not exceed 42 inches in height. The total sign length shall not exceed 70 percent of the frontage associated with the use.
  - c. If a use is located in a space with two public or private street frontages, then each frontage shall be allowed signage in accordance with the requirements above.
  - d. Wall signs shall be composed of individually mounted letters, internally illuminated channel letters, logos, or icons without sign backing.
- (3) Each use in a building shall be allowed one projecting sign for each public or private street oriented façade.
  - a. Projecting signs may be attached or suspended by a metal bracket or placed beneath an awning. The sign face shall not exceed 12 square feet per sign face, is limited to a maximum projection of four feet including any support structure, and shall have a minimum clearance above the adjacent sidewalk of at least 10 feet including the support structure.
  - b. Projecting signs may include three-dimensional logos or symbolic objects.
  - c. No projecting sign shall extend above the parapet of the building to which it is attached.
- (4) Each use shall be allowed one sign per awning associated with the use. Awnings shall be constructed of canvas cloth or an equivalent, metal or glass. No internal illumination shall be permitted.
  - a. Signage is allowed only on the vertical front portion of the awning, except that graphical logos shall be allowed on the slanted portion of the awning.
  - b. Lettering height shall not exceed eight inches.
  - c. Logos shall not exceed 10 percent of the sloped awning panel.
- (5) Monument signs shall be allowed in the Commercial, Office, Research and Development, and Medium Density Residential sub-areas.

- a. Each freestanding building containing a commercial or office use shall be allowed one monument sign. The sign may be used by a single tenant or multiple tenants of the building.
  - b. Monument signs shall not exceed six feet in height, measured from the nearest adjacent sidewalk.
  - c. No single monument sign face shall exceed 50 square feet.
  - d. The monument sign base shall be compatible with the architecture of the building to which it is associated. Monument signs shall be attached to the ground with a base whose width and length are at least as large as the bottom edge of the sign face. Monument signs shall not be placed where they obscure important architectural features such as entrances, display windows, or decorative elements when viewed from the public right-of-way.
- (6) Signs within the Low Density Residential sub-area shall comply with the requirements of Table 10-1, Signs Permitted in Residential Zone Districts: 4-R Through 6-R, section 17-10-6 of the Zoning Ordinance.

#### **17-22-22. LIGHTING.**

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

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

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

### **17-22-23. DEFINITIONS.**

As used within this article, 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 dwelling unit:** A dwelling unit that is located within an accessory structure detached from the primary dwelling unit. An accessory dwelling unit can be located on the second floor of a detached garage structure located behind the required front building setback.
- (2) **Art studio:** A use with an interior building area for artist galleries, studios, and residences used for the creation, display, and associated sale of various artistic mediums and creative arts.
- (3) **Civic/cultural facilities:** Establishments that document the social and religious structures and intellectual and artistic manifestations that characterize a society, and include museums, art galleries, botanical or zoological gardens, and libraries, and similar establishments that document and present natural, historic, scientific, or cultural interests; and facilities for the performance or presentation of theater arts, dance, drama, and similar cultural pursuits to the general public.
- (4) **Dwelling unit – live/work:** Live/work use is a combination of residential occupancy and commercial activity located within a dwelling unit. The commercial activity shall not exceed fifty (50) percent of the gross floor area of the dwelling unit and shall not have more than two (2) employees or regular assistants on premises at one (1) time. Any repair, assembly, or fabrication of goods is limited to the use of hand tools or domestic mechanical equipment. The direct sale of any goods to consumers is limited to only those goods created on-site, and no floor area shall be dedicated for the sale and/or display of any goods. The work activities shall not adversely impact the public health, safety, and welfare, or the livability, functioning, and appearance of adjacent property. Typical work activities may include home offices, craft work, art studios, candle making, jewelry making, fabrication of cloth goods, and other similar activities.
- (5) **Meeting, banquet, and conference facilities:** a facility with or without food preparation equipment, used for meetings, conferences, catered meals, wedding receptions, and other social functions; and available on a rental basis to the general public.
- (6) **Mixed-use building:** Any building that contains both residential and non-residential uses.
- (7) **Office- showroom:** A land use that combines at least two of the following: office, display and showroom, retail and storage functions where the storage

function of the use is accessory to the primary operation. It is not intended to include uses that are primarily warehousing or distribution in nature or function or which require substantial off-street loading. In addition to this definition, no uses shall be considered to be office-showrooms if the total ground coverage of all structures on a site exceeds 50 percent of the site area or if any truck docking facilities face any public street or residential area.

- (8) **Personal services:** Establishments primarily engaged in providing services involving the care of a person or his or her personal goods or apparel. Personal services usually includes the following: laundry, including cleaning and pressing service, linen supply, diaper service, beauty shops, barbershops, shoe repair, and similar uses.
- (9) **Public use or facility:** A use or facility owned or operated by an agency or entity exercising some portion of the functions of the government for the benefit of the public.